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7 [Additional counsel on signature page.]

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 9 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

13 **DECLARATION OF DEBORAH**  
**CLARK-WEINTRAUB IN SUPPORT OF**  
**CLASS REPRESENTATIVES' MOTION**  
**FOR FINAL APPROVAL OF CLASS**  
**ACTION SETTLEMENT AND PLAN OF**  
**ALLOCATION AND CLASS**  
**COUNSEL'S MOTION FOR AWARD**  
**OF ATTORNEYS' FEES, PAYMENT OF**  
**LITIGATION EXPENSES, AND**  
**REIMBURSEMENT OF CLASS**  
**REPRESENTATIVES' COSTS AND**  
**EXPENSES**

Date: September 26, 2019 at 10:00 a.m.

Dept.: Courtroom 4, 17th Floor

Judge: Hon. Vince Chhabria

1 I, Deborah Clark-Weintraub, declare as follows pursuant to 28 U.S.C. §1746:

2 1. I am a member of Scott+Scott Attorneys at Law LLP (“Scott+Scott” or “Class  
3 Counsel”), Court-appointed Class Counsel for City of Bristol Pension Fund (“Bristol”), City of  
4 Milford, Connecticut Pension & Retirement Board (“Milford”), Pavers and Road Builders  
5 Pension, Annuity and Welfare Funds (“Pavers and Road Builders Benefit Funds”), the City of  
6 Newport News Employees’ Retirement Fund (the “NNERF”), and Massachusetts Laborers’  
7 Pension Fund (“Massachusetts Laborers”) (collectively, “Class Representatives”) and the certified  
8 Class in this securities class action (the “Action”).<sup>1</sup> I am familiar with the proceedings in this  
9 Action and have personal knowledge of the matters set forth herein based upon my firm’s active  
10 participation in this Action. If called as a witness, I could and would testify competently thereto.

11 2. The purpose of this declaration is to set forth the background of the Action, its  
12 procedural history, and the negotiations that led to the proposed \$50,000,000 cash Settlement with  
13 Defendants SanDisk LLC (“SanDisk” or the “Company”), Sanjay Mehrotra (“Mehrotra”), and  
14 Judy Bruner (“Bruner”) (collectively, “Individual Defendants” and, with SanDisk, “Defendants”),  
15 which will resolve all claims asserted in this Action against Defendants on behalf of the Class  
16 previously certified by the Court. This declaration sets forth the reasons Class Representatives  
17 and Class Counsel believe: (i) the Settlement is fair, reasonable, and adequate and should be  
18 approved by this Court; (ii) the proposed Plan of Allocation is fair and reasonable and should be  
19 approved by this Court; and (iii) the Fee and Expense Application should be granted.

20 **I. PRELIMINARY STATEMENT**

21 3. After over three years of hard-fought litigation, Class Representatives and Class  
22 Counsel have succeeded in obtaining a substantial recovery for the Class of \$50,000,000 in cash.  
23 The Settlement Class is the same as the Litigation Class that the Court previously certified, and  
24 the claims that the Settlement would release have the identical factual predicate as the claims  
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27 <sup>1</sup> All capitalized terms not otherwise defined herein have the same meaning as those set forth  
28 in the Revised Stipulation and Agreement of Settlement, dated May 20, 2019 (ECF No. 274-1)  
(the “Stipulation”). Citations to “Ex.” herein refer to exhibits attached to this declaration.

1 previously certified and at issue in this Action. In addition, no portion of the Settlement Amount  
2 will revert to Defendants.

3 4. Class Representatives and Class Counsel respectfully submit that this is an  
4 outstanding result. As explained in the memorandum in support of Class Representatives' motion  
5 for preliminary approval (ECF No. 270) ("Preliminary Approval Motion"), and memorandum in  
6 support of final approval (concurrently filed herewith) ("Final Approval Motion"), the damages in  
7 this case ranged from a possible maximum of \$361,000,000 based on the analysis of the Class'  
8 expert to, at best, \$85 million, and perhaps less, based on the analysis of Defendants' expert. Using  
9 these figures, the Settlement represents a recovery of approximately 14% to 58% or more of the  
10 Class' maximum recoverable damages, a considerably larger recovery as a percentage of damages  
11 than in most securities class action cases. Cornerstone Research, which tracks recoveries in those  
12 cases, estimates that from 2008-2017, the median percentage of "simplified tiered damages" that  
13 all securities class actions recovered was about 5%. *See* ECF No. 271-5 (the "2018 Cornerstone  
14 Report") at 9.<sup>2</sup>

15 5. Thus, the Settlement compares very favorably to settlements in other securities  
16 class action cases. Indeed, it is more than four times greater than the median securities fraud class  
17 action settlement in 2018, which was \$11.3MM. *Id.* at 1. Significantly, this impressive result was  
18 obtained notwithstanding the absence of factors associated with larger settlements in securities  
19 class action cases, such as accounting violations or a corresponding government action. *Id.* at 9,  
20 12, 15.

21 6. The Settlement also compares favorably to settlements of securities class action  
22 cases resolved at a similar stage of litigation. According to the 2018 Cornerstone Report, the  
23 median settlement in securities class action cases in which class certification was granted and a  
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25 <sup>2</sup> According to the 2018 Cornerstone Report, the methodology used to calculate "simplified  
26 tiered damages" might overstate damages relative to case-specific analyses because of a number  
27 of simplifying assumptions applied. For example, among other things, the simplified tiered  
28 damages approach "does not examine the mix of information associated with the specific dates  
listed in the plan of allocation, but simply applies the stock price movements on those dates to an  
estimate of the 'true value' of the stock during the alleged class period (or 'value line')." *Id.* at 17  
n.4.

1 motion for summary judgment was filed, but not decided, in the five-year period from 2014 to  
2 2018 was \$36.5 million or 4.4% of “simplified tiered damages” – again, both well below the  
3 recovery here. *Id.* at 13.

4 7. Class Representatives and Class Counsel obtained this impressive recovery by  
5 doing the hard work necessary to prepare this Action for trial. By the time the Settlement was  
6 reached, merits and expert discovery were complete, the primary summary judgment and *Daubert*  
7 briefs had been filed, and Class Representatives had retained, and were working with, jury and  
8 trial consultants in preparation for the scheduled May 28, 2019 trial date that was less than three  
9 months away. Thus, at the time the Settlement was agreed to, Class Representatives and Class  
10 Counsel had a clear understanding of the strengths and weaknesses of their claims.

11 8. Importantly, the Settlement was accomplished through hard-fought and extensive  
12 arm’s-length settlement discussions facilitated by a highly skilled and experienced mediator, the  
13 Hon. Layn R. Phillips (Ret.) (“Judge Phillips”). After exchanging mediation statements, the  
14 parties and SanDisk’s insurers initially attended a full-day mediation with Judge Phillips in  
15 Newport Beach, California, on October 29, 2018, but did not reach agreement. Thereafter, notice  
16 of pendency was issued and summary judgment and *Daubert* briefing proceeded. Only after Class  
17 Representatives filed their opposition to Defendants’ motion for summary judgment, at a second  
18 mediation session held on March 8, 2019, in New York, New York, did the Parties reach agreement  
19 on the material terms of the proposed Settlement and execute a memorandum of understanding  
20 (“MOU”).

21 9. All five of the Class Representatives support the Settlement, as set forth in their  
22 attached declarations. *See* Exs. 1-5.

23 10. For all of the reasons set forth herein, and in light of the excellent result obtained,  
24 notwithstanding the significant risks of the litigation detailed below, Class Representatives and  
25 Class Counsel respectfully submit that the proposed Settlement is fair, reasonable, and adequate  
26 in all respects and that the Court should enter final approval of same.

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1           11. In addition to seeking final approval of the Settlement, Class Representatives also  
2 seek approval of the proposed Plan of Allocation, which is similar to allocation plans that courts  
3 have approved in similar cases. The Plan of Allocation was developed by Class Representatives’  
4 damages expert and provides for the fair and equitable distribution of the Net Settlement Fund to  
5 Class Members, who submit valid Claim Forms, and, therefore, is fair and reasonable.

6           12. Finally, Class Counsel respectfully submits that the requested fee of 25% of the  
7 Settlement Fund, plus accrued interest, for Plaintiffs’ Counsel’s work in this case is fair and  
8 reasonable and warrants the Court’s approval. This fee request is at the benchmark that the Ninth  
9 Circuit recommends, within the range of fee percentages awarded in this type of action, particularly  
10 given the substantial result achieved here, well below the lodestar value of Plaintiffs’ Counsel’s  
11 time dedicated to the case, and supported by all Class Representatives. Class Counsel also seeks  
12 payment of their litigation expenses totaling \$885,149.36 and Bristol, Massachusetts Laborers, the  
13 NNERF, and Pavers and Road Builders Benefit Funds seek their reasonable costs and expenses  
14 incurred in connection with their work representing the Class in the aggregate amount of  
15 \$31,049.44.

## 16 **II. FACTUAL SUMMARY OF THE CLAIMS**

17           13. The Class alleges that during the Class Period, which runs from October 16, 2014  
18 through and including April 15, 2015, Defendants misled investors concerning the health and  
19 prospects of SanDisk’s enterprise business, including the quality and breadth of SanDisk’s  
20 enterprise products, which are generally referred to as “SSDs,” and its success integrating its most  
21 recent enterprise acquisition, Fusion-io, about four months before the Class Period began. During  
22 that time, the Class alleges that Defendants were advising investors that they were re-orienting  
23 SanDisk around the enterprise business, and that enterprise was a critical business for SanDisk,  
24 because SanDisk’s older businesses were suffering from slowed growth and declining margins.  
25 *E.g.*, ECF No. 264 at 18-19; SAC ¶¶6-7, 36-42, 77-78, 103.

26           14. Specifically, the Class alleges that by the start of the Class Period, contrary to  
27 Defendants’ positive statements, SanDisk’s enterprise business, including Fusion-io, was beset  
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1 with performance issues. For example, the Class alleges that Fusion-io had badly missed the  
2 Company's internal sales forecasts in 4Q2014 and performed even worse in 1Q2015. *E.g.*, ECF  
3 No. 264 at 7-9, 11, 14; SAC ¶¶53, 113. The Class further alleges that the free-fall in Fusion-io  
4 revenue was fueled by a number of factors, including SanDisk's inability to reduce the cost of  
5 Fusion-io's (PCIe) SSDs to better compete on price with cheaper alternatives (such as SATA  
6 SSDs), the Company's decision to largely dismantle Fusion-io's sales force following the  
7 acquisition, and that all of this reflected the Company's inability to integrate Fusion-io as planned.  
8 *E.g.*, ECF No. 264 at 10, 24-25; SAC ¶¶58, 60, 74. The Class alleges that Defendants covered up  
9 this information and made false and misleading statements when they: (i) claimed that Fusion-io's  
10 revenue met their expectations; (ii) touted SanDisk's acquisition of Fusion-io as the reason the  
11 Company would achieve \$1 billion in enterprise revenue in 2015, a year ahead of schedule; and  
12 (iii) lauded the "strong progress" they had made in integrating Fusion-io. *E.g.*, ECF No. 264 at 2-  
13 3, 15, 18-20, 23-25, 27-30; SAC ¶¶77, 94.

14 15. In addition, the Class alleges that by the start of the Class Period, SanDisk's  
15 "legacy" enterprise business, which pre-dated the Fusion-io acquisition and consisted of products  
16 based on previous acquisitions (of SMART Storage and Pliant), was also performing poorly due  
17 to designs riddled with bugs, an inability to qualify those products with potential customers, and  
18 SanDisk's consequent overreliance on outdated products, all of which had been adversely  
19 impacting sales. *E.g.*, ECF No. 264 at 1-2, 4-7; SAC ¶¶45-47, 59, 65-66, 70, 112-13, 122. The  
20 Class alleges that Defendants covered up this information and made false and misleading  
21 statements when they claimed, even as sales for key enterprise products were hampered, that  
22 SanDisk's enterprise business: (i) had an "industry-leading," "comprehensive" portfolio of  
23 enterprise products with the "best capabilities" in the market; (ii) was without "a competitor that  
24 [could] match up to the breadth of" its enterprise product line; (iii) had a "market leadership  
25 position," "momentum," and "strong demand signals" from customers "in all key product  
26 categories"; and, among other things, (iv) was "firing on all cylinders." *E.g.*, ECF No. 264 at 2,  
27 15, 19-20, 30; SAC ¶¶77-78, 81, 106.

1           16.     The Class also alleges that when Defendants made the false and misleading  
2 statements, they were aware of the serious execution, qualification, revenue, and integration issues  
3 undermining the prospects of the enterprise business through multiples sources. Those alleged  
4 sources included Defendants' participation in regularly scheduled meetings focusing on the  
5 enterprise business itself, as well as the integration of Fusion-io, and also their participation in  
6 regularly scheduled meetings of SanDisk's business heads team that addressed the enterprise  
7 business among other topics. *E.g.*, ECF No. 264 at 5, 11-12, 32-33; SAC ¶¶44, 48, 56. Further,  
8 the Class alleges that when the Defendants made the false and misleading statements touting the  
9 purported success of the enterprise business, they were aware that investors were reacting poorly  
10 to SanDisk's overall performance, which included slowing profits and the loss of SanDisk's largest  
11 customer (that customer purchased non-enterprise products from SanDisk). *E.g.*, ECF No. 264 at  
12 18, 26-27; SAC ¶¶6, 35, 81-82, 90-93, 109.

### 13 **III. RELEVANT PROCEDURAL HISTORY**

#### 14 **A. Initial Complaints and Appointment of Lead Plaintiffs and Lead Counsel**

15           17.     The Court appointed Class Representative and Class Counsel as Lead Plaintiffs and  
16 Lead Counsel in February 2016. Prior to that, a different plaintiff had filed the initial operative  
17 complaint.

18           18.     On July 14, 2015, the Court consolidated several actions bringing securities fraud  
19 claims against SanDisk, including the present Action, and appointed a lead plaintiff from one of  
20 the other actions. ECF No. 72.

21           19.     However, on January 22, 2016, after dismissing the consolidated complaint filed  
22 by the initial lead plaintiff, the Court invited motions for reconsideration of the appointment of  
23 lead plaintiffs and lead counsel. ECF No. 104. In response to the Court's order, on February 2,  
24 2016, Class Representatives moved to be appointed as Lead Plaintiffs and for approval of their  
25 counsel, Scott+Scott, as Lead Counsel. ECF No. 109. The Court granted that motion on February  
26 22, 2016. ECF No. 119.

1           **B.     The Amended Complaints, Defendants’ Motions to Dismiss, and Related**  
2           **Motions**

3           20.     On March 23, 2016, Class Representatives filed the Amended Consolidated Class  
4 Action Complaint for Violations of the Federal Securities Laws (“Amended Complaint”) asserting  
5 claims under §§10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5  
6 promulgated thereunder. *See* ECF No. 129. The Amended Complaint alleged that Defendants  
7 violated the federal securities laws by making materially false and misleading statements  
8 concerning SanDisk’s enterprise products and business and its efforts to integrate its newest  
9 enterprise acquisition, Fusion-io.

10           21.     Before filing the Amended Complaint, and subsequent SAC, Class Representatives,  
11 through Class Counsel, conducted a thorough investigation relating to the claims that are the  
12 subject of this Action. This included, reviewing and analyzing: (i) documents filed publicly by  
13 SanDisk with the U.S. Securities and Exchange Commission; (ii) transcripts of investor calls with  
14 SanDisk’s senior management, including their corrective disclosures at the end of the Class Period;  
15 (iii) research reports issued by financial analysts concerning the Company; and (iv) economic  
16 analyses of securities movement and pricing data. Class Counsel’s investigator also interviewed  
17 former SanDisk employees who potentially had relevant knowledge. The Amended Complaint  
18 contained allegations based on the foregoing information.

19           22.     On April 29, 2016, Defendants moved to dismiss the Amended Complaint. ECF  
20 No. 134-36. Briefing continued over the next several months, and a hearing on the motion took  
21 place on June 23, 2016. ECF Nos. 137-38. Shortly thereafter, the Court entered an Order  
22 dismissing the Amended Complaint for failure to allege scienter, but granting leave to amend.  
23 ECF No. 143.

24           23.     On July 15, 2016, Class Representatives filed the SAC. *See* ECF No. 148. The  
25 SAC included additional allegations concerning the Individual Defendants’ access to and  
26 awareness of information concerning enterprise product delays and the overall poor performance  
27 of Fusion-io based on statements of two additional confidential witnesses (“CWs”) – CW5 and  
28 CW6. SAC ¶¶43-57, 121. Those witnesses each worked on SanDisk’s enterprise business and



1 were just one layer removed from Defendants in SanDisk’s hierarchy. SAC ¶¶43, 54. The SAC  
2 also included additional corroborating information regarding the problems that SanDisk allegedly  
3 failed to disclose during the Class Period based on Defendants’ later corrective statements. SAC  
4 ¶¶119-23, 125-26.

5 24. The SAC alleged that both CW5 and CW6 recounted that Defendants Mehrotra and  
6 Bruner attended a meeting several times a month with the C-suite and business unit heads at which  
7 they received regular updates regarding the enterprise business, including revenue forecasts and  
8 actual revenue generated. The SAC alleged that CW5 and CW6 each learned of these business  
9 heads meetings, and what was discussed therein, from senior executives that they reported directly  
10 to and who attended said meetings – John Scaramuzzo (“Scaramuzzo”), Head of the Enterprise  
11 Business Unit, and Henri Richard (“Richard”), Senior Vice President (“SVP”) of Worldwide Sales.  
12 Further, the SAC alleged that CW5 and CW6 each attended weekly staff meetings at which  
13 Scaramuzzo and Richard went over the information regarding the enterprise business that they  
14 would then share at the recurring business heads meetings. In addition, the SAC alleged that CW5  
15 recounted that Defendant Mehrotra attended another regular and recurring meeting with  
16 Scaramuzzo, SanDisk’s Chief Strategy Officer (“CSO”) Sumit Sadana (“Sadana”), and other  
17 identified participants that focused exclusively on the enterprise business and the enterprise  
18 business’ various problems from product delays to revenue. Again, the SAC alleged that CW5  
19 learned of these enterprise-focused meetings from Scaramuzzo, who attended them and who CW5  
20 reported directly to. The preceding allegations described in this paragraph were set forth in SAC  
21 ¶¶43-44, 48, 54-56.

22 25. The SAC also alleged that CW5 recounted that he learned of enterprise’s and  
23 Fusion-io’s internal sales forecasts and results through the weekly staff meeting, held by  
24 Scaramuzzo, at which those figures were regularly discussed. Further, the SAC alleges that  
25 Scaramuzzo told CW5 that he reviewed those revenue forecasts and results at the regularly held  
26 business heads meetings discussed above, attended by Mehrotra and Bruner. The SAC alleges that  
27 according to CW5, based on the forecast and revenue information he received in the foregoing  
28

1 manner, Fusion-io's sales for 4Q2014 badly missed the Company's internal sales forecasts,  
2 coming in between 34% to 50% lower. The preceding allegations described in this paragraph were  
3 set forth in SAC ¶53. Those allegations based on the investigator's interviews of CW5 were  
4 consistent with: Defendants' statement at the end of the Class Period that they had become aware  
5 of Fusion-io's difficulty competing with cheaper alternative products by 4Q2014; CW6's  
6 allegations that Defendants received enterprise's financial figures; and Defendants' statement at  
7 the end of the Class Period that Fusion-io's sales significantly missed SanDisk's internal forecast  
8 for 1Q2015. SAC ¶¶121, 125.

9 26. Class Counsel's investigator reviewed the SAC with CW5 after it was filed, and,  
10 as described below (¶33), CW5 did not disavow or question any of the statements attributed to him  
11 therein.

12 27. On August 19, 2016, Defendants moved to dismiss the SAC and argued that the  
13 additional allegations based on the statements of CW5 and CW6 were insufficient to allege the  
14 Individual Defendants' scienter. *See* ECF No. 150. Defendants' motion was accompanied by a  
15 declaration from CW5 ("CW5 Declaration") that claimed that certain of the statements attributed  
16 to him in the SAC were inaccurate. ECF No. 151.

17 28. Following Defendants' filing, Class Representatives wrote to Defendants, asking if  
18 Defendants would stay briefing on the motion to dismiss to allow discovery related to CW5's  
19 Declaration. Defendants declined that request.

20 29. Accordingly, on September 2, 2016, Class Representatives moved to lift the  
21 PSLRA stay of discovery to allow narrow, particularized discovery with respect to the contentions  
22 in the CW5 Declaration. ECF No. 152. Shortly thereafter, they also moved, pursuant to Fed. R.  
23 Civ. P. 12(f), to strike the CW5 Declaration in the event the Court declined to lift the PSLRA  
24 discovery stay. ECF No. 160. These motions argued that it was prejudicial and impermissible  
25 under the Federal Rules of Civil Procedure for Defendants to have filed the CW5 Declaration and  
26 also that Defendants' stated reason for doing so (to obtain a dismissal of the SAC with prejudice  
27 as opposed to a dismissal without) was not plausible.

28

1           30.     The CW5 Declaration neither disputed the vast majority of the SAC's allegations  
2 involving CW5 nor any allegations concerning the substantive problems plaguing SanDisk's  
3 enterprise business. *See id.* Instead, it primarily attempted to raise issues with respect to the SAC's  
4 scienter allegations. In particular, the CW5 Declaration claimed that: (i) CW5 did not have  
5 knowledge of whether Defendant Mehrotra attended the regular meetings discussed above or of  
6 how often they occurred; (ii) CW5 had never spoken with Mehrotra regarding SanDisk's enterprise  
7 business or its overhaul at the end of the Class Period; and (iii) that the SAC misstated his job  
8 responsibilities. ECF No. 151 ¶¶9, 11-13. Notably, the CW5 Declaration did not address the  
9 allegations in SAC ¶53, which included Fusion-io's substantial 4Q2014 revenue miss versus  
10 internal forecasts, the range of that miss, that this information was conveyed to Defendants in  
11 regular meetings that they attended, or that CW5 learned all of the foregoing in the context of  
12 working as a direct report to the head of the enterprise business. *See id.* Further, Defendants did  
13 not challenge, with a declaration or otherwise, CW6's corroborating allegations that Mehrotra and  
14 Bruner received information regarding enterprise's forecast and actual revenue through their  
15 attendance at the regular business heads meeting.

16           31.     Class Representatives' opposition to the motion to dismiss the SAC, filed on  
17 September 23, 2016, made several of the foregoing points in supporting their scienter allegations.  
18 ECF No. 162. The opposition also argued that Defendants would know about enterprise's  
19 problems because they had publicly stated how important enterprise was to SanDisk, and because  
20 of the short temporal proximity between Defendants' alleged misstatements and the disclosure of  
21 the truth. *Id.* at 9-11. Similarly, it is noted that Defendants' motion to dismiss stated that it would  
22 be unremarkable for a senior executive in Mehrotra's or Bruner's position to discuss financial  
23 information regarding enterprise and Fusion-io. *Id.* at 7.

24           32.     Following a hearing on all of the foregoing motions, on January 4, 2017, the Court  
25 entered an order striking the CW5 Declaration and denying Defendants' motion to dismiss the  
26 SAC, without prejudice to litigating the motion, free of any reference to the CW5 Declaration.  
27 ECF No. 171. The order also gave Class Representatives the option to amend the SAC within 21  
28

1 days and instructed that “[i]f the defendants believe that the plaintiffs have made or continue to  
2 make allegations about witness statements without a good faith basis for believing they’re true,  
3 the defendants should notify the plaintiffs about their concerns[.]” *Id.* at 4-5.

4 33. Class Counsel gave careful consideration to all of the information before them.  
5 Significantly, that information included a 21-minute telephone conversation that Class Counsel’s  
6 investigator had with CW5, during which the investigator read CW5 the sections of the SAC that  
7 had been attributed to him. ECF No. 233-3 at 11-12. This telephone call is documented in the  
8 telephone records of Scott+Scott on July 25, 2016. ECF No. 233-7. According to the investigator,  
9 during the call, CW5 “did not disavow anything that had been attributed to him.” ECF No. 233-3  
10 at 12. Consistent with that, right after the call, the investigator sent CW5 an email with the subject  
11 “SanDisk Complaint,” stating, “Rob, Pursuant to our call, I enclose here a copy of the Complaint.  
12 As mentioned, if you have any questions or concerns, please don’t hesitate to reach out. Thanks  
13 again for your assistance. All the best, Alex.” *Id.* at 11. Almost immediately, CW5 responded,  
14 “Thanks.” *Id.* These email records are time-stamped just after the call, also on July 25, 2016, and  
15 match up with the timing of the telephone records. Moreover, notwithstanding the investigator’s  
16 instruction that CW5 should reach out if he had any questions or concerns, CW5 never contacted  
17 Class Counsel or the investigator at any time to assert that any of the statements attributed to him  
18 in the SAC were inaccurate or misleading.

19 34. Class Counsel also considered the CW5 Declaration compared to the investigator’s  
20 interviews of all six CWs, including the two lengthy interviews of CW5. The CW5 Declaration  
21 did not challenge the vast bulk of the allegations attributed to him in the SAC and notably did not  
22 address SAC ¶53, which alleged: (i) that Fusion-io’s revenue forecast miss in 4Q2014 was  
23 substantial and provided a range of 34% to 50%; (ii) that such information was shared with  
24 Defendants in regular meetings they attended; and (iii) that CW5 learned the foregoing in the  
25 course of working as a direct report to Scaramuzzo. In addition, Class Counsel considered that  
26 Defendants had not challenged any of the statements that the SAC attributed to CW6, including  
27 CW6’s confirmation that Defendants received revenue information in the regular business heads  
28

1 meetings, or any of the statements of the other four CWs either. Moreover, Class Counsel  
2 considered other corroborating evidence, such as Defendants' admissions at the end of the Class  
3 Period that they had begun to see Fusion-io's products fail to compete in 4Q2014 and that it badly  
4 missed its revenue forecast in 1Q2015, and the other CWs' descriptions of the same enterprise  
5 product and sales failures as CW5, including CW1's statement that it was apparent by no later than  
6 4Q2014 that SanDisk was not able to bring down the cost of Fusion-io's products enough to enable  
7 it to effectively compete with cheaper alternatives (like SATA SSDs).

8 35. Based on the totality of the foregoing information, Class Counsel determined that  
9 they had a good faith basis for the allegations attributed to all CWs in the SAC, including CW5,  
10 and in January 2017, they informed Defendants that they would not be filing a third amended  
11 complaint. Defendants did not then notify Class Counsel of any concern that Class Representatives  
12 "continue[d] to make allegations about witness statements without a good faith basis for believing  
13 they're true."

14 36. Defendants did file a renewed motion to dismiss the SAC (ECF No. 174), which  
15 Class Representatives opposed (ECF No. 178), and the Court denied on June 22, 2017. ECF No.  
16 184. The Court found that the SAC, aided by the additional allegations, adequately alleged both  
17 material misrepresentations and scienter.

### 18 **C. Merits Discovery**

19 37. On August 21, 2017, Class Representatives served their first set of requests for  
20 production ("RFPs") on Defendants. Defendants served their responses and objections to Class  
21 Representatives' first set of RFPs approximately three weeks later. Although Class  
22 Representatives alleged that Defendants had scienter as of the first day of the Class Period,  
23 Defendants initially objected to searching for any documents prior to the first day of the Class  
24 Period, which largely precluded the production of documents that would establish that allegation.  
25 Defendants also initially only searched for documents from six custodians and did so using  
26 narrower search terms.

1 38. Importantly, at no point did Defendants attempt to limit fact discovery to certain  
2 categories of information related to CW5, although the January 4, 2017, order noted that they could  
3 attempt to do so, if they believed that the circumstances warranted such a limitation. ECF No. 171  
4 at 4.

5 39. Concurrently, also on August 21, 2017, Defendants served their first set of RFPs  
6 on Class Representatives. Not long thereafter, Defendants served six deposition notices, including  
7 one for each of the five Class Representatives and one for CW5, all of which were scheduled to be  
8 conducted prior to the filing deadline for the motion for class certification. Plaintiffs' Counsel  
9 defended each of the Class Representatives' depositions and questioned CW5 at his deposition.

10 40. Following Defendants' responses and objections to Class Representatives' first set  
11 of RFPs, Class Counsel engaged in numerous meet and confers and written correspondence with  
12 Defendants over the remainder of discovery, which eventually resulted in the Parties agreeing on  
13 many issues, including the relevant search time period, custodians, search terms for discovery, and  
14 a Stipulated Protective Order. The Parties also reached agreements on Defendants' discovery  
15 requests to Class Representatives and deposition notices, as well as extensions of certain deadlines  
16 to accommodate all of the foregoing agreements. This alleviated the need to raise disputes with  
17 the Court.

18 41. Class Counsel dedicated extensive resources and technology to review, organize,  
19 and analyze the information produced by Defendants. To facilitate a cost-effective and efficient  
20 document review process, all of the documents were placed in an electronic database. The  
21 database allowed Class Counsel to search for documents through Boolean-type searches, as well  
22 as by multiple categories, such as by author and/or recipient, type of document, date, bates number,  
23 etc. The database also enabled the streamlined ability to cull and organize witness-specific  
24 documents in folders for review.

25 42. A team of attorneys from Scott+Scott, Labaton Sucharow LLP ("Labaton  
26 Sucharow"), and Cohen Milstein Sellers & Toll PLLC ("Cohen Milstein") was assembled to  
27 review the document production. The review was structured to limit overall cost, with the bulk of  
28

1 the review being done by more junior attorneys. More senior attorneys on the litigation team had  
2 frequent interactions with the reviewing attorneys. There were frequent conferences with senior  
3 litigation attorneys to discuss important and/or “hot” documents, deposition preparation efforts,  
4 and case strategy. The “hot” and highly relevant documents were all subject to further analysis  
5 and assessment by senior attorneys on an on-going basis.

6 43. In addition to written discovery, Class Counsel took 11 fact depositions of current  
7 or former SanDisk employees. In preparing for these depositions, Class Counsel undertook  
8 extensive efforts to analyze the complex factual and legal issues that were integral to Class  
9 Representatives’ claims and Defendants’ potential defenses, as well as the issues related to proving  
10 loss causation and damages. The depositions, and documents discussed therein, provided Class  
11 Counsel with a solid foundation from which to understand the risks and strengths of the case.

12 44. Over the course of fact discovery, Defendants also served two additional sets of  
13 RFPs, three sets of interrogatories, and one set of requests for admission (“RFAs”) on Class  
14 Representatives. In turn, Class Representatives would serve their first set of interrogatories and a  
15 related second set of RFPs on Defendants.

16 45. In total, Class Representatives produced approximately 9,500 pages of responsive  
17 documents. Defendants’ RFPs also called for production of any notes, memoranda, and recordings  
18 of the investigator’s communications with the CWs mentioned in the SAC. Although most, if not  
19 all, of this material constituted protected attorney work product – *see, e.g., Hatamian v. Advanced*  
20 *Micro Devices, Inc.*, No. 14-cv-00226-YGR(JSC), 2016 WL 2606830, at \*3 (N.D. Cal. May 6,  
21 2016); *Carrasco v. Campagna*, No. C-03-4727 SBA (EMC), 2007 WL 81909, at \*3 (N.D. Cal.  
22 Jan. 9, 2007) – Class Representatives negotiated a non-waiver agreement with Defendants and  
23 voluntarily produced the entirety of the requested materials to Defendants. As part of that  
24 agreement, Defendants also produced their communications with CW5, which led to their filing  
25 of the CW5 Declaration on his behalf.

26 46. Further, Defendants’ interrogatories included a set of contention interrogatories that  
27 asked Class Representatives to set forth every single fact regarding falsity, scienter, materiality,  
28

1 and damages on which they intended to rely and every single document which supported such  
2 facts. Class Counsel prepared and served a comprehensive approximately 60-page response to  
3 Defendants' contention interrogatories, citing documents and deposition testimony supporting  
4 Class Representatives' claims, which was incorporated by reference into Class Representatives'  
5 responses to Defendants' RFAs.

6 **D. Class Certification and Class Notice**

7 47. During the early stages of discovery, on January 19, 2018, Class Representatives  
8 filed their motion for class certification, pursuant to the stipulation and order modifying the  
9 briefing schedule for that motion. ECF No. 197. In support of the motion, Class Representatives  
10 submitted the Expert Report of Chad Coffman, CFA ("Coffman"), who was retained to provide an  
11 expert opinion on market efficiency and whether calculating damages in this Action was subject  
12 to a common methodology. ECF No. 210-2. In his report, Coffman opined that the market for  
13 SanDisk common stock was efficient during the Class Period and that it was clear that damages  
14 could be calculated using a methodology common to the Class. *Id.*

15 48. Shortly after deposing Coffman, Defendants filed their opposition to class  
16 certification on February 19, 2018. ECF No. 217. While Defendants made a handful of other  
17 arguments, their opposition to class certification centered on their contention that Class Counsel  
18 were inadequate because they had purportedly not accurately characterized certain statements  
19 made by CW5 to Class Counsel's investigator. *Id.* at 1.

20 49. Significantly, Defendants' opposition relied heavily on a new argument that was  
21 not discussed in the CW5 Declaration. *Id.* at 10-11; *see also* ECF No. 225-1 at 1. The specific  
22 statement in question involved the "34% to 50%" range given for Fusion-io's bad 4Q2014 revenue  
23 miss in SAC ¶53. Defendants' opposition alleged that CW5 had told the investigator "that he did  
24 not know the size of Fusion's miss against internal targets" and "[o]nly when he was *pressed* did  
25 he say he 'would guess it was like half or two thirds.'" ECF No. 217 at 1, 10-11.<sup>3</sup> However, the  
26 CW5 Declaration *never* questioned the range that SAC ¶53 gave, suggested that it was a guess, or

27  
28 <sup>3</sup> Unless otherwise indicated, all emphasis is added and citations are omitted.



1 otherwise substantively addressed SAC ¶53 at all. *See* ECF No. 151. Further, at his deposition,  
2 CW5 *never* challenged the range given in SAC ¶53 or suggested it was a guess. Nor did defense  
3 counsel question CW5 at his deposition regarding the relevant portions of the transcript quoted  
4 above, even though the transcripts had been produced by that time. *See* ECF No. 225-1 at 4-5.  
5 Likewise, the notes that Defendants produced from their roughly 30-minute interview with CW5  
6 – which was the primary basis of the CW5 Declaration and which occurred after CW5’s July 25,  
7 2016, confirmatory call with Class Counsel’s investigator – *never* indicated that CW5 disputed  
8 anything about the range of Fusion-io’s 4Q2014 revenue miss stated in SAC ¶53. *See id.* at 4-5,  
9 14; ECF No. 225-2. Moreover, Defendants had never notified Class Counsel that they believed  
10 this allegation lacked a good faith basis. ECF No. 171 at 4-5.

11 50. Class Representatives filed their reply brief in support of class certification on  
12 March 21, 2018 (ECF No. 222-3), emphatically defending the accuracy of the SAC’s allegations  
13 involving CW5. ECF No. 225-1. With respect to Class Representative’s good faith basis for  
14 proceeding on SAC ¶53, the reply brief made the points explained in the preceding paragraph, as  
15 well as the evidence corroborating that paragraph described in ¶¶33-35 above.

16 51. The reply brief also pointed out that based on the statements CW5 made to the  
17 investigator, there was no reason for Class Counsel to “stretch” them, as the interview transcript  
18 confirmed that CW5 had stated that Fusion-io’s 4Q2014 miss was “substantial.” Indeed,  
19 SanDisk’s senior most executives described the miss in arguably direr terms, with the CSO  
20 (Sadana) and SVP of Worldwide Sales (Richard), characterizing Fusion-io’s 4Q2014 performance  
21 as a “code red” and “defcon 5.” ECF No. 225-1 at 5.

22 52. Furthermore, as Class Representatives set forth in their reply brief and subsequent  
23 arguments, Defendants’ argument overlooked the totality of CW5’s statements to the investigator  
24 regarding the miss, which occurred over several pages of the transcript. The 34% to 50% range  
25 CW5 provided to the investigator for Fusion-io’s 4Q2014 miss was consistent with CW5’s earlier  
26 statements to the investigator that, by 4Q2014, Fusion-io had almost entirely lost customers that  
27 had historically made up about half of its sales.

28

1           53.     In addition, although discovery was in an early stage and far from complete, Class  
2 Representatives cited documents that Defendants had produced, as of the reply brief's filing,  
3 supporting CW5's assertion to the investigator that Fusion-io's 4Q2014 revenue miss had been  
4 substantial. That included documents in which senior SanDisk executives called Fusion-io's  
5 4Q2014 performance a "code red" and "defcon 5," as noted above. ECF No. 225-1 at 5. It also  
6 included financial documents that showed the 4Q2014 revenue miss at 22% and 17%, below the  
7 range stated by CW5, but as Class Representatives explained, still substantial. *Id.* Moreover,  
8 documents that Defendants produced after the class certification proceedings showed that Fusion-  
9 io's 4Q2014 revenue missed SanDisk's initial post-acquisition forecast for that quarter by 29%,  
10 very close to the lower 34% range that CW5 provided. ECF No. 264 at 30.

11           54.     As for Defendants' contention that the SAC did not accurately characterize CW5's  
12 position at SanDisk, purportedly to inflate his reliability, Class Counsel explained in the reply brief  
13 and their other arguments that again, they had no need to "stretch." Based on allegations that CW5  
14 *never* disputed, he was well positioned to have knowledge of the enterprise business and, in  
15 particular, of Fusion-io's revenue results and forecasts. The undisputed allegations of establishing  
16 that knowledge basis, which CW5 told the investigator, and the SAC recounted are: CW5's title  
17 as a senior executive in the enterprise business; that CW5 was one of the few direct reports to  
18 enterprise's general manager (Scaramuzzo), who, in turn, reported to Defendant Mehrotra; and  
19 that, given his position, CW5 attended weekly meetings held by Scaramuzzo at which he received  
20 forecast, revenue, and other pertinent information regarding Fusion-io and enterprise. *E.g.*, ECF  
21 No. 225-1 at 6-8. In light of that knowledge basis, Defendants' argument regarding CW5's role  
22 turned on the use of the word "oversaw" in SAC ¶43, which they interpreted to mean that CW5  
23 had ultimate responsibility for Fusion-io's product development, even though the SAC never made  
24 such a claim. ECF No. 217 at 12-13. To the contrary, the SAC expressly described CW5's specific  
25 role in product development as "working on PCIe product roadmaps." ECF No. 225-1 at 7. Thus,  
26 the word "oversaw" did not confer CW5 with a knowledge basis for the allegations attributed to  
27 him that he did not otherwise have as a result of the undisputed allegations regarding his role.

28

1           55. Lending further support to all of their arguments, the Class Representatives also  
2 recounted the investigator's July 25, 2016, telephone conversation and email with CW5 regarding  
3 the SAC. *Supra* ¶33.

4           56. Several days before the Court was scheduled to hear argument on the class  
5 certification motion, Defendants sought permission to file a sur-reply, where they made further  
6 arguments regarding the foregoing topics. ECF Nos. 226, 226-2. Over Class Representatives'  
7 opposition, (ECF No. 227), the Court granted Defendants' motion the day before the hearing on  
8 the motion for class certification. ECF No. 229.

9           57. The Court held a class certification hearing on March 29, 2018. Like Defendants'  
10 briefing, it focused on the SAC's allegations with respect to CW5.

11           58. After the hearing, Class Counsel sought permission to file a response to  
12 Defendants' sur-reply, given their belief that it did not accurately represent the record with respect  
13 to the claimed discrepancies between the SAC and the transcripts of CW5's interviews, and that  
14 there was not sufficient time at the hearing to walk through the voluminous record of CW5's  
15 interactions with the investigator. ECF No. 233. Leave was denied by the Court. ECF No. 236.

16           59. On September 4, 2018, the Court entered an Order granting the motion for class  
17 certification and appointing Class Representatives and Class Counsel. ECF No. 242.<sup>4</sup> In that  
18 order, the Court considered and ultimately rejected Defendants' arguments regarding adequacy.  
19 *Id.* at 2-3. However, the Order did express concern regarding the SAC, though it did not find a  
20 specific transgression with respect to any allegation therein. *Id.* Based on the significant record  
21 summarized above, Class Counsel respectfully submit that they had a good faith basis for all of  
22 the allegations at issue.

23           60. Following the Court's ruling, Class Counsel prepared drafts of an individual Notice  
24 of Pendency for mailing and Summary Notice of Pendency for publication intended to give notice  
25 of this Action to the now-certified Class. After meeting and conferring with Defendants  
26

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27 <sup>4</sup> The Court's class certification order excluded from the Class persons "who purchased or  
28 otherwise acquired SanDisk's publicly traded common stock during the class period but who sold  
their stock prior to the first corrective disclosure on March 25, 2015." *Id.* at 4.

1 concerning the content of these Notices, and the proposed methods for their dissemination, on  
2 November 27, 2018, the Parties submitted a joint stipulation and proposed order concerning these  
3 issues, which was approved by the Court on December 13, 2018. ECF Nos. 253, 255.

4 61. On January 9, 2019, the Notice of Pendency was mailed to potential Class Members  
5 and nominees, as directed by the December 13, 2018, order. ECF No. 269 ¶10. In total, more than  
6 116,000 Notices of Pendency were disseminated to potential Class Members and nominees by first  
7 class mail or email. *Id.* ¶12. In addition, as directed in the Court’s order, the Summary Notice of  
8 Pendency was published in *Investor’s Business Daily* and transmitted over *PR Newswire* on  
9 January 21, 2019. *Id.* ¶13. The Claims Administrator received just five timely requests for  
10 exclusion in response to the Notice of Pendency and Summary Notice. *Id.* ¶19.

11 **E. Expert Discovery**

12 62. Following the close of fact discovery, the Parties engaged in expert discovery. On  
13 August 30, 2018, Class Representatives served the merits expert report of Coffman, their expert  
14 on materiality, loss causation, and damages. In his report, Coffman opined that the new  
15 information regarding the enterprise business that Defendants disclosed to the market on March  
16 25 and April 15, 2015 (the “Corrective Disclosure Dates”), which resulted in sharp declines in  
17 SanDisk’s stock price, connected or traced back to the facts Defendants had allegedly concealed  
18 during the Class Period, namely that enterprise and Fusion-io were not performing at a level to  
19 sustain growth. ECF No. 263-8. In addition, Coffman’s report also described the steps he had  
20 taken to disaggregate the portion of the stock drops following the March 25 and April 15, 2015,  
21 disclosures that related to the concealed information from the portion of the stock drops unrelated  
22 to the alleged fraud. He did this initially through an event study, the tool most often used by  
23 experts to isolate economic losses due to fraud from market and industry factors. Then, because  
24 some of the new information released on the Corrective Disclosure Dates related to other parts of  
25 the Company’s business besides enterprise, Coffman performed a further disaggregation analysis  
26 to isolate the proportion of the residual stock drops on each of the disclosure dates that related to  
27 the fraudulently concealed information about enterprise. Further, based on his understanding of  
28

1 the Class’ allegations and review of the evidence, Coffman concluded that it was appropriate to  
2 apply the “Constant Dollar” Method, which deems the full amount of inflation dissipated on each  
3 of the Corrective Disclosure Dates to have been present in the stock price at the beginning of the  
4 Class Period. Based on these analyses, Coffman opined that the fraudulently concealed  
5 information about enterprise accounted for 45% of the residual stock drops on the Corrective  
6 Disclosure Dates. *Id.*

7 63. On September 28, 2018, Defendants served the Rebuttal Report of Daniel R.  
8 Fischel (“Fischel”). ECF No. 263-9. Fischel’s rebuttal report concluded that “Coffman’s analysis  
9 of the economic evidence in this case [was] fundamentally flawed.” *Id.* ¶18. Among other things,  
10 Fischel offered criticisms of Coffman’s disaggregation analysis, which, if accepted by the Court  
11 or the jury, would have resulted in apportioning 35%, instead of 45%, of the residual stock price  
12 declines on the Corrective Disclosure Dates to the fraudulently concealed information concerning  
13 enterprise. *Id.* ¶¶34-38. In addition, Fischel criticized Coffman’s use of the “Constant Dollar  
14 Methodology” to value the fraudulently concealed information throughout the Class Period. *Id.*  
15 ¶¶46-53. Further, Fischel opined that Coffman had not demonstrated that his methodology could  
16 calculate damages in the event the jury did not agree that all of the alleged misstatements and  
17 omissions identified by Class Representatives were false and misleading. Coffman had accepted  
18 Class Representatives’ allegations as true for purposes of his analysis.

19 64. On October 23, 2018, Class Representatives served Coffman’s rebuttal to Fischel’s  
20 report, which defended Coffman’s opinions as set forth in his opening report and specifically  
21 responded to Fischel’s criticisms. ECF No. 263-10.

22 65. Thereafter, Coffman and Fischel were respectively deposed in Chicago, Illinois, on  
23 November 15 and 16, 2018.

#### 24 **F. Summary Judgment Briefing and *Daubert* Motions**

25 66. On January 17, 2019, Defendants filed a motion for summary judgment seeking  
26 dismissal of Class Representatives’ claims with prejudice. ECF No. 258. In addition, they moved  
27 to exclude the opinions of Coffman as unreliable under *Daubert v. Merrell Dow Pharm., Inc.*, 509  
28

1 U.S. 579 (1993). Together, Defendants’ motions challenged the existence of a triable issue of  
2 material fact with respect to each and every element of Class Representatives’ §10(b) claim.

3 67. First, Defendants argued that none of the alleged misstatements and omissions were  
4 actionable as a matter of law because they were immaterial puffery opinions that Defendants  
5 subjectively believed were forward-looking statements protected by the PSLRA’s safe harbor.

6 68. Alternatively, Defendants argued that summary judgment should be granted as to  
7 all statements prior to January 21, 2015, effectively cutting half of the time off of the Class Period.  
8 They claimed that the “context” the Court had cited in its discussion of materiality in its June 2017  
9 order sustaining the SAC – SanDisk’s poor 4Q2014 results and the loss of Apple as a customer in  
10 another part of SanDisk’s SSD business – had not occurred prior to January 21, 2015.

11 69. Second, Defendants argued that they did not act with scienter and there were not  
12 even triable issues of fact with respect to that issue. Defendants pointed to an absence of any  
13 financial motive on the part of the Individual Defendants to mislead investors, arguing that Class  
14 Representatives would be “unable to point to any evidence showing that [the Individual  
15 Defendants] intentionally told investors something they did not believe.” ECF No. 258 at 23. In  
16 addition, Defendants argued that there was no evidence that the Individual Defendants were  
17 deliberately reckless citing their reliance on the judgment of Scaramuzzo, who was responsible for  
18 the day-to-day operation of the enterprise business, and on enterprise’s revenue forecasting process  
19 that “included extensive dialogue between leaders of the business unit and the sales group” before  
20 being “rolled up” to the Individual Defendants. *Id.*

21 70. Finally, Defendants argued that the loss causation opinion of Coffman, Class  
22 Representatives’ expert, should be excluded as unreliable because he had assumed that Class  
23 Representatives would be successful in proving that *all* of the challenged statements were false  
24 and misleading and, therefore, had not isolated the artificial inflation attributable to each alleged  
25 misstatement. As a result, Defendants maintained that Coffman’s testimony would not be useful  
26 to the jury in the event it concluded that certain of the challenged statements were *not* false and  
27 misleading. In addition, Defendants argued that Coffman’s improperly relied on the “Constant  
28

1 Dollar” Method in valuing the artificial inflation caused by Defendants’ alleged misstatements and  
2 omissions.

3 71. On February 28, 2019, Class Representatives filed their opposition to Defendants’  
4 motion for summary judgment and to exclude the loss causation opinion of Coffman. In addition,  
5 Class Representatives moved to exclude the opinions of Defendants’ expert, Fischel.

6 72. In their opposition to summary judgment, Class Representatives argued that  
7 Defendants’ legal arguments that the alleged misstatements were not actionable were unavailing,  
8 particularly given the overwhelming evidence that Defendants’ positive statements concerning the  
9 enterprise business and its prospects were materially false and misleading. Defendants’ “puffing”  
10 defense had been rejected by the Court when it sustained the SAC. In addition, Class  
11 Representatives argued that intervening Ninth Circuit authority decided since the SAC was  
12 sustained, *In re Quality Sys., Inc. Sec. Litig.*, 865 F.3d 1130 (9th Cir. 2017), undercut Defendants’  
13 argument (and the Court’s prior ruling) that the PSLRA safe harbor for “forward-looking”  
14 statements rendered many of the alleged “quantitative” misstatements non-actionable. Moreover,  
15 Class Representatives argued that the context in which Defendants’ statements prior to January  
16 21, 2015, were made – the need to convince the market that their strategy for re-orienting SanDisk  
17 around high-value enterprise products was actually working and that Fusion-io was accelerating  
18 enterprise’s revenue goal – was essentially the same as the context after that date and rendered  
19 those statements material and actionable.

20 73. With respect to scienter, Class Representatives argued that it was not necessary to  
21 prove that Defendants had an individual financial motive to mislead investors. In addition, Class  
22 Representatives argued that it was undeniable that Defendants closely monitored enterprise due to  
23 its importance to SanDisk and knew of the problems undercutting its performance. That  
24 monitoring came in multiple forms, including Defendants’ attendance at: the weekly business  
25 heads meetings of Defendant Mehrotra’s executive staff, which were called “Sanjay’s Staff  
26 Meeting,” and at which enterprises’ execution failures, lost qualifications, forecasts, and poor  
27 financials were discussed; and meetings focused solely on the enterprise business with senior  
28

1 enterprise executives at which those same problems were discussed. ECF No. 264 at 5, 11, 32.  
2 Defendants’ monitoring also involved receiving emails and reports setting forth those problems.  
3 *Id.* at 6-7, 9-10, 23, 32-33, 35. In addition, Class Representatives argued that in light of this  
4 evidence, Defendants’ declarations submitted in support of their summary judgment motion  
5 asserting that they subjectively believed their statements to be truthful merely created a disputed  
6 issue of fact for the jury. *See In re Longtop Fin. Techs. Ltd. Sec. Litig.*, 32 F. Supp. 3d 464, 475  
7 (S.D.N.Y. 2014) (finding triable issue of fact where defendant’s summary judgment motion was  
8 supported by his own affidavit because the “jury [was] free to disregard the testimony of those  
9 affiants at trial if it finds them not credible”). Finally, Class Representatives argued that SanDisk’s  
10 enterprise forecasts were actually created from the top of SanDisk’s hierarchy and ignored the  
11 product, qualification, and operational shortcomings that had been brought to their attention. *Id.*  
12 at 35.

13 74. As for the *Daubert* motion directed to Coffman, Class Representatives argued that  
14 Defendants had waived certain arguments by failing to include them in Fischel’s rebuttal report –  
15 including their argument that Coffman’s methodology was deficient because it did not isolate the  
16 artificial inflation attributable to each misstatement. In addition, Class Representatives responded  
17 that this argument was unavailing in any event because multiple misstatements can conceal the  
18 same underlying facts and it is the concealment of those facts, not the misstatement itself, that  
19 causes artificial inflation and necessarily the same artificial inflation. Further, Class  
20 Representatives argued that the “Constant Dollar” Method utilized by Coffman was widely used  
21 to value artificial inflation in securities fraud cases and that Defendants’ own expert, Fischel, had  
22 applied it as a conservative methodology when testifying for plaintiffs in such cases. Moreover,  
23 its use in this Action was amply supported by the evidentiary review conducted by Coffman, and  
24 Defendants’ inability to identify any circumstances that would warrant departing from it here; in  
25 particular, there were no intervening events after the start of the Class Period that were unrelated  
26 to the problems that existed at the start of the Class Period and that altered the course of enterprise.



1           75.     Class Representatives also moved to exclude the report of Defendants’ damages  
2 expert, Fischel, on the grounds that certain of his opinions did not “rebut” any opinion offered by  
3 Coffman and required no expertise. In addition, Class Representatives argued that Fischel’s  
4 criticism of Coffman’s calculation of artificial inflation did not rely on sufficient data or  
5 methodologies and ignored the record evidence.

6           76.     To summarize, Class Representatives presented strong legal and factual arguments  
7 rebutting all aspects of Defendants’ claims that there were no triable issues of fact and that the case  
8 could be resolved as a matter of law in their favor. In addition, Class Representatives demonstrated  
9 that Defendants’ *Daubert* motion seeking to exclude the testimony and opinions of Coffman were  
10 untenable, whereas Defendants’ own expert was at risk of being excluded.

11           77.     The Court scheduled a hearing on Defendants’ motion for summary judgment and  
12 the Parties’ *Daubert* motions for April 24, 2019, just a month before trial was scheduled to begin.

13           **G.     Trial Preparation**

14           78.     Trial was scheduled to commence on May 28, 2019. The pre-trial conference was  
15 scheduled for May 13, 2019, with jury selection scheduled to begin on May 22, 2019.

16           79.     As a result, by early 2019, Class Representatives had begun preparing for trial,  
17 which included hiring and working with jury and trial consultants.

18           **IV.    MEDIATION, SETTLEMENT, AND PRELIMINARY APPROVAL OF THE**  
19           **PROPOSED SETTLEMENT**

20           80.     About a month after the Court granted the motion for class certification, the Parties  
21 engaged the Judge Phillips as mediator. After exchanging mediation statements, which detailed  
22 the strengths and weaknesses of the claims and defenses in this Action from the perspectives of  
23 Class Representatives and Defendants, the Parties met with Judge Phillips and representatives of  
24 SanDisk’s directors and officer (“D&O”) insurers in Newport Beach, California, on October 29,  
25 2018. However, the Parties did not reach an agreement.

26           81.     Judge Phillips continued to work with the Parties following the mediation, but no  
27 additional progress was made.

28

1           82. After Class Representatives filed their opposition to Defendants' motions for  
2 summary judgment and to exclude Coffman, along with their motion to exclude the opinions of  
3 Fischel, the Parties agreed to attend a second mediation with Judge Phillips in New York, New  
4 York, on March 8, 2019. At that second mediation, the Parties reached agreement on the material  
5 terms of the proposed Settlement and executed a MOU.

6           83. Thereafter, Class Representatives prepared formal settlement documentation  
7 including the Stipulation, Class and Summary Notices of Settlement, and proposed orders, and met  
8 and conferred with Defendants with respect to these documents. Class Representatives also  
9 prepared a memorandum of points and authorities in support of their Preliminary Approval  
10 Motion.

11           84. At a telephonic preliminary approval hearing on May 16, 2019, the Court requested  
12 that the Stipulation be revised to include language clarifying that: (i) the Released Claims (as  
13 defined in the Stipulation) were only those claims with an identical factual predicate as those at  
14 issue in this Action; and (ii) the Stipulation applied to all of the actions that were consolidated into  
15 this Action. The Parties submitted the revised Stipulation, and accompanying papers, four days  
16 later on May 20, 2019. ECF No. 274.

17           85. On May 24, 2019, the Court entered an order preliminarily approving the  
18 Settlement, directing Notice be disseminated to potential Class Members and nominees, and  
19 setting September 26, 2019, as the date for the final approval hearing. ECF No. 275.

20 **V. THE SETTLEMENT SATISFIES THE STANDARD FOR APPROVAL, IS FAIR**  
21 **AND REASONABLE, AND PROVIDES A SUBSTANTIAL RECOVERY FOR**  
22 **CLASS MEMBERS BEYOND WHAT SIMILAR CASES TYPICALLY ACHIEVE**

23           86. As set forth in Class Representatives' opposition to Defendants' motion for  
24 summary judgment, Class Representatives believe that they adduced substantial evidence to  
25 support their claims and were prepared to proceed to trial. *See* ECF No. 264 at 4-35. They also  
26 understood, however, that success was not guaranteed. In particular, the outcome of a jury trial,  
27 especially in a case involving complex facts and claims such as this one, can never be predicted  
28 with certainty. Moreover, as noted above, this Action did not have many of the hallmarks of a

1 successful securities fraud action. There was no restatement of financial results, SEC  
 2 investigation, or criminal indictment. Simply put, as explained below, there is no assurance that  
 3 the Class would have recovered an amount equal to, let alone greater than, the proposed Settlement.  
 4 Moreover, a successful recovery at trial could be delayed by years of appellate practice, and would  
 5 substantially increase the Class' costs.<sup>5</sup>

6 87. By thoroughly undertaking discovery and prosecuting this Action to within months  
 7 of trial, however, Class Representatives and Class Counsel have achieved a settlement that is  
 8 substantial in absolute terms and compared to similar cases. As detailed in ¶4 above, the \$50  
 9 million Settlement represents a recovery of approximately 14% to 58% or more of the Class'  
 10 maximum recoverable damages, a considerably larger recovery as a percentage of damages than  
 11 in most securities class action cases, where the median is about 5%. *See also* ECF No. 270 at 8-9.

12 88. The Preliminary and Final Approval Motions set forth and discuss, in greater detail,  
 13 the standard for assessing class action settlements. As these motions describe, the proposed  
 14 Settlement readily meets that standard and this declaration discusses several of the reasons why it  
 15 does so.

16 **A. The Risks of Establishing Liability**

17 **1. The Risk of Establishing Material Misstatements and Omissions**

18 89. All elements of liability were vigorously disputed by Defendants. As noted in the  
 19 Court's opinion granting in part and denying in part Defendants' motion to dismiss the SAC  
 20 ("MTD Order"), the alleged false and misleading statements and omissions detailed in the SAC  
 21 generally fell into two categories: (i) "a series of qualitative pronouncements about the strength of  
 22 SanDisk's enterprise SSD portfolio"; and (ii) a series of "quantitative statements" that addressed  
 23 the future prospects of the enterprise business, particularly Fusion-io. ECF No. 184 at 1.

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 26 <sup>5</sup> As of 2018, the median time to adjudicate an appeal in the Ninth Circuit is 17.5 months.  
 27 *See Table B-4A: –Median Time Intervals in Months for Civil and Criminal Appeals Terminated*  
 28 *on the Merits, by Circuit*, U.S. COURTS OF APPEALS (Sept. 30, 2018), [https://www.uscourts.gov/sites/default/files/data\\_tables/jb\\_b4a\\_0930.2018.pdf](https://www.uscourts.gov/sites/default/files/data_tables/jb_b4a_0930.2018.pdf).

1           90. While the Court had ruled that certain of the “qualitative” statements were not  
2 puffery when considered “in a particular context” (ECF No. 184 at 2), the MTD Order specifically  
3 addressed only a few of the 47 statements alleged to be materially false and misleading and none  
4 that were made prior to January 21, 2015.

5           91. As a result, there was some risk that the Court might grant summary judgment with  
6 respect to certain qualitative statements notwithstanding its MTD Order, particularly those prior  
7 to January 21, 2015, and substantially shorten the Class Period. While, as explained above, Class  
8 Representatives argued that the “context” of the pre-January 21, 2015 statements also “could  
9 reasonably have led investors to rely on [the] accuracy and completeness” of Defendants’ earlier  
10 qualitative statements, this argument was untested and there was no assurance it would be  
11 successful. *Id.*

12           92. As for the “quantitative” statements, the Court had previously ruled that these  
13 statements were forward-looking statements protected by the PSLRA’s “safe harbor” (*see* ECF  
14 No. 104 at 1, 4-6; ECF No. 184 at 1), and there was no assurance that the Court would revisit its  
15 earlier ruling notwithstanding the Ninth Circuit’s intervening decision in *Quality Systems*.

16           93. Defendants also argued that even if the alleged misstatements and omissions were  
17 not immaterial as a matter of law, they were not rendered false and misleading by Defendants’  
18 failure to disclose the allegedly concealed facts concerning the travails of SanDisk’s enterprise  
19 business. *See* ECF No. 258 at 19. While Class Representatives argued that this position was  
20 inconsistent with well-settled law that once Defendants chose to tout positive information to the  
21 market, they could not mislead investors by withholding negative information cutting the other  
22 way, *see Schueneman v. Arena Pharms., Inc.*, 840 F.3d 698, 706 (9th Cir. 2016), as explained  
23 below (¶¶97-100), a decision by the Court at the summary judgment stage that some or all of the  
24 statements alleged to be false and misleading were not actionable as a matter of law would have  
25 had implications with respect to the length of the Class Period, loss causation, and damages.

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27  
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1                   **2.       The Risk of Establishing Scienter**

2           94.     As Defendants’ motion for summary judgment made plain, Defendants viewed the  
3 absence of any apparent personal financial motive on the part of the Individual Defendants (for  
4 example, significant insider selling) as an important factor weighing in their favor. In addition,  
5 the Individual Defendants adamantly asserted that they believed their statements were truthful  
6 when made and properly relied on others in making them. *See* ECF Nos. 259-60.

7           95.     Class Representatives were confident that Defendants’ claims of “no motive”  
8 would not carry the day on summary judgment, but Class Counsel knew from experience that this  
9 fact did have the potential to sway a jury. In addition, though Class Representatives believed that  
10 the record evidence demonstrated that Defendants possessed substantial information contradicting  
11 their positive statements concerning enterprise and its financial prospects, their arguments in this  
12 regard depended on voluminous and highly technical evidence that a jury could have found  
13 difficult to follow. In short, Class Representatives and Class Counsel recognized that persuading  
14 a jury as to Defendants’ scienter would be challenging.

15                   **3.       The Risk of Establishing Loss Causation and Damages**

16           96.     Risks to establishing loss causation and damages were detailed in Defendants’  
17 motion seeking to exclude the opinion of Class Representatives’ expert, Coffman, under *Daubert*  
18 and in the Rebuttal Report of their expert, Fischel. *See* ECF No. 258 at 26-30; ECF No. 263-9.

19           97.     To establish loss causation, Class Representatives would have to prove “a causal  
20 connection between the material misrepresentation and the loss[.]” *Dura Pharms., Inc. v. Broudo*,  
21 544 U.S. 336, 342 (2005). As noted above, Defendants argued that Coffman’s methodology  
22 improperly “assumed” this causal connection because it assumed that Class Representatives would  
23 establish Defendants’ liability for *all* of the alleged misstatements and omissions and did not  
24 disaggregate the market impact of these protected statements from the impact of actionable  
25 statements. *See* ECF No. 258 at 27. In addition, as noted above, Defendants criticized Coffman’s  
26 use of the “Constant Dollar” Method to measure artificial inflation, arguing that certain setbacks  
27 and financial results that occurred, with respect to the enterprise business, could not have been  
28

1 known at the start of the Class Period, and thus, that the economic impact of the information they  
2 did not disclose changed over the course of the Class Period as underlying events, along with their  
3 knowledge of those events, changed. *Id.* at 28-30. As a result, Defendants argued that Coffman's  
4 opinions were not reliable and should be excluded by the Court under *Daubert*. *Id.*

5 98. As set forth in their opposition to Defendants' summary judgement and *Daubert*  
6 motions (ECF No. 264 at 36-43), Class Representatives believed these criticisms were unfounded  
7 and that Coffman had applied widely accepted methodologies in securities class action cases.  
8 Nevertheless, if Defendants succeeded in excluding his opinions, Class Representatives' ability to  
9 prove loss causation and damages would have been substantially impaired if not extinguished.

10 99. Moreover, though not a basis of their motion for summary judgment, Defendants,  
11 through Fischel's rebuttal report, also advanced several arguments for limiting damages. First,  
12 Fischel attacked Coffman's decision to use revenue attributable to the enterprise business as a  
13 metric to disaggregate fraud-related declines in SanDisk's stock price on Corrective Disclosure  
14 Dates. Fischel argued that Coffman should have used profits instead of revenue as the metric and  
15 concluded that use of this alternate metric would have reduced Coffman's maximum artificial  
16 inflation per share by 26%. *See* ECF No. 263-9 ¶¶34-38. In addition, Fischel attacked Coffman  
17 for failing to select July 22, 2015, a date three months after the end of the Class Period, as a  
18 Corrective Disclosure Date. *Id.* ¶¶39-45. On that date, SanDisk announced better than expected  
19 results for its enterprise business in 2Q2015 and its stock price rose nearly 18% after controlling  
20 for market and industry actors. *Id.* ¶¶41-42. Finally, as noted above, Defendants argued that the  
21 Class Period should begin no earlier than January 21, 2015, because the alleged misstatements and  
22 omissions prior to that date were inactionable as a matter of law. ECF No. 258 at 21-22.

23 100. While Class Representatives believed that the foregoing arguments, with respect to  
24 loss causation and damages, lacked merit (*supra* §IV.F.), the risk that the Court might shorten the  
25 Class Period and/or that the jury would credit Fischel's positions on disaggregation and corrective  
26 disclosures over Coffman's had considerable consequences in terms of the amount of the Class'  
27 potential recovery. *See, e.g., City of Providence v. Aeropostale, Inc.*, No. 1 Civ. 7132(CM)(GWG),  
28

1 2014 WL 1883494, at \*9 (S.D.N.Y. May 9, 2014) (“Undoubtedly, the Parties’ competing expert  
2 testimony on damages would inevitably reduce the trial of these issues to a risk ‘battle of the  
3 experts’ and the ‘jury’s verdict with respect to damages would depend on its reaction to the  
4 complex testimony of experts, a reaction that is inherently uncertain and unpredictable.’”). They  
5 could have potentially reduced the Class’ damages by over 75%. *Supra* ¶¶4, 87.

6 **B. The Costs, Risks, and Delay of Trial and Appeal**

7 101. At the time the proposed Settlement was reached, the Parties were less than three  
8 months from trial. While Class Representatives and Class Counsel believe that the claims against  
9 Defendants have substantial merit, they also recognize that there are considerable risks involved  
10 in pursuing the claims to verdict.

11 102. For example, given the nature of the claims – that Defendants misrepresented  
12 information known to them that contradicted their public statements – Class Representatives and  
13 Class Counsel were faced with the difficult task of presenting their case through hostile witnesses.

14 103. In addition, as noted above, the jury would decide issues of loss causation and  
15 damages on the basis of a “battle of the experts” and there was no assurance which party’s expert  
16 the jury would credit.

17 104. Furthermore, even if the jury returned a verdict in Class Representatives’ favor on  
18 liability, loss causation, and damages, it would not end proceedings in this Court because  
19 Defendants would be afforded the opportunity to rebut the presumption of reliance, with respect  
20 to individual Class Members, and prevent them from receiving any recovery. *See, e.g., In re*  
21 *Vivendi Universal, S.A. Sec. Litig.*, 765 F Supp. 2d 512, 584-85 & 585 n.63 (S.D.N.Y. 2011). Such  
22 proceedings could have dragged on for years. *See, e.g., In re Vivendi Universal, S.A. Sec. Litig.*,  
23 123 F. Supp. 3d 424, 438 (S.D.N.Y. 2015). Trial and appeal would also significantly increase the  
24 Class’ expenses.

25 105. Given the challenges presented by trial, significant costs of trying this Action to  
26 verdict, and prospect that ancillary proceedings and appeals would delay or eliminate payments to  
27 Class Members; even if Class Representatives obtained a verdict against Defendants, Class  
28

1 Representatives and Class Counsel respectfully submit that the proposed Settlement is fair,  
2 reasonable, and adequate and should be approved.

3 **VI. CLASS REPRESENTATIVES' COMPLIANCE WITH THE COURT'S**  
4 **PRELIMINARY APPROVAL ORDER REGARDING THE DISSEMINATION OF**  
5 **THE SETTLEMENT NOTICE AND THE CLASS' REACTION THERETO**

6 106. Pursuant to the Preliminary Approval Order, the Court appointed Epiq Class Action  
7 & Mass Tort Solutions, Inc. ("Epiq") as Claims Administrator in this Action and instructed Epiq  
8 to disseminate copies of the Notice by mail or email (to the extent email addresses were provided  
9 by the transfer agent) and to publish the Summary Notice in *Investor's Business Daily* and over  
10 *PR Newswire*. ECF No. 255. Class Counsel selected Epiq following a bidding process from five  
11 highly qualified claims administration firms because its estimate was the most competitive and  
12 commensurate with the costs of comparable administrations that Class Counsel has overseen.

13 107. The Notice provides potential Class Members with information about the terms of  
14 the Settlement and, among other things: their right to exclude themselves from the Class; their  
15 right to object to any aspect of the Settlement, Plan of Allocation, or Fee and Expense Application;  
16 and the manner and deadline for submitting a Proof of Claim form in order to be eligible for a  
17 payment from the Net Settlement Fund. The Notice also informs Class Members of Class  
18 Counsel's intention to apply for an award of attorneys' fees of up to 28% of the Settlement Fund  
19 and for payment of litigation expenses in an amount up to \$1 million plus accrued interest – the  
20 requests for each are below the numbers noticed.

21 108. As detailed in the Declaration of Alexander Villanova Regarding Dissemination  
22 and Publication of Settlement Notice (the "Mailing Decl.") (attached as Ex. 6), Epiq obtained the  
23 names and addresses of potential Class members from the transfer agent for SanDisk and from  
24 banks, brokers, and other nominees. In total, as of August 22, 2019, Epiq had disseminated by  
25 mail and email 203,555 Settlement Notice Packets to potential nominees and Class Members. *Id.*  
26 ¶10.

27 109. On July 1, 2019, Epiq caused the Summary Notice to be published in *Investor's*  
28 *Business Daily* and to be transmitted over *PR Newswire*. *Id.* ¶12.



1           110. Epiq also maintains and posts information regarding the Settlement on a dedicated  
2 website established for this Action, [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com), to provide Class  
3 Members with information concerning the Settlement, as well as downloadable copies of the  
4 Notice, Stipulation, and other related documents. *Id.* ¶17.

5           111. Pursuant to the terms of the Preliminary Approval Order, the deadline for Class  
6 Members to submit objections to the Settlement, Plan of Allocation, and Fee and Expense  
7 Application or to request exclusion from the Class is September 5, 2019. Although Class Members  
8 are directed to submit any objections to the Court, Epiq has checked for receipt of any objections  
9 and is not aware of any having been received to date (*id.* ¶21), nor is Class Counsel. Additionally,  
10 Epiq received one potential exclusion request to date, although that request does not include the  
11 required information, and it is not clear whether it is actually from a Class Member. *Id.* ¶19. Epiq  
12 has contacted that individual regarding the missing information and has not received a response  
13 yet. *Id.*

14           112. Should any objections or additional requests for exclusion be received, Class  
15 Representatives will address them in their reply papers, which are due on September 19, 2019.

16 **VII. THE PLAN OF ALLOCATION IS CUSTOMARY, FAIR, AND REASONABLE**

17           113. To receive a distribution from the Settlement Fund, Class Members will be required  
18 to submit a Proof of Claim form. The Claim Form was mailed with the Notice and is also available  
19 on the Settlement Website.<sup>6</sup> Claimants will have the option of completing the forms online and  
20 uploading supporting documentation or mailing them to the Claims Administrator. Epiq will  
21 review the claim forms and supporting documentation submitted, provide an opportunity to cure  
22 any deficiencies, and mail or wire Authorized Claimants their *pro rata* share of the Net Settlement  
23 Fund in accordance with the proposed Plan of Allocation.

24           114. The proposed Plan of Allocation was developed by Class Representatives' loss  
25 causation and damages expert, Coffman, and is similar to the plans approved in other securities  
26

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27 <sup>6</sup> Notice by U.S. mail and publication plainly satisfies Fed. R. Civ. P. 23(c)(2)'s requirement  
28 that class members receive "the best notice practicable under the circumstances." *Peters v. Nat'l*  
*R.R. Passenger Corp.*, 966 F.2d 1483, 1486 (D.C. Cir. 1992).

1 fraud cases. Coffman calculated the amount of artificial inflation present in SanDisk common  
2 stock throughout the Class Period attributable to the alleged fraud by studying the price declines  
3 associated with SanDisk's alleged Corrective Disclosures Dates, and eliminating the effects  
4 attributable to other factors. Coffman's calculations are reflected in an artificial inflation table that  
5 will be utilized by Epiq in calculating Recognized Loss Amounts for Authorized Claimants. *See*  
6 ECF No. 271-2 at ¶¶34-36.

7 115. Epiq will calculate each Claimant's Recognized Claim amount, expressed in  
8 dollars, that approximates its losses based on the alleged artificial inflation in SanDisk common  
9 stock at the time that it was acquired and/or disposed of. Settlement proceeds will then be  
10 distributed *pro rata* among those Claimants who submit a valid claim, according to the relative  
11 size of their Recognized Claims.

12 116. After the initial distribution to Authorized Claimants, Epiq will make repeated  
13 distributions to them on the same *pro rata* basis from the Net Settlement Fund, after payment of  
14 outstanding Notice and Administration Expenses, Taxes, and attorneys' fees and expenses, as long  
15 as it is economically feasible to do so. Any balance that still remains in the Net Settlement Fund  
16 after such distributions, which is not feasible or economical to reallocate, will be contributed, in  
17 equal amount, to the Consumer Federation of America and Council of Institutional Investors, or  
18 any other such non-profit organization as the Court may designate. Plaintiffs' Counsel have no  
19 relationships with either of these organizations.

20 117. To date, there have been no objections filed to the Plan of Allocation, and Class  
21 Representatives and Class Counsel respectfully submit that the Plan of Allocation is fair and  
22 reasonable and should be approved.

### 23 **VIII. CLASS COUNSEL'S FEE AND EXPENSE APPLICATION IS REASONABLE**

24 118. In addition to seeking final approval of the Settlement and Plan of Allocation, Class  
25 Counsel is making an application for a fee award of 25% of the Settlement Fund, which will  
26 include accrued interest, on behalf of all Plaintiffs' Counsel that contributed to the prosecution of  
27  
28

1 this Action.<sup>7</sup> This request is less than the noticed amount and fully supported by Class  
 2 Representatives, all of which are sophisticated institutional investors. *See* Exs. 1-5. Class Counsel  
 3 respectfully request that 10% of this amount be withheld pending distribution of the Settlement  
 4 Fund. Moreover, although the time to file objections to the Fee and Expense Application has not  
 5 yet passed, to date, no objections have been received.

6 119. As explained in the accompanying Fee and Expense Application, the Ninth Circuit  
 7 has established 25% of a common fund as a “benchmark” award for attorneys’ fees, but this Court  
 8 must determine whether a fee award at, above, or below the benchmark is reasonable under the  
 9 circumstances. The factors that courts use in assessing whether a fee request is reasonable are set  
 10 forth in the Fee and Expense Application, which also explains why the request here satisfies them.  
 11 This declaration provides further discussion of those factors and support for that request.

12 **A. The Result Achieved**

13 120. As explained above, the \$50 million cash Settlement obtained for the Class is an  
 14 outstanding result whether measured against the Class’ maximum recoverable damages in this  
 15 Action or recoveries generally obtained in securities class action litigation.

16 **B. The Risks of the Litigation**

17 121. Although Class Representatives consistently maintained that the evidence adduced  
 18 in discovery supported Class Representatives’ claims of securities fraud, as described herein, Class  
 19 Representatives faced substantial challenges in proving their claims. The specific risks Class  
 20 Representatives faced in proving their claims, along with the risks of proceeding to trial, are  
 21 detailed in §V above. These case-specific risks are in addition to the more typical risks  
 22 accompanying securities class action litigation, such as the fact that this Action was undertaken on  
 23 a contingent-fee basis.

24 122. More generally, Plaintiffs’ Counsel, who worked on a contingent basis, bore the  
 25 risk that no recovery would be achieved. From the outset, Plaintiffs’ Counsel understood that they

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26  
 27 <sup>7</sup> “Plaintiffs’ Counsel” refers to Class Counsel, Labaton Sucharow, and Cohen Milstein, as  
 28 well as additional counsel that assisted certain Class Representatives (Thornton Law Firm and The  
 Corrente Law Corporation). *See* ECF No. 274-1 ¶1(x).

1 were embarking on a complex, expensive, risky, and lengthy litigation with no guarantee of ever  
2 being compensated for the substantial investment of time and money the case would require.

3 123. This risk was particularly strong here. There were no criminal indictments or a  
4 restatement of earnings – factors that would have aided Class Representatives’ prosecution of this  
5 Action and that are typically associated with larger recoveries, such as that achieved here.

6 124. Plaintiffs’ Counsel’s persistent effort in the face of substantial risks and  
7 uncertainties is what resulted in a favorable recovery for the Class and supports the requested fee.

### 8 **C. The Skill Required and Quality of the Work**

9 125. As described in their individual declarations in support of the Fee and Expense  
10 Application, Plaintiffs’ Counsel have extensive and significant experience in the highly specialized  
11 field of securities class action litigation. *See* Exs. 7-9. This experience was evident in the diligent  
12 and difficult work undertaken by Plaintiffs’ Counsel in prosecuting this Action and arriving at the  
13 Settlement in the face of Defendants’ vigorous opposition and serious hurdles to success, as  
14 described herein. As described more fully above, this Action was prosecuted for over three years  
15 and settled just three months before trial was scheduled to begin, and only after Plaintiffs’ Counsel  
16 overcame multiple legal challenges, completed merits and expert discovery, and responded to  
17 Defendants’ *Daubert* and summary judgment motions.

18 126. The quality of work performed by Plaintiffs’ Counsel in attaining the Settlement  
19 should also be evaluated in light of the quality of the opposition. Defendants are represented by  
20 Wilson, Sonsini, Goodrich & Rosati Professional Corporation, who vigorously represented the  
21 interests of their clients. In the face of this experienced and well-financed opposition, Plaintiffs’  
22 Counsel was nevertheless able to achieve an outstanding Settlement for the Class.

### 23 **D. Awards Made in Similar Cases**

24 127. Plaintiffs’ Counsel’s request for a fee at the Ninth Circuit’s 25% benchmark in this  
25 case would be consistent with awards in similar cases in this and other circuits. *See, e.g., In re*  
26 *Amgen Inc. Sec. Litig.*, No. CV 7-2536 PSG (PLAx), 2016 WL 10571773, at \*9-10 (C.D. Cal. Oct.  
27 25, 2016) (awarding 25% of \$95 million settlement, plus expenses); *In re MGM Mirage Sec. Litig.*,

28

1 No. 2:09-cv-01558-GMN-VCF, slip op. at 1 (D. Nev. Mar. 1, 2016), *aff'd*, 705 F. App'x 894 (9th  
 2 Cir. 2017) (awarding 25% of \$75 million settlement, plus expenses);<sup>8</sup> *In re Hewlett-Packard Co.*  
 3 *Sec. Litig.*, No. 8:11-cv-01404-AG-RNBx, slip op. at 2-3 (C.D. Cal. Sept. 15, 2014) (awarding  
 4 25% fee of \$57 million settlement); *In re Titan, Inc. Sec. Litig.*, No. 3:04-cv-00676-LAB-NLS,  
 5 slip op. at 3 (S.D. Cal. Dec. 20, 2005) (awarding 25% of \$61.5 million settlement); *In re Verisign,*  
 6 *Inc. Sec. Litig.*, No. 5:02-cv-02270-JW, slip op. at 1 (N.D. Cal. Apr. 24, 2007) (awarding 25% of  
 7 \$78 million settlement); *see also In re NII Holdings, Inc. Sec. Litig.*, No. 1:14-cv-00227-LMB-  
 8 JFA, slip op. at 2 (E.D. Va. Sept. 16, 2016) (awarding 25% fee of \$41.5 million settlement);  
 9 *Billitteri v. Sec. Am., Inc.*, No. 3:09-cv-01568-F, 2011 WL 3585983, at \*4, 9 (N.D. Tex. Aug. 4,  
 10 2011) (awarding 25% of an \$80 million settlement).

11 **E. The Contingent Nature of the Fee and Financial Burden Carried by Counsel**

12 128. The Supreme Court has recognized that meritorious private actions to enforce  
 13 federal antifraud securities laws are an essential supplement to criminal prosecutions and civil  
 14 enforcement actions. *See Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 319 (2007);  
 15 *Bateman Eichler, Hill Richards, Inc. v. Berner*, 472 U.S. 299, 310 (1985). If this important public  
 16 policy is to be carried out, it is important that plaintiffs' counsel be adequately compensated, taking  
 17 into account the risks undertaken in prosecuting a securities class action. It takes hard work and  
 18 diligence by skilled counsel to develop the facts and theories that are needed to sustain a complaint,  
 19 win at trial, or convince sophisticated defendants to engage in serious settlement negotiations at  
 20 meaningful levels.

21 129. It is well-settled that attorneys are entitled to a larger fee when their compensation  
 22 is contingent in nature. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-50 (9th Cir. 2002);  
 23 *In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1047 (N.D. Cal. 2008) ("The importance of  
 24 assuring adequate representation for plaintiffs who could not otherwise afford competent attorneys  
 25 justifies providing those attorneys who do accept matters on a contingent-fee basis a larger fee  
 26 than if they were billing by the hour or on a flat fee."). Even with the most vigorous and competent  
 27

28 <sup>8</sup> A compendium of unreported slip opinions is submitted as Ex. 10.

1 efforts, success in contingent-fee litigation, such as this, is never assured. *See, e.g., Hubbard v.*  
2 *BankAtl. Bancorp, Inc.*, 688 F.3d 713, 730 (11th Cir. 2012) (affirming judgment as a matter of law  
3 that on basis of loss causation, overturned jury verdict in plaintiffs' favor); *Robbins v. Koger*  
4 *Props., Inc.*, 116 F.3d 1441, 1449 (11th Cir. 1997) (reversing \$81 million jury verdict and  
5 dismissing case with prejudice in securities action). In addition, even when successful, the road  
6 to recovery can be long. *See, e.g., In re Apollo Grp., Inc. Sec. Litig.*, No. CV 04-2147-PHX-JAT,  
7 2008 WL 3072731 (D. Ariz. Aug. 4, 2008), *rev'd*, No. 08-16971, 2010 WL 5927988 (9th Cir. Jun.  
8 23, 2010), *cert. denied*, *Apollo Grp., Inc. v. Policemen's Annuity & Benefit Fund of Chi.*, 562 U.S.  
9 1270 (2011) (trial court overturned unanimous jury verdict for plaintiffs, verdict later reinstated  
10 by the Ninth Circuit, and judgment finally re-entered only after denial of *certiorari* by U.S.  
11 Supreme Court).

12 130. Attached hereto are declarations from Plaintiffs' Counsel in support of Class  
13 Counsel's Fee and Expense Application. *See* Exs. 7-9.

14 131. Included with these declarations are schedules that summarize the number of hours  
15 worked by each attorney and professional support staff employed by the firms and the value of  
16 that time at current hourly rates, *i.e.*, the "lodestar" of the respective firms, as well as the expenses  
17 incurred by category. As set forth in each declaration, these schedules were prepared from  
18 contemporaneous daily time records regularly prepared and maintained by the respective firms.  
19 Before submitting these time schedules, all entries were carefully reviewed. Under Class Counsel's  
20 direction, the work undertaken by the attorneys was closely supervised and allocated with a focus  
21 on efficiency and the avoidance of duplication.

22 132. The hourly rates of Plaintiffs' Counsel here range from \$600 to \$1,050 for  
23 partners/members, \$675 to \$940 for of counsel, and \$285 to \$625 for other attorneys. It is  
24 respectfully submitted that the hourly rates for attorneys and professional support staff included in  
25 these schedules are reasonable and customary. Exhibit 11 conveys a table of rates for defense  
26 firms compiled by Plaintiffs' Counsel from fee applications submitted by such firms in bankruptcy  
27  
28

1 proceedings nationwide in 2018. The analysis shows that across all types of attorneys, Plaintiffs’  
2 Counsel’s rates here are consistent with, or lower than, the firms surveyed.

3 133. Plaintiffs’ Counsel have collectively expended more than 28,969.8 hours in the  
4 prosecution and investigation of this Action. The resulting collective lodestar is \$15,950,944.50.

5 134. Pursuant to a lodestar “cross-check,” the represented fee of 25% of the \$50 million  
6 Settlement Fund results in a negative “multiplier” of approximately 0.78 (or 78%) on Plaintiffs’  
7 Counsel’s lodestar, which does not include any time from August 16, 2019, forward that has been,  
8 and will necessarily be, spent administering the Settlement.

9 135. That Plaintiffs’ Counsel incurred this lodestar while bringing this Action to within  
10 months of trial and resolving it with a substantial recovery, but are seeking less than their lodestar  
11 as a fee, further supports the request.

12 **IX. CLASS COUNSEL’S REQUEST FOR REIMBURSEMENT OF NECESSARY**  
13 **LITIGATION EXPENSES SHOULD BE APPROVED**

14 136. Class Counsel, on behalf of Plaintiffs’ Counsel, also requests payment of expenses  
15 incurred in connection with the prosecution of this Action from the Settlement Fund in the amount  
16 of \$885,149.36, plus accrued interest. This amount is below the \$1,000,000 maximum expense  
17 amount that the Class was advised could be requested.

18 137. From the beginning of this Action, Plaintiffs’ Counsel were aware that they might  
19 not recover any of their expenses and, at the very least, would not recover anything until this Action  
20 was successfully resolved. Thus, Plaintiffs’ Counsel were motivated to take steps to minimize  
21 expenses whenever practicable without jeopardizing the vigorous and efficient prosecution of this  
22 Action. Class Counsel maintained strict control over the litigation expenses, many of which were  
23 paid out of a litigation fund established and controlled by Scott+Scott.

24 138. As set forth in their declarations, Plaintiffs’ Counsel have incurred a total of  
25 \$885,149.36 in litigation expenses in connection with the prosecution of the Action. *See* Exs. 7-  
26 9. As attested to, these expenses are reflected in the books and records of each firm.

27 139. Of the total amount of expenses, \$371,627.91, or approximately 42%, was  
28 expended on experts and consultants, predominantly Coffman, who offered opinions concerning

1 the efficiency of the market for SanDisk common stock, as well as materiality, causation, and  
2 damages. Coffman also assisted Class Counsel in developing the Plan of Allocation. His work  
3 was essential to the overall prosecution of the Action. The cost of jury consultants was an  
4 additional \$32,875, or 3.7%, of total expenses.

5 140. A vast amount of fact discovery was taken in the case, in addition to expert  
6 discovery. Class Counsel seeks \$199,785.19 (approximately 23% of total expenses) relating to  
7 litigation support services, such as the costs associated with electronic discovery. Expenses  
8 totaling \$65,655.77 (nearly 7% of total expenses) were incurred in connection with court reporting  
9 and the 13 depositions (fact and expert) taken in this Action. Mediation fees were an additional  
10 \$46,733.60 (5.2% of total expenses).

11 141. Another large component of the expenses, \$98,712.80 (approximately 11% of  
12 aggregate expenses), is related to travel. Class Counsel made numerous trips to Northern  
13 California for Court appearances and to depose the Individual Defendants and other former  
14 employee of SanDisk and seek payment for the cost of this travel.

15 142. The other expenses for which Plaintiffs' Counsel seek payment are the types of  
16 expenses that are necessarily incurred in litigation and routinely charged to clients billed by the  
17 hour. The expenses include court fees, online legal and factual research, court reporting fees, and  
18 costs related to document production.

19 143. All of these expenses are typical in litigation and were necessary to the successful  
20 prosecution and resolution of the claims against Defendants.

21 **X. REIMBURSEMENT OF CLASS REPRESENTATIVES' EXPENSES IS FAIR AND**  
22 **REASONABLE**

23 144. Additionally, in accordance with 15 U.S.C. §78u-4(a)(4), Class Representatives  
24 Bristol, Milford, Pavers and Road Builders Benefit Funds, the NNERF, and Massachusetts  
25 Laborers seek reimbursement of their reasonable costs and expenses, including lost wages,  
26 incurred in connection with their work representing the Class. The aggregate amount of their  
27 reimbursement request is \$31,049.44.  
28



1           145. The time devoted to this Action by Class Representatives is detailed in their  
2 accompanying declarations. *See* Exs. 1-5. They will each be reimbursed the specific expense that  
3 they incurred as set forth therein subject to the Court’s approval.

4           146. Class Counsel respectfully submit that the amounts requested by Class  
5 Representatives are consistent with Congress’ intent, as expressed in the PSLRA, of encouraging  
6 institutional investors to take an active role in commencing and supervising private securities  
7 litigation.

8           147. Class Representatives have been committed to pursuing the Class’ claims since they  
9 became involved in this Action. They have actively and effectively fulfilled their obligations as  
10 representatives of the Class, complying with all of the demands placed upon them during the  
11 litigation and settlement of this Action, and providing valuable assistance to Counsel. Among  
12 other things, they sat for depositions and were involved in discovery efforts, including the  
13 production of documents, reviewed filings and overs, regularly communicated with counsel, and  
14 assessed the proposed Settlement. These efforts required Class Representatives to dedicate time  
15 and resources to this Action that they would have otherwise devoted to their regular meeting.

16           148. The efforts expended by the Class Representatives during the course of this Action  
17 are precisely the types of activities courts have found to support reimbursement under the PSLRA,  
18 and the amounts of reimbursement they are seeking is fair and reasonable.

19 **XI. THE REACTION OF THE CLASS TO DATE SUPPORTS THE FEE AND**  
20 **EXPENSE APPLICATION**

21           149. As mentioned above, the Notice disseminated to potential Class Members and  
22 nominees, and posted on the Settlement Website, advised potential Class Members that Class  
23 Counsel would seek: an award of attorneys’ fees that would not exceed 28% of the Settlement  
24 Fund; and payment of expenses in an amount not to exceed \$1,000,000. While the deadline set by  
25 the Court for Class Members to object to the Fee and Expense Application has not yet passed, to  
26 date, no objections have been received.

1 **XII. CONCLUSION**

2 150. For the reasons set forth above, and in the accompanying memoranda, in particular  
3 the significant recovery to the Class and substantial risks of continued litigation, Class  
4 Representatives and Class Counsel respectfully submit that the Settlement and Plan of Allocation  
5 should be approved as fair and reasonable. Likewise, in view of the significant recovery in the  
6 face of substantial risks, quality of work performed, contingent nature of the fee, and standing and  
7 experience of all Plaintiffs' Counsel, Class Counsel respectfully request that the Fee and Expense  
8 Application be approved in full.

9 I declare under penalty of perjury that the foregoing facts are true and correct. Executed  
10 on August 22, 2019, in New York, New York.

11 /s/ Deborah Clark-Weintraub  
12 Deborah Clark-Weintraub

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

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

Executed on August 22, 2019, at New York, New York

/s/ Max R. Schwartz  
MAX R. SCHWARTZ (*pro hac vice*)  
**SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
The Helmsley Building  
230 Park Avenue, 17th Floor  
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*Attorney for Class Representatives and the Class*

# **EXHIBIT 1**

1 DEBORAH CLARK-WEINTRAUB (*pro hac vice*)  
 MAX R. SCHWARTZ (*pro hac vice*)  
 2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
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6 *Attorneys for Class Representatives and the Class*

7  
 8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 9 **SAN FRANCISCO DIVISION**

10 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

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 13 **DECLARATION OF DIANE WALDRON**  
**ON BEHALF OF CITY OF BRISTOL**  
**PENSION FUND IN SUPPORT OF**  
 14 **MOTIONS FOR: (1) FINAL APPROVAL**  
**OF CLASS ACTION SETTLEMENT;**  
 15 **AND (2) ATTORNEYS' FEES AND**  
 16 **PAYMENT OF LITIGATION**  
 17 **EXPENSES**

1 I, Diane Waldron, pursuant to 28 U.S.C. §1746, declare as follows:

2 1. I am the Comptroller of the City of Bristol (CT) and a member of the Retirement  
3 Board of the City of Bristol Pension Fund (“Bristol”), one of the Court-appointed Lead Plaintiffs  
4 and Class Representatives in this Action.<sup>1</sup> Bristol is a pension and retirement fund on behalf of  
5 city employees and their beneficiaries. Bristol is located at 111 North Main Street, Bristol,  
6 Connecticut 06010, and managed by a Board. As of August 2019, Bristol was valued at  
7 approximately \$650 million and is managed on behalf of more than 1800 participants.

8 2. I respectfully submit this declaration in support of: (a) approval of the proposed  
9 Settlement and Plan of Allocation; and (b) Class Counsel’s Fee and Expense Application, which  
10 includes Bristol’s application for reimbursement of costs and expenses pursuant to the Private  
11 Securities Litigation Reform Act of 1995 (“PSLRA”).

12 3. I have personal knowledge of the matters related to Bristol’s application and of the  
13 other matters set forth in this declaration, as I, or others working under my direction, have been  
14 directly involved in monitoring and overseeing the prosecution of this Action, and I could and  
15 would testify competently thereto.

16 **Work Performed by Bristol on Behalf of the Class**

17 4. As one of the Court-appointed Lead Plaintiffs and Class Representatives in this  
18 Action, Bristol understands its obligations under Rule 23 of the Federal Rules of Civil Procedure  
19 and the PSLRA to monitor and oversee the conduct of this Action for the benefit of Class  
20 Members.

21 5. In order to satisfy these fiduciary obligations, I, and others at Bristol, have: (i)  
22 regularly communicated with Class Counsel concerning the status of the litigation; (ii) reviewed  
23 pleadings and filings; (iii) participated in discovery by responding to requests for production,  
24 producing documents, and sitting for a Rule 30(b)(6) deposition; and (iv) evaluated and approved  
25 the proposed Settlement subject to the Court’s approval, among other aspects of the litigation.

26  
27 <sup>1</sup> Unless otherwise defined, all capitalized terms herein shall have the same meanings as those set forth in the  
28 accompanying motion papers.

**Bristol Supports Approval of the Settlement**

6. Based on its involvement throughout the prosecution and resolution of this Action, Bristol believes that the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Class, particularly in light of the substantial recovery and the substantial risks of continuing to litigate this Action. Accordingly, Bristol supports approval of the Settlement by the Court.

**Bristol Supports Class Counsel's Fee and Expense Application**

7. While the determination of the appropriate fee and expense award to Class Counsel is committed to the sound discretion of this Court, based on its knowledge of the substantial work performed and risk undertaken, Bristol believes that Class Counsel's request for an award of attorneys' fees in the amount of 25% of the Settlement Fund is fair and reasonable in light of the favorable recovery obtained for the Class. Significantly, this amount represents a "negative" multiplier on Class Counsel's lodestar even before consideration of the additional time Class Counsel will have to expend in the future administering the Settlement. Bristol further believes that the litigation expenses requested are reasonable and were necessary for the successful prosecution and resolution of this Action. Accordingly, Bristol fully supports Class Counsel's Fee and Expense Application.

8. Bristol understands that reimbursement of a lead plaintiff's reasonable costs and expenses, including lost wages, is authorized under the PSLRA, 15 U.S.C. §78u-4(a)(4), and, therefore, seeks reimbursement in the amount of \$7,300, which represents the cost of the 52 hours that Bristol spent on the conduct of this Action, as follows:<sup>2</sup>

<b>Personnel</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
Diane Waldron	41	\$150	\$6,150
Thomas Conlin	4	\$150	\$600
Scott Smith	2	\$150	\$300
Jodi McGrane	5	\$50	\$250

<sup>2</sup> The hourly rates used for purposes of this request are based on the annual compensation of the respective personnel who worked on this Action.

9. In addition to myself, the other Bristol personnel who performed work on this Action, as reflected in the foregoing chart, included: Thomas Conlin, the City of Bristol's Assistant Corporation Counsel; Scott Smith, the City of Bristol's Chief Information Officer; and Jodi McGrane, the City of Bristol's Assistant to the Comptroller.

10. The time that these individuals devoted to the representation of the Class in this Action was time that they otherwise would have spent on other work for Bristol and, thus, represents a cost to Bristol.

**Conclusion**

11. In conclusion, Bristol supports the proposed Settlement as fair, reasonable, and adequate, and believes it represents a favorable recovery for the Class in light of the significant risks of continued litigation. Bristol further supports Class Counsel's Fee and Expense Application and believes that it represents fair and reasonable compensation for counsel in light of the extensive work performed, recovery obtained for the Class, and attendant litigation risks. Accordingly, Bristol respectfully requests that the Court approve the motion for final approval of the proposed Settlement and Class Counsel's Fee and Expense Application, including Bristol's request for reimbursement of \$7,300 for its reasonable costs and expenses incurred in prosecuting this Action on behalf of the Class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of August, 2019, at Bristol, Connecticut.

  
 Diane Waldron



## **EXHIBIT 2**

1 DEBORAH CLARK-WEINTRAUB (*pro hac vice*)  
MAX R. SCHWARTZ (*pro hac vice*)  
2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
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mschwartz@scott-scott.com

6  
7 JOHN T. JASNOCH (Bar No. 281605)  
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10 *Attorneys for Class Representatives and the Class*

11  
12 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

14 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

16  
17 **DECLARATION OF GREGORY**  
**KIMMEL ON BEHALF OF CITY OF**  
18 **MILFORD, CONNECTICUT PENSION**  
**& RETIREMENT BOARD IN SUPPORT**  
19 **OF MOTIONS FOR: (1) FINAL**  
**APPROVAL OF CLASS ACTION**  
20 **SETTLEMENT; AND (2) ATTORNEYS'**  
**FEES AND PAYMENT OF LITIGATION**  
21 **EXPENSES**

1 I, Gregory Kimmel, pursuant to 28 U.S.C. §1746, declare as follows:

2 1. I am the Chairman of the City of Milford, Connecticut Pension & Retirement  
3 Board (“Milford”), one of the Court-appointed Lead Plaintiffs and Class Representatives in this  
4 Action.<sup>1</sup> Milford is a pension and retirement fund on behalf of city employees and their  
5 beneficiaries. Milford is located at 70 W. River Street, Milford, Connecticut 06460, and  
6 managed by a Board. As of August 2019, Milford was valued at \$350,876,900 and is managed  
7 on behalf of more than 790 participants.

8 2. I respectfully submit this declaration in support of: (a) approval of the proposed  
9 Settlement and Plan of Allocation; and (b) Class Counsel’s Fee and Expense Application.

10 3. I have personal knowledge of the matters related to Milford’s application and of  
11 the other matters set forth in this declaration, as I, or others working under my direction, have  
12 been directly involved in monitoring and overseeing the prosecution of this Action, and I could  
13 and would testify competently thereto.

14 **Work Performed by Milford on Behalf of the Class**

15 4. As one of the Court-appointed Lead Plaintiffs and Class Representatives in this  
16 Action, Milford understands its obligations under Rule 23 of the Federal Rules of Civil  
17 Procedure and the PSLRA to monitor and oversee the conduct of this Action for the benefit of  
18 Class Members.

19 5. In order to satisfy these fiduciary obligations, I, and others at Milford, have:  
20 (i) regularly communicated with Class Counsel concerning the status of the litigation; (ii)  
21 reviewed pleadings and filings; (iii) participated in discovery by responding to requests for  
22 production, producing documents, and sitting for a Rule 30(b)(6) deposition; and (iv) evaluated  
23 and approved the proposed Settlement subject to the Court’s approval, among other aspects of  
24 the litigation.

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27 <sup>1</sup> Unless otherwise defined, all capitalized terms herein shall have the same meanings as those set forth in  
28 the accompanying motion papers.

1           6.       Most of the work that Milford performed in carrying out those obligations was  
2 undertaken by Christopher Cody, who served as Milford’s Chairman at the inception of this  
3 Action and during much of its pendency, and I performed work as well upon becoming  
4 Chairman. Both Mr. Cody and myself are full-time attorneys by profession, and serving as  
5 Milford’s Chairman is not a salaried position, as such Milford is not seeking reimbursement for  
6 the time that we devoted to this Action.

7   **Milford Supports Approval of the Settlement**

8           7.       Based on its involvement throughout the prosecution and resolution of this  
9 Action, Milford believes that the proposed Settlement is fair, reasonable, and adequate and in  
10 the best interests of the Class, particularly in light of the substantial recovery and the substantial  
11 risks of continuing to litigate this Action. Accordingly, Milford supports approval of the  
12 Settlement by the Court.

13   **Milford Supports Class Counsel’s Fee and Expense Application**

14           8.       While the determination of the appropriate fee and expense award to Class  
15 Counsel is committed to the sound discretion of this Court, based on its knowledge of the  
16 substantial work performed and risk undertaken, Milford believes that Class Counsel’s request  
17 for an award of attorneys’ fees in the amount of 25% of the Settlement Fund is fair and  
18 reasonable in light of the favorable recovery obtained for the Class. Significantly, this amount  
19 represents a “negative” multiplier on Class Counsel’s lodestar even before consideration of the  
20 additional time Class Counsel will have to expend in the future administering the Settlement.  
21 Milford further believes that the litigation expenses requested are reasonable and were  
22 necessary for the successful prosecution and resolution of this Action. Accordingly, Milford  
23 fully supports Class Counsel’s Fee and Expense Application.

24   **Conclusion**

25           9.       In conclusion, Milford supports the proposed Settlement as fair, reasonable, and  
26 adequate, and believes it represents a favorable recovery for the Class in light of the significant  
27 risks of continued litigation. Milford further supports Class Counsel’s Fee and Expense

1 Application and believes that it represents fair and reasonable compensation for counsel in light  
2 of the extensive work performed, recovery obtained for the Class, and attendant litigation risks.  
3 Accordingly, Milford respectfully requests that the Court approve the motion for final approval  
4 of the proposed Settlement and Class Counsel's Fee and Expense Application.

5 I declare under penalty of perjury under the laws of the United States of America that  
6 the foregoing is true and correct to the best of my knowledge.

7 Executed this 22 day of August, 2019, at Milford, Connecticut.

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9 Gregory Kimmel

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## **EXHIBIT 3**

1 DEBORAH CLARK-WEINTRAUB (*pro hac vice*)  
MAX R. SCHWARTZ (*pro hac vice*)  
2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
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mschwartz@scott-scott.com

6 *Attorneys for Class Representatives and the Class*

7  
8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**

10 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

11  
12 **DECLARATION OF JOSEPH**  
**MONTELLE ON BEHALF OF THE**  
13 **PAVERS AND ROAD BUILDERS**  
**PENSION, ANNUITY AND WELFARE**  
14 **FUNDS IN SUPPORT OF MOTION FOR**  
**FINAL APPROVAL OF CLASS ACTION**  
15 **SETTLEMENT AND MOTION FOR**  
**ATTORNEYS' FEES AND PAYMENT OF**  
16 **LITIGATION EXPENSES**  
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1 I, Joseph Montelle, declare as follows:

2 1. I am the Funds Administrator for the Pavers and Road Builders Pension, Annuity  
3 and Welfare Funds (“Pavers” or the “Pavers Funds”), a Court-appointed Lead Plaintiff and Class  
4 Representative in this action.<sup>1</sup> The Pavers Funds are jointly-trusted Taft-Hartley benefit funds.  
5 The Funds are headquartered in Whitestone, New York. Each is managed by a board of Trustees.  
6 As of June 30, 2019, the Funds managed assets valued at over \$700 million on behalf of more than  
7 5,000 participants and beneficiaries.

8  
9 2. I have worked for the Pavers Funds for approximately 22 years. I have served as  
10 the Funds Administrator for over a decade. As Funds Administrator, I oversee the day-to-day  
11 operations of the Funds, which includes interacting with Fund participants both in person and via  
12 phone, corresponding with vendors and providers, liaising with the Funds’ trustees and supervising  
13 the Funds’ Third-Party Administrator and its staff.

14  
15 3. I respectfully submit this declaration in support of (a) approval of the proposed  
16 class action settlement and plan of allocation and (b) Class Counsel’s motion for an award of  
17 attorneys’ fees and litigation expenses, which includes the Pavers Funds’ application for  
18 reimbursement of costs and expenses pursuant to the Private Securities Litigation Reform Act of  
19 1995 (“PSLRA”).

20  
21 4. I have personal knowledge of the matters related to the Pavers Funds’ application  
22 and of the other matters set forth in this declaration, as I have been directly involved in monitoring  
23 and overseeing the prosecution of the action, and I could and would testify competently thereto.

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<sup>1</sup> All capitalized terms used herein, unless otherwise defined, have the same meanings as set forth in the accompanying motion papers.



1 **Work Performed by the Pavers Funds on Behalf of the Class**

2 5. As a Court-appointed Lead Plaintiff and Class Representative in this action, the  
3 Pavers Funds understand their obligations under Rule 23 of the Federal Rules of Civil Procedure  
4 and the PSLRA to monitor and oversee the conduct of this action for the benefit of Class Members.

5 6. In order to satisfy these fiduciary obligations, I actively monitored the case and  
6 communicated regularly with counsel in order to ensure that the case was litigated efficiently and  
7 effectively. In particular, I (i) spoke by phone with Chris Lometti of Cohen Milstein and/or  
8 exchanged emails with him on at least a monthly basis and at times much more frequently in order  
9 to keep abreast of developments in the case and discuss discovery and other litigation issues; (ii)  
10 reviewed pleadings and motion papers; (iii) actively participated in discovery by responding to  
11 requests for production, gathering and producing documents, and preparing and sitting for a Rule  
12 30(b)(6) deposition; and (iv) evaluated and approved the proposed Settlement subject to the  
13 Court's approval.  
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16 **The Pavers Funds Support Approval of the Settlement**

17 7. Based on their active involvement throughout the prosecution and resolution of the  
18 Action, the Pavers Funds believe that the proposed Settlement is fair, reasonable, and adequate  
19 and in the best interests of the Class, particularly in light of the substantial recovery and the  
20 substantial risks of continuing to litigate the action. Accordingly, the Funds fully support approval  
21 of the Settlement by the Court.  
22

23 **The Pavers Funds Support Class Counsel's Motion for an Award of Attorneys' Fees and  
Payment of Litigation Expenses**

24 8. While the determination of the appropriate fee and expense award to Class Counsel  
25 is committed to the sound discretion of this Court, based on their knowledge of the substantial  
26 work performed and risks undertaken, the Pavers Funds believe that Class Counsel's request for  
27 an award of attorneys' fees in the amount of 25% of the Settlement Fund is fair and reasonable in  
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1 light of the favorable recovery obtained for the Class. Significantly, it is my understanding that  
 2 this amount represents a “negative” multiplier on Class Counsel’s lodestar even before  
 3 consideration of the additional time Class Counsel will have to expend in the future administering  
 4 the Settlement. The Funds further believe that the litigation expenses requested are reasonable and  
 5 were necessary for the successful prosecution and resolution of the action. Accordingly, the Pavers  
 6 Funds fully support Class Counsel’s motion for attorneys’ fees and payment of litigation expenses.

8 9. The Pavers Funds also understand that reimbursement of a lead plaintiff’s  
 9 reasonable costs and expenses, including lost wages, is authorized under the PSLRA, 15 U.S.C. §  
 10 78u-4(a)(4) and, therefore, seeks reimbursement in the amount of \$7,717.50, which represents the  
 11 cost of the approximately 52 hours that the Funds spent on the conduct of the action as follows as  
 12 well as the cost of the approximately 18.1 hours that the Funds’ outside counsel, Gorlick Kravitz  
 13 & Listhaus, PC spent assisting the Funds in connection therewith:

Personnel	Hours	Rate	Total
J. Montelle	52	\$73/hr <sup>2</sup>	\$3,796
A. Gorlick	1.3/6.8	\$225/\$275 <sup>3</sup>	\$2,162.50
S. Van Dyke	2.0/3.1	\$200/\$225 <sup>3</sup>	\$1,097.50
J. Sobel	4.9	\$135	\$661.50

18 10. The time that I devoted to the representation of the Class in this action was time  
 19 that I otherwise would have spent on other work for the Pavers Funds and, thus in that regard,  
 20 represents a cost to the Funds. The time that Fund Counsel devoted assisting me in connection  
 21 therewith was previously billed to the Funds at their regular hourly rates and paid.  
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 27 <sup>2</sup> This represents my annual compensation from the Funds in my capacity of Funds  
 Administrator reduced to an hourly rate. The rate assumes a 40-hour work week; however, actual  
 hours in any given week may be higher or lower.

28 <sup>3</sup> The hourly rate charged to the Funds increased effective January 1, 2017. For Gorlick and  
 Van Dyke, the number of hours expended at each rate is indicated.

1 **Conclusion**

2 11. In conclusion, the Pavers Funds support the proposed Settlement as fair, reasonable,  
3 and adequate, and the Funds believe that the Settlement represents a favorable recovery for the  
4 Class in light of the significant risks of continued litigation. The Pavers Funds further support  
5 Class Counsel's attorneys' fee and litigation expense request and believe that it represents fair and  
6 reasonable compensation for counsel in light of the extensive work performed, the recovery  
7 obtained for the Class, and the attendant litigation risks. Accordingly, the Pavers Funds  
8 respectfully request that the Court approve the motion for final approval of the proposed  
9 Settlement and the motion for an award of attorneys' fees and payment of litigation expenses,  
10 including the Funds' request for reimbursement of \$7,717.50 for their reasonable costs and  
11 expenses incurred in prosecuting the action on behalf of the Class.  
12

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

15 Executed this 21 day of AUGUST at Whitestone, New York.

16  
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19 Joseph Montelle  
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## **EXHIBIT 4**

1 DEBORAH CLARK-WEINTRAUB  
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6 *Attorneys for Lead Plaintiffs*

7  
8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**

10  
11 IN RE: SANDISK LLC SECURITIES  
12 LITIGATION

Case No. 3:15-CV-01455-VC

13 **DECLARATION OF FRANK S. JAMES**  
**ON BEHALF OF THE NEWPORT NEWS**  
**EMPLOYEES' RETIREMENT FUND IN**  
**SUPPORT OF MOTION FOR FINAL**  
**APPROVAL OF CLASS ACTION**  
**SETTLEMENT AND MOTION FOR**  
**ATTORNEYS' FEES AND PAYMENT**  
**OF LITIGATION EXPENSES**

1 I, Frank S. James, declare as follows:

2 1. I am Chairman of the Board the Newport News Employees' Retirement Fund (the  
3 "NNERF"), one of the Court-appointed Lead Plaintiffs and Class Representatives in the above-  
4 captioned securities class action (the "Action").<sup>1</sup> The NNERF is a defined benefit public  
5 employee retirement system established by the City of Newport News and administered by a  
6 Board of Trustees and the City of Newport News to provide pension benefits for employees and  
7 former employees of the local government, among others, including the non-professional  
8 employees of the Newport News School System.

9 2. I respectfully submit this declaration in support of (a) approval of the proposed  
10 class action settlement and plan of allocation and (b) Class Counsel's motion for an award of  
11 attorneys' fees and litigation expenses, which includes the NNERF's application for  
12 reimbursement of costs and expenses pursuant to the Private Securities Litigation Reform Act of  
13 1995 ("PSLRA").

14 3. I have personal knowledge of the matters related to the NNERF's application and  
15 of the other matters set forth in this declaration, as I, or others working with me, have been  
16 directly involved in monitoring and overseeing the prosecution of the Action, and I could and  
17 would testify competently thereto.

18 **Work Performed by the NNERF on Behalf of the Class**

19 4. The NNERF understands that the PSLRA was intended to encourage institutional  
20 investors with large losses to seek to manage and direct securities fraud class actions. The  
21 NNERF is a large, sophisticated institutional investor that committed itself to vigorously  
22 prosecuting this litigation, through trial if necessary. In seeking appointment as a lead plaintiff  
23 in the case, and later as a class representative, the NNERF understood its fiduciary duties to  
24 serve the interests of the class by participating in the management and prosecution of the case.

25 5. Since the NNERF's appointment as a Lead Plaintiff on February 22, 2016, I, or  
26 others working with me, have monitored and been engaged in all material aspects of the  
27

28 <sup>1</sup> All capitalized terms used herein, unless otherwise defined, have the same meanings as set forth in  
the Revised Stipulation and Agreement of Settlement (the "Stipulation"), dated as of May 20, 2019.

1 prosecution and resolution of this litigation. Among other things, we worked with counsel to  
2 gather documents and information relating to the Action, including responding to Defendants'  
3 document requests and interrogatories. We met with our attorneys on multiple occasions, and  
4 spoke with them on a regular basis, to discuss the status of the case and counsel's strategy for the  
5 prosecution, and eventual settlement, of the case. Susan M. Goodwin, the Director of Finance  
6 for the NNERF, was deposed by Defendants on January 16, 2018 in Newport News, Virginia.  
7 The NNERF also reviewed pleadings, motions, and other material documents filed throughout  
8 the case.

9 **NNERF Endorses Approval of the Settlement**

10 6. Based on its involvement throughout the prosecution and resolution of the Action,  
11 the NNERF believes that the proposed Settlement is fair, reasonable, and adequate and in the  
12 best interest of the Class. The NNERF believes that the proposed Settlement represents a very  
13 significant recovery for the Class, particularly in light of the substantial risks of continuing to  
14 litigate the Action, and it endorses approval of the Settlement by the Court.

15 **NNERF Supports Class Counsel's Motion for an Award of Attorneys'  
16 Fees and Payment of Litigation Expenses**

17 7. The NNERF also believes that Class Counsel's request for an award of attorneys'  
18 fees in the amount of 25% of the Settlement Fund is fair and reasonable. The NNERF has  
19 evaluated Class Counsel's fee request in light of the very substantial work performed, the risks  
20 and challenges in the litigation, as well as the recovery obtained for the Class. The NNERF  
21 understands that Class Counsel will also devote additional time in the future to administering the  
22 Settlement. The NNERF further believes that the litigation expenses requested are reasonable,  
23 and represent the costs and expenses that were necessary for the successful prosecution and  
24 resolution of this case. Based on the foregoing, and consistent with its obligation to obtain the  
25 best result at the most efficient cost on behalf of the Class, the NNERF fully supports Class  
26 Counsel's motion for attorneys' fees and payment of litigation expenses.

27 8. In addition, the NNERF understands that reimbursement of a lead plaintiff's  
28 reasonable costs and expenses, including lost wages, is authorized under the Private Securities

1 Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(4). Consequently, in connection with Class  
2 Counsel's request for payment of litigation expenses, the NNERF seeks reimbursement in the  
3 amount of \$7,474.44, which represents the cost of the 116 hours that the NNERF estimates it  
4 devoted to supervising and participating in the litigation.<sup>2</sup>

5 9. From the inception of the litigation, attorneys from the City Attorney's Office of  
6 the City of Newport News, Virginia were the primary points of contact between the NNERF and  
7 Labaton Sucharow. Richard Caplan was the Deputy City Attorney who was the primary point of  
8 contact from the inception of the lawsuit until approximately the spring of 2015, and Patrick C.  
9 Murphrey is the Assistant City Attorney who has served as the primary point of contact from  
10 June 2015 to the present. I, or others working with me, including Ms. Goodwin and Thomas  
11 Mitchell, the former Finance Director, consulted with counsel throughout the course of the  
12 litigation. I, or others working with me, also reviewed court filings, assisted with responses to  
13 discovery requests (including the production of documents, interrogatories, and a deposition),  
14 and participated in discussions about a potential negotiated resolution of the Action.

15 10. In total, I dedicated 3.5 hours to this Action on behalf of the NNERF. This was  
16 time that I did not spend conducting the usual business of Newport News or the NNERF. My  
17 effective hourly rate is \$92.41 per hour.<sup>3</sup> The total cost of my time is \$323.44.

18 11. In total, Mr. Murphrey dedicated at least 59 hours to this Action on behalf of the  
19 NNERF. This was time that he did not spend conducting the usual business of the NNERF. His  
20 effective hourly rate is \$51.24 per hour.<sup>4</sup> The total cost of his time is \$3,023.16.

21 12. In total, Ms. Goodwin dedicated at least 23.5 hours on behalf of the NNERF.  
22 This was time that she did not spend conducting the usual business of Newport News or the  
23 NNERF. Her effective hourly rate is \$90.44 per hour.<sup>5</sup> The total cost of her time is \$2,125.34.

24  
25  
26 <sup>2</sup> This figure is based on a reasonable estimate of the amount of time dedicated to the  
litigation by each individual listed herein.

27 <sup>3</sup> This hourly rate is based upon current salary, benefits, and related taxes.

28 <sup>4</sup> This hourly rate is based upon current salary, benefits, and related taxes.

<sup>5</sup> This hourly rate is based upon current salary, benefits, and related taxes.



1           13.     In total, Mr. Caplan dedicated at least 5 hours to this Action on behalf of the  
2 NNERF. This was time that he did not spend conducting the usual business of the NNERF. His  
3 effective hourly rate was \$83.01 per hour.<sup>6</sup> The total cost of his time is \$415.05.

4           14.     In total, Mr. Mitchell, dedicated at least 5 hours to this Action on behalf of the  
5 NNERF. This was time that he did not spend conducting the usual business of the NNERF. His  
6 effective hourly rate was \$85.41 per hour.<sup>7</sup> The total cost of his time is \$427.05.

7           15.     Additionally, Mark Jordan, helped respond to discovery requests and assisted in  
8 the NNERF's efforts to compile and provide responsive information and performed other  
9 necessary tasks at our direction. In total, Mark Jordan dedicated at least 20 hours to this Action  
10 on behalf of the NNERF.<sup>8</sup> This was time that he did not spend conducting the NNERF's usual  
11 business. Mr. Jordan's effective hourly rate is \$58.02 per hour.<sup>9</sup> The total cost of his time is  
12 \$1,160.40.

13 **Conclusion**

14           16.     In conclusion, the NNERF endorses the Settlement as fair, reasonable, and  
15 adequate, and believes it represents a favorable recovery for the Class in light of the significant  
16 risks of continued litigation. The NNERF further supports Class Counsel's attorneys' fee and  
17 litigation expense request and believes that it represents fair and reasonable compensation for  
18 counsel in light of the extensive work performed, the recovery obtained for the Class, and the  
19 attendant litigation risks. Finally, the NNERF requests reimbursement for its costs in the amount  
20 of \$7,474.44. Accordingly, the NNERF respectfully requests that the Court approve the motion  
21 for final approval of the proposed Settlement and the motion for an award of attorneys' fees and  
22 payment of litigation expenses.

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

25 \_\_\_\_\_  
26 <sup>6</sup> This hourly rate is based upon current salary, benefits, and related taxes.

27 <sup>7</sup> This hourly rate is based upon current salary, benefits, and related taxes.

28 <sup>8</sup> Mr. Jordan likely spent more than 20 hours, and so this is a conservative estimate of his time.

<sup>9</sup> This hourly rate is based upon current salary, benefits, and related taxes.

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Executed this 22 day of August 2019 at Newport News, Virginia.

  
FRANK S. JAMES

## **EXHIBIT 5**

1 DEBORAH CLARK-WEINTRAUB  
MAX R. SCHWARTZ  
2 SCOTT+SCOTT, ATTORNEYS AT LAW, LLP  
The Helmsley Building  
3 230 Park Avenue, 17th Floor  
New York, NY 10169  
4 Telephone: (212) 223-6444  
Facsimile: (212) 223-6334  
5 Email: mschwartz@scott-scott.com  
dweintraub@scott-scott.com

6 *Attorneys for Lead Plaintiffs*  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

10  
11 **IN RE: SANDISK LLC SECURITIES**  
12 **LITIGATION**  
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Case No. 3:15-CV-01455-VC

**DECLARATION ON BEHALF OF  
MASSACHUSETTS LABORERS'  
PENSION FUND IN SUPPORT OF  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
MOTION FOR ATTORNEYS' FEES  
AND PAYMENT OF LITIGATION  
EXPENSES**

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1 I, Louis Mandarini III, declare as follows:

2 1. I am the Plan Administrator for the Massachusetts Laborers' Pension Fund  
3 ("Massachusetts Laborers"), one of the Court-appointed Lead Plaintiffs and Class  
4 Representatives in the above-captioned securities class action (the "Action").<sup>1</sup> Massachusetts  
5 Laborers is a multiemployer, defined benefit pension fund, established for the benefit of workers  
6 in Massachusetts, Maine, New Hampshire, and Vermont. As of December 2018, Massachusetts  
7 Laborers managed assets of approximately \$1.5 billion on behalf of approximately 22,000  
8 participants and their beneficiaries.

10 2. I respectfully submit this declaration in support of (a) approval of the proposed  
11 class action settlement and plan of allocation and (b) Class Counsel's motion for an award of  
12 attorneys' fees and litigation expenses, which includes the Massachusetts Laborers' application  
13 for reimbursement of costs and expenses pursuant to the Private Securities Litigation Reform Act  
14 of 1995 ("PSLRA").

16 3. I have personal knowledge of the matters related to Massachusetts Laborers'  
17 application and of the other matters set forth in this declaration, as I, or others working with me,  
18 have been directly involved in monitoring and overseeing the prosecution of the Action, and I  
19 could and would testify competently thereto.

20 **Work Performed by Massachusetts Laborers on Behalf of the Class**

22 4. As one of the Court-appointed Lead Plaintiffs and Class Representatives in this  
23 Action, Massachusetts Laborers understands its obligations under Rule 23 of the Federal Rules  
24 of Civil Procedure and the PSLRA to monitor and oversee the conduct of this Action for the  
25 benefit of Class Members.

27  
28 <sup>1</sup> All capitalized terms used herein, unless otherwise defined, have the same meanings as set forth in  
the Revised Stipulation and Agreement of Settlement (the "Stipulation"), dated as of May 20, 2019.

1           5.       Since Massachusetts Laborers' appointment as a Lead Plaintiff on February 22,  
2 2016, I, and others working with me, have: (i) communicated with counsel concerning the status  
3 of the litigation; (ii) reviewed pleadings, motions, and other material documents filed throughout  
4 the case; (iii) participated in discovery by responding to requests for production, producing  
5 documents, and sitting for a Rule 30(b)(6) deposition in New York, New York; and  
6 (iv) evaluated and approved the proposed Settlement subject to the Court's approval.  
7

8 **Massachusetts Laborers' Supports Approval of the Settlement**

9           6.       Based on its involvement throughout the prosecution and resolution of the Action,  
10 Massachusetts Laborers believes that the proposed Settlement is fair, reasonable, and adequate  
11 and in the best interest of the Class, particularly in light of the substantial risks of continuing to  
12 litigate the Action. Accordingly, it supports approval of the Settlement by the Court.  
13

14 **Massachusetts Laborers Supports Class Counsel's Motion for an  
Award of Attorneys' Fees and Payment of Litigation Expenses**

15           7.       While the determination of the appropriate fee and expense award to Class  
16 Counsel is committed to the sound discretion of the Court, based on its knowledge of the  
17 substantial work performed and risk undertaken, Massachusetts Laborers believes that Class  
18 Counsel's request for an award of attorneys' fees is fair and reasonable in light of the favorable  
19 recovery obtained for the Class. Significantly, I understand that this amount represents a  
20 "negative" multiplier on counsel's lodestar, meaning that counsel will receive a fee that is less  
21 than their time in the case, even before consideration of the additional time counsel will have to  
22 expend in the future administering the Settlement. Massachusetts Laborers further believes that  
23 the litigation expenses requested are reasonable and were necessary for the successful  
24 prosecution and resolution of the Action. Accordingly, Massachusetts Laborers fully supports  
25 Class Counsel's motion for attorneys' fees and payment of litigation expenses.  
26  
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28           8.       In addition, Massachusetts Laborers understands that reimbursement of a lead

1 plaintiff's reasonable costs and expenses, including lost wages, is authorized under the PSLRA,  
 2 15 U.S.C. § 78u-4(a)(4), and, therefore, seeks reimbursement in the amount of \$8,557.50, which  
 3 represents the cost of the 81.5 hours that Massachusetts Laborers spent on the conduct of the  
 4 Action as follows:

Personnel	Hours	Rate <sup>2</sup>	Total
Louis Mandarin, III, Plan Administrator	31.5	\$105.00	\$3,307.50
Barry McAnarney, former Chairman	50.0	\$105.00	\$5,250.00
<b>Totals</b>	<b>81.5</b>	<b>\$105.00</b>	<b>\$8,557.50</b>

10 9. The time that these individuals devoted to the representation of the Class in this  
 11 Action was time that they otherwise would have spent on other work for Massachusetts Laborers  
 12 and, thus, represents a cost to Massachusetts Laborers.

#### 14 **Conclusion**

15 10. In conclusion, Massachusetts Laborers supports the proposed Settlement as fair,  
 16 reasonable, and adequate, and believes it represents a favorable recovery for the Class in light of  
 17 the significant risks of continued litigation. Massachusetts Laborers further supports Class  
 18 Counsel's attorneys' fee and litigation expense request and believes that it represents fair and  
 19 reasonable compensation for counsel in light of the extensive work performed, the recovery  
 20 obtained for the Class, and the attendant litigation risks. Accordingly, Massachusetts Laborers  
 21 respectfully requests that the Court approve the motion for final approval of the proposed  
 22 Settlement and the motion for an award of attorneys' fees and payment of litigation expenses,  
 23 including Massachusetts Laborers request for reimbursement of \$8,557.50 for its reasonable  
 24 costs and expenses incurred in prosecuting the Action on behalf of the Class.

27 \_\_\_\_\_  
 28 <sup>2</sup>The hourly rates used for purposes of this request are based on the annual salaries of the respective  
 personnel who worked on this Action.

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

Executed this 20 day of August, 2019 at Burlington, Massachusetts.

Louis A. Mandarini III  
Louis Mandarini, III



## **EXHIBIT 6**

1 DEBORAH CLARK-WEINTRAUB  
2 MAX R. SCHWARTZ  
3 SCOTT+SCOTT, ATTORNEYS AT LAW, LLP  
4 The Chrysler Building  
5 405 Lexington Avenue, 40th Floor  
6 New York, NY 10174  
7 Telephone: (212) 223-6444  
8 Facsimile: (212) 223-6334  
9 Email: dweintraub@scott-scott.com  
10 mschwartz@scott-scott.com

11 *Attorneys for Class Representatives and the Class*

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

11 UNION ASSET MANAGEMENT  
12 HOLDING AG, *et al.*,

13 Plaintiffs,

14 v.

15 SANDISK CORPORATION, *et al.*,

16 Defendants.

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

**DECLARATION OF ALEXANDER P.  
VILLANOVA REGARDING  
DISSEMINATION AND PUBLICATION  
OF SETTLEMENT NOTICE**

1 I, Alexander P. Villanova, declare and state as follows, pursuant to 28 U.S.C. § 1746:

2 1. I am a Senior Project Manager employed by Epiq Class Action & Claims  
3 Solutions, Inc. (“Epiq”). The following statements are based on my personal knowledge and  
4 information provided by other Epiq employees working under my supervision and, if called on to  
5 do so, I could and would testify competently thereto.

6 2. Epiq was retained by Counsel for the Class in the above-captioned litigation (the  
7 “Action”), and appointed pursuant to the Court’s Order Granting as Modified Preliminary  
8 Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date  
9 for Hearing on Final Approval of Settlement, entered May 24, 2019, (“Notice Order”), to serve  
10 as the Administrator. I submit this Declaration in order to provide the Court with information  
11 regarding the mailing and/or emailing of the Court-approved Notice of Proposed Class Action  
12 Settlement and Motion for Attorneys’ Fees and Expenses (“Settlement Notice”) as well as the  
13 Proof of Claim and Release Form (the “Claim Form”) (collectively, the Settlement Notice and  
14 Claim Form are referred to as the “Settlement Notice Packet”), and the publication of the  
15 Summary Class Notice of Pendency of Class Action (“Summary Settlement Notice”).

16  
17 **DISSEMINATION OF THE SETTLEMENT NOTICE**

18 3. Epiq is responsible for disseminating the Settlement Notice to potential Class  
19 Members in this Action. By definition, Class Members are all persons and entities that  
20 purchased or otherwise acquired shares of the publicly traded common stock of SanDisk  
21 Corporation (“SanDisk”) during the period from October 16, 2014, through April 15, 2015,  
22 inclusive, subject to the exclusions set forth in the Notice Order.

23 4. As more fully described in the Declaration of Alexander P. Villanova Regarding  
24 Dissemination and Publication of Notice of Class Pendency (ECF No 269), Epiq previously  
25 conducted a mailing campaign (the “Class Notice Mailing”) in which it mailed or emailed the  
26 Notice of Pendency of Class Action (the “Class Notice”) to persons and entities identified as  
27 potential Class Members. To identify these potential Class Members, Epiq received information  
28 from Defendants containing the names and addresses of some potential Class Members. Epiq

1 mailed Class Notices to the investors listed. Epiq also mailed the Class Notice to brokerage  
2 firms, banks, institutions, and other potential nominees (the “Nominees”) listed in Epiq’s  
3 proprietary nominee database. In response, Epiq received from the Nominees either (i) the  
4 names, addresses, or email addresses of their clients who were potential Class Members or (ii)  
5 requests for additional copies of the Class Notice so that the Nominees could forward the Class  
6 Notice directly to their clients. Epiq also received names and addresses directly from potential  
7 Class Members in this Action in response to the publication of the Summary Class Notice.

8           5.       Through this process, Epiq created a mailing list of all known potential Class  
9 Members, and their nominees, for use in connection with the Class Notice and any future notices.

10           6.       After the Preliminary Approval Order was entered, Epiq created a mailing file for  
11 the Settlement Notice Packet consisting of 57,553 names and addresses compiled as a result of  
12 the Class Notice Mailing.

13           7.       Beginning on June 19, 2019, (the “Notice Date”), Settlement Notice Packets were  
14 mailed to these 57,553 potential Class Members and to 1,326 Nominees listed in Epiq’s  
15 proprietary nominee database, by first-class mail. The Settlement Notice Packets mailed to  
16 Nominees included a letter explaining that if the Nominee had previously submitted names,  
17 addresses, or email addresses in connection with the Class Notice Mailing, or had previously  
18 requested copies of the Class Notice in bulk, it did not need to submit that information again  
19 unless it had additional names, addresses, or email addresses to provide or needed a different  
20 number of Settlement Notice Packets. A true and accurate copy of the letter sent to Nominees is  
21 attached as Exhibit A.

22           8.       On June 19, 2019, 58,879 copies of the Settlement Notice Packet were mailed. A  
23 copy of the Settlement Notice Packet is attached hereto as Exhibit B.

24           9.       Since the initial mailing, through August 22, 2019, Epiq has mailed or emailed  
25 additional copies of the Settlement Notice Packet to potential members of the Class whose  
26 names, addresses, or email addresses were provided by individuals or Nominees, and mailed  
27 additional Settlement Notice Packets to Nominees who requested Settlement Notice Packets in  
28

1 bulk for forwarding to their customers. Epiq will continue timely to respond to any additional  
2 requests for Settlement Notice Packets.

3 10. As of August 22, 2019, a total of 203,555 Settlement Notice Packets have been  
4 disseminated to potential Class Members and Nominees by first-class mail or email.

5 11. As of August 22, 2019, 3,363 Settlement Notice Packets have been returned by  
6 the United States Postal Service to Epiq as undeliverable as addressed (“UAA”). Of those  
7 returned UAA, 2,097 had forwarding addresses and were promptly re-mailed to the updated  
8 address.

9 **PUBLICATION OF THE SUMMARY SETTLEMENT NOTICE**

10 12. The Court’s Notice Order directed that the Summary Settlement Notice be  
11 published once in *Investor’s Business Daily* and be transmitted over *PR Newswire*. Accordingly,  
12 the Summary Settlement Notice was published in *Investor’s Business Daily* and transmitted over  
13 *PR Newswire* on July 1, 2019. Attached as Exhibit C is a confirmation of that publication,  
14 attesting to the publication in *Investor’s Business Daily* and the transmission over *PR Newswire*.

15 **CALL CENTER SERVICES**

16 13. Epiq reserved a toll-free phone number for the Class Members (888-432-4788)  
17 and published that toll-free number in the Settlement Notice, the Claim Form, and on the  
18 Settlement website.

19 14. The toll-free number connects callers with an Interactive Voice Recording  
20 (“IVR”). The IVR provides potential Class Members and others who call the toll-free telephone  
21 number access to additional information that has been pre-recorded. The toll-free telephone line  
22 with pre-recorded information is available 24 hours a day, 7 days a week. Specifically, the pre-  
23 recorded message provides callers with a brief summary about the Action and the option to select  
24 one of several more detailed recorded messages addressing frequently asked questions. The IVR  
25 also allows callers to request that a copy of the Settlement Notice be mailed to them or the caller  
26 may opt to speak live with a trained operator.

1 15. In addition, Monday through Friday from 6:00 a.m. to 6:00 p.m. Pacific Time  
2 (excluding official holidays), callers are able to speak to a live operator regarding the status of  
3 the Action and/or obtain answers to questions they may have. During other hours, callers may  
4 leave a message for an agent to call them back.

5 16. As the Settlement Notice explains, potential claimants are also able to ask  
6 questions about the Settlement via a specific email address set aside for questions and via letter  
7 to a mailing address.

### 8 WEBSITE

9 17. Epiq established and is maintaining a website dedicated to this Action  
10 (www.SanDiskSecuritiesLitigation.com) to provide additional information to Class Members  
11 and to answer frequently asked questions. Users of the website can download the Settlement  
12 Notice, the Claim Form, the Revised Stipulation and Agreement of Settlement, the Notice Order,  
13 and other relevant documents. The website allows potential Class Members to submit claims  
14 online, submit requests for exclusion online, and request to opt back into the Class online, if they  
15 opted out of the Class during the Class Notice phase.<sup>1</sup> The web address was set forth in the  
16 published Summary Notice and the mailed Settlement Notice Packet. Epiq will continue  
17 operating, maintaining and, as appropriate, updating the website until the conclusion of this  
18 administration.

### 19 EXCLUSION REQUESTS AND OBJECTIONS

20 18. As set forth in the Settlement Notice, Class Members who wish to be excluded  
21 from the Class are required to do so in writing so that the request is received by September 5,  
22 2019. As of the date of this Declaration, Epiq has received one (1) potential request for  
23 exclusion, which did not contain all of the required information, accordingly it is unclear if the  
24 person is a Class Member. Epiq has contacted the person to seek this information in order to  
25

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26  
27 <sup>1</sup> In connection with Class Counsel's reply papers in further support of final approval, Epiq will  
28 submit a supplemental declaration with updated information about the notice program and the claims  
received.

1 verify whether they are a Class Member, but has not received a response. Attached as Exhibit D  
2 is a redacted copy of this request.

3 19. We also note that, as part of the Class Notice process conducted following the  
4 Court's Order certifying the class, and before the Settlement was reached or notice thereof  
5 disseminated, potential class members were permitted to exclude themselves from the Action.  
6 Five (5) individuals do so. As set forth in the Settlement Notice, Class Members who wish to opt  
7 back into the Class after excluding themselves during the Class Notice phase are required to do  
8 so in writing so that the request is received by September 5, 2019. As of the date of this  
9 Declaration, Epiq has received no requests to opt back into the Class.

10 20. Epiq will submit a supplemental declaration after the exclusion and opt in  
11 deadline has passed to provide further details on any new requests for exclusion or opt in  
12 requests.

13 21. The Settlement Notice directs Class Members to submit their objections to the  
14 Court, and not to Epiq as Claims Administrator. Nonetheless, Epiq has checked for receipt of  
15 any objections and is not aware of any having been received.

16 22. Epiq will submit a supplemental declaration after the objection deadline has  
17 passed to report on any objections received, in the event that any are sent to Epiq as Claims  
18 Administrator instead of the Court.

19  
20 I declare under penalty of perjury under the laws of the United States of America that the  
21 foregoing is true and correct to the best of my knowledge.

22  
23 Executed on August 22, 2019, in Beaverton, Oregon.

24  
25 

26 \_\_\_\_\_  
27 Alexander P. Villanova

# **Exhibit A**



SanDisk Securities Litigation  
Claims Administrator  
P.O. Box 3058  
Portland, OR 97208-3058

Website: [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com)  
Email: [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com)  
Phone: 1-877-432-3788

**NOTICE TO BROKERS, BANKS, AND OTHER NOMINEES**

**TIME-SENSITIVE, COURT-ORDERED  
ACTION REQUIRED ON YOUR PART**

***In re: SanDisk LLC Securities Litigation***  
**Case No. 3:15-cv-01455-VC (N.D. Cal.)**

A proposed Settlement of the above-noted securities class action lawsuit (the “Action”) has been reached. Enclosed is the Settlement Notice and Claim Form (the “Claim Packet”) that the Court has ordered to be timely sent to potential Class Members. The Claim Packet includes important deadlines for Class Members. The deadline for them to object is **September 5, 2019**, and the deadline for Claims is **September 12, 2019**.

Subject to certain exclusions, the “Class” consists of all persons and entities who purchased or otherwise acquired publicly traded shares of common stock of SanDisk Corporation (“SanDisk or the Company”) from October 16, 2014, through April 15, 2015, inclusive (the “Class Period”), and were damaged thereby.

You were previously sent a Notice of Pendency of Class Action (the “Class Notice”) in January 2019, requesting names and addresses of persons and entities for the beneficial interest of whom you traded SanDisk common stock during the period October 16, 2014, through April 15, 2015, inclusive (“Potential Class Members”). If, in connection with the mailing of the Class Notice, you provided the Claims Administrator with a list of names and addresses of Potential Class Members, **DO NOT** resubmit those names and addresses. Copies of the Claim Packet will be forwarded to those Potential Class Members by the Claims Administrator.

If, in connection with the mailing of the Class Notice, you requested that the notices be sent to you for forwarding by you to Potential Class Members **WITHOUT** providing the names and addresses (or email addresses if available) to the Claims Administrator, you will be mailed the same number of Claim Packets to forward to those Potential Class Members. If you require a different number of copies than you requested in connection with the mailing of the Class Notice, please send an email to [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com) and let the Claims Administrator know how many Claim Packets you require. You must mail the Claim Packet to the beneficial owners within **ten (10) calendar days** of your receipt of packets. Please note, in the Class Notice, you were advised that if you elected to forward the notice, you must retain your mailing records for use in connection with any further notices that may be provided in the Action.

If you **NEITHER** previously submitted names and addresses or email addresses of Potential Class Members **NOR** requested notices to send to Potential Class Members, as outlined above, **OR** if you have names and addresses or email addresses of Potential Class Members that were not included in your previous submission to the Claims Administrator, you **MUST** submit a request for Claim Packets or submit the names and addresses or email addresses of Potential Class Members to the Claims Administrator, no later than **ten (10) calendar days** from receipt of this notice. If you request copies of the Claim Packet for forwarding by you, they must be mailed to the beneficial owners within **ten (10) calendar days** of your receipt of the packets from the Claims Administrator.

**For Questions, Please Call 1-877-432-3788.**

**If you are providing a list of names and addresses to the Claims Administrator:**

- I. Compile a list of names and addresses or email addresses of beneficial owners who purchased or acquired SanDisk common stock during the period from October 16, 2014, through April 15, 2015, inclusive.
- II. Prepare the list in Microsoft Excel format following the “Electronic Name and Address File Layout” below. A preformatted spreadsheet can also be found on the “Nominees” page of the website [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com). Then, do one of the following:
  - A. Email the spreadsheet(s) to [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com); or
  - B. Upload the spreadsheet(s) to the “Nominees” page of the website, [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com);
  - C. Burn the Microsoft Excel file(s) to a CD or DVD, and mail the CD or DVD to the following address:

*SanDisk Securities Litigation*  
 Claims Administrator  
 c/o Epiq  
 P.O. Box 3058  
 Portland, OR 97208-3058

**If you are mailing the Claim Packet to beneficial owners:**

If you elect to mail the Claim Packet to beneficial owners yourself, additional copies of the Claim Packet may be requested via email to [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com). As noted above, you must forward the requested additional copies of the Claim Packet to the beneficial owners within **ten (10) calendar days** of your receipt of those Claim Packets. **You must also send a statement to the Claims Administrator at the address above confirming that the mailing was made, and you must retain your mailing records for use in connection with any further notices that may be provided in the Action.**

**Expense Reimbursement**

Reasonable expenses are eligible for reimbursement (including postage and costs to compile names and addresses), provided an invoice documenting the expenses is timely submitted to the Claims Administrator. Please provide any invoice within one month of completion of the mailing or delivery of your list.

**Electronic Name and Address File Layout**

Column	Description	Length	Notes
A	Account #	15	Unique identifier for each record
B	Beneficial owner's first name	25	
C	Beneficial owner's middle name	15	
D	Beneficial owner's last name	30	
E	Joint beneficial owner's first name	25	
F	Joint beneficial owner's middle name	15	
G	Joint beneficial owner's last name	30	
H	Business or record owner's name	60	Businesses, trusts, IRAs, and other types of accounts
I	Representative or contact name	45	
J	Address 1	35	
K	Address 2	25	
L	City	25	
M	U.S. state or Canadian province	2	U.S. and Canada addresses only <sup>1</sup>
N	ZIP Code	10	
O	Country (other than U.S.)	15	
P	Email Address	35	

If you have any questions, you may contact the Claims Administrator at 1-877-432-3788 or by email: [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com). Thank you for your cooperation.<sup>1</sup>

<sup>1</sup> For countries other than the U.S. and Canada, place any territorial subdivision in “Address 2” field.

**For Questions, Please Call 1-877-432-3788.**

# **Exhibit B**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

**NOTICE OF PROPOSED CLASS ACTION  
SETTLEMENT AND MOTION FOR  
ATTORNEYS' FEES AND EXPENSES**

**If you purchased or otherwise acquired the publicly traded common stock of SanDisk Corp. during the period from October 16, 2014, through April 15, 2015, a class action settlement may affect your rights.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.  
Please read this notice carefully and in its entirety.*

This Settlement Notice describes important rights you may have and what steps you must take if you wish to participate in the Settlement or wish to be excluded from the Class. ***This notice is different from the Notice of Pendency of Class Action (“Class Notice”), which you might have already received alerting you to the fact that the Class had been certified.***<sup>1</sup>

- The Settlement, if approved by the Court, will provide **\$50,000,000** (on average approximately \$1.01 per allegedly damaged share before the deduction of Court-approved fees and expenses) in cash for the benefit of the Class (described below).
- The Settlement resolves claims in a class action by City of Bristol Pension Fund (“Bristol”), City of Milford, Connecticut Pension & Retirement Board (“Milford”), Pavers and Road Builders Pension, Annuity and Welfare Funds (“Pavers and Road Builders Benefit Funds”), City of Newport News Employees’ Retirement Fund (“NNERF”), and Massachusetts Laborers’ Pension Fund (“Massachusetts Laborers,” together with Bristol, Milford, Pavers and Road Builders Benefit Funds, and NNERF, “Class Representatives” or “Lead Plaintiffs”); against SanDisk Corporation (n/k/a “SanDisk LLC” and owned by Western Digital, referred to herein as “SanDisk” or the “Company”), Sanjay Mehrotra (“Mehrotra”), and Judy Bruner (“Bruner,” with Mehrotra, “Individual Defendants,” and with SanDisk as well, “Defendants”).
- Class Representatives claim that Defendants made materially false and misleading statements and failed to disclose material information concerning SanDisk’s enterprise business. The complaint in the Action further alleged that the price of SanDisk’s publicly traded common stock was artificially inflated, as a result of the allegedly false and misleading statements, and declined when the truth was allegedly revealed. Defendants deny all of the Class Representatives’ allegations and further deny that they did anything wrong. Defendants also deny that the Class Representatives or the Class suffered damages or that the price of SanDisk’s common stock was artificially inflated by reasons of alleged misrepresentations, nondisclosures, or otherwise. The Court did not decide in favor of either the Class or Defendants.
- Class Counsel, on behalf of Plaintiffs’ Counsel, will ask the Court for no more than \$14 million in attorneys’ fees (28% of the Settlement Fund) and up to \$1 million in litigation expenses, which will include a reimbursement request for the Class Representatives pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”). If approved by the Court, these amounts (totaling on average up to approximately \$0.30 per allegedly damaged share) will be deducted from the \$50,000,000 Settlement.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made only if the Court approves the Settlement and after any appeals are resolved. Please be patient.
- **If you are a Class Member, your legal rights will be affected by this Settlement whether you act or do not act. Please read this Settlement Notice carefully.**

<sup>1</sup> All capitalized terms not defined in this Settlement Notice have the meanings provided in the Stipulation and Agreement of Settlement, dated as of May 6, 2019 (the “Stipulation”), which can be viewed at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com).

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A PROOF OF CLAIM FORM BY SEPTEMBER 12, 2019</b>	The <u>only</u> way to get a payment. (See Question 8 below.)
<b>OPT-BACK INTO THE CLASS BY SUBMITTING A REQUEST BY SEPTEMBER 5, 2019</b>	If you previously submitted a request for exclusion from the Class in connection with the previously mailed Class Notice and now want to be part of the Class in order to receive a payment, you must follow the steps for “Opting-Back Into the Class.” (See Question 12 below.)
<b>EXCLUDE YOURSELF BY SEPTEMBER 5, 2019</b>	You will get no payment. This is the only option that, assuming your claim is timely brought, might allow you ever to bring or be part of any other lawsuit against the Defendants and the other Released Defendants’ Parties concerning the Released Claims. (See Question 10 below.)
<b>OBJECT BY SEPTEMBER 5, 2019</b>	Write to the Court about why you do not like the Settlement, the Fee and Expense Application, or the proposed Plan of Allocation. (See Question 15 below.)
<b>GO TO A HEARING ON SEPTEMBER 26, 2019</b>	Ask to speak in Court about the Settlement. (See Question 18 below.)
<b>DO NOTHING</b>	Get no payment AND give up your rights to bring your own individual action.

**Identification of Attorneys’ Representatives**

Class Representatives and the Class are being represented by Scott+Scott Attorneys at Law LLP, Court-appointed Class Counsel. Any questions regarding the Settlement should be directed to:

Deborah Clark-Weintraub  
Max R. Schwartz  
Scott+Scott Attorneys at Law LLP  
The Helmsley Building  
230 Park Avenue, 17th Floor  
New York, NY 10169  
Telephone: (212) 223-6444  
www.scott-scott.com

**Please do not contact the Court regarding this notice.**

**BASIC INFORMATION****1. Why did I get this Settlement Notice?**

The Court authorized that this Settlement Notice be sent to you because you or someone in your family may have purchased or otherwise acquired the publicly traded common stock of SanDisk from October 16, 2014, through April 15, 2015, inclusive.

If this description applies to you or someone in your family, you have a right to know about the proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after any objections and appeals are resolved, an administrator appointed by the Court will make the payments to eligible claimants that the Settlement allows.

This Settlement Notice explains the lawsuit, the proposed Settlement, Class Members' legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of this Action is the United States District Court for the Northern District of California (the "Court"), and the case is known as *In re: SanDisk LLC Securities Litigation*, No. 3:15-cv-01455-VC (N.D. Cal.) (the "Action"). The Action is assigned to the Honorable Vince Chhabria, United States District Judge.

The Court did not decide in favor of either the Class or Defendants. Instead, they have agreed to a settlement. For Class Representatives, the principal reason for the Settlement is the certain benefit of a substantial cash recovery for the Class, in contrast to the risk that the Court may grant, in whole or in part, some or all of Defendants' motion for summary judgment, the uncertainty of being able to prove the allegations at a jury trial, and the difficulties and delays inherent in such litigation (including any appeals), which could result in a lower recovery. For Defendants, who deny all allegations of wrongdoing or liability whatsoever and deny that any Class Members were damaged, the principal reason for entering into the Settlement is to bring to an end the substantial burden, expense, uncertainty, and risk of further litigation.

**2. What is this lawsuit about? What has happened so far?**

This case arises out of allegations that Defendants violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 promulgated thereunder. The initial complaint in the case was filed on March 30, 2015. The operative complaint in the Action, the Second Amended Consolidated Class Action Complaint for Violations of the Federal Securities Laws (the "SAC"), was filed on July 15, 2016.<sup>2</sup>

Class Representatives claim that Defendants made materially false and misleading statements and failed to disclose information to investors about the condition and prospects of SanDisk's enterprise business, including the then-recently acquired Fusion-io business unit, in violation of the Exchange Act. Class Representatives further allege that the false and misleading statements and omissions artificially inflated the price of SanDisk's common stock and that, when Defendants later disclosed that the enterprise business was not performing as strongly as previously touted, SanDisk's stock price dropped.

Defendants moved to dismiss the SAC and its prior iterations several times. On January 20, 2017, they filed their final motion to dismiss, and Class Representatives opposed that motion thereafter. On June 22, 2017, the Court issued an Order denying Defendants' motion to dismiss. The SAC, which describes Class Representatives' allegations in further detail, and the Court's Order on the Motion to Dismiss, are available at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com).

On August 7, 2017, Defendants answered the SAC, denying the claims and asserting various affirmative defenses.

On January 19, 2018, Lead Plaintiffs filed their motion for class certification. Following briefing on the motion and oral argument, on September 4, 2018, the Court issued an Order granting the motion, certifying the Class, appointing Lead Plaintiffs as "Class Representatives," and appointing Scott+Scott as Class Counsel. The Court's Order is available at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com). Pursuant to an Order entered December 13, 2018, beginning on January 9, 2019, the Class Notice was mailed to potential Class Members, and the Summary Notice of Pendency of Class Action was published in *Investor's Business Daily* and transmitted over the *PR Newswire* on January 21, 2019. The Class Notice provided Class Members with the opportunity to request exclusion from the Class, explained that right, and set forth the deadline and procedures for doing so. The deadline for requesting exclusion from the Class pursuant to the Class Notice was February 28, 2019.

<sup>2</sup> The Action includes all of the actions that were consolidated into this Action, specifically, *Glore v. SanDisk Corp.*, No. 3:15-cv-01455-VC (now captioned *In re: SanDisk LLC Securities Litigation*), *Bowers v. SanDisk Corp.*, No. 3:15-cv-02050-VC, and *City of Sterling Heights General Employees' Retirement System v. SanDisk Corp.*, No. 3:15-cv-02358-VC.

The Parties completed comprehensive class, fact, and expert discovery in the Action during which the Class Representatives analyzed over 160,000 documents produced by Defendants. In addition, the Class Representatives took a total of 12 fact and expert depositions. The Class Representatives sat for Rule 30(b)(6) depositions and Class Counsel twice defended the deposition of the Class' expert on causation and damages, once in connection with class certification proceedings and later on merits issues.

On January 17, 2019, Defendants moved for summary judgment seeking dismissal of the claims as a matter of law and the exclusion of Class Representatives' damages expert's opinions. On February 28, 2019, Class Representatives filed their opposition to Defendants' summary judgment motion and motion to exclude Class Representatives' damages expert, and moved to exclude the opinions of Defendants' damages expert. Trial was scheduled to begin on May 28, 2019.

Following the completion of fact discovery and the exchange of expert reports, the Parties engaged the Hon. Layn R. Phillips (Ret.) ("Judge Phillips"), a well-respected and highly experienced mediator and former federal judge, to assist them in exploring a potential negotiated resolution of the claims in the Action. Following an exchange of mediation statements and exhibits, on October 29, 2018, the Parties met with Judge Phillips in an attempt to reach a settlement in a full-day mediation. The mediation did not result in a settlement of the Action, but Judge Phillips continued his efforts to facilitate discussions among the Parties. Before Defendants filed their reply papers in support of summary judgment, the Parties attended a second in-person mediation with Judge Phillips on March 8, 2019, which resulted in an agreement-in-principle to settle the Action for \$50,000,000, and entered into a Memorandum of Understanding.

Defendants deny all of Class Representatives' allegations and further deny that they did anything wrong. Defendants also deny that Class Representatives or the Class suffered damages or that the price of SanDisk common stock was artificially inflated by reasons of alleged misrepresentations, nondisclosures or otherwise.

### **3. Why is this a class action?**

In a class action, one or more persons or entities (in this case, Class Representatives), sue on behalf of people and entities that have similar claims. Together, these people and entities are a class, and each is a class member. Bringing a case, such as this one, as a class action allows the Court to resolve many similar claims of persons and entities that might be economically too small to bring as individual actions. One court resolves the issues for all class members at the same time, except for those who exclude themselves, or "opt-out," from the class.

#### **WHO IS IN THE SETTLEMENT**

### **4. How do I know if I am part of the Class?**

The Court has certified the following Class, subject to certain exceptions identified below:

*All persons and entities who purchased or otherwise acquired publicly traded shares of common stock of SanDisk Corporation from October 16, 2014, through April 15, 2015, inclusive, and were damaged thereby.*

Check your investment records or contact your broker to see if you purchased or acquired the publicly traded common stock of SanDisk during the period from October 16, 2014, through April 15, 2015, inclusive.

### **5. Are there exceptions to the Class definition and to being included in the Class?**

Yes. Some people are excluded from the Class by definition. Excluded from the Class are: (i) Defendants and their immediate family members; (ii) the officers and directors of the Company during the Class Period and their immediate family members; (iii) any entity in which Defendants have, or had, a controlling interest; and (iv) the legal representatives, heirs, successors, assigns, or affiliates of any excluded person. Also excluded from the Class are those who had (a) sold all of their SanDisk stock prior to the first alleged corrective disclosure on March 26, 2015; and (b) made no subsequent purchases between March 26, 2015, and April 15, 2015.

Also excluded from the Class are Class Members who submitted timely and valid requests for exclusion in connection with the previously mailed Class Notice, and Class Members who submit timely and valid requests for exclusion from the Class in accordance with the procedures set forth in Question 10 below.

### **6. What if I am still not sure if I am included?**

If you are still not sure whether you are included in the Class, you can ask for free help. You can call the Claims Administrator toll-free at (877) 432-3788, send an email to the Claims Administrator at [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com) or write to the Claims Administrator, *SanDisk Securities Litigation*, c/o Epiq, P.O. Box 3058, Portland, OR 97208-3058. Or you can fill out and return the Claim Form described in Question 8 to see if you qualify.

**THE SETTLEMENT BENEFITS — WHAT YOU GET****7. How much will my payment be?**

In exchange for the Settlement and the release of certain claims (the “Released Claims” as defined below) against Defendants and the Released Defendants’ Parties, Defendants have agreed to fund a \$50,000,000 Settlement Fund. That fund will earn interest and will be distributed, after the deduction of Court-approved fees and expenses, among all Class Members who submit valid Claim Forms and who are found to be entitled to a distribution from the Net Settlement Fund (“Authorized Claimants”).

If you are an Authorized Claimant entitled to a payment, your share of the Net Settlement Fund will depend on several things, including: how many Class Members send in valid Claim Forms; the total amount of recognized losses of other Authorized Claimants; how many shares of SanDisk common stock you purchased; the prices and dates of those purchases; and the prices and dates of any sales.

You can calculate your recognized loss in accordance with the formulas shown below in the Plan of Allocation. It is unlikely that you will receive a payment for all of your recognized loss. See the Plan of Allocation of Net Settlement Fund on pp. 9-13 for more information on your recognized loss.

**HOW YOU RECEIVE A PAYMENT:  
SUBMITTING A PROOF OF CLAIM FORM****8. How can I receive a payment?**

To qualify for a payment, you must submit a timely and valid Claim Form. A Claim Form is included with this Settlement Notice. If you did not receive a Claim Form, you can obtain one on the website: [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com). You can also ask for a Claim Form by calling the Claims Administrator toll-free at (877) 432-3788.

Please read the instructions carefully, fill out the Claim Form, include all the documents the form requests, sign it, and mail or electronically submit it to the Claims Administrator so that it is *postmarked or electronically submitted no later than September 12, 2019*.

**9. What am I giving up to receive a payment or by staying in the Class?**

Unless you exclude yourself, or previously excluded yourself, you are staying in the Class, and that means that upon the “Effective Date,” you will release all “Released Claims,” as defined below, against the “Released Defendants’ Parties.” Released Claims include claims that share an identical factual predicate with the claims asserted in the Action.

“Released Claims” means all claims, demands, losses, rights, and causes of action of any nature whatsoever that have been, or could have been, asserted in the Action or could in the future be asserted in any forum, whether foreign or domestic, whether arising under federal, state, common, or foreign law, by Class Representatives, any member of the Class, or their successors, assigns, executors, administrators, representatives, attorneys, and agents, in their capacities as such, whether brought directly or indirectly against any of the Released Defendants’ Parties (defined below), which both: (a) arise out of, are based on, or relate in any way to any of the allegations, acts, transactions, facts, events, matters, occurrences, representations, or omissions involved that are set forth, alleged, or referred to in the Action, or which could have been alleged in the Action; and (b) arise out of, are based on, or relate to the purchase or acquisition of any SanDisk common stock. This means that the Released Claims are only those claims that are based on the identical factual predicate as the securities fraud claims at issue in the Action. Released Claims do not include claims to enforce this Settlement.

“Released Defendants’ Parties” means (i) each Defendant; (ii) each of their respective family members (for individuals) and each of their direct or indirect parent entities, subsidiaries, and related entities and affiliates (including Western Digital); and (iii) for any of the entities listed in parts (i) or (ii), their respective past and present general partners, limited partners, principals, shareholders, joint venturers, members, officers, directors, managers, managing directors, supervisors, employees, contractors, consultants, auditors, accountants, financial advisors, professional advisors, investment bankers, representatives, insurers, trustees, trustors, agents, attorneys, professionals, predecessors, successors, assigns, heirs, executors, administrators, and any controlling person thereof, in their capacities as such.

Please consult the Stipulation, filed with the Court and posted at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com), for additional defined terms.

The “Effective Date” will occur when an Order entered by the Court approving the Settlement becomes final and is not subject to appeal. If you remain a member of the Class, all of the Court’s orders will apply to you and legally bind you.



**EXCLUDING YOURSELF FROM THE CLASS**

*If you already submitted a valid and timely request for exclusion in connection with the Class Notice, you do not need to do so again.*<sup>3</sup>

If you **did not** previously submit a request for exclusion and **do not** want a payment from this Settlement, but you want to keep any right you may have to sue or continue to sue Defendants and the other Released Defendants' Parties on your own concerning the Released Claims, then you must take steps to remove yourself from the Class. This is called excluding yourself or "opting out." **Please note: if you decide to exclude yourself because you want to bring your own lawsuit to pursue claims alleged in the Action, you should consult with an attorney to discuss whether your individual claim would be time-barred by the applicable statutes of limitations or repose.** Also, Defendants may terminate the Settlement if Class Members who purchased in excess of a certain amount of shares of SanDisk common stock seek exclusion from the Class.

**10. How do I exclude myself from the Class?**

To exclude yourself from the Class, you must submit a signed letter stating that you request to be "excluded from the Class in *In re: SanDisk LLC Sec. Litig.* No. 3:15-cv-01455-VC." You cannot exclude yourself by telephone or email. Your letter must state the date(s), price(s), and number(s) of shares of all purchases, acquisitions, and sales of SanDisk common stock during the period from October 16, 2014, through April 15, 2015. Your letter must include your name, mailing address, telephone number, email address, and signature. You must submit your exclusion request by First-Class Mail or online at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com) so that it is **received (not simply postmarked) no later than September 5, 2019** to:

*SanDisk Securities Litigation*  
Claims Administrator  
c/o Epiq  
P.O. Box 3058  
Portland, OR 97208-3058

Your exclusion request must comply with these requirements in order to be valid, unless it is otherwise accepted by the Court. If you ask to be excluded, you will not receive any payment from the Net Settlement Fund, and you cannot object to the Settlement because you will no longer be part of the Class.

**11. If I do not exclude myself, can I sue Defendants and the other Released Defendants' Parties for the same thing later?**

No. Unless you properly exclude yourself, you remain in the Class and you give up any rights to sue Defendants and the other Released Defendants' Parties for any and all Released Claims. If you have a pending lawsuit, **speak to your lawyer in that case immediately.** You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **September 5, 2019.**

**OPTING-BACK INTO THE CLASS****12. What if I previously requested exclusion in connection with the Class Notice and now want to be eligible to receive a payment from the Settlement? How do I opt-back into the Class?**

If you previously submitted a request for exclusion from the Class in connection with the Class Notice, you may opt-back into the Class and be eligible to receive a payment from the Settlement. If you are not certain whether you previously submitted a request for exclusion, please contact the Claims Administrator at (877) 432-3788 for assistance.

In order to opt-back into the Class, you, individually or through counsel, must mail a written "Request to Opt-Back into the Class" to the Claims Administrator, addressed as follows: *SanDisk Securities Litigation, c/o Epiq, P.O. Box 3058, Portland, OR 97208-3058.* This request must be **received (not simply postmarked) no later than September 5, 2019.** Your Request to Opt-Back into the Class must: (i) state the name, address, and telephone number of the person or entity requesting to opt-back into the Class; (ii) state that such person or entity "requests to opt-back into the Class in *In re: SanDisk LLC Sec. Litig.* No. 3:15-cv-01455-VC"; and (iii) be signed by the person or entity requesting to opt-back into the Class or an authorized representative.

**Please note:** Opting-back into the Class **does not mean** that you will automatically be entitled to receive proceeds from the Settlement. If you wish to be eligible to participate in the distribution of proceeds from the Settlement, you are also required to submit the Claim Form that is being distributed with this Settlement Notice. See Question 8, above.

<sup>3</sup> If you are not sure whether you did, please call the Claims Administrator at (877) 432-3788.

**THE LAWYERS REPRESENTING YOU****13. Do I have a lawyer in this case?**

The Court ordered the law firm of Scott+Scott Attorneys at Law LLP (Scott+Scott) to represent all Class Members. These lawyers are called Class Counsel. You will not be separately charged for these lawyers. The Court will determine the amount of Class Counsel's fees and expenses, which will be paid from the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

**14. How will the lawyers be paid?**

Class Counsel has been prosecuting the Action on a contingent basis and has not been paid for any of its work. Class Counsel, on behalf of itself and other Plaintiffs' Counsel, will seek an attorneys' fee award of no more than 28% of the Settlement Fund, which will include accrued interest. Plaintiffs' Counsel is Class Counsel (Scott+Scott), Labaton Sucharow LLP, and Cohen Milstein Sellers & Toll PLLC, as well as additional counsel that assisted certain Class Representatives, the Thornton Law Firm and The Corrente Law Corporation. Any attorneys' fees awarded by the Court to Class Counsel will be allocated by Class Counsel to other Plaintiffs' Counsel. Class Counsel will also seek payment of litigation expenses incurred by Plaintiffs' Counsel in the prosecution of this Action of no more than \$1 million plus accrued interest, which will also include an application in accordance with the PSLRA for the reasonable costs and expenses (including lost wages) of Class Representatives directly related to their representation of the Class. Any attorneys' fees and expenses awarded by the Court will be paid from the Settlement Fund. Class Members are not personally liable for any such fees or expenses.

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the Settlement or any part of it.

**15. How do I tell the Court that I do not like something about the proposed Settlement, the Plan of Allocation, or the Fee and Expense Application?**

If you are a Class Member, you can object to the Settlement or any of its terms, the proposed Plan of Allocation, and/or the Fee and Expense Application. You may write to the Court about your objection. You can ask the Court not to approve the Settlement, however, you cannot ask the Court to order a larger or different settlement; the Court can only approve or deny this Settlement. If the Court denies approval, the Settlement payments will not be sent out and the Parties will return to the position they were in before the Settlement was agreed to. If you would like the Court to consider your views, you must file a proper objection within the deadline set forth below, and according to the following procedures. Failure to comply with the requirements for submitting objections may be excused by the Court for good cause. You may also write in support of the Settlement and related relief.

To object, you must mail or file a signed letter stating that you "object to the proposed Settlement, Plan of Allocation, and/or Fee and Expense Application in *In re: SanDisk LLC Sec. Litig.* No. 3:15-cv-01455-VC." Your objection must state why you are objecting and whether your objection applies only to you, a subset of the Class, or the entire Class. The objection must also: (i) include the name, address, and telephone number of the person or entity objecting; (ii) contain a statement of the objection and the specific reasons for it, including any legal and evidentiary support (including witnesses) you wish to bring to the Court's attention; and (iii) identify the number of shares of SanDisk common stock purchased, acquired, and sold during the Class Period, as well as the date, number of shares, and price per share of each such purchase, acquisition, and sale. Unless otherwise ordered by the Court, any Class Member who does not object in the manner described in this Settlement Notice will be deemed to have waived any objection and will be forever foreclosed from making any objection to the proposed Settlement, the Plan of Allocation, and/or the Fee and Expense Application.

Your objection must be submitted to the Court either by (i) mailing it to the Class Action Clerk, United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, Box 36060, San Francisco, California 94102-3489, or (ii) filing it in person at any location of the United States District Court for the Northern District of California. Your objection must be ***received or filed, not simply postmarked, on or before September 5, 2019.***

You do not need to attend the Settlement Hearing to have your written objection considered by the Court. However, any Class Member who has complied with the procedures set out in this Question 15 and below in Question 18 may appear at the Settlement Hearing and be heard, to the extent allowed by the Court, either in person or through an attorney, arranged at his, her, or its own expense.

**16. What is the difference between objecting and excluding?**

Objecting is telling the Court that you do not like something about the proposed Settlement, Plan of Allocation, or Fee and Expense Application. You can still recover from the Settlement, and you will still be bound by the Settlement and any Court order in this Action. **You can object *only* if you stay in the Class.**

Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

**THE SETTLEMENT HEARING****17. When and where will the Court decide whether to approve the proposed Settlement?**

The Court will hold the Settlement Hearing on **September 26, 2019 at 10:00 a.m.**, at the United States District Court for the Northern District of California, San Francisco Courthouse, in Courtroom 4, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

At this hearing, the Court will consider: (i) whether the Settlement is fair, reasonable, and adequate, and should be finally approved; (ii) whether the proposed Plan of Allocation is fair, reasonable, and adequate; and (iii) the application of Class Counsel for an award of attorneys' fees and payment of litigation expenses. The Court will take into consideration any written objections filed in accordance with the instructions in Question 15. We do not know how long it will take the Court to make these decisions.

You should be aware that the Court may change the date and time of the Settlement Hearing without another notice being sent to Class Members. If you want to attend the Settlement Hearing, you should check with Class Counsel beforehand to be sure that the date and/or time has not changed, periodically check the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov), or periodically check the case-specific website at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com) to see if the Settlement Hearing stays as calendared or is changed.

**18. May I speak at the Settlement Hearing?**

You may ask the Court for permission to speak at the Settlement Hearing. To do so, you must submit a statement that it is your intention to appear in *In re: SanDisk LLC Sec. Litig.* No. 3:15-cv-01455-VC." Persons who intend to object to the Settlement, the Plan of Allocation, or Class Counsel's Fee and Expense Application, and desire to present evidence at the Settlement Hearing, must also include in their objections (prepared and submitted in accordance with the answer to Question 15 above) the identity of any witness they may wish to call to testify and any exhibits they intend to introduce into evidence at the Settlement Hearing. You may not speak at the Settlement Hearing if you excluded yourself from the Class, or if you have not provided written notice of your objection and/or intention to speak at the Settlement Hearing in accordance with the procedures described in Questions 10, 15, and 18, unless your failure to follow these requirements is excused by the Court for good cause.

**IF YOU DO NOTHING****19. What happens if I do nothing at all?**

If you do nothing and you are a member of the Class, you will receive no money from this Settlement and you will be precluded from starting a lawsuit, continuing with a lawsuit, or being part of any other lawsuit against Defendants and the other Released Defendants' Parties concerning the Released Claims. To share in the Net Settlement Fund, you must submit a Claim Form (*see* Question 8). To start, continue, or be a part of any other lawsuit against Defendants and the other Released Defendants' Parties concerning the Released Claims in this case, to the extent it is otherwise permissible to do so or there are other lawsuits, you must exclude yourself from the Class (*see* Question 10).

**GETTING MORE INFORMATION****20. Are there more details about the proposed Settlement?**

This Settlement Notice summarizes the proposed Settlement. More details are in the Stipulation. Similarly, Class Counsel's motions in support of final approval of the Settlement, the request for attorneys' fees and litigation expenses, and approval of the proposed Plan of Allocation will be filed with the Court no later than August 22, 2019, and be available from Class Counsel, the Claims Administrator, or the Court, pursuant to the instructions below.

You can get a copy of the Stipulation and other case documents by calling the Claims Administrator toll-free at (877) 432-3788; writing to the Claims Administrator at *SanDisk Securities Litigation*, c/o Epiq, P.O. Box 3058, Portland, OR 97208-3058; or visiting the websites: [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com) or [www.scott-scott.com](http://www.scott-scott.com) where you will find answers to common questions about the Settlement, can download copies of the Stipulation or Claim Form, and locate other information.

You may also review the Stipulation or documents filed in the case at the Office of the Clerk of the United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102-3489, on weekdays (other than court holidays) between 9:00 a.m. and 4:00 p.m. Subscribers to PACER, a fee-based service, can also view the papers filed publicly in the Action through the Court's online Case Management/Electronic Case Filing System at <https://www.pacer.gov>.

**Please do not Call the Court with Questions about the Settlement.**

**PLAN OF ALLOCATION OF THE NET SETTLEMENT FUND**

The Plan of Allocation set forth below is the plan for distributing the proceeds of the Settlement among eligible Class Members that is being proposed by Class Representatives and their counsel to the Court for approval. The Court may approve this Plan of Allocation or modify it without additional notice to the Class. Any order modifying the Plan of Allocation will be posted on the Settlement website at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com).

The \$50 million Settlement Amount and any interest earned thereon is the "Settlement Fund." The Settlement Fund, less all Taxes, approved costs, fees and expenses (the "Net Settlement Fund") will be distributed to members of the Class who submit valid Claim Forms that are accepted for payment, in accordance with the Plan of Allocation approved by the Court ("Authorized Claimants").

The Claims Administrator shall determine each Authorized Claimant's *pro rata* share of the Net Settlement Fund based upon each Authorized Claimant's "Recognized Claim." The calculations made pursuant to the Plan of Allocation are not intended to estimate the amount a Class Member might have been able to recover after a trial; nor are they to estimate the amount that will be paid to Authorized Claimants pursuant to the Settlement. The calculations pursuant to the Plan are a method to weigh the claims of Authorized Claimants against one another for the purpose of making *pro rata* allocations of the Net Settlement Fund.

The objective of this Plan of Allocation is to equitably distribute the Net Settlement Fund among Authorized Claimants who suffered economic losses as a result of the alleged violations of the federal securities laws during the Class Period (October 16, 2014, through April 15, 2015). To design this Plan, Class Counsel has conferred with their damages expert. This Plan is intended to be generally consistent with an assessment of, among other things, the damages that Class Counsel and Class Representatives believe were recoverable in the Action. The Plan of Allocation, however, is not a formal damages analysis.

For losses to be compensable damages under the federal securities laws, the disclosure of the allegedly misrepresented information must be the cause of the decline in the price of the securities at issue. In this case, Class Representatives allege that Defendants issued false statements and omitted material facts during the Class Period, which artificially inflated the price of SanDisk common stock. It is alleged that corrective information released to the market on March 26, 2015 (prior to market open and continuing through March 27, 2015) and April 15, 2015 (after market close), impacted the market price of SanDisk common stock in a statistically significant manner and removed portions of the alleged artificial inflation from SanDisk common stock on March 26-27, 2015, and April 16, 2015. Accordingly, in order to have a compensable loss in this Settlement, SanDisk common stock must have been purchased or otherwise acquired during the Class Period and held through at least one of the alleged corrective disclosures listed above.

**CALCULATION OF RECOGNIZED LOSS AND RECOGNIZED GAIN AMOUNTS**

For purposes of determining whether a Claimant has a "Recognized Claim," purchases, acquisitions, and sales of SanDisk common stock will first be matched on a First In/First Out ("FIFO") basis. Class Period sales will be matched first against any holdings at the beginning of the Class Period and then against purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period.

A "Recognized Loss Amount" will be calculated as set forth for each purchase of SanDisk common stock during the Class Period from October 16, 2014, through April 15, 2015 that is listed in the Claim Form and for which adequate documentation is provided. To the extent that the calculation of a Claimant's Recognized Loss Amount results in a negative number, that number shall be set to zero.

For each share of SanDisk common stock purchased or otherwise acquired during the Class Period and sold before the close of trading on July 14, 2015, an "Out of Pocket Loss" will be calculated. Out of Pocket Loss is defined as the purchase price (without regard to any fees, taxes, commissions or other costs) minus the sale price (without regard to any fees, taxes, commissions or other costs). To the extent that the calculation of the Out of Pocket Loss results in a negative number, that number shall be set to zero.

**For each share of SanDisk common stock purchased or acquired at any point from October 16, 2014 through and including April 15, 2015 and:**

- A. Sold before the opening of trading on March 26, 2015, the Recognized Loss Amount for each such share shall be zero.
- B. Sold after the opening of trading on March 26, 2015, and before the close of trading on April 15, 2015, the Recognized Loss Amount for each such share shall be *the lesser of*:
  1. the dollar artificial inflation applicable to each such share on the date of purchase/acquisition as set forth in **Table 1** below *minus* the dollar artificial inflation applicable to each such share on the date of sale as set forth in **Table 1** below; or
  2. the Out of Pocket Loss.
- C. Sold after the close of trading on April 15, 2015, and before the close of trading on July 14, 2015, the Recognized Loss Amount for each such share shall be *the least of*:
  1. the dollar artificial inflation applicable to each such share on the date of purchase/acquisition as set forth in **Table 1** below; or
  2. the actual purchase/acquisition price of each such share *minus* the average closing price from April 16, 2015, up to the date of sale as set forth in **Table 2** below; or
  3. the Out of Pocket Loss.
- D. Held as of the close of trading on July 14, 2015, the Recognized Loss Amount for each such share shall be *the lesser of*:
  1. the dollar artificial inflation applicable to each such share on the date of purchase/acquisition as set forth in **Table 1** below; or
  2. the actual purchase/acquisition price of each such share *minus* \$64.90.<sup>4</sup>

**For shares of SanDisk common stock held as of the close of trading on October 15, 2014 and sold during the Class Period, a Recognized Gain Amount will be calculated as follows:**

Shares of SanDisk common stock held as of the close of trading on October 15, 2014 and sold during the Class Period were sold at artificially inflated prices. For each share of SanDisk common stock held as of the close of trading on October 15, 2014, and sold at any point from October 16, 2014, through and including April 15, 2015, a Recognized Gain Amount will be calculated by multiplying the number of shares held as of the close of trading on October 15, 2014, by the amount of artificial inflation per share on the date of sale as set forth in **Table 1**.

**TABLE 1**

**SanDisk Common Stock Artificial Inflation  
For Purposes of Calculating Purchase and Sale Inflation**

<b>Transaction Date</b>	<b>Artificial Inflation Per Share</b>
October 16, 2014 – March 25, 2015	\$9.04
March 26, 2015	\$2.26
March 27, 2015 – April 15, 2015	\$1.35

<sup>4</sup> Pursuant to Section 21D(e)(1) of the Exchange Act, “in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and the mean trading price of that security during the 90-day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated to the market.” Consistent with the requirements of the Exchange Act, Recognized Loss Amounts are reduced to an appropriate extent by taking into account the closing prices of SanDisk common stock during the “90-day look-back period,” April 16, 2015, through July 14, 2015. The mean (average) closing price for SanDisk common stock during this 90-day look-back period was \$64.90.

**TABLE 2****SanDisk Common Stock Closing Price and Average Closing Price  
April 16, 2015 – July 14, 2015**

<b>Date</b>	<b>Closing Price</b>	<b>Average Closing Price between April 16, 2015 and Date Shown</b>	<b>Date</b>	<b>Closing Price</b>	<b>Average Closing Price between April 16, 2015 and Date Shown</b>
4/16/2015	\$67.91	\$67.91	6/1/2015	\$68.23	\$67.60
4/17/2015	\$67.01	\$67.46	6/2/2015	\$67.07	\$67.59
4/20/2015	\$66.87	\$67.26	6/3/2015	\$67.51	\$67.59
4/21/2015	\$67.92	\$67.43	6/4/2015	\$67.10	\$67.57
4/22/2015	\$68.48	\$67.64	6/5/2015	\$68.67	\$67.60
4/23/2015	\$68.76	\$67.82	6/8/2015	\$67.51	\$67.60
4/24/2015	\$67.92	\$67.84	6/9/2015	\$66.81	\$67.58
4/27/2015	\$67.67	\$67.82	6/10/2015	\$67.26	\$67.57
4/28/2015	\$68.69	\$67.91	6/11/2015	\$66.66	\$67.55
4/29/2015	\$67.84	\$67.91	6/12/2015	\$66.10	\$67.51
4/30/2015	\$66.94	\$67.82	6/15/2015	\$64.18	\$67.43
5/1/2015	\$68.47	\$67.87	6/16/2015	\$64.52	\$67.37
5/4/2015	\$67.51	\$67.84	6/17/2015	\$64.73	\$67.31
5/5/2015	\$66.97	\$67.78	6/18/2015	\$65.21	\$67.26
5/6/2015	\$66.64	\$67.71	6/19/2015	\$63.92	\$67.19
5/7/2015	\$66.59	\$67.64	6/22/2015	\$65.48	\$67.15
5/8/2015	\$67.73	\$67.64	6/23/2015	\$65.09	\$67.11
5/11/2015	\$67.77	\$67.65	6/24/2015	\$63.79	\$67.04
5/12/2015	\$66.67	\$67.60	6/25/2015	\$63.35	\$66.97
5/13/2015	\$67.20	\$67.58	6/26/2015	\$62.12	\$66.87
5/14/2015	\$67.00	\$67.55	6/29/2015	\$60.19	\$66.74
5/15/2015	\$67.19	\$67.53	6/30/2015	\$58.22	\$66.58
5/18/2015	\$67.50	\$67.53	7/1/2015	\$56.41	\$66.39
5/19/2015	\$67.33	\$67.52	7/2/2015	\$56.36	\$66.21
5/20/2015	\$67.08	\$67.51	7/6/2015	\$55.48	\$66.02
5/21/2015	\$67.02	\$67.49	7/7/2015	\$55.89	\$65.84
5/22/2015	\$67.08	\$67.47	7/8/2015	\$54.15	\$65.64
5/26/2015	\$66.39	\$67.43	7/9/2015	\$53.81	\$65.44
5/27/2015	\$69.01	\$67.49	7/10/2015	\$53.53	\$65.24
5/28/2015	\$69.59	\$67.56	7/13/2015	\$53.65	\$65.05
5/29/2015	\$68.38	\$67.58	7/14/2015	\$55.45	\$64.90

### ADDITIONAL PROVISIONS

Purchases or acquisitions and sales of SanDisk common stock shall be deemed to have occurred on the “contract” or “trade” date as opposed to the “settlement” or “payment” date. The receipt or grant by gift, inheritance or operation of law of SanDisk common stock during the Class Period shall not be deemed a purchase, acquisition, or sale of these shares of SanDisk common stock for the calculation of an Authorized Claimant’s Recognized Claim, nor shall the receipt or grant be deemed an assignment of any claim relating to the purchase/acquisition of such shares of such SanDisk common stock unless: (i) the donor or decedent purchased or otherwise acquired such shares of SanDisk common stock during the Class Period; (ii) no Claim Form was submitted by or on behalf of the donor, on behalf of the decedent, or by anyone else with respect to such shares of SanDisk common stock; and (iii) it is specifically so provided in the instrument of gift or assignment.

In accordance with the Plan of Allocation, the Recognized Loss Amount on any portion of a purchase or acquisition that matches against (or “covers”) a “short sale” is zero. The Recognized Loss Amount on a “short sale” that is not covered by a purchase or acquisition is also zero.

In the event that a Claimant has an opening short position in SanDisk common stock at the start of the Class Period, the earliest Class Period purchases or acquisitions shall be matched against such opening short position in accordance with the FIFO matching described above and any portion of such purchase or acquisition that covers such short sales will not be entitled to recovery. In the event that a claimant newly establishes a short position during the Class Period, the earliest subsequent Class Period purchase or acquisition shall be matched against such short position on a FIFO basis and will not be entitled to a recovery.

SanDisk common stock is the only security eligible for recovery under the Plan of Allocation. With respect to SanDisk common stock purchased or sold through the exercise of an option, the purchase/sale date of the SanDisk common stock is the exercise date of the option and the purchase/sale price is the exercise price of the option.

The sum of a Claimant’s Recognized Loss Amounts minus the sum of a Claimant’s Recognized Gain Amounts will be the Claimant’s “Recognized Claim.” To the extent that the calculation of a Claimant’s Recognized Claim results in a negative number, the Claimant’s Recognized Claim will be zero.

An Authorized Claimant’s Recognized Claim shall be the amount used to calculate the Authorized Claimant’s *pro rata* share of the Net Settlement Fund. If the sum total of Recognized Claims of all Authorized Claimants who are entitled to receive payment out of the Net Settlement Fund is greater than the Net Settlement Fund, each Authorized Claimant shall receive his, her, or its *pro rata* share of the Net Settlement Fund. The *pro rata* share shall be the Authorized Claimant’s Recognized Claim divided by the total of Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Fund.

If the Net Settlement Fund exceeds the sum total amount of the Recognized Claims of all Authorized Claimants entitled to receive payment, the excess amount in the Net Settlement Fund shall be distributed *pro rata* to all Authorized Claimants entitled to receive payment.

The Net Settlement Fund will be allocated among all Authorized Claimants whose prorated payment is \$10.00 or greater. If the prorated payment to any Authorized Claimant calculates to less than \$10.00, no distribution will be made to that Authorized Claimant.

Class Members who do not submit valid Claim Forms will not share in the distribution of the Net Settlement Fund, however, they will nevertheless be bound by the Settlement and the Judgment of the Court dismissing this Action unless they have timely and validly sought exclusion.

Distributions will be made to Authorized Claimants after all claims have been processed and after the Court has finally approved the Settlement. If any funds remain in the Net Settlement Fund by reason of uncashed distributions or otherwise and it is economical to do so, then, after the Claims Administrator has made reasonable and diligent efforts to have Class Members who are entitled to participate in the distribution of the Net Settlement Fund cash their distributions, any balance remaining in the Net Settlement Fund at least four months after the initial distribution of such funds shall be redistributed on a *pro rata* basis to Class Members who have cashed their initial distributions in an equitable and economical manner, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund for such redistribution. These redistributions shall be repeated until the balance in the Net Settlement Fund is no longer economical to distribute. Any balance that still remains in the Net Settlement Fund after redistribution(s), which is not feasible or economical to reallocate, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund, shall be contributed, in equal amount, to the Consumer Federation of American and the Council of Institutional Investors.

Payment pursuant to the Plan of Allocation or such other plan as may be approved by the Court shall be conclusive against all Claimants. No person shall have any claim against Class Representatives, Plaintiffs’ Counsel, their damages expert, the Claims Administrator, or other agent designated by Class Counsel, arising from determinations or distributions to Claimants made substantially in accordance with the Stipulation, the Plan of Allocation approved by the Court, or further orders of the Court. Defendants, their respective counsel, and all other Released Defendants’ Parties shall have no responsibility for or liability whatsoever for the investment or distribution of the Settlement Fund, the Net Settlement Fund, the Plan of Allocation or the determination, administration, calculation, or payment of any Claim Form or non-performance of the Claims Administrator, the payment or withholding of Taxes owed by the Settlement Fund or any losses incurred in connection therewith.

The Court has reserved jurisdiction to allow, disallow, or adjust on equitable grounds the claim of any Claimant. Each Claimant shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her or its Claim Form.

**SPECIAL NOTICE TO SECURITIES BROKERS AND NOMINEES**

In the previously mailed Class Notice, you were advised that if, for the beneficial interest of any person or entity other than yourself, you purchased SanDisk common stock during the period from October 16, 2014, through April 15, 2015, inclusive, you either had to: (1) provide a list of the names, addresses, and emails of all such beneficial owners to the Claims Administrator; or (2) request from the Claims Administrator sufficient copies of the Class Notice to forward to all such beneficial owners, and forward them to all such beneficial owners.

If you chose the first option, the Claims Administrator sent a copy of the Settlement Notices and Proof of Claim and Release Forms (together, the "Claim Packet") to the beneficial owners whose names and addresses you previously supplied. Unless you have identified additional beneficial owners whose names you did not previously provide, **you need do nothing further at this time.**

If you chose the second option, *i.e.*, you elected to mail the Class Notice directly to beneficial owners, you were advised that you must retain the mailing records for use in connection with any further notices that may be provided in the Action. If you elected this option, the Claims Administrator will forward the same number of Claim Packets to you to send to the beneficial owners **WITHIN TEN (10) CALENDAR DAYS** of receipt of the Claim Packets. If you require more copies than you previously requested, please contact the Claims Administrator at (877) 432-3788 and let them know how many additional Claim Packets you require. You must mail the Claim Packets to the beneficial owners **WITHIN TEN (10) CALENDAR DAYS** of your receipt of the packets.

If you believe that you have identified additional beneficial owners since responding to the Class Notice, you must either (a) **WITHIN TEN (10) CALENDAR DAYS** of receipt of the Claim Packet, provide a list of the names and addresses (including emails if available) of all such additional beneficial owners to the Claims Administrator, or (b) **WITHIN TEN (10) CALENDAR DAYS** of receipt of the Claim Packet, request from the Claims Administrator sufficient copies of the Claim Packet to forward to all such additional beneficial owners, which you shall, **WITHIN TEN (10) CALENDAR DAYS** of receipt of the Claim Packets from the Claims Administrator, mail, by First-Class Mail and postage prepaid, to the beneficial owners and provide the Claims Administrator with email addresses for all such beneficial owners. If you elect to send the Claim Packet to beneficial owners, you shall also send a statement to the Claims Administrator confirming that the mailing was made and shall retain your mailing records for use in connection with any further notices that may be provided in the Action.

Upon full and timely compliance with these directions, you may seek reimbursement of your reasonable expenses actually incurred, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. Copies of this Settlement Notice and the Claim Form may also be obtained from the website for this Action, [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com), or by calling the Claims Administrator at (877) 432-3788.

All communications concerning the foregoing should be addressed to the Claims Administrator:

*SanDisk Securities Litigation*  
Claims Administrator  
c/o Epiq  
P.O. Box 3058  
Portland, OR 97208-3058  
Phone: (877) 432-3788  
[info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com)  
[www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com)

Dated: June 19, 2019

BY ORDER OF THE UNITED STATES  
DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

**PROOF OF CLAIM AND RELEASE**

**I. GENERAL INSTRUCTIONS**

1. To recover as a Class Member based on your claims in the action entitled *In re: SanDisk LLC Securities Litigation*, No. 3:15-cv-01455-VC (the “Action”), YOU MUST MAIL OR SUBMIT ONLINE A COMPLETED PROOF OF CLAIM FORM (“CLAIM FORM”), ACCOMPANIED BY COPIES OF THE DOCUMENTS REQUESTED HEREIN, **ON OR BEFORE SEPTEMBER 12, 2019**, ADDRESSED AS FOLLOWS:

*SanDisk Securities Litigation*  
Claims Administrator  
c/o Epiq  
P.O. Box 3058  
Portland, OR 97208-3058  
Phone: (877) 432-3788  
info@SanDiskSecuritiesLitigation.com  
www.SanDiskSecuritiesLitigation.com

2. Submission of this Claim Form, however, does not assure that you will share in the proceeds of the settlement of the Action.

3. If you are a Class Member and have not timely and validly requested exclusion from the Class, **you are bound by the terms of any judgment entered in the Action, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A CLAIM FORM.**

4. All capitalized terms have the meaning ascribed to them in the Stipulation of Settlement unless otherwise defined herein.

**II. CLAIMANT IDENTIFICATION**

1. If you purchased or otherwise acquired the publicly traded common stock of SanDisk LLC (“SanDisk”) during the period from October 16, 2014, through April 15, 2015, inclusive (the “Class Period”), use Part I of this form entitled “Claimant Identification” to list the Claimant’s name, mailing address, and account numbers if relevant (such as for a claim submitted on behalf of an IRA, Trust, or estate account). Please list the most current Claimant or account name as you would like the information to appear on a check, if eligible for payment. Please also provide a telephone number and/or email address, as the Claims Administrator may need to contact you with questions about the submitted claim. **If your Claimant Identification information changes, please notify the Claims Administrator in writing at the address above.**

2. All joint purchasers must sign this Claim Form. If you are acting in a representative capacity on behalf of a Class Member (for example, as an executor, administrator, trustee, or other representative), you must submit evidence of your current authority to act on behalf of that Class Member. Such evidence would include, for example, letters testamentary, letters of administration, or a copy of the trust documents or other documents, which provide you with the authority to submit the claim. Please also indicate your representative capacity under your signature on p. 5 of this Claim Form.

### III. IDENTIFICATION OF TRANSACTIONS

1. Use Part II of this form entitled “Schedule of Transactions in SanDisk Publicly Traded Common Stock” to supply all required details of your transaction(s). Neither the Claims Administrator, the Defendants, nor the Class Representatives have access to your transactional information. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

2. On the schedules, provide all of the requested information with respect to *all of your* purchases or acquisitions of SanDisk publicly traded common stock, and *all of your* sales of SanDisk publicly traded common stock, whether such transactions resulted in a profit or a loss. You must also provide the amount of SanDisk publicly traded common stock you held at the close of trading on October 15, 2014, and July 14, 2015. Failure to report all such transactions may result in the rejection of your claim.

3. List each transaction separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list.

4. The date of covering a “short sale” is deemed to be the date of purchase of SanDisk common stock. The date of a “short sale” is deemed to be the date of sale of SanDisk common stock.

5. **COPIES OF BROKER CONFIRMATIONS OR OTHER DOCUMENTATION OF YOUR TRANSACTIONS SHOULD BE ATTACHED TO YOUR CLAIM. FAILURE TO PROVIDE THIS DOCUMENTATION COULD DELAY VERIFICATION OF YOUR CLAIM OR RESULT IN REJECTION OF YOUR CLAIM.**

6. **NOTICE REGARDING ELECTRONIC FILES:** Certain Claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. To obtain the mandatory electronic filing requirements and file layout, you may visit the settlement website at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com) or you may email the Claims Administrator’s electronic filing department at [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com). Any file not in accordance with the required electronic filing format will be subject to rejection. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues an email to that effect after processing your file with your claim numbers and respective account information. Do not assume that your file has been received or processed until you receive this email. If you do not receive such an email within 10 days of your submission, you should contact the electronic filing department at [info@SanDiskSecuritiesLitigation.com](mailto:info@SanDiskSecuritiesLitigation.com) to inquire about your file and confirm it was received and acceptable.

**PART I – CLAIMANT INFORMATION**

The Claims Administrator will use this information for all communications regarding this Claim Form. If this information changes, you MUST notify the Claims Administrator in writing at the address above. Complete names of all persons and entities must be provided.

Beneficial Owner's First Name	MI	Beneficial Owner's Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Co-Beneficial Owner's First Name	MI	Co-Beneficial Owner's Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Entity Name (if claimant is not an individual)

Representative or Custodian Name (if different from the Beneficial Owner(s) listed above)

Address 1 (street name and number)

Address 2 (apartment, unit, or box number)

City	State	ZIP/Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/> - <input type="text"/>

Foreign Country (only if not USA)

Social Security Number	OR	Taxpayer Identification Number
<input type="text"/> - <input type="text"/> - <input type="text"/>		<input type="text"/> - <input type="text"/>

Telephone Number (home)	Telephone Number (work)
<input type="text"/> - <input type="text"/> - <input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>

Email Address

Account Number (if filing for multiple accounts, file a separate Proof of Claim for each account)

Claimant Account Type (check appropriate box):

<input type="checkbox"/> Individual (includes joint owner accounts)	<input type="checkbox"/> Pension Plan	<input type="checkbox"/> Trust
<input type="checkbox"/> Corporation	<input type="checkbox"/> Estate	
<input type="checkbox"/> IRA/401(k)	<input type="checkbox"/> Other _____ (please specify)	

**PART II – SCHEDULE OF TRANSACTIONS IN SANDISK PUBLICLY TRADED COMMON STOCK**

**A. BEGINNING HOLDINGS** – State the number of shares of SanDisk publicly traded common stock held at the close of trading on **October 15, 2014**. (Must be documented).

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>	<input type="text"/>
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**B. PURCHASES/ACQUISITIONS DURING CLASS PERIOD** – List each and every purchase or acquisition of SanDisk publicly traded common stock from the opening of trading on **October 16, 2014**, through and including the close of trading on **April 15, 2015**. (Must be documented).

Trade Date MM/DD/YY	Number of Shares Purchased	Price per Share	Total Purchase Price (without regard to fees, commissions, taxes and other costs)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**C. PURCHASES/ACQUISITIONS DURING “90-DAY LOOKBACK PERIOD”** – State the total number of shares of SanDisk publicly traded common stock you purchased/acquired from **April 16, 2015**, through and including the close of trading on **July 14, 2015**.<sup>1</sup>

<input type="text"/>	<input type="text"/>	.	<input type="text"/>
----------------------	----------------------	---	----------------------

**D. SALES** – Separately list each and every sale/disposition of SanDisk publicly traded common stock from after the opening of trading on **October 16, 2014**, through and including the close of trading on **July 14, 2015**. (Must be documented.)

Trade Date MM/DD/YY	Number of Shares Sold	Sale Price Per Share	Total Sale Price (without regard to fees, commissions, taxes and other costs)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**E. ENDING HOLDINGS** – State the total number of shares of SanDisk publicly traded common stock you held as of the close of trading on **July 14, 2015**. (Must be documented.)

<input type="text"/>	<input type="text"/>	.	<input type="text"/>
----------------------	----------------------	---	----------------------

<sup>1</sup> **Please note:** Information requested with respect to your purchases/acquisitions of SanDisk publicly traded common stock from April 16, 2015, through and including the close of trading on July 14, 2015, is needed in order for the Claims Administrator to balance your claim; however, purchases during this period are not eligible under the Settlement and will not be used for purposes of calculating your Recognized Claim pursuant to the Plan of Allocation.

**IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS**

1. I (We) submit this Claim Form under the terms of the Stipulation and Agreement of Settlement described in the Settlement Notice and available at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com). I (We) also submit to the jurisdiction of the United States District Court, Northern District of California, with respect to my (our) claim as a Class Member.

2. I (We) further acknowledge that, upon the Effective Date of the Settlement, I (we) will be bound by and subject to the terms of any judgment that may be entered in the Action, including the release of the Released Claims as against the Released Defendants' Parties. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim covering the same purchases or sales of SanDisk publicly traded common stock during the relevant periods and know of no other person having done so on my (our) behalf.

3. I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases of SanDisk publicly traded common stock which took place from October 16, 2014, through April 15, 2015, and all of my (our) sales of common stock from October 16, 2014, through July 14, 2015, as well as the number of shares held by me (us) at the close of trading on October 15, 2014, and July 14, 2015.

4. I (We) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_.  
 (Month / Year) (City) (State/Country)

Signature of Claimant		Date				MM	DD	YY
Print Name of Claimant								
Signature of Joint Claimant, if any		Date				MM	DD	YY
Print Name of Joint Claimant, if any								

---

(Capacity of person(s) signing *e.g.*, Beneficial Purchaser, Executor, or Administrator)

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.  
THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Please sign above.
2. Remember to attach copies of supporting documentation.
3. **Do not send** originals of certificates or other documentation, as they will not be returned.
4. Keep a copy of your Claim Form and all supporting documentation for your records.
5. If you desire an acknowledgment of receipt of your Claim Form, please send it Certified Mail, Return Receipt Requested.
6. If you move, please send your new address to the address below.
7. **Do not use red pen or highlighter** on the Claim Form or supporting documentation.

**THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR, IF MAILED, POSTMARKED NO LATER THAN SEPTEMBER 12, 2019, ADDRESSED AS FOLLOWS:**

*SanDisk Securities Litigation*  
Claims Administrator  
c/o Epiq  
P.O. Box 3058  
Portland, OR 97208-3058  
Phone: (877) 432-3788  
info@SanDiskSecuritiesLitigation.com  
www.SanDiskSecuritiesLitigation.com

# **Exhibit C**

## CONFIRMATION OF PUBLICATION

IN THE MATTER OF: *SanDisk Securities Litigation*

I, Kathleen Komraus, hereby certify that

(a) I am the Media & Design Manager at Epiq Class Action & Claims Solutions, a noticing administrator, and;

(b) The Notice of which the annexed is a copy was published in the following publications on the following dates:

*7.1.19 – Investor's Business Daily*

*7.1.19 – PR Newswire*

x Kathleen Komraus  
(Signature)

Media & Design Manager  
(Title)



SMALL-CAP GROWTH FUNDS VS. BIG-CAP GROWTH FUNDS. Table with columns for Fund Name, Performance, and Assets. Includes line chart showing performance trends from July to April 2019.

GROWTH FUNDS VS. VALUE FUNDS. Table with columns for Fund Name, Performance, and Assets. Includes line chart showing performance trends from July to April 2019.

36 Mos Fund Performance Rating. Table with columns for Fund Name, Performance, and Assets. Includes line chart showing performance trends from July to April 2019.

Top Growth Funds

Table of Top Growth Funds (Last 3 Months). Columns: Mutual Fund, % Change, Performance Rating, \$ Net Assets. Lists funds like Kinetics Internet, Delaware Instl USGrowth, etc.

Top Growth Funds

Table of Top Growth Funds (Last 36 Months). Columns: Mutual Fund, % Change, Performance Rating, \$ Net Assets. Lists funds like Delaware Instl LrgCpGrow, Kinetics Internet, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-Multimedia, A-Newsnight, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

U.S. Stock Fund Cash Position

Table showing U.S. Stock Fund Cash Position with columns for High (11/00), 6.2% Low (2/18), and 2.5%.

Table of U.S. Stock Fund Cash Position. Columns: Fund Name, Performance, and Assets. Lists funds like Nov 17, Dec 17, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like Asstmgmt, Kinetics Internet, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like B-NVenture, Delaware A, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like E-GradeBond, A-GrowthComp, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like Asstmgmt, Kinetics Internet, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

36 Mos Fund Performance Rating

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36 Mos Fund Performance Rating

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36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like Asstmgmt, Kinetics Internet, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

36 Mos Fund Performance Rating

Table of 36 Mos Fund Performance Rating. Columns: Fund Name, Performance, and Assets. Lists funds like A-MidCapGr, A-MidCapGr, etc.

# Announcing Proposed Class Action Settlement Involving Purchasers of SanDisk Corporation Common Stock

NEWS PROVIDED BY

**United States District Court for the Northern District of California →**

Jul 01, 2019, 08:00 ET

SAN FRANCISCO, July 1, 2019 /PRNewswire/ --

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

**SUMMARY NOTICE OF PROPOSED  
CLASS ACTION SETTLEMENT AND  
MOTION FOR ATTORNEYS' FEES  
AND EXPENSES**

**To all persons and entities who purchased or otherwise acquired the publicly traded common stock of SanDisk Corporation ("SanDisk") during the period from October 16, 2014 through April 15, 2015 and were damaged thereby (the "Class").**

YOU ARE HEREBY NOTIFIED, pursuant to an Order of the United States District Court for the Northern District of California, that the Parties to the above-referenced class action (the "Action") have reached a settlement in the amount of \$50,000,000 in cash (the "Settlement Amount") that, if approved by the Court, will resolve all claims in the Action and related claims based on the identical factual predicate.<sup>1</sup>

A hearing will be held before the Honorable Vince Chhabria of the United States District Court for the Northern District of California, in the San Francisco Courthouse, Courtroom 4, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102 at **10:00 a.m. on September 26, 2019** to, among other things, determine whether (1) the Settlement should be approved by the Court as fair, reasonable, and adequate; (2) the Plan of Allocation for distribution of the Settlement Amount, and any interest thereon, less Court-awarded attorneys' fees, Notice and Administration Expenses, Taxes, and any other costs, fees, or expenses approved by the Court (the "Net Settlement Fund") should be approved as fair, reasonable, and adequate; and (3) to approve the application of Class Counsel, on behalf of Plaintiffs' Counsel, for an award of attorneys' fees of no more than 28% of the Settlement Fund (which would be up to \$14 million) and payment of expenses of no more than \$1 million from the Settlement Fund, which will include the expenses of Class Representatives pursuant to the Private Securities Litigation Reform Act of 1995. The Court may change the date of the Settlement Hearing without providing another notice. You do NOT need to attend the Settlement Hearing in order to receive a distribution from the Net Settlement Fund.

Case 8:15-cv-01450-VC Document 276-5 Filed 08/22/19 Page 88 of 90

**IF YOU ARE A MEMBER OF THE CLASS YOUR RIGHTS WILL BE AFFECTED BY THE SETTLEMENT AND YOU MAY BE ENTITLED TO SHARE IN THE NET SETTLEMENT FUND.** If you have not yet received the full Notice of Proposed Class Action Settlement and Motion for Attorneys' Fees and Expenses (the "Settlement Notice") and a Proof of Claim and Release form ("Claim Form"), you may obtain copies of these documents by contacting the Claims Administrator or visiting the case website:

*SanDisk Securities Litigation*  
Claims Administrator  
c/o Epiq  
P.O. Box 3058  
Portland, OR 97208-3058  
Phone: (877) 432-3788  
info@SanDiskSecuritiesLitigation.com  
www.SanDiskSecuritiesLitigation.com

Inquiries may also be made to Class Counsel:

DEBORAH CLARK-WEINTRAUB  
MAX R. SCHWARTZ  
**SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
The Helmsley Building  
230 Park Avenue, 17th Floor  
New York, NY 10169  
Phone: (212) 223-6444  
Facsimile: (212) 223-6334  
www.scott-scott.com

If you are a Class Member, to be eligible to share in the distribution of the Net Settlement Fund, you must submit a Claim Form **postmarked or electronically submitted online no later than September 12, 2019**. If you are a Class Member and do not timely submit a valid Claim Form, you will not be eligible to share in the distribution of the Net Settlement Fund, but you will nevertheless be bound by any judgments or orders entered by the Court in the Action.

If you previously submitted a valid and timely request for exclusion from the Class in connection with the Notice of Pendency of Class Action ("Class Notice") and you wish to remain excluded, no further action is required.

If you did not previously do so, to exclude yourself from the Class now, you must submit a written request for exclusion in accordance with the instructions set forth in the Settlement Notice such that it is **received (not simply postmarked) no later than September 5, 2019**. If you are a Class Member and do not exclude yourself from the Class, **you will be bound** by any judgments or orders entered by the Court in the Action.

If you previously submitted a request for exclusion from the Class in connection with the Class Notice but you want to **opt-back** into the Class now for the purpose of being eligible to receive a payment from the Net Settlement Fund, you may do so. In order to opt-back into the Class, you must submit a request in writing such that it is **received (not simply postmarked) no later than September 5, 2019**, in accordance with the instructions set forth in the Settlement Notice.

If you wish to remain in the Class, but object to the Settlement Plan of Allocation and/or application for attorneys' fees and payment of expenses, any such objection must be provided to the Court in accordance with the instructions set forth in the Settlement Notice so that they are **received (not simply postmarked) no later than September 5, 2019**.

**PLEASE DO NOT CONTACT THE COURT, DEFENDANTS, OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE.**

Dated: July 1, 2019      BY ORDER OF THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF CALIFORNIA

<sup>1</sup> The complete terms of the Settlement are in the Stipulation and Agreement of Settlement, dated May 6, 2019, which can be viewed at [www.SanDiskSecuritiesLitigation.com](http://www.SanDiskSecuritiesLitigation.com).

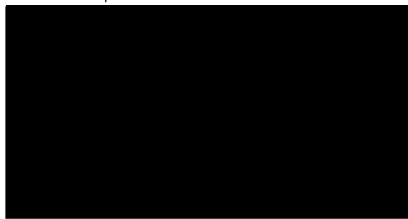
SOURCE United States District Court for the Northern District of California

Related Links

<http://www.SanDiskSecuritiesLitigation.com>

# **Exhibit D**

# Settlement Exclusion Request - 1



July 26, 2019

SanDisk Securities Litigation  
Claims Administrator  
c/o Epiq  
P.O. Box 3058  
Portland, OR 97208-3058

Dear Sirs,

Please exclude myself from the Class in SanDisk LLC Sec. Litig. No 3:15-cv-01455-VC.

This is in reference to ALL purchases, acquisitions, and sales of SanDisk securities during the period Oct 16, 2014 through April 15, 2015.

Sincerely Yours,

A handwritten signature in black ink that reads "Thomas T. Milkie". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas T. Milkie



MR. THOMAS T. MCKE



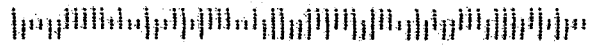
27 JUL 2019 4:51



Sandisk Securities Litigation  
claims administrator  
c/o EPI9  
P.O. Box 3058  
Portland, OR

97208-3058

97208-305858





## **EXHIBIT 7**

1 DEBORAH CLARK-WEINTRAUB (*pro hac vice*)  
 MAX R. SCHWARTZ (*pro hac vice*)  
 2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
 The Helmsley Building  
 3 230 Park Avenue, 17th Floor  
 New York, NY 10169  
 4 Telephone: (212) 223-6444  
 Facsimile: (212) 223-6334  
 5 Email: dweintraub@scott-scott.com  
 mschwartz@scott-scott.com

6 *Attorneys for Class Representatives and the Class*

7 [Additional counsel on signature page.]

8  
 9 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

13 **DECLARATION OF DARYL F. SCOTT**  
**FILED ON BEHALF OF**  
 14 **SCOTT+SCOTT ATTORNEYS AT LAW**  
**LLP IN SUPPORT OF APPLICATION**  
 15 **FOR AWARD OF ATTORNEYS' FEES**  
 16 **AND EXPENSES**

17 Date: September 26, 2019 at 10:00 a.m.  
 Dept.: Courtroom 4, 17th Floor  
 Judge: Hon. Vince Chhabria

1 I, Daryl F. Scott, declare as follows:

2 1. I am a partner in the law firm of Scott+Scott Attorneys at Law LLP (“Scott+Scott”  
3 or the “Firm”). I submit this declaration in support of Class Counsel’s motion for an award of  
4 attorneys’ fees and for the payment of expenses, costs, and charges (the “Expenses”) incurred in  
5 the above-captioned action (the “Action” or the “Litigation”). I have personal knowledge of the  
6 facts set forth in this declaration and am willing to testify thereto.

7 2. My Firm, served as Class Counsel, and participated in all facets of the Litigation  
8 and the settlement of the claims. The work performed by my Firm is described below and in the  
9 Declaration of Deborah Clark-Weintraub in Support of Class Representatives’ Motion for Final  
10 Approval of Class Action Settlement and Plan of Allocation and in Support of Class Counsel’s  
11 Motion for an Award of Attorneys’ Fee and Payment of Expenses, and Reimbursement of Class  
12 Representatives Costs and Expenses.

13 3. This declaration is supported by the accounting records and related material  
14 maintained by my Firm and documented in the ordinary course of business. The information was  
15 assembled and prepared by my staff, and reviewed by me. During my review, I exercise billing  
16 judgement and reduced or excluded certain time entries and certain Expenses. Time spent  
17 preparing this fee and expense application was excluded from the declaration. As a result, I  
18 believe the Firm’s lodestar, and the Expenses for which reimbursement is sought, are reasonable  
19 in amount and were necessary for the effective and efficient prosecution of the Litigation. I also  
20 believe that the Expenses submitted are of a type normally charged to and paid by fee-paying  
21 clients.

22 4. Exhibit A summarizes the time spent by the Firm’s attorneys and professional  
23 support staff in prosecuting the Action. Exhibit A includes a lodestar calculation, which was  
24 determined by multiplying hours recorded by current hourly rates. For personnel no longer  
25 employed by my Firm, the lodestar calculation is based on their hourly rates in the final year of  
26 employment with my Firm. Exhibit A was prepared from daily time records regularly prepared  
27 and maintained by my Firm and are available upon the request.

28

1 5. The hourly billing rates established by my Firm for attorneys and staff are the usual  
2 and customary rates that have been accepted by courts in other complex or class action litigation.  
3 The billing rates exclude items of Expense, which were recorded separately and are set forth in  
4 Exhibit C.

5 6. The hours submitted by my Firm, from the inception of the Litigation through  
6 August 16, 2019, are set forth in Exhibit A and total 18,561.6. The lodestar, during the same  
7 period, totals \$11,016,472.25.

8 7. A summary by tasks of the work performed by attorneys and professional staff is  
9 set forth in Exhibit B.


10 8. Exhibit C sets forth the total Expenses submitted by my Firm, from the inception  
11 of the Litigation through August 16, 2019. Total Expenses are \$547,583.55.

12 9. To facilitate the sharing of Expenses, Class Counsel contributed to a common  
13 litigation fund (the “Litigation Fund”) which was established and managed by my Firm. As set  
14 forth in Exhibit D, from the inception of the Litigation through August 16, 2019, Plaintiffs’  
15 contributed \$462,000.00 to the Litigation Fund and, during the same period, the Litigation Fund  
16 paid or incurred \$459,772.13 in Expenses, leaving a balance of \$2,227.87.

17 10. The Expenses in this Declaration are reflected in the Firm’s accounting records  
18 maintained and held by the Firm. The Expenses were prepared from vouchers, receipts, check  
19 records and other source material and are an accurate record of the Expenses.

20 11. With respect to the standing of my firm, attached as Exhibit E are brief biographies  
21 of Scott+Scott, and the individual attorneys who worked on the Litigation.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this 22<sup>nd</sup>  
23 day of August, 2019, in Richmond, VA.

24  
25   
26 \_\_\_\_\_  
27 Daryl F. Scott  
28 Scott+Scott Attorneys at Law LLP

**EXHIBIT A*****IN RE SANDISK LLC SEC. LITIG.*****Scott+Scott Attorneys at Law LLP****Billing Report  
Inception through August 16, 2019**

<b>Professional</b>	<b>Status</b>	<b>Hourly Rate</b>	<b>Total Hours</b>	<b>Lodestar</b>
David Scott	P	\$ 1,050.00	42.30	\$ 44,415.00
Beth Kaswan	P	995.00	39.90	39,700.50
Debbie Weintraub	P	995.00	2,552.60	2,539,837.00
Joseph Guglielmo	P	900.00	54.20	48,780.00
Donald Broggi	P	900.00	36.20	32,580.00
Michael Burnett	P	775.00	59.70	46,267.50
Thomas Laughlin	P	825.00	105.60	87,120.00
Max Schwartz	P	825.00	3,904.40	3,221,130.00
John Jasnoch	P	600.00	51.50	30,900.00
Alex Vargas	I	625.00	262.80	164,250.00
Lauren McCabe	A	625.00	55.20	34,500.00
Anjali Bhat	A	575.00	1,217.20	699,890.00
Stephen Teti	A	575.00	27.70	15,927.50
Jonathan Zimmerman	A	450.00	1,660.20	747,090.00
Joseph Halloran	A	400.00	124.90	49,960.00
Elizabeth Campos	SA	400.00	449.00	179,600.00
Wendy Elmendorf	SA	400.00	1,011.50	404,600.00
Stephen Fletcher	SA	400.00	1,028.80	411,520.00
Jing Wan	SA	400.00	1,816.50	726,600.00
Brandon Zapt	SA	400.00	2,643.30	1,057,320.00
Tony Kim	PL	275.00	51.40	14,135.00
Mario Tlatenchi	LS	300.00	29.30	8,790.00
Charlie Torres	LS	300.00	488.45	146,535.00
Oleg Ospha	LS	300.00	319.40	95,820.00
Irina Chilaia	PL	305.00	52.20	15,921.00
Ellen Dewan	PL	325.00	44.50	14,462.50
Veronica Flannery	PL	305.00	48.00	14,640.00
Kaitlin Steinberger	PL	325.00	213.45	69,371.25
Renata McGraw	PL	275.00	17.90	4,922.50
Ann Slaughter	PL	325.00	153.50	49,887.50
<b>TOTAL</b>			<b>18,561.60</b>	<b>\$ 11,016,472.25</b>

Partner (P)  
Of Counsel (OC)  
Associate (A)  
Staff Attorney (SA)  
Investigator (I)  
Paralegal (PL)

28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

**EXHIBIT B**

**IN RE SANDISK LLC SEC. LITIG.  
Scott+Scott Attorneys at Law LLP  
Inception through August 16, 2019**

Name		1	2	3	4	5	6	7	8	9	10	Total Hours	Rate	Total Lodestar
David Scott	P	-	-	0.3	-	3.6	-	-	37.8	0.6	-	42.3	\$1,050	44,415.00
Beth Kaswan	P	-	-	0.5	0.2	38.4	-	-	-	0.8	-	39.9	\$995	39,700.50
Debbie Weintraub	P	59.6	82.5	1,102.3	24.6	732.5	8.0	227.6	301.7	9.8	4.0	2,552.6	\$995	2,539,837.00
Joseph Guglielmo	P	-	-	2.1	-	37.7	14.4	-	-	-	-	54.2	\$900	48,780.00
Donald Broggi	P	-	-	12.9	0.2	10.0	-	-	13.1	-	-	36.2	\$900	32,580.00
Michael Burnett	P	-	-	5.7	-	46.2	-	-	7.8	-	-	59.7	\$775	46,267.50
Thomas Laughlin	P	0.8	1.6	-	-	98.1	4.0	-	0.6	0.5	-	105.6	\$825	87,120.00
Max Schwartz	P	68.7	167.7	1,567.7	49.0	1,342.4	24.2	274.9	356.6	36.6	16.6	3,904.4	\$825	3,221,130.00
John Jasnoch	P	-	-	2.0	12.3	34.5	1.5	-	1.2	-	-	51.5	\$600	30,900.00
Alex Vargas	I	183.2	17.5	39.3	0.6	22.2	-	-	-	-	-	262.8	\$625	164,250.00
Lauren McCabe	A	-	-	2.5	-	36.4	-	16.3	-	-	-	55.2	\$625	34,500.00
Anjali Bhat	A	-	-	876.1	0.1	322.5	-	0.5	14.6	3.3	0.1	1,217.2	\$575	699,890.00
Stephen Teti	A	-	-	-	-	27.7	-	-	-	-	-	27.7	\$575	15,927.50
Jonthan Zimmerman	A	-	-	1,168.7	3.4	394.2	-	56.9	36.5	0.5	-	1,660.2	\$450	747,090.00
Joseph Halloran	A	-	-	-	2.2	122.7	-	-	-	-	-	124.9	\$400	49,960.00
Elizabeth Campos	SA	-	-	449.0	-	-	-	-	-	-	-	449.0	\$400	179,600.00
Wendy Elmendorf	SA	-	-	1,011.5	-	-	-	-	-	-	-	1,011.5	\$400	404,600.00
Stephen Fletcher	SA	-	-	1,028.8	-	-	-	-	-	-	-	1,028.8	\$400	411,520.00
Jing Wan	SA	-	-	1,816.5	-	-	-	-	-	-	-	1,816.5	\$400	726,600.00
Brandon Zapt	SA	-	-	1,827.0	-	806.9	-	-	9.4	-	-	2,643.3	\$400	1,057,320.00
Tony Kim	PL	43.4	-	-	-	8.0	-	-	-	-	-	51.4	\$275	14,135.00
Mario Tlatenchi	LS	-	-	27.0	-	-	-	-	2.3	-	-	29.3	\$300	8,790.00
Charlie Torres	LS	-	-	462.0	-	26.5	-	-	-	-	-	488.5	\$300	146,535.00
Oleg Ospa	LS	-	-	319.4	-	-	-	-	-	-	-	319.4	\$300	95,820.00
Irina Chilaia	PL	13.6	-	8.9	0.2	29.0	-	-	0.5	-	-	52.2	\$305	15,921.00
Ellen Dewan	PL	-	1.0	-	6.0	34.0	-	-	3.5	-	-	44.5	\$325	14,462.50
Veronica Flannery	PL	-	-	27.2	1.0	11.8	-	-	8.0	-	-	48.0	\$305	14,640.00
Kaitlin Steinberger	PL	9.7	22.0	42.1	0.7	111.8	-	3.1	24.1	-	-	213.5	\$325	69,371.25
Renata McGraw	PL	10.4	-	-	-	7.5	-	-	-	-	-	17.9	\$275	4,922.50
Ann Slaughter	PL	0.1	8.6	46.9	17.0	77.4	-	1.0	2.5	-	-	153.5	\$325	49,887.50
<b>TOTAL:</b>		<b>389.5</b>	<b>300.9</b>	<b>11,846.4</b>	<b>117.5</b>	<b>4,382.0</b>	<b>52.1</b>	<b>580.3</b>	<b>820.2</b>	<b>52.1</b>	<b>20.7</b>	<b>18,561.6</b>		<b>11,016,472.25</b>

- Categories:
- (1) Factual Investigation
  - (2) Pleadings
  - (3) Discovery
  - (4) Case Management
  - (5) Motions and Legal Research
  - (6) Court Appearances
  - (7) Experts/Consultants
  - (8) Settlement
  - (9) Litigation Strategy/Analysis
  - (10) Trial Preparation
- (P) Partner  
 (OC) Of Counsel  
 (A) Associate  
 (SA) Staff Attorney  
 (I) Investigator  
 (PL) Paralegal  
 (LS) Litigation Support

CASE NO. 3:15-CV-01455-VC  
 DECLARATION OF DARYL F. SCOTT FILED ON BEHALF OF SCOTT+SCOTT ATTORNEYS AT LAW LLP IN SUPPORT  
 OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

**EXHIBIT C*****IN RE SANDISK LLC SEC. LITIG.*****Scott+Scott Attorneys at Law LLP****Inception through August 16, 2019**

<b>EXPENSE</b>	<b>AMOUNT</b>
Filing, Witness and Other Fees	\$ 2,809.00
Work-Related Transportation, Hotels & Meals *	\$ 70,842.70
Long-Distance Telephone, Facsimile & Conference Calling	\$ 2,269.96
Messenger, Overnight Delivery	\$ 6,000.66
Court Hearing and Deposition Reporting	\$ 51,506.00
Duplicating	\$ 18,529.21
Online Legal and Factual Research	\$ 17,406.94
Litigation Support	\$ 147,219.08
Contribution to Joint Litigation Fund	\$ 231,000.00
<b>TOTAL</b>	<b>\$ 547,583.55</b>

\*\$3,300 in estimated travel costs has been included for representatives of Scott+Scott to attend the final approval hearing. If less than \$3,300 is incurred, the actual amount incurred will be deducted from the Settlement Fund. If more than \$3,300 is incurred, \$3,300 will be the cap and only that amount will be deducted from the Settlement Fund.

**EXHIBIT D****IN RE SANDISK LLC SEC. LITIG.****Scott+Scott Attorneys at Law LLP****Class Counsel's Contributions to Litigation Fund****Inception through August 16, 2019****LITIGATION EXPENSE FUND**

<b>LAW FIRM</b>		<b>CONTRIBUTIONS</b>
Scott+Scott Attorneys at Law LLP		\$ 231,000.00
Cohen Milstein Sellers & Toll PLLC		\$ 115,500.00
Labaton Sucharow LLP		\$ 115,500.00
<b>TOTAL CONTRIBUTIONS</b>		<b>\$ 462,000.00</b>
<b>LITIGATION FUND EXPENSES</b>		
<b>CATEGORY</b>		<b>AMOUNTS</b>
<b>Experts</b>		\$ 369,627.91
Damages	\$354,627.91	
Industry	\$ 15,000.00	
<b>Court and Deposition Reporting Services</b>		\$ 9,499.62
<b>Process Service/Court Fees</b>		\$ 742.00
<b>Mediation</b>		\$ 46,733.60
<b>Litigation Fund Bank Fees</b>		\$ 294.00
<b>Jury Consultant</b>		\$ 32,875.00
<b>TOTAL EXPENSES OF LITIGATION FUND</b>		<b>\$ 459,772.13</b>
<b>BALANCE REMAINING IN LITIGATION EXPENSE FUND AS OF AUGUST 16, 2019</b>		<b>\$ 2,227.87</b>



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**EXHIBIT E**

***IN RE SANDISK LLC SEC. LITIG.***

**Scott+Scott Attorneys at Law LLP**

FIRM RESUME

# Scott+Scott Attorneys at Law LLP Firm Profile



New York + London + Amsterdam + California + Connecticut + Ohio

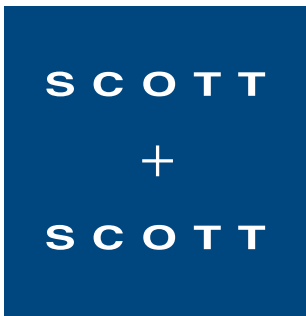
[scott-scott.com](http://scott-scott.com)



# MISSION STATEMENT

Founded in 1975, Scott+Scott Attorneys at Law LLP is an internationally recognized law firm with offices located in New York, London, Amsterdam, California, Connecticut, and Ohio. The Firm represents public pension funds, Taft-Hartley funds, Fortune 500 companies, and individuals victimized by securities fraud, anticompetitive conduct, and corporate wrongdoing. The Firm has successfully prosecuted diverse, complex cases and recovered billions of dollars on behalf of its clients — promoting corporate social responsibility while achieving precedent-setting reforms in corporate governance.





# ATTORNEYS AT LAW LLP

## SPECIALTIES

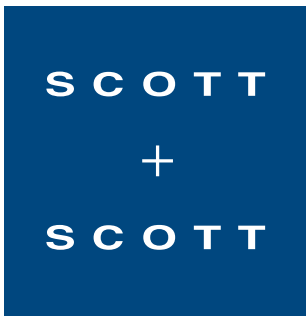
### + ANTITRUST

Scott+Scott Attorneys at Law LLP represents investors, businesses, and consumers in price-fixing, bid-rigging, monopolization, and other restraints of trade cases on both a class-wide and individual basis. The firm's work for its clients helps ensure that markets remain free, open, and competitive.

Scott+Scott has been recognized by the American Antitrust Institute in receiving an Outstanding Antitrust Litigation Achievement in Private Law Practice award in 2018 and an honorable mention in 2014. The firm's success is reflected in the money recovered for its clients. *The 2018 Antitrust Annual Report: Class Action Filings in Federal Court* co-authored by the University of San Francisco School of Law and The Huntington National Bank found that from 2013 to 2018, Scott+Scott ranked second nationally in total value of settlements for antitrust class actions, recovering over \$3.4 billion. Scott+Scott's dedicated team of antitrust partners have built one of the nation's top plaintiffs' firms for antitrust actions. Furthermore, Scott+Scott's opening of offices in Europe reflects its commitment and ability to pursue its clients' claims on a global basis. Scott+Scott stands ready to take on its clients' complex legal problems and prevail.

#### Representative actions in which Scott+Scott currently serves as a lead counsel include:

- *In re: Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.) (challenging price-fixing of foreign exchange rates (over \$2.3 billion in final-approved settlements)); **The largest antitrust settlement of 2018 according to the American Antitrust Institute;**
- *In re Disposable Contact Lens Antitrust Litig.*, No. 3:15-md-2626 (M.D. Fla.) (class action alleging illegal anticompetitive policies to eliminate discount pricing by the major manufacturers and distributors of disposable contact lenses);
- *In re European Government Bonds Antitrust Litig.*, No. 1:19-cv-2601 (S.D.N.Y.) (challenging manipulation in the market for European Government Bonds); and
- *In re GSE Bonds Antitrust Litig.*, No. 1:19-cv-01704 (S.D.N.Y.) (challenging manipulation in the market for bonds issued by Government-Sponsored Entities, e.g., Freddie Mac and Fannie Mae);
- *In re ICE LIBOR Antitrust Litig.*, No. 1:19-cv-02002 (S.D.N.Y.) (class action alleging anticompetitive conduct in the setting of the ICE LIBOR benchmark rate);
- *Deslandes v. McDonalds USA, LLC*, No. 1:17-cv-04857 (N.D. Ill.) (class action challenging no-hire agreement among McDonald's franchisees);
- *Butler v. Jimmy John's Franchise, LLC*, No. 3:18-cv-00133 (S.D. Ill.) (class action challenging no-hire agreement among Jimmy John's franchisees); and
- *Blanton v. Domino's Pizza Franchising LLC*, No. 2:18-cv-13207 (E.D. Mich.) (class action challenging no-hire agreement among Domino's franchisees).



# ATTORNEYS AT LAW LLP

**Representative cases in which Scott+Scott has previously served as court-appointed co-lead counsel include:**

- *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.) (challenging bid rigging and market allocation of leveraged buyouts by private equity firms (\$590.5 million in settlements));
- *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 14-cv-7126 (S.D.N.Y.) (challenging price-fixing of the ISDAfix benchmark interest rate (\$504.5 million in settlements)) **The 3<sup>rd</sup> largest antitrust settlement of 2018 according to the American Antitrust Institute;**
- *In re Korean Air Lines Co., Ltd. Antitrust Litig.*, MDL No. 1891, No. CV 07-06542 (C.D. Cal.) (challenging price-fixing/illegal surcharge of ticket prices (\$86 million in cash and travel voucher settlements)); and
- *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Limited Co.*, No. 12-cv-03824 (E.D. Pa.) (challenging monopolization in the sale of name-brand pharmaceutical on behalf of indirect purchaser class (\$8 million settlement)).

**When not serving as lead counsel, Scott+Scott has aided in the recovery for class members by serving on the executive leadership committees in numerous other class action cases, including:**

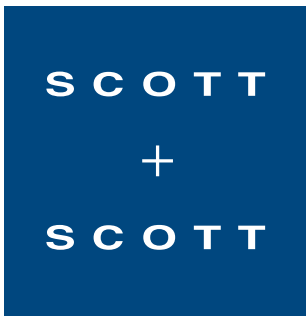
- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, No. 1:05-md-1720 (E.D.N.Y.) (challenging price-fixing in the payment cards industry (\$6.24 billion settlement preliminarily approved));
- *Kleen Products LLC v. Int'l Paper Co.*, No. 1:10-cv-05711 (N.D. Ill.) (challenging price-fixing of containerboard products (over \$376 million in settlements));
- *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-2420-YGR (N.D. Cal.) (challenging price-fixing of lithium-ion batteries on behalf of indirect purchaser class (over \$113 million in settlements)); and
- *In re Mexican Government Bonds Antitrust Litig.*, 18-cv-02830 (S.D.N.Y.) (an antitrust class action by eight institutional investors prosecuting 10 global financial institutions for colluding to fix the prices of debt securities issued by the Mexican Government between 2006 and 2017).

**When not serving as lead counsel, Scott+Scott has served on the executive leadership committees in numerous class action cases, including:**

- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, No. 1:05-md-1720 (E.D.N.Y.) (challenging price-fixing in the payment cards industry (to \$6.24 billion settlement preliminarily approved));
- *Kleen Products LLC v. Int'l Paper Co.*, No. 1:10-cv-05711 (N.D. Ill.) (challenging price-fixing of containerboard products (\$376,400,000 settlement));
- *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-2420-YGR (N.D. Cal.) (challenging price-fixing of lithium-ion batteries); and
- *In re Mexican Government Bonds Antitrust Litig.*, 18-cv-02830 (S.D.N.Y.) (an antitrust class action by eight institutional investors prosecuting 10 global financial institutions for colluding to fix the prices of debt securities issued by the Mexican Government between 2006 and 2017).

**Scott+Scott's class action antitrust experience includes serving as co-trial counsel in:**

- *In re Scrap Metal Antitrust Litig.*, 02-cv-0844 (N.D. Ohio), where it helped obtain a \$34.5 million jury verdict, which was subsequently affirmed by the United States Court of Appeals for the Sixth Circuit (see *In re Scrap Metal Antitrust Litig.*, 527 F.3d 517, 524 (6th Cir. 2008)); and
- *Ross v. Bank of America N.A.*, No. 05-cv-7116, MDL No. 1409 (S.D.N.Y.), and *Ross v. American Express Co.*, No. 04-cv-5723, MDL No. 1409 (S.D.N.Y.) (bench trial involving agreement among payment cards to impose arbitration terms on cardholders).



# ATTORNEYS AT LAW LLP

In addition to its class action work, Scott+Scott also represents clients in opt-out antitrust litigation. The firm's success in class actions allows it to provide its opt-out clients unique and valuable insights.

**Representative clients include Parker Hannifin Corporation, PolyOne Corporation, Eastman Kodak Company, and Fujifilm Manufacturing U.S.A., Inc., in the following matters:**

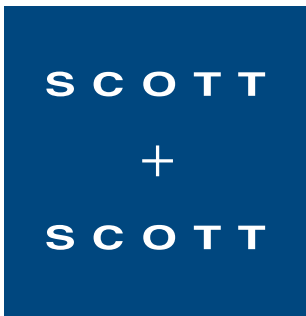
- *In re: Aluminum Warehousing Antitrust Litig.*, MDL No. 2481 (S.D.N.Y.);
- *In re Rubber Chemicals Antitrust Litig.*, MDL No. 1648 (N.D. Cal.);
- *In re Polychloroprene Rubber (CR) Antitrust Litig.*, MDL No. 1642 (D. Conn.); and
- *In re Plastic Additives Antitrust Litigation (No. II)*, MDL No. 1684 (E.D. Pa.).

## + CONSUMER RIGHTS

Scott+Scott and its attorneys have a proven track record of obtaining significant recoveries for consumers in class action cases. Scott+Scott is one of the premier advocates in the area of consumer protection law and has been appointed to a number of prominent leadership positions.

**Cases where Scott+Scott has played a leading role in the area of consumer protection litigation include:**

- *In re Providian Financial Corp. Credit Card Terms Litig.*, MDL No. 1301 (E.D. Pa.) (\$105 million settlement was achieved on behalf of a class of credit card holders who were charged excessive interest and late charges on their credit cards);
- *In re Prudential Ins. Co. SGLI/VGLI Contract Litig.*, MDL No. 2208 (D. Mass.) (\$40 million settlement was achieved on behalf of a class of military service members and their families who had purchased insurance contracts);
- *In re Target Corp. Customer Data Security Breach Litig.*, MDL No. 2522 (D. Minn.) (\$59 million settlement achieved on behalf of financial institutions involving data breach of personal and financial information of approximately 40 million credit and debit card holders);
- *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 15-cv-02228 (N.D. Ill.) (\$18 million monetary and injunctive relief settlement on behalf of financial institutions involving data breach of credit and debit card information);
- *Winsouth Credit Union v. Mapco Express Inc.*, No. 3:14-cv-1573 (M.D. Tenn.) (largest dollar-per-card settlement obtained on behalf of financial institutions involving data breach of credit and debit card information);
- *Gunther v. Capital One, N.A.*, No. 09-2966 (E.D.N.Y.) (a net settlement resulting in class members receiving 100% of their damages was obtained);
- *In re Pre-Filled Propane Tank Marketing and Sales Practices Litig.*, MDL No. 2086 (W.D. Mo.) (\$37 million settlement obtained on behalf of class of propane purchasers who alleged defendants overcharged the class for under-filled propane tanks);
- *Murr v. Capital One Bank (USA), N.A.*, No. 1:13-cv-1091 (E.D. Va.) (\$7.3 million settlement on behalf of class of consumers who were misled into accepting purportedly 0% interest offers); and
- *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.) (\$6.1 settlement obtained on behalf of a class of consumers who purchased Truvia, purported to be deceptively marketed as "all-natural").



# ATTORNEYS AT LAW LLP

Moreover, Scott+Scott is currently serving in a leadership capacity in a number of class action consumer protection cases, including:

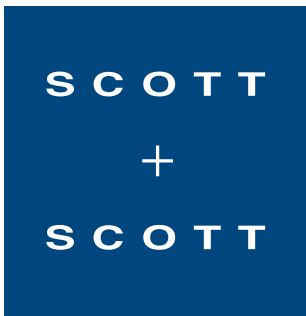
- *In re Equifax, Inc. Customer Data Security Breach Litig.*, MDL No. 2800 (N.D. Ga.) (co-lead counsel on behalf of financial institutions that have been injured because their customers' personal information was compromised when Equifax's systems were breached);
- *In re The Home Depot, Inc., Customer Data Security Breach Litig.*, MDL No. 2583 (N.D. Ga.) (co-lead counsel, \$27.25 million settlement on behalf of financial institutions involving data breach and the theft of the personal and financial information of over 40 million credit and debit card holders);
- *First Choice Federal Credit Union v. The Wendy's Co.*, No. 2:16-cv-00506 (W.D. Pa.) (co-lead counsel, pre-liminary approval of \$50 million settlement on behalf of financial institutions involving data breach of personal and financial information of millions of credit and debit card holders);
- *Negron v. Cigna Corp.*, No. 3:16-cv-1702 (D. Conn.) (Chair of Executive Committee, claims on behalf of plan participants involving overcharge of copayments for prescription drugs); and
- *Midwest America Federal Credit Union v. Arby's Restaurant Group, Inc.*, No. 1:17-cv-00514 (N.D. Ga.) (member of Executive Committee, claims on behalf of financial institutions involving data breach of credit and debit card information).

## + SECURITIES AND CORPORATE GOVERNANCE

Scott+Scott represents individuals and institutional investors that have suffered from stock fraud and corporate malfeasance. Scott+Scott's philosophy is simple – directors and officers should be truthful in their dealings with the public markets and honor their duties to their shareholders. The Firm has successfully prosecuted numerous class actions under the federal securities laws, resulting in the recovery of hundreds of millions of dollars for shareholders.

**Representative cases prosecuted by Scott+Scott under the federal securities laws include:**

- *In re Priceline.com, Inc. Sec. Litig.*, No. 3:00-cv-01884 (D. Conn. July 19, 2007) (\$80 million settlement);
- *Irvine v. ImClone Sys., Inc.*, No. 1:02-cv-00109 (S.D.N.Y. July 29, 2005) (\$75 million settlement);
- *Cornwell v. Credit Suisse Grp.*, No. 1:08-cv-03758 (S.D.N.Y. July 20, 2011) (\$70 million settlement);
- *Policemen's Annuity & Benefit Fund of the City of Chi. v. Bank of Am., NA*, No. 1:12-cv-02865 (S.D.N.Y. Nov. 10, 2014) (\$69 million settlement);
- *Weston v. RCS Capital Corp.*, No. 1:14-cv-10136 (S.D.N.Y. Dec. 29, 2014) (\$31 million settlement);
- *Schnall v. Annuity & Life Re (Holdings) Ltd.*, No. 3:02-cv-02133 (D. Conn. June 13, 2008) (\$26.5 million settlement);
- *In re: Wash. Mut. Mortg.-Backed Sec. Litig.*, No. 2:09-cv-00037 (W.D. Wash. Jan. 7, 2014) (\$26 million settlement);
- *In re Conn's, Inc. Sec. Litig.*, No. 4:14-cv-00548 (S.D. Tex.) (\$22.5 million settlement);
- *In re King Digital, Entm't plc S'holder Litig.*, No. CGC-15-544770 (Cal. Super. Ct., S.F. Cty. Nov. 8, 2016) (\$18.5 million settlement);



# ATTORNEYS AT LAW LLP

- *Arkansas Teacher Ret. Sys. v. Insulet Corp.*, No. 1:15-cv-12345 (D. Mass. Apr. 6, 2018) (\$19.5 million settlement);
- *Birmingham Ret. & Relief Sys. v. S.A.C. Capital Advisors LLC*, No. 1:12-cv-09350 (S.D.N.Y. June 17, 2013) (\$10 million settlement);
- *Hamel v. GT Solar Int'l, Inc.*, No. 217-2010-CV-05004 (N.H. Super. Ct., Merrimack Cty. May 10, 2011) (\$10.25 million settlement); and
- *St. Lucie Cty. Fire Dist. Firefighter's Pension Tr. Fund v. Oilsands Quest Inc.*, No. 1:11-cv-01288 (S.D.N.Y. Dec. 6, 2013) (\$10.23 million settlement).

Since its inception, Scott+Scott's securities and corporate governance litigation department has developed and maintained a reputation of excellence and integrity recognized by state and federal courts across the country.

*N.Y.U. v. Ariel Fund Ltd.*, No. 603803/08, slip. op. at 9-10 (N.Y. Sup. Ct. Feb. 22, 2010):

"It is this Court's position that Scott+Scott did a superlative job in its representation, which substantially benefited Ariel...For the record, it should be noted that Scott+Scott has demonstrated a remarkable grasp and handling of the extraordinarily complex matters in this case. . . . They have possessed a knowledge of the issues presented and this knowledge has always been used to the benefit of all investors."

*In re Priceline.com, Inc. Sec. Litig.*, No. 3:00-CV-01884(AVC), 2007 WL 2115592, at \*5 (D. Conn. July 20, 2007):

"The quality of representation here is demonstrated, in part, by the result achieved for the class. Further, it has been this court's experience, throughout the ongoing litigation of this matter, that counsel have conducted themselves with the utmost professionalism and respect for the court and the judicial process."

In addition to prosecuting federal securities class actions, Scott+Scott has a proven track record of handling corporate governance matters through its extensive experience litigating shareholder derivative actions.

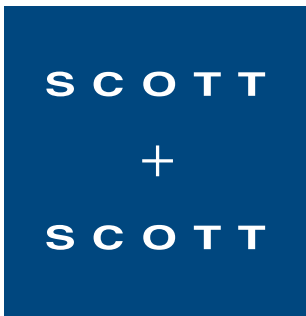
**Scott+Scott has been singularly successful in its shareholder derivative appellate practice, and as a result, has been instrumental in fashioning the standards in this area of law. Examples of this include:**

- *W.moreland Cty. Emp. Ret. Sys. v. Parkinson*, No. 12-3342 (7th Cir. Aug. 16, 2013): the Seventh Circuit clarified the parameters of demand futility in those instances where a majority of directors of a corporation are alleged to have breached the fiduciary duty of loyalty by consciously disregarding positive law;
- *Cottrell v. Duke*, No. 12-3871 (8th Cir. Dec. 28, 2013): the Eighth Circuit, in a case of first impression, clarified that the Colorado River stay is virtually never appropriate where there are exclusive federal claims; and
- *King v. Verifone Holdings, Inc.*, No. 330, 2010 (Del. Jan. 28, 2011): the Supreme Court of Delaware has clarified the availability of the Delaware Corporate Code §220 "books and records" demands to a shareholder whose original plenary action was dismissed without prejudice in a federal district court.

**Representative shareholder derivative actions prosecuted by Scott+Scott include:**

- *In re DaVita Healthcare Partners Derivative Litig.*, No. 1:12-cv-02074 (D. Colo. Jan. 8, 2015) (corporate governance reforms valued at \$100 million);
- *Buffalo Grove Police Pension Fund v. Diefenderfer*, No. 2:19-cv-00062 (E.D. Pa. Jan. 23, 2019) (settlement of derivative claims against Navient Corporation and its officers and directors providing for corporate governance reforms valued at \$139 million);





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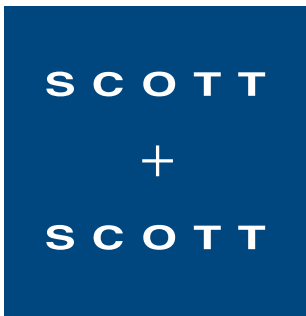
- *Tharp v. Acacia Commc'ns, Inc.*, No. 1:17-cv-11504 (D. Mass. Sept. 17, 2018) (settlement of derivative claims against Acacia Communications, Inc. and its officers and directors providing for corporate governance reforms valued at \$57 million to \$71 million);
- *N. Miami Beach Gen. Emps. Ret. Fund v. Parkinson*, No. 1:10-cv-06514 (N.D. Ill. Nov. 26, 2014) (corporate governance reforms valued between \$50 million and \$60 million);
- *In re: Marvell Tech. Grp. Ltd. Derivative Litig.*, No. 5:06-cv-03894 (RS) (N.D. Cal. May 21, 2009) (\$54.9 million settlement and corporate governance reforms);
- *In re Qwest Commc'ns Int'l, Inc.*, No. 1:01-cv-01451 (D. Colo. June 15, 2004) (\$25 million settlement and corporate governance reforms);
- *Plymouth Cty. Contributory Ret. Fund v. Hassan*, No. 2:08-cv-01022 (D.N.J. Jan. 10, 2012) (settlement of derivative claims against Merck Schering Plough and its officers and directors providing for corporate governance reforms valued between \$50 million and \$75 million);
- *Carfagno v. Schnitzer*, No. 1:08-cv-00912 (S.D.N.Y. May 18, 2009) (modification of terms of preferred securities issued to insiders valued at \$8 million); and
- *Garcia v. Carrion*, No. 3:09-cv-01507 (D.P.R. July 8, 2011) (settlement of derivative claims against Popular, Inc. and its officers and directors providing for corporate governance reforms valued between \$10.05 million and \$15.49 million).

## + CIVIL RIGHTS LITIGATION

Scott+Scott has also successfully litigated cases to enforce its clients' civil rights.

*In The Vulcan Society, Inc. v. The City of New York*, No. 07-cv-2067 (E.D.N.Y.), Scott+Scott was part of a team of lawyers representing a class of black applicants who were denied or delayed employment as New York City firefighters due to decades of racial discriminatory conduct. The district court certified the class in a post-*Walmart v. Dukes* decision, granted summary judgment against the City on both intentional discrimination and disparate impact claims, and after trial ordered broad injunctive relief, including a new examination, revision of the application procedure, and continued monitoring by a court-appointed monitor for at least 10 years. The back pay and compensatory damage award will be determined in a subsequent ruling.

*In Hohider v. United Parcel Services, Inc.*, No. 2:04-cv-00363 (W.D. Penn.), Scott+Scott obtained significant structural changes to UPS's Americans with Disabilities Act compliance policies and monetary awards for some individual employees in settlement of a ground-breaking case seeking nationwide class certification of UPS employees who were barred from reemployment after suffering injuries on the job.



# ATTORNEY BACKGROUND/ EXPERIENCE

In alphabetical order:

## CAREY ALEXANDER

### PRACTICE EMPHASIS

Carey Alexander prosecutes complex consumer class actions with a focus on deceptive pricing and data breach litigation.

### ADMISSIONS

State of New York: United States Court of Appeals: Ninth Circuit; United States District Court: Southern, Eastern and Western Districts of New York, Districts of Connecticut, Colorado, Eastern District of Wisconsin and Northern District of Illinois

### EDUCATION

St. John's University School of Law (J.D., magna cum laude, 2012); Skidmore College (B.A., 2004)

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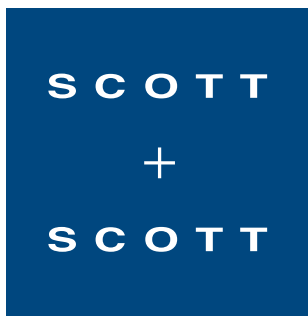
### HIGHLIGHTS

Mr. Alexander is an associate in the firm's New York office and has worked closely with the leadership teams steering numerous class actions, including:

*In re Equifax, Inc., Customer Data Security Breach Litig.*, No. 1:17-md-2800 (N.D. Ga.) (member of the Plaintiffs' Coordination and Discovery Committee); *First Choice Federal Credit Union v. The Wendy's Co.*, No. 2:16-cv-506 (W.D. Pa.) (settlement valued at \$50 million); and *Morrow v. Ann Inc.*, No. 1:16-cv-3340 (S.D.N.Y.) (settlement valued at \$7.1 million).

During law school, Mr. Alexander served as Associate Managing Editor of the *St. John's Law Review*. Mr. Alexander's student note, *Abusive: Dodd-Frank Section 1031 and the Continuing Struggle to Protect Consumers*, 85 ST. JOHN'S L. REV. 1105 (2012), has been cited in judicial opinions and several legal journals, including the *Harvard Law Review*.

Before joining the bar, Mr. Alexander served as an editor of the widely acclaimed consumer-advocacy blog *The Consumerist*. He also served as a policy advisor to the Bronx Borough President and worked as part of the National Campaign to Restore Civil Rights.



# ATTORNEY BACKGROUND/ EXPERIENCE

## KRISTEN M. ANDERSON

### PRACTICE EMPHASIS

Kristen M. Anderson's practice focuses on class action litigation with an emphasis on antitrust cases within the financial services industry.

### ADMISSIONS

States of California and New York; the District of Columbia; United States Court of Appeals: Second Circuit

### EDUCATION

University of California, Hastings College of the Law (J.D., 2006);

St. Louis University (B.A., Philosophy, summa cum laude, 2003)

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### HIGHLIGHTS

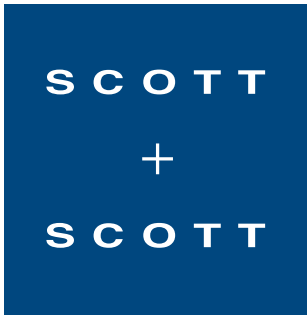
Ms. Anderson is a partner in the firm's New York office and is recognized as a Rising Star in the 2014-19 editions of Super Lawyers.

Currently, Ms. Anderson represents plaintiff-investors in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.) (\$2.3 billion settlement) and *Axiom Investment Advisors, LLC, by and through its Trustees, Gildor Management LLC v. Barclays Bank PLC*, No. 15-cv-9323 (S.D.N.Y.) (\$50 million settlement), cases alleging misconduct in the foreign exchange market by global financial institutions. She also represented pension funds and individual investors in *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.) (\$590.5 million settlement), an antitrust action alleging collusion in the buyouts of large publicly traded companies by private equity firms. In addition, she served on the trial team representing certified classes of cardholders in antitrust cases challenging class action-banning arbitration clauses in credit card agreements as restraints of trade in *Ross v. Bank of America N.A.*, No. 05-cv-7116, MDL No. 1409 (S.D.N.Y.) and *Ross v. American Express Co.*, No. 04-cv-5723, MDL No. 1409 (S.D.N.Y.). Ms. Anderson also has an active pro bono immigration practice.

Ms. Anderson is an active member of the American Bar Association's Antitrust Section. She served as Vice Chair of the Antitrust Section's Trial Practice Committee and was an editor of the Committee's newsletter, *Trying Antitrust*. She also served as a Vice Chair of the Antitrust Section's Books & Treatises Committee. She has been a contributing author to the Antitrust Section's Proof of Conspiracy Under Federal Antitrust Laws (3d. ed.), Antitrust Discovery Handbook (2d ed.), Joint Venture Handbook (2d ed.), and the 2010 Annual Review of Antitrust Law Developments.

In addition, Ms. Anderson served as an editor for Model Jury Instructions in Civil Antitrust Cases (2016 ed.). Ms. Anderson was a co-author of an article appearing in the Fall 2014 edition of Competition: Journal of the Antitrust and Unfair Competition Section of the State Bar of California, titled *The Misapplication of Associated General Contractors to Cartwright Act Claims*, 23 COMPETITION: J. ANTI. & UNFAIR COMP. L. SEC. ST. B. CAL. 120 (2014). Ms. Anderson is also a frequent speaker on women in the law and antitrust topics through the American Bar Association and other organizations.

During law school, Ms. Anderson served as an extern at the U.S. Department of Justice, Antitrust Division, in San Francisco and as an extern to Justice Kathryn Mickie Werdegar of the Supreme Court of California. She was also a research assistant to Professor James R. McCall in the areas of antitrust and comparative antitrust law.



# ATTORNEY BACKGROUND/ EXPERIENCE

## PETER A. BARILE III

### PRACTICE EMPHASIS

Peter A. Barile III litigates high-stakes, complex antitrust and commodities litigation.

### ADMISSIONS

States of New York and Connecticut; District of Columbia; Supreme Court of the United States; United States Court of Appeals: Second, Fourth, Sixth, Seventh, Ninth, Federal, and D.C. Circuits; United States District Court: Southern and Eastern Districts of New York, District of Columbia, District of Connecticut, Northern District of Illinois, and District of Columbia

### EDUCATION

University of Connecticut School of Law (J.D., magna cum laude, 1999); University of Connecticut, (BA)

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### HIGHLIGHTS

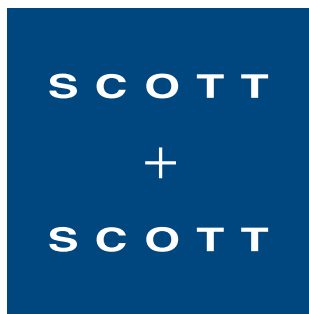
Mr. Barile is a partner in Scott+Scott's competition practice. He has twenty years of experience litigating complex antitrust and commodities cases, having representing clients on both sides of the docket in a variety of industries and contexts, from consumers and investors to institutions and corporations, whether as individual plaintiffs, class plaintiffs, opt-outs, targets of government investigations, or defendants. Prior to joining the firm, he practiced both in New York and in Washington D.C. with major law firms renowned for their historically leading antitrust practices.

Mr. Barile devotes a substantial amount of his practice to federal antitrust and commodity class action litigation involving the financial services industry in the Southern District of New York. Among other matters, he currently plays a leading role representing class plaintiffs in *In re ICE LIBOR Antitrust Litigation*, 1:19-cv-02002 (S.D.N.Y.). He is or has been involved in a leadership role or otherwise representing investor rights in major cases involving financial benchmarks and commodities, including: *In re Aluminum Warehousing Antitrust Litigation*, 1:13-md-02481 (S.D.N.Y.); *In re Term Commodities Cotton Futures Litigation*, 1:12-cv-05126 (S.D.N.Y.); *In re Foreign Currency Exchange Benchmark Rates Antitrust Litigation*, 1:13-cv-07789 (S.D.N.Y.); *In re Crude Oil Commodity Futures Litigation*, 1:11-cv-03600 (S.D.N.Y.); *In re London Silver Fixing Antitrust Litigation*, 1:14-md-02573 (S.D.N.Y.); and *In re Zinc Antitrust Litigation*, 1:14-cv-03728 (S.D.N.Y.).

He recently played a very significant role in the ISDAfix antitrust litigation (*Alaska Electrical Pension Fund, et al. v. Bank of America Corporation, et al.*, 1:14-cv-07126 (S.D.N.Y.)), in which the firm achieved more than \$500 million in settlements for investors, and for which the firm was awarded the 2018 Outstanding Antitrust Litigation Achievement in Private Law Practice by the American Antitrust Institute.

In addition, Mr. Barile has held leadership roles on behalf of plaintiff classes in a number of high tech antitrust matters, including: *In re Online DVD Antitrust Litigation*, 1:09-md-2029 (N.D. Cal.); *In re High Tech Employees Antitrust Litigation*, 5:11-cv-02509 (N.D. Cal.), as well as in agricultural-related antitrust litigation, including his representation of classes of dairy farmers as lead counsel in *In re Southeastern Milk Antitrust Litigation*, 2:08-md-01000 (E.D. Tenn.).

Mr. Barile also has considerable appellate experience. For instance, he has helped nonprofit advocacy groups be heard in matters of national importance as Friends of the Court in major cases before the United States Supreme Court. His work has included *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U.S. 877 (2007), in which he served as lead counsel for amicus curiae Consumer Federation of America in a landmark antitrust case on resale price fixing, and *Giles v. State of California*, 554 U.S. 353 (2008), in which he served as lead counsel for amicus curiae Battered Women's Justice Project, in a case concerning the scope of the Confrontation Clause of the United States Constitution.



# ATTORNEY BACKGROUND/ EXPERIENCE

Mr. Barile is active in the antitrust bar, having held a number of leadership posts in the ABA and other organizations. Currently, Mr. Barile is Secretary and a member of the Executive Committee of the Antitrust and Trade Regulation Section of the Connecticut Bar Association and serves on the U.S. Advisory Board of the Loyola Institute for Antitrust Studies.

Mr. Barile has published numerous articles and served as a panelist or speaker on antitrust and related issues. His work has been cited by the Federal Trade Commission and the Antitrust Modernization Commission, as well as by leading academics and practitioners.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## JUSTIN W. BATTEN

### PRACTICE EMPHASIS

Mr. Batten's practice focuses primarily on antitrust litigation and other aspects of competition law.

### ADMISSIONS

State of New York

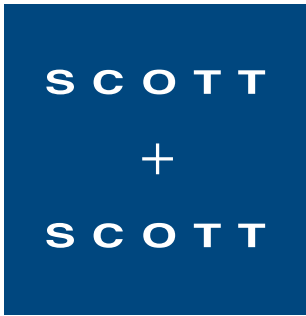
### EDUCATION

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### HIGHLIGHTS

Mr. Batten is an associate in the firm's New York office. Prior to joining Scott+Scott, Mr. Batten served as an Assistant Attorney General in the New York Attorney General's Antitrust Bureau.

Mr. Batten is an active member of the New York State Bar Association's Antitrust Section. He serves as the Young Lawyer Liaison to the Antitrust Section's Executive Committee, and is a member of the Donnelly Act Revision Committee. While at NYU, Mr. Batten served as an intern with the Georgia Attorney General's Office and Texas RioGrande Legal Aid, assisted clients in a clinic with employment law matters, and was a Teaching Assistant to Professor Mark Geistfeld for a first-year torts course. Mr. Batten also served as an articles editor for NYU's *Journal of Law & Liberty*.



# ATTORNEY BACKGROUND/ EXPERIENCE

## DAMIËN F. BERKHOUT

### PRACTICE EMPHASIS

Damiën F. Berkhout is a dispute resolution specialist whose focus is on complex commercial disputes - in particular antitrust and collective action claims - and corporate litigation disputes (including complex (corporate) employment matters).

### ADMISSIONS

The Netherlands

### EDUCATION

Columbia Law School (LL.M, Harlan Fiske Stone scholar, 2007); University of Amsterdam (doctoral, cum laude, 2006)

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### HIGHLIGHTS

Mr. Berkhout is a partner in the firm's Amsterdam office. He has extensive experience in successfully coordinating and resolving cross-border litigation. Damiën acts as counsel for a broad spectrum of clients: institutional investors, companies, as well as (former) supervisory and management board members. He regularly publishes peer-reviewed articles on various topics, such as corporate, European, employment and procedural law.

#### His representative cases include:

- A major air-cargo company in the air-cargo follow-on civil damages cases in the Netherlands.
- The Supervisory Board of Akzo Nobel N.V. in the successful defense against a request for inquiry into the company affairs at the Enterprise Chamber of the Amsterdam court of appeal.
- Mylan N.V. during the successful takeover defense against Teva's hostile bid for the company.
- ASR in inquiry proceedings involving Van der Moolen Holding N.V., resulting in a finding that mismanagement took place at Van der Moolen.
- The company in a shareholders dispute, resulting in a EUR 12 million earn out incentive package for the management board and obtaining further financing for the company for the next three years.
- The majority shareholder in a post-M&A dispute, resulting in a negotiated settlement and a clawback of EUR 10 million of the purchase price for the client.
- The former chairman of a listed company in a class action claim involving, *inter alia*, a class action claim in excess of EUR 1 billion, successfully defending the chairman with the court finding that he was not liable.
- KLM N.V. in a landmark litigation case against airline pilots regarding supposed age discrimination in the collective bargaining agreement, resulting in a favorable decision for KLM at the Dutch Supreme Court.
- Albert Heijn B.V., Gall & Gall B.V and Etos B.V. in landmark litigation regarding the all-in pay of over 50,000 short part-time employees, resulting in the favorable decisions in both summary as well as substantive proceedings.

Damiën also served as legal counsel for a client in Dutch enforcement action, successfully defending the client against the enforcement of an arbitral award with a value in excess of EUR 130 million; and, in arbitration, obtaining an arbitral award finding the counter-party liable for damages estimated in the range of EUR 10-12 million.

Damiën has been recognized as a "Recommended lawyer" in the Legal 500 EMEA (2018 and 2019 editions) and was the Winner of the Dutch national and Amsterdam bar association pleading contest (2009). He is a frequent lecturer at the University of Amsterdam and for the Dutch bar association (corporate law specialization track). And has published over 20 articles in peer-reviewed law journals.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## ANJALI BHAT

### PRACTICE EMPHASIS

Anjali Bhat specializes in antitrust, securities, and other complex litigation.

### ADMISSIONS

State of New York; United States District Court: Southern and Eastern Districts of New York

### EDUCATION

Columbia Law School (J.D., 2011); Swarthmore College (B.A., High Honors, 2007)

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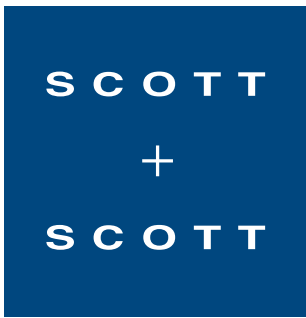
### HIGHLIGHTS

Ms. Bhat is an associate in the firm's New York office and focuses on general litigation and securities class actions. Her experience also encompasses real estate litigation in New York state courts.

Ms. Bhat is the primary associate on the teams prosecuting the securities class actions *In re Endochoice Holdings, Inc. Sec. Litig.*, 2016-cv-277772 (Ga. Sup. Ct.) and *Okl. Firefighters Pension & Ret. Sys. v. Newell Brands Inc.*, HUD-L-003492-18 (N.J. Sup. Ct.). She is also a member of the teams prosecuting the fed cattle antitrust litigation and *In re Sandisk LLC Sec. Litig.*, 15-CV-01455 (N.D. Cal.).

During law school, Ms. Bhat was a Harlan Fiske Stone Scholar and a finalist in the Harlan Fiske Stone Moot Court Competition. As an undergraduate, she studied history. Prior to joining the firm, Ms. Bhat clerked for the Honorable William F. Kuntz II of the United States District Court for the Eastern District of New York.





# ATTORNEY BACKGROUND/ EXPERIENCE

## THOMAS K. BOARDMAN

### PRACTICE EMPHASIS

Thomas K. Boardman's practice focuses on antitrust litigation.

### ADMISSIONS

States of New York and California; United States Court of Appeals: Second and Ninth Circuits; United States District Court: Southern District of New York, Northern and Central Districts of California

### EDUCATION

University of California, Hastings College of the Law (J.D. 2009); Vassar College (B.A., Political Science and Film Studies, 2004)

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### HIGHLIGHTS

Mr. Boardman is an associate in the firm's New York office and represents plaintiff-investors in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* and represents opt-out plaintiffs in *Mag Instrument Inc v. The Goldman Sachs Group Inc.* Mr. Boardman also represents indirect purchaser plaintiffs in *In re Lithium Ion Batteries Antitrust Litigation*.

While attending law school, he was a member of the Hastings Science and Technology Law Journal and worked as a research assistant to professors Geoffrey C. Hazard, Jr. and Rory K. Little.

At his prior firm, Mr. Boardman was a member of the trial team in *In re TFT-LCD (Flat Panel) Antitrust Litigation*. For his work on that case, Mr. Boardman was nominated by Consumer Attorneys of California as a finalist for Consumer Attorney of the Year. Mr. Boardman was also an instrumental part of the lead counsel team in *In re Potash Antitrust Litigation (II)*, a case that featured a unanimous victory before an *en banc* panel of the Seventh Circuit, resulting in one of the most influential antitrust appellate opinions in recent memory. The case ended in \$90 million in settlements.

Mr. Boardman has co-authored the following articles: *Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case*, ANTITRUST MAGAZINE, Spring 2014, Vol. 28, No. 2, with Bruce L. Simon; and *Class Action for Health Professionals*, chapter from *Advocacy Strategies for Health and Mental Health Professionals*, Springer Publishing Co., 2011, with Bruce L. Simon, Stuart L. Lustig, Editor. Prior to joining Scott+Scott, Mr. Boardman worked at Pearson, Simon & Warshaw, LLP in San Francisco and served as a judicial law clerk to the Hon. Christina Reiss in United States District Court, District of Vermont.

Mr. Boardman holds memberships in the ABA Antitrust Section – Model Jury Instruction Revision Task Force, ABA Antitrust Section – Young Lawyers Division – Litigation Committee, ABA Antitrust Section – Young Lawyers Division – Civil Practice and Procedure Committee, New York State Bar Association – Antitrust Section, Bar Association of San Francisco, and Public Justice Foundation. He also enjoys running and regularly does so for charity – including several races to fundraise for various causes, including the New York City Marathon (National Multiple Sclerosis Foundation) and the Boston Marathon (Cystic Fibrosis Foundation).

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ATTORNEY  
BACKGROUND/  
EXPERIENCE

## JACEY BOGLER

### PRACTICE EMPHASIS

Jacey Bogler focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of Iowa

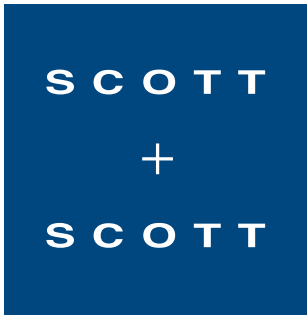
### EDUCATION

Drake University Law School (J.D., with honors, 2014); Iowa State University (B.A. Psychology, Criminal Justice minor, cum laude, 2010)

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### HIGHLIGHTS

Ms. Bogler is an attorney in the firm's San Diego office specializing in complex litigation.



# ATTORNEY BACKGROUND/ EXPERIENCE

## DONALD A. BROGGI

### PRACTICE EMPHASIS

Donald A. Broggi is engaged in the firm's complex securities, antitrust, and consumer litigation.

### ADMISSIONS

States of New York and Pennsylvania; United States District Court: Southern District of New York, District of Western Pennsylvania; State Supreme Courts: New York and Pennsylvania

### EDUCATION

Duquesne University School of Law (J.D., 2000); University of Pittsburgh (B.A., 1990)

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### HIGHLIGHTS

Mr. Broggi is a partner in the firm's New York office and is engaged in the firm's complex securities, antitrust, and consumer litigation, including: *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.), *In re: Priceline.com Inc. Securities Litig.*, No. 00-cv-1884 (D. Conn.), *Irvine v. ImClone Systems, Inc.*, No. 02-cv-0109 (S.D.N.Y.), *In re: Rubber Chemicals Antitrust Litig.*, No. C04-01648 (N.D. Cal.), *In re: Plastics Additives Antitrust Litig.*, No. 03-cv-2038 (E.D. Pa.), and *In re Washington Mutual Mortgage-Backed Securities Litig.*, No. 09-cv-0037 (W.D. Wash.), among others.

Mr. Broggi also works with the firm's institutional investor clients, including numerous public pension systems and Taft-Hartley funds throughout the United States to ensure their funds have proper safeguards in place to ensure against corporate malfeasance. Similarly, Mr. Broggi consults with institutional investors in the United States and Europe on issues relating to corporate fraud in the U.S. securities markets, as well as corporate governance issues and shareholder litigation. Mr. Broggi has lectured at institutional investor conferences throughout the United States on the value of shareholder activism as a necessary component of preventing corporate fraud abuses, including the Texas Association of Public Employee Retirement Systems, Georgia Association of Public Pension Trustees, Michigan Association of Public Retirement Systems, Illinois Public Pension Fund Association, and the Pennsylvania Association of County Controllers, among others.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## JOEL BOORAS

### PRACTICE EMPHASIS

Joel Booras focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California

### EDUCATION

University of San Diego School of Law (J.D., 2012); University of San Diego (B.A., 2008)

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### HIGHLIGHTS

Joel Booras is a staff attorney in Scott+Scott's California office where he focuses on complex antitrust litigation and class actions.

Prior to joining Scott+Scott, Mr. Booras practiced in the personal injury field and managed cases in the electronic discovery arena for several high-profile technology clients.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## CHRISTOPHER M. BURKE

### PRACTICE EMPHASIS

Christopher M. Burke chairs Scott+Scott's competition practice and sets the firm's litigation standards.

### ADMISSIONS

State Supreme Courts: California, New York, and Wisconsin, and numerous United States District Courts and Court of Appeals.

### EDUCATION

University of Wisconsin (M.A. 1989; J.D. 1993; Ph.D. 1996); William & Mary (M.A. 1988);  
The Ohio State University (B.A. 1984)

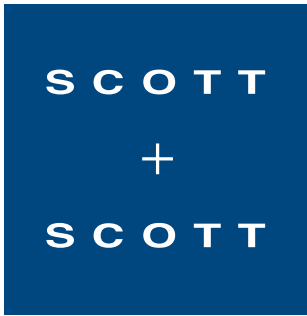
### HIGHLIGHTS

Mr. Burke currently sits as a partner in the firm's San Diego and New York offices with a principal practice in complex antitrust litigation, particularly in the financial services industry. He has served as lead counsel in some of the world's largest financial services antitrust matters. Currently, he is co-lead counsel in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-7789 (S.D.N.Y.) (\$2.3 billion settlement); *In re Disposable Contact Lens Antitrust Litig.*, No. 3:15-md-2626 (M.D. Fla.); and *In re GSE Bonds Antitrust Litig.*, No. 1:19-cv-01704 (S.D.N.Y.).

He has served as co-lead counsel in *Dahl v. Bain Capital Partners*, 07-cv-12388 (D. Mass.) (\$590.5 million settlement); *Alaska Electrical Pension Fund v. Bank of America Corp.*, 14-cv-7126 (S.D.N.Y.) (ISDAfix litigation) (\$504.5 million settlement); *Axiom Investment Advisors, LLC, by and through its Trustee, Gildor Management LLC v. Barclays Bank PLC*, 15-cv-09323 (S.D.N.Y.) (\$50 million settlement); *In re Currency Conversion Antitrust Litig.*, MDL No. 1409 (S.D.N.Y.) (\$336 million settlement); *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litig.*, MDL No. 1720 (E.D.N.Y.) (subsequently as an executive committee member after joining Scott+Scott) (up to \$6.24 billion settlement); *LiPuma v. American Express Co.*, No. 1:04-cv-20314 (S.D. Fla.) (\$90 million settlement); and was one of the trial counsel in *Schwartz v. Visa*, No. 822505-4 (Alameda Cty. Super. Ct.) (\$780 million plaintiff's judgment after six months of trial); and *In re Disposable Contact Lens Antitrust Litig.*, MDL No. 1030 (M.D. Fla.) (\$90 million settlement with final settlements occurring during trial). Mr. Burke was one of the original lawyers in the *Wholesale Elec. Antitrust cases in California*, which settled for over \$1 billion.

Further, Mr. Burke was trial counsel in *Ross v. Bank of America N.A.*, No. 05-cv-7116, MDL No. 1409 (S.D.N.Y.) and *Ross v. American Express Co.*, No. 04-cv-5723, MDL No. 1409 (S.D.N.Y.). He was also co-lead counsel for indirect purchasers in *In re Korean Air Lines Co., Ltd. Antitrust Litig.*, MDL No. 1891 (C.D. Cal.) (\$86 million settlement), and *In re Prudential Ins. Co. of America SGLI/VGLI Contract Litig.*, No. 11-md-2208 (D. Mass.) (\$40 million settlement). Mr. Burke also investigated and filed the first complaint in *In re Credit Default Swaps Antitrust Litig.*, 13-md-2476 (S.D.N.Y.).

Mr. Burke frequently lectures at professional conferences and CLEs on competition matters, including litigation surrounding financial benchmarks, class-barring arbitration clauses, the effects of *Twombly* in 12(b)(6) motions, and the increasing use of experts at class certification and trial. The American Antitrust Institute ("AAI") honored Christopher Burke and Scott+Scott Attorneys at Law with an Outstanding Antitrust Litigation Achievement in Private Law Practice award at their 2018 Antitrust Enforcement Awards for efforts in the ISDAfix litigation. In 2014, he was also recognized for his exemplary work in the *Dahl v. Bain Capital Partners* matter by the AAI and has regularly been designated as a Super Lawyer by Thomson Reuters.



# ATTORNEY BACKGROUND/ EXPERIENCE

Mr. Burke has also served as an Assistant Attorney General at the Wisconsin Department of Justice and has lectured on law-related topics, including constitutional law, law and politics, and civil rights at the State University of New York at Buffalo and at the University of Wisconsin. Mr. Burke's book, *The Appearance of Equality: Racial Gerrymandering, Redistricting, and the Supreme Court* (Greenwood, 1999), examines conflicts over voting rights and political representation within the competing rhetoric of communitarian and liberal strategies of justification.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## VICTORIA BURKE

### PRACTICE EMPHASIS

Victoria Burke focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California and the District of Columbia; United States District Court: Central District of California

### EDUCATION

Loyola Law School's Fashion Law Summer Intensive Program (certificate of completion, 2014);

Southwestern Law School (J.D., 2011); Arizona State University (B.A., 1997)

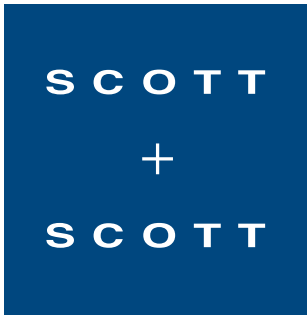
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### HIGHLIGHTS

Ms. Burke is an attorney in the firm's San Diego office. Her practice focuses on class action litigation with an emphasis on privacy data breach cases and antitrust cases within the financial services industry. Victoria also has a background in intellectual property. She holds both CIPP/US and CIPP/E designations, and is an Adjunct Associate Professor of Law (Fashion Law), Southwestern Law School.

On behalf of the American Bar Association, Victoria has served as Vice-Chair of the Trademark Transactions Committee, Chair of the Fashion Law Subcommittee, and Vice-Chair of the Trademark Litigation Committee as well as a member of the Beverly Hills Bar Association Executive Committee: IP, Internet & New Media Section. She also frequently authors law articles on a range of topics for various legal publications, most recently Secondary Meaning: Federal Circuit Decision Lays Out New Test for Determining Secondary Meaning. (Daily Journal, March 2019). Victoria has also served as panelist for many programs, such as the Osgoode Fashion Law Society panel, Osgoode Hall Law School, Toronto, CAN (Oct 2018). Victoria has volunteered her time to Bet Tzedek's Employment Rights Project: Wages and Hour cases and regularly serves as a moot court judge for Pepperdine University School of Law's Annual National Entertainment Law Moot Court Competition.

In 2015 she was awarded the Recognition of Outstanding Leadership Contribution by the American Bar Association and appeared on the Super Lawyers Rising Stars list in 2017 and 2018.



# ATTORNEY BACKGROUND/ EXPERIENCE

## MICHAEL BURNETT

### PRACTICE EMPHASIS

Michael G. Burnett practices complex securities litigation at the firm, where he consults with institutional clients on corporate fraud in the securities markets as well as corporate governance issues.

### ADMISSIONS

Supreme Court of Nebraska; United States District Court: District of Nebraska

### EDUCATION

Creighton University School of Law (J.D., 1984); Creighton University (B.A. Finance, 1981)

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### HIGHLIGHTS

In addition to his work with the firm, Mr. Burnett has specialized in intellectual property and related law. His representations include: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y.) (\$2 billion settlement); *Alaska Electrical Pension Fund v. Bank of America Corporation*, 14-cv-7126 (S.D.N.Y.) (\$325 million settlement); *Dahl v. Bain Capital Partners*, 07-cv-12388 (D. Mass.) (\$590.5 million settlement).

Michael is also a member of the Nebraska Bar Association.

## ELIZABETH A. CAMPOS

### PRACTICE EMPHASIS

Elizabeth A. Campos focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California; U.S. Patent and Trademark Office.

### EDUCATION

Thomas Jefferson School of Law (J.D., 2001); University of Southern California (B.A., 1997)

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### HIGHLIGHTS

Elizabeth A. Campos is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.





# ATTORNEY BACKGROUND/ EXPERIENCE

## DOUGLAS CAMPBELL

### PRACTICE EMPHASIS

Douglas Campbell specialises in competition damages litigation.

### ADMISSIONS

England and Wales; Scotland

### EDUCATION

University of Edinburgh (Diploma in Professional Legal Practice, 2012); University of Edinburgh (LLB, honours, 2011)

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### HIGHLIGHTS

Douglas Campbell is an associate in Scott+Scott's London office. His background is in commercial disputes, giving him experience across a range of areas and industries in the public and private sectors, working on numerous cases in the English High Court and Court of Appeal. Douglas regularly works with clients and counsel, considering competition and regulatory claims, assessing their merits and viability. He has considerable experience in the third-party funding sector, working on funded cases and preparing proposals, and is highly familiar with the collective actions regime under the Consumer Rights Act 2015.

Amongst other things, Douglas is currently representing a number of clients with potential claims against financial institutions for manipulation of the foreign exchange market, and acting for several retailers with claims against Visa and Mastercard in respect of charges and rules imposed with respect of their card-payment schemes.

Prior to joining Scott+Scott, Douglas spent six years working for a major UK law firm in Edinburgh and London. During this time he acted in a number of competition damages, and general commercial claims in the English High Court and Court of Appeal. His experience includes acting for a Part 20 Defendant airline in the *Air Cargo* follow-on and stand-alone damages claims, acting for a FTSE 250 listed company, coordinating a claim against a major UK bank for manipulation of the foreign exchange market, and, acting for a money transfer business in an abuse of dominance claim against a major UK bank (obtaining injunctive relief).

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# ATTORNEY BACKGROUND/ EXPERIENCE

## DEBORAH CLARK-WEINTRAUB

### PRACTICE EMPHASIS

Deborah Clark-Weintraub has extensive experience in all types of class action litigation.

### ADMISSIONS

State of New York; United States Court of Appeals: First, Second, Sixth, Seventh and Eighth Circuits; United States District Court: Southern and Eastern Districts of New York, Eastern District of Michigan and Eastern District of Wisconsin

### EDUCATION

Hofstra Law School, Hempstead, NY (J.D., with distinction, 1986); St. John's University, Queens, NY (B.A., summa cum laude, 1981)

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### HIGHLIGHTS

Ms. Weintraub is a partner in the firm's New York office and focuses her practice on securities litigation.

Ms. Weintraub has represented investors in numerous cases that have resulted in substantial recoveries including *In re Oxford Health Plans, Inc. Securities Litig.*, MDL No. 1222 (S.D.N.Y.) (\$300 million settlement); *In re CVS Corporation Securities Litig.*, No. 01-11464 (D. Mass.) (\$110 million settlement); *Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of America, NA*, 1:12-cv-2865 (S.D.N.Y.) (\$69 million settlement); *Weston v. RCS Capital Corp.*, 1:14-cv-10136 (S.D.N.Y.) (\$31 million settlement); and *In re Conn's, Inc. Sec. Litig.*, No. 4:14-cv-00548 (S.D. Tex.) (\$22.5 million settlement), among others.

Ms. Weintraub has also obtained substantial recoveries in consumer litigation including *Young v. Wells Fargo & Co.*, 4:08-cv-00507-RP-CFB (S.D. Iowa) (\$25.7 million settlement).

Ms. Weintraub is currently representing investors in several ongoing securities class action cases including *In re SanDisk LLC Securities Litig.*, 3:15-cv-01455-VC (N.D. Cal.) (\$50 million settlement preliminarily approved); *Silverberg v. Dryships, Inc.*, 2:17-cv-04547 (E.D.N.Y.); *Robinson v. Diana Containerships, Inc.*, 2:17-cv-06160 (E.D.N.Y.); and *In re Netshoes Securities Litig.*, Index No. 157435/2018 (N.Y. Supreme Court). She is also representing plaintiffs in *In re ICE LIBOR Antitrust Litig.*, 1:19-cv-00439 (S.D.N.Y.).

Ms. Weintraub is the co-author of *Gender Bias and the Treatment of Women as Advocates*, *Women in Law* (1998), and the Dissenting Introduction defending the merits of securities class action litigation contained in the 1994 monograph *Securities Class Actions: Abuses and Remedies*, published by the National Legal Center for the Public Interest. She is a member of the New York City Bar Association.

While in law school, Ms. Weintraub was a member and research editor of the Hofstra Law Review. Following her graduation from Hofstra Law School, Ms. Weintraub served as a law clerk to the Honorable Jacob Mishler, United States District Judge for the Eastern District of New York (1986-1987).

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# ATTORNEY BACKGROUND/ EXPERIENCE

## JOSEPH G. CLEEMANN

### PRACTICE EMPHASIS

Joseph G. Cleemann has extensive experience litigating class actions, complex commercial disputes, and government enforcement actions.

### ADMISSIONS

United States District Court: Southern and Eastern Districts of New York

### EDUCATION

Brooklyn Law School (J.D., cum laude, 2009); Columbia University Graduate School of Journalism (M.S., with honors, 2004); Harvard University (A.B., with honors in History, 1998)

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### HIGHLIGHTS

Mr. Cleemann is an associate at the firm's New York Office. He represents dozens of governmental entities in seven states who are prosecuting pharmaceutical manufacturers and distributors in opioid litigation.

Prior to coming to the Firm, Joe worked eight years at Ropes & Gray, LLP, where he principally represented corporate defendants in government prosecutions, class actions, and complex business litigation. He has extensive experience in the area of data privacy.

He spent his first year out of law school at a Ropes-sponsored fellowship with the Legal Aid Society's Prisoners' Rights Project. During law school, he interned with the Hon. Robert Sack in the Second Circuit and the Hon. Shira A. Scheindlin in the Southern District of New York. Prior to entering the law, he worked seven years in trade book publishing.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## ERIN GREEN COMITE

### PRACTICE EMPHASIS

Erin Green Comite litigates complex class actions throughout the United States, representing the rights of shareholders, employees, consumers, and other individuals harmed by corporate misrepresentation and malfeasance.

### ADMISSIONS

State of Connecticut; United States Court of Appeals: Second, Third, Ninth, and Eleventh Circuits; United States District Court: Southern District of New York, District of Connecticut, Northern District of Illinois, Eastern District of Wisconsin, and District of Colorado

### EDUCATION

University of Washington School of Law (J.D., 2002); Dartmouth College (B.A., magna cum laude, 1994)

### HIGHLIGHTS

Ms. Comite is a partner in the firm's Connecticut office and currently serves in a leadership role in a number of complex class actions including: *First Choice Federal Credit Union v. The Wendy's Company*, No. 16-cv-00506 (W.D. Pa.), co-lead counsel on behalf of financial institutions arising out of data breach; *In re Arby's Restaurant Group, Inc. Litig.*, No. 17-mi-55555 (N.D. Ga.), member of Plaintiffs' Executive Committee on behalf of financial institutions arising out of a data breach, *In re Equifax, Inc. Customer Data Security Breach Litig.*, MDL No. 2800 (N.D. Ga.), chair of law and briefing committee; *Forth v. Walgreen Co, Inc.*, No. 1:17-cv-02246 (N.D. Ill.), co-lead counsel, asserting claims on behalf of class of consumers alleging overcharge for medically necessary, covered prescription drugs; and *Aquilina v. Certain Underwriters at Lloyd's London*, No. 1:18-cv-00496 (D. Haw.), co-lead counsel, alleging that insurers, brokers, and agents improperly steered insureds into surplus lines insurance.

Recently, Ms. Comite has played a significant role in the prosecution of consumer class cases such as: *In re The Home Depot, Inc., Customer Data Security Breach Litig.*, MDL No. 2583 (N.D. Ga.) (\$27.25 million settlement) and *In re Target Corporation Customer Data Security Breach Litig.*, MDL No. 2522 (D. Minn.) (\$59 million settlement), two of the largest data breaches impacting consumer personal data to date; *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 15-cv-02228 (N.D. Ill.), Chair of the Plaintiffs' Steering Committee (\$8.1 million settlement); *Morrow v. Ann, Inc.*, No. 1:16-cv-03340 (S.D.N.Y.) (\$8.1 million settlement); *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.) (\$6.1 million settlement); *Murr v. Capital One Bank (USA), N.A.*, No. 13-cv-1091 (E.D. Va.) (\$7.3 million settlement); and *In re Nutella Mktg. & Sales Practices Litig.*, No. 11-cv-01086 (D.N.J.) (\$2.5 million settlement).

Ms. Comite's appellate victories in consumer class actions include *Nunes v. Saks Inc.*, 2019 WL 2305039 (9th Cir. May 30, 2019); *Chavez v. Nestle USA, Inc.*, 511 F. App'x 606 (9th Cir. 2013) (achieving a reversal of dismissal); and *In re Nutella Mktg. & Sales Practices Litig.*, 589 F. App'x 53 (3d Cir. 2014) (defending settlement from professional objectors).

Since joining Scott+Scott in 2002, she has litigated such cases as *In re Priceline.com Securities Litigation* (\$80 million settlement); *Schnall v. Annuity and Life Re (Holdings) Ltd.* (\$27 million settlement); and *In re Qwest Communications International, Inc.* (settlement obtaining \$25 million for the company and achieving corporate governance reforms aimed at ensuring board independence).

While Ms. Comite is experienced in all aspects of complex pre-trial litigation, she is particularly accomplished in achieving favorable results in discovery disputes. *In Hohider v. United Parcel Service, Inc.*, Ms. Comite spearheaded a nearly year-long investigation into every facet of UPS's preservation methods, requiring intensive, full-time efforts by a team of attorneys

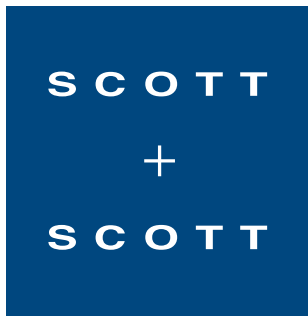


# ATTORNEY BACKGROUND/ EXPERIENCE

and paralegals well beyond that required in the normal course of pre-trial litigation. Ms. Comite assisted in devising the plan of investigation in weekly conference calls with the Special Master, coordinated the review of over 30,000 documents that uncovered a blatant trail of deception and prepared dozens of briefs to describe the spoliation and its ramifications on the case to the Special Master. In reaction to UPS's flagrant discovery abuses brought to light through the investigation, the Court conditioned the parties' settlement of the three individual ADA cases on UPS adopting and implementing preservation practices that passed the approval of the Special Master.

Prior to entering law school, Ms. Comite served in the White House as Assistant to the Special Counsel to President Clinton. In that capacity, she handled matters related to the White House's response to investigations, including four independent counsel investigations, a Justice Department task force investigation, two major oversight investigations by the House of Representatives and the Senate, and several other congressional oversight investigations.

Ms. Comite's volunteer activities have included assisting immigrant women, as survivors of domestic violence, with temporary residency applications as well as counseling sexual assault survivors. Currently, Ms. Comite supports Connecticut Children's Medical Center and March of Dimes/March for Babies.



# ATTORNEY BACKGROUND/ EXPERIENCE

## MICHELLE CONSTON

### PRACTICE EMPHASIS

Michelle Conston's practice focuses on antitrust litigation.

### ADMISSIONS

States of New York, New Jersey and Florida; United States District Court: Southern District of New York;

### EDUCATION

Marist College (B.A. Journalism, magna cum laude, 2010); University of Miami School of Law (J.D., magna cum laude, 2013)

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### HIGHLIGHTS

Ms. Conston is an associate in Scott+Scott's New York office and devotes much of her time representing investors in cases involving the manipulation of financial benchmarks by numerous major banks, including *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.) and *Alaska Elec. Pension Fund v. Bank of America Corp.*, No. 14-cv-7126 (S.D.N.Y.).

During law school, Ms. Conston served as a judicial intern for the Honorable Stephen T. Brown, the Chief Magistrate Judge of the United States District Court for the Southern District of Florida. Ms. Conston also served as a certified legal intern for the United States Attorney's Office for the Southern District of Florida.

Prior to joining Scott+Scott, Ms. Conston represented institutional investors, hedge funds, and individual investors in complex class action litigation arising under the Commodity Exchange Act, Sherman Act, RICO Act, and common law. She was heavily involved in litigating actions alleging the manipulation of the London Interbank Offered Rate ("LIBOR") for several currencies by large financial institutions (e.g., *Laydon v. Mizuho Bank, Ltd.*, No. 12-cv-3419 (S.D.N.Y.) and *Sullivan v. Barclays plc*, No. 13-cv-00281 (S.D.N.Y.)), as well as an action alleging manipulation of the daily London Silver Fixing by the Fixing Banks and several other financial institutions (*In re London Silver Fixing, Ltd., Antitrust Litig.*, No. 14-md-02573 (S.D.N.Y.)).

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## HAL CUNNINGHAM

### PRACTICE EMPHASIS

Hal Cunningham's practice focuses on complex antitrust and consumer litigation, primarily in the financial services industry.

### ADMISSIONS

State of California; United States District Court: Northern, Central, and Southern Districts of California

### EDUCATION

University of San Diego School of Law (J.D., 2005); Murray State (B.S., Biological Chemistry, 1997)

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### HIGHLIGHTS

Mr. Cunningham is an attorney in the firm's San Diego office and currently represents class plaintiffs in *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion in the setting of ISDAfix, a global benchmark used to value interest rate derivatives, and *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.). Mr. Cunningham serves a prominent role in the prosecution of these cases, working with the firm's financial industry experts and economists and supervising firm attorneys on discovery matters.

Mr. Cunningham's practice also includes complex securities litigation, achieving notable results, including *In re Washington Mutual Mortgage Backed Securities Litigation*, No. C09-0037 (W.D. Wash.) and *In re Cardinal Health, Inc. Securities Litigation*, 2:04-cv-00575 (S.D. Ohio).

Mr. Cunningham has a background in drug development and holds a Regulatory Affairs Certification (RAC/US).

## NGA CUNNINGHAM

### PRACTICE EMPHASIS

Nga Cunningham's practice focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California; United States District Court: Central District of California

### EDUCATION

Thomas Jefferson School of Law (J.D., cum laude, 2005); University of California, San Diego, (B.A., Political Science with Public Policy emphasis)

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### HIGHLIGHTS

Ms. Cunningham is an attorney in the San Diego office.

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## MARGARET (MAGGIE) FERRON

### PRACTICE EMPHASIS

Maggie Ferron focuses on general litigation, transactional matters, and class actions.

### ADMISSIONS

United States District Court: District of Connecticut; State of Connecticut

### EDUCATION

University of Connecticut School of Law (J.D., High Honors, 2009); Middlebury College (B.A., Classical Studies, 2003)

### HIGHLIGHTS

Ms. Ferron is an associate in the firm's Connecticut office. During law school, Ms. Ferron worked for the Honorable Janet Bond Arterton of the U.S. District Court for the District of Connecticut and for the Iran Human Rights Documentation Center in New Haven, Connecticut. As an undergraduate, she studied classical languages and history in Athens, Greece; as a law student, she studied international human rights law at Trinity College, Dublin, Ireland.

Prior to joining the firm, Ms. Ferron worked as a plaintiffs' employment lawyer in Hartford for several years. Her experience also encompasses municipal affairs and state grant compliance. Ms. Ferron practices in varied Connecticut state court matters as well as federal class actions.

Ms. Ferron is a trustee of Joshua's Tract Conservation and Historic Trust, located in Mansfield, Connecticut. She successfully led an effort to build an accessible playground in Mansfield and enjoys trail running and reading with her family.

## G. DUSTIN FOSTER

### PRACTICE EMPHASIS

Dustin Foster's main practice areas include antitrust, securities, and complex litigation.

### ADMISSIONS

State of West Virginia

### EDUCATION

West Virginia University College of Law (J.D., 2002); West Virginia Wesleyan College (B.S., Biology, cum laude, 1999)

### HIGHLIGHTS

Mr. Foster's practice areas include antitrust, securities, and complex litigation, which includes such cases as *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.), *Dahl v. Bain Capital Partners, LLC*, No. 1:07-cv-12388 (D. Mass.), and *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.*, No. 2:12-cv-03824 (E.D. Pa.).

During law school, Mr. Foster served as a law clerk for the West Virginia Supreme Court of Appeals, after which he assumed a full-time term position as a law clerk for the Hon. Thomas C. Evans, III, of the Fifth Circuit Court of West Virginia.





# ATTORNEY BACKGROUND/ EXPERIENCE

## WILLIAM C. FREDERICKS

### PRACTICE EMPHASIS

William Fredericks' practice focuses primarily on litigating securities and other complex commercial class actions.

### ADMISSIONS

**United States Supreme Court; United States Court of Appeals:** First, Second, Third, Sixth, and Tenth Circuits;  
**United States District Court:** Southern and Eastern Districts of New York, and Colorado

### EDUCATION

Columbia University Law School, (J.D., 1988); University of Oxford (M. Litt. in International Relations, 1985);  
Swarthmore College (B.A. in Political Science, high honors, 1983)

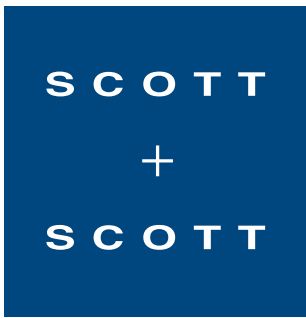
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### HIGHLIGHTS

Mr. Fredericks is a partner in the firm's New York office. In addition to serving as lead counsel on behalf of investors in several pending securities fraud actions, he also represents investors in the pending FX antitrust litigation brought against over a dozen leading banks based on their involvement in manipulating foreign exchange ("FX") rates and spreads, and in pending proceedings relating to data security breaches at FaceBook, Inc.

At Columbia Law School, Bill was a three-time Harlan Fiske Stone Scholar, a Columbia University International Fellow, Articles Editor of The Columbia Journal of Transnational Law, and winner of Columbia's Beck Prize (property law), Toppan Prize (advanced constitutional law) and Greenbaum Prize (written advocacy). A three-judge panel chaired by the late Justice Antonin Scalia also awarded him the Thomas E. Dewey Prize for best oral argument in the final round of Columbia's Stone Moot Court Honor Competition. After clerking for the Hon. Robert S. Gawthrop III (E.D. Pa.) in Philadelphia, Mr. Fredericks spent seven years practicing securities and complex commercial litigation at Simpson Thacher & Bartlett LLP and Willkie Farr & Gallagher LLP in New York before moving to the plaintiffs' side of the bar in 1996.

Mr. Fredericks has represented investors as a lead or co-lead counsel for plaintiffs in dozens of securities class actions, including *In re Wachovia Preferred Securities and Bond/Notes Litig.* (S.D.N.Y.) (total settlements of \$627 million, reflecting the largest recovery ever in a pure Securities Act case not involving any parallel government fraud claims); *In re Rite Aid Securities Litig.* (E.D. Pa.) (total settlements of \$323 million, including the then-second largest securities fraud settlement ever against a Big Four accounting firm); *In re Sears Roebuck & Co. Sec. Litig.* (N.D. Ill.) (\$215 million settlement, representing the then-largest §10(b) class action recovery in an action that did not involve either a financial restatement or parallel government fraud claims); *In re State Street Bank and Trust Co. ERISA Litig.* (S.D.N.Y.) (one of the largest ERISA class settlements to date); *In re King Digital Sec. Enter. PLC Shareholder Litig.* (Super. Ct. San Fran. Cty.) (\$18.5 million settlement, representing one of the largest state court §11 class action recoveries to date); and *Irvine v. ImClone Systems, Inc.* (S.D.N.Y.) (\$75 million settlement). A consortium of plaintiffs' counsel also chose Mr. Fredericks to present the (successful) oral argument in opposition to defendants' efforts to dismiss (on grounds of standing) over fifteen separate securities fraud cases before a three judge panel in *In re Mutual Fund Investing Litig.* (see 519 F. Supp. 2d 580 (D.Md. 2007)), which later settled for a combined total of several hundred million dollars. Mr. Fredericks also played a leading role on the team that obtained a rare 9-0 decision for securities fraud plaintiffs in the U.S. Supreme Court in *Merck & Co., Inc. v. Reynolds* (which later settled for \$1.052 billion), and he has also coauthored amicus briefs on behalf of clients in a number of other Supreme Court cases (including Halliburton, Amgen, ANZ Securities and Cyan) involving various significant securities law issues.



# ATTORNEY BACKGROUND/ EXPERIENCE

Mr. Fredericks has also represented clients in litigating claims in federal bankruptcy court proceedings, and has obtained substantial recoveries from a bankrupt corporation's officers, law firm and outside auditors on behalf of a court-appointed Trustee of a creditor's trust. See *In re Friedman's, Inc.*, 394 B.R. 623 (S.D. Ga.2008). He also currently represents a putative class of large commercial customers of a bankrupt utility in breach of contract proceedings pending before the U.S. Bankruptcy Court for the Northern District of Ohio.

William Fredericks has been recognized in the 2012-19 editions of "America's Best Lawyers" in the field of commercial litigation, in "Who's Who in American Law" (Marquis), and in the New York City "SuperLawyers" listings for securities litigation (2013-19). He has been a frequent panelist on various securities litigation programs sponsored by the Practising Law Institute (PLI) – including ten years as a panelist on civil liabilities under the federal Securities Act – and has lectured overseas on American class action litigation on behalf of the American Law Institute/American Bar Association (ALI/ABA). He is also the former chairman of the New York City Bar Association's Committee on Military Affairs and Justice, and a member of the Federal Bar Council.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## YVONNE FUNK

### PRACTICE EMPHASIS

Yvonne Funk's practice focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California

### EDUCATION

UC Hastings Law School (J.D., 2007); UCLA (B.A., 2001)

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### HIGHLIGHTS

Yvonne Funk is an attorney in our San Diego office.

## DAVID H. GOLDBERGER

### PRACTICE EMPHASIS

David H. Goldberger's practice is focused on complex antitrust litigation, initial antitrust case investigations, and other special projects.

### ADMISSIONS

State of California; United States District Court: Northern, Central, and Southern Districts of California

### EDUCATION

California Western School of Law (J.D., 2002); University of Colorado (B.A., 1999)

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### HIGHLIGHTS

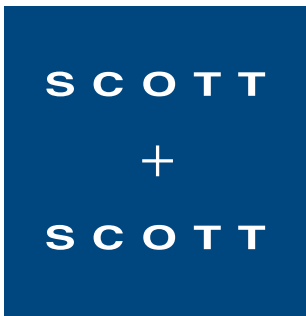
Mr. Goldberger is an associate in the San Diego office and his notable prior representative actions involving antitrust claims include *Kleen Products LLC v. Packaging Corporation of America*, No. 10-cv-5711 (N.D. Ill.) (\$376.4 million settlement), an action challenging price-fixing in the containerboard industry, and *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-2420 (N.D. Cal.), an action challenging price-fixing of Li-Ion batteries. Mr. Goldberger has also worked on antitrust cases involving delayed generic drug entry, such as *Mylan Pharmaceuticals Inc. v. Warner Chilcott Public Ltd. Co.*, No. 12-cv-3824 (E.D. Pa.) (\$8 million settlement) and *In re Prograf Antitrust Litig.*, No. 1:11-md-02242 (D. Mass.).

Mr. Goldberger currently represents antitrust class plaintiffs in *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion in the setting of ISDAfix, a global benchmark used to value interest rate derivatives, and *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.).

Previously, Mr. Goldberger was active in Scott+Scott's securities fraud and ERISA practice, including *In re: Priceline.com Securities Litig.*, 03-cv-1884 (D. Conn.) (\$80 million settlement), *Alaska Electrical Pension Fund v. Pharmacia Corp.*, No. 03-1519 (D.N.J.) (\$164 million settlement), and *In re: General Motors ERISA Litig.*, No. 05-71085 (E.D. Mich.) (resulting in significant enhancements to retirement plan administration in addition to \$37.5 million settlement for plan participants).

Mr. Goldberger was also a founding member of Scott+Scott's institutional investor relations team, providing the firm's many institutional clients with assistance in various matters pertaining to their involvement in complex civil litigations as well as assisting institutional clients in submitting eligible claims in those actions.

A lifelong resident and native of San Diego, Mr. Goldberger was an instituting member of the Torrey Pines High School "Friends of the Library" and coaches local youth sports in his spare time.



# ATTORNEYS AT LAW LLP

## JOSEPH P. GUGLIELMO

### PRACTICE EMPHASIS

Joseph P. Guglielmo represents institutional and individual clients in securities, antitrust, and consumer litigation in federal and state courts throughout the United States

### ADMISSIONS

States of New York and Massachusetts; District of Columbia; United States Supreme Court; United States Court of Appeals: First, Second, Third, Eighth and Ninth Circuits; United States District Court: Southern and Eastern Districts of New York, Districts of Massachusetts, Connecticut, and Colorado, Eastern District of Wisconsin

### EDUCATION

Catholic University of America (J.D., 1995; B.A., cum laude, 1992; Certificate of Public Policy)

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### HIGHLIGHTS

Mr. Guglielmo is a partner in the firm's New York office and was recognized for his efforts representing New York University in obtaining a monumental temporary restraining order of over \$200 million from a Bernard Madoff feeder fund. Specifically, New York State Supreme Court Justice Richard B. Lowe III stated, "Scott+Scott has demonstrated a remarkable grasp and handling of the extraordinarily complex matters in this case. The extremely professional and thorough means by which NYU's counsel has litigated this matter has not been overlooked by this Court."

Mr. Guglielmo serves in a leadership capacity in a number of complex antitrust and consumer actions, including: *In Equifax, Inc. Customer Data Security Breach Litig.*, No. 1:17-md-2800 (N.D. Ga.), co-lead counsel, claims on behalf of financial institutions involving data breach of personal and financial information of approximately 150 million consumers, *In Re: Disposable Contact Lens Antitrust Litig.*, No. 3:15-md-2626 (M.D. Fla.), co-lead counsel, claims on behalf of a class of contact lens purchasers alleging violations of the antitrust laws, *Forth v. Walgreen Co, Inc.*, No. 1:17-cv-02246 (N.D. Ill.), lead counsel, asserting claims on behalf of class of consumers alleging overcharge for medically necessary, covered prescription drugs. Mr. Guglielmo is also actively involved in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 1:13-cv-07789-LGS (S.D.N.Y.), which involves claims on behalf of purchasers of foreign exchange instruments alleging violations of federal antitrust laws.

Mr. Guglielmo has achieved significant victories and obtained numerous settlements for his clients. Mr. Guglielmo was co-lead counsel in *In re The Home Depot, Inc., Customer Data Security Breach Litig.*, MDL No. 2583 (N.D. Ga.), where a \$27.25 million settlement was obtained on behalf of financial institutions involving a data breach and the theft of the personal and financial information of over 40 million credit and debit card holders. He was also a member of the Plaintiffs' Steering Committee in *In re Target Corporation Customer Data Security Breach Litig.*, MDL No. 2522 (D. Minn.), where a \$59 million settlement was obtained on behalf of financial institutions involving data breach of personal and financial information of approximately 110 million credit and debit cardholders. Mr. Guglielmo was also lead counsel in *Winsouth Credit Union v. Mapco Express Inc.*, No.: 3:14-cv-1573 (M.D. Tenn.), which achieved the largest dollar-per-card recovery on behalf of financial institutions involving data breach of credit and debit card information. Mr. Guglielmo was one of the principals involved in the litigation and settlement of *In re Managed Care Litig.*, MDL No. 1334 (S.D. Fla.), which included settlements with Aetna, CIGNA, Prudential, Health Net, Humana, and WellPoint, providing monetary and injunctive benefits exceeding \$1 billion.

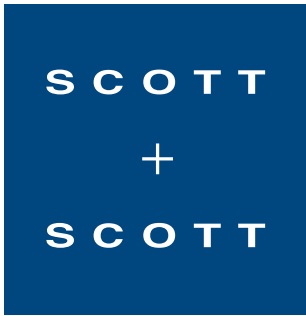
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# ATTORNEY BACKGROUND/ EXPERIENCE

Additional cases Mr. Guglielmo played a leading role and obtained substantial recoveries for his clients include: *Love v. Blue Cross and Blue Shield Ass'n*, No. 03-cv-21296 (S.D. Fla.), which resulted in settlements of approximately \$130 million and injunctive benefits valued in excess of \$2 billion; *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1897 (D.N.J.), settlements in excess of \$180 million; *Valle v. Popular Community Bank*, No. 653936/2012 (N.Y. Supreme Ct.), \$5.2 million settlement on behalf of consumers, *In re Pre-Filled Propane Tank Marketing and Sales Practices Litig.*, MDL No. 2086 (W.D. Mo.), consumer settlements in excess of \$40 million; *Bassman v. Union Pacific Corp.*, No. 97-cv-02819 (N.D. Tex.), \$35.5 million securities class action settlement; *Garcia v. Carrion*, No. CV. 11-1801 (D. P.R.), substantial corporate governance reforms; *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass-Through Certificates*, No. 09-cv-00037 (W.D. Wash.), \$26 million securities class action settlement, *Murr v. Capital One Bank (USA)*, N.A., No. 13-cv-1091 (E.D. Va.), \$7.3 million settlement pending on behalf of class of consumers who were misled into accepting purportedly 0% interest offers, and *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.), \$6.1 million settlement obtained on behalf of class of consumers who purchased Truvia, purported to be deceptively marketed as "all-natural." Mr. Guglielmo was the principle litigator and obtained a significant opinion from the Hawaii Supreme Court in *Hawaii Medical Association v. Hawaii Medical Service Association*, 113 Hawaii 77 (Haw. 2006), reversing the trial court's dismissal and clarifying rights for consumers under the state's unfair competition law.

Mr. Guglielmo lectures on electronic discovery and was a member of the Steering Committee of Working Group 1 of the Sedona Conference<sup>®</sup>, an organization devoted to providing guidance and information concerning issues such as discovery and production issues, as well as areas focusing on antitrust law, complex litigation, and intellectual property. He is a frequent speaker on electronic discovery issues at the Sedona Conference as well as the Advanced eDiscovery Institute at Georgetown University Law Center. Mr. Guglielmo was also recognized for his achievements in litigation by his selection to The National Law Journal's "Plaintiffs' Hot List." In 2019, Mr. Guglielmo was again named by Super Lawyers as a top Antitrust lawyer in the New York metro area and was again named by Who's Who Legal Litigation: Leading Practitioner-E-Discovery (2019).

Mr. Guglielmo is also a member of the following associations: District of Columbia Bar Association, New York State Bar Association, American Bar Association, The Sedona Conference<sup>®</sup>, and a Board Member on the Advanced eDiscovery Institute at Georgetown University Law Center.



# ATTORNEYS AT LAW LLP

## STEPHANIE HACKETT

### PRACTICE EMPHASIS

Stephanie Hackett primarily practices in the area of antitrust litigation on behalf of classes and individual plaintiffs.

### ADMISSIONS

State of California; United States District Court: Southern District of Iowa

### EDUCATION

University of Iowa College of Law (J.D., with distinction, 2005)

University of Iowa (B.S., Political Science, International Business Certificate, 2001)

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### HIGHLIGHTS

Ms. Hackett is an associate in Scott+Scott's San Diego office and has represented class plaintiffs in *Dahl v. Bain Capital Partners, LLC*, No. 1:07-cv-12388 (D. Mass.) (\$590.5 million settlement) and *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.*, No. 12-3824 (E.D. Pa.) (\$8 million settlement). She represented corporate opt-out clients in *In re Polychloroprene Rubber (CR) Antitrust Litig.*, MDL No. 1642 (D. Conn.); and *In re Plastics Additives (No. II) Antitrust Litig.*, MDL No. 1684 (E.D. Pa.).

Ms. Hackett's current cases include representing class plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 1:13-cv-07789 (S.D.N.Y.), an action challenging collusion regarding foreign exchange rates, and *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion regarding the setting of the ISDAfix benchmark interest rate. Ms. Hackett also represents corporate opt-out clients in *In re: Aluminum Warehousing Antitrust Litig.*, MDL No. 2481 (S.D.N.Y.), a case challenging collusion regarding the spot metal price of physically delivered aluminum.

While in law school she was a recipient of the Willard L. Boyd Public Service Distinction award. While obtaining her law degree, Ms. Hackett worked as a judicial extern for the Honorable Celeste F. Bremer. In addition to her legal education, Ms. Hackett has engaged in accounting study and passed all four parts of the CPA exam. This background has proved particularly useful in cases involving the financial services industry.

As a part of her pro bono work, Ms. Hackett has worked with the San Diego Volunteer Lawyer Program, providing assistance to immigrant victims of domestic violence, and the ABA Immigration Justice Project, where she obtained a grant of asylum on behalf of her client.

Ms. Hackett is an active member of the American Bar Association's Antitrust Section and the San Diego La Raza Lawyers Association.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## CARLEY HENEK

### PRACTICE EMPHASIS

Carley Henek's practice focuses on complex antitrust litigation and class actions.

### ADMISSIONS

States of New York and California; All Federal Courts in New York and California

### EDUCATION

St. John's School of Law (J.D., 2001); State University of New York, Albany (B.S., Human Biology)

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### HIGHLIGHTS

Ms. Henek is an attorney in Scott+Scott's San Diego office and has extensive state and federal court experience litigating against and representing major U.S. and international corporations and individual clients in all phases of the litigation process.

## JAMES HAIN-COLE

### PRACTICE EMPHASIS

James Hain-Cole specialises in competition damages litigation and has extensive international experience advising on multijurisdictional antitrust matters.

### ADMISSIONS

England and Wales

### EDUCATION

De Montfort University (BASL DMU Postgraduate Certificate in Sports Law, Merit, 2015); BPP Law School (Graduate Diploma in Law, 2008 and Legal Practice Course, 2009) University of St. Andrews (MA Modern History and International Relations, First Class Honours, 2006)

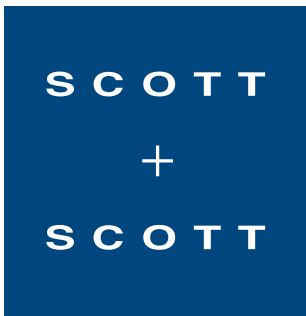
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### HIGHLIGHTS

Mr. Hain-Cole is located in Scott+Scott's London office and works with the firm's Antitrust and Competition Practice in advising international clients on their potential to claim damages arising from anticompetitive conduct and working with them to design an effective strategy to compensate them for losses arising from such conduct. He also has experience in commercial arbitration and general commercial litigation.

Prior to working with Scott+Scott, Mr. Hain-Cole spent two and a half years at Cuatrecasas in Madrid, where he advised on competition damages claims before the courts of Spain, England and Italy and also formed part of the team that drafted the legal section of the *Study on the Passing-on of Overcharges* for the European Commission. Prior to that, Mr. Hain-Cole spent six years in the London office of Freshfields Bruckhaus Deringer LLP, where he advised clients in some of the leading competition damages before the English courts and tribunals, including *Deutsche Bahn AG and others v Morgan Advanced Materials Plc* and *Cooper Tire and Rubber Company Europe Ltd and others v. Dow Deutschland Inc and others*. He also acted for a major financial institution in competition law investigations before the European Commission and other competition regulators worldwide, including in the North America and Asia.

James also has professional proficiency in Spanish.



# ATTORNEYS AT LAW LLP

## BELINDA HOLLWAY

### PRACTICE EMPHASIS

Belinda Hollway has over 15 years of competition law experience, and specialises in competition damages litigation.

### ADMISSIONS

English High Court; Competition Appeal Tribunal; Court of Appeal

Admitted to practice in England and Wales and in New South Wales, Australia

### EDUCATION

**Australian National University** (First-class Honours: History, First-class Honours and University Medal: Law, 2001);

**Kings College London** (Masters in Competition Law, 2008)

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### HIGHLIGHTS

Ms. Hollway is the head of Scott+Scott Europe LLP's London office and has extensive expertise in developing and coordinating multijurisdictional litigation strategies, both within Europe and beyond. She is currently acting for UK and multinational businesses in claims against Mastercard and Visa in relation to interchange fees. She is also acting for clients seeking to recoup losses suffered as a result of the manipulation by leading banks of the foreign exchange market.

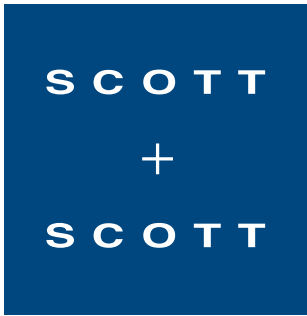
Prior to joining Scott+Scott, Belinda spent nine years in the London office of Freshfields Bruckhaus Deringer LLP. She represented clients across a wide range of industries, acting in many of the leading English competition damages cases, such as *Cooper Tire*, relating to the synthetic rubber cartel, and *National Grid v. ABB*, relating to the cartel in gas insulated switchgear. She was the lead associate on the defence team in *Enron v. EWS*, which was the first follow-on damages claim ever to reach trial in the Competition Appeal Tribunal. Her wide experience on the defence side gives her a special insight into the issues that claimants must address and overcome in order to recoup losses stemming from breaches of competition law in Europe.

Belinda has also acted for numerous clients in competition law investigations, both internal investigations and those brought by the UK Office of Fair Trading (now the Competition and Markets Authority) and the European Commission. She has been involved in immunity applications, Commission cartel settlements, and contested cases. From this work, she has an in-depth understanding of the interaction between private and public enforcement in Europe and the ramifications that public enforcement has for the strategy and progression of damages claims.

After law school Belinda spent a year as an Associate to Her Honour Justice Catherine Branson at the Federal Court of Australia and then worked for the competition and litigation teams of Allens Arthur Robinson in Sydney, prior to moving to the United Kingdom in 2006.

She has published on competition law issues, including in relation to the EU Damages Directive and has been quoted in the press on competition law in Europe. She is regularly invited to speak at conferences and competition litigation issues.





# ATTORNEY BACKGROUND/ EXPERIENCE

## DAVID HOWE

### PRACTICE EMPHASIS

David Howe is a competition, EU, and public lawyer.

### ADMISSIONS

England and Wales

### EDUCATION

Kings College London (LL.M in European Law, 2009); University of Oxford (BCL, 2005 with distinction; Law and French Law, 2003 - First Class Honours - top 3%)

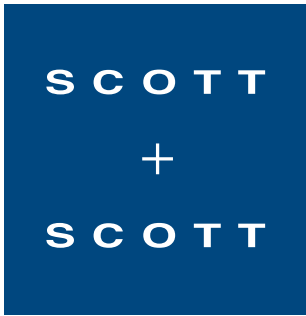
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### HIGHLIGHTS

Mr. Howe is a senior consultant for Scott+Scott Europe LLP. He trained at Freshfields Bruckhaus Deringer LLP and, after qualification, spent a further eight years in the competition and dispute resolution teams there.

David has acted for a range of multinational clients on the full spectrum of competition investigations (UK and internationally) litigation and advice. He has conducted competition damages claims in the English High Court, Court of Appeal and Competition Appeal Tribunal, and also appeared in the European Court of Justice. He acted for **Roche** on its defence of litigation arising out of the Vitamins cartel (including in the Devenish litigation, which ruled on the availability of restitutionary and exemplary damages in follow-on claims) and, for **EWS** in its defence of claims brought by the administrators of Enron for damage following EWS' abuse of dominance (the first follow-on damages action to go to trial in the Competition Appeal Tribunal). More recently, he has acted for several retailers with claims against Visa and Mastercard in relation to the imposition of interchange fees. He also has a working knowledge of the collective action regime under the Consumer Rights Act 2015 and experience working with third party funders. He has published several articles on competition law.

David also has significant wider expertise, including in bribery, public and regulatory law, and human rights matters. For instance, he was the lead associate co-ordinating a multi-jurisdictional regulatory and public law strategy for a major consumer products company, and has acted on a number of judicial reviews for a range of clients, including (as lead associate) on a significant judicial review of the lawfulness of domestic consumer products legislation, relying primarily on EU free movement and human rights grounds. In addition to "classic" human rights claims, David also has expertise in the evolving body of hard and soft law arising out of the UN "Ruggie Principles" on Business and Human Rights, having assisted a major technology company on a full Ruggie-compliant assessment of, and mitigation strategy for, a new project.



# ATTORNEYS AT LAW LLP

## SCOTT JACOBSEN

### PRACTICE EMPHASIS

Scott Jacobsen practices in the areas of shareholder derivative actions, securities class action litigation, and other complex litigation.

### ADMISSIONS

States of New York and New Jersey; United States District Court: Southern District of New York,

### EDUCATION

William & Mary Law School, (J.D., 2014); The George Washington University (B.A., English, magna cum laude; M.A., English)

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### HIGHLIGHTS

Mr. Jacobsen is an associate in Scott+Scott's New York office and has primarily focused on securities and derivative litigation, including investigation of corporate books and records to evaluate potential claims on behalf of shareholders. Cases include *International Union of Operating Engineers Local No. 478 Pension Fund v. McInerney, C.A.* No. 11901-VCN (Del. Ch. Jan 13, 2016) (derivatively on behalf of Genworth Financial Inc.); *Carlson v. Dipp*, No. 1:15-cv-14032 (D. Mass. Dec. 7, 2015) (securities class action); *Fernicola v. Hugin, C.A.* No. 11748-VCMR (Del. Ch. Nov. 24, 2015) (derivatively on behalf of Celgene Corp.); *Feldman v. Kulas, C.A.* No. 11614-VCG (Del. Ch. Oct. 15, 2015) (derivatively on behalf of Santander Consumer USA Holdings Inc.); *Fortunato v. Akebia Therapeutics, Inc.*, No. 1:15-cv-13501 (D. Mass. Oct. 5, 2015) (securities class action).

During law school, Mr. Jacobsen externed at the American Civil Liberties Union of Virginia and served as a staff member for the William & Mary Bill of Rights Journal. He is also a member of the following professional associations: ABA Business Section and ABA Young Lawyers Division.

## JEFFREY P. JACOBSON

### PRACTICE EMPHASIS

Jeffrey P. Jacobson is a litigation associate specializing in federal securities litigation.

### ADMISSIONS

State of New York; United States Court of Appeals: Second Circuit; United States District Courts: Southern and Eastern Districts of New York; United States Court of Appeals

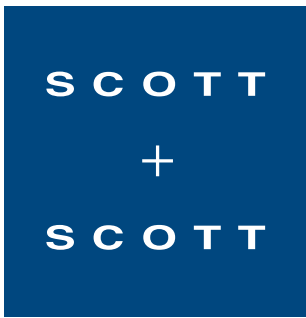
### EDUCATION

George Washington University Law School (J.D., High Honors, Order of the Coif, 2017)

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### HIGHLIGHTS

Mr. Jacobson is an associate in our New York office where he focuses on federal securities litigation. Prior to joining Scott+Scott, Jeff was a litigation associate at a major international law firm where he represented clients in securities cases, bankruptcy proceedings, and antitrust matters, and advised clients on employment matters.



# ATTORNEYS AT LAW LLP

## JOHN T. JASNOCH

### PRACTICE EMPHASIS

John Jasnoch's practice areas include securities and antitrust class actions, shareholder derivative actions, and other complex litigation.

### ADMISSIONS

State of California; United States Court of Appeals: Ninth Circuit; United States District Court: Southern, Central, and Northern Districts of California

### EDUCATION

University of Nebraska, College of Law (J.D., 2011); Creighton University (B.A., Political Science and International Relations, cum laude, 2007)

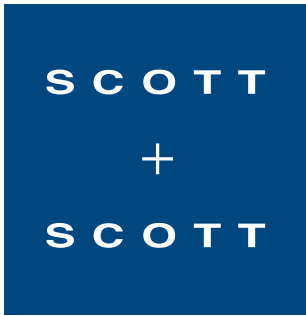
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### HIGHLIGHTS

Mr. Jasnoch is a partner in the San Diego office. He represents clients in complex litigations in state and federal courts across the county.

Mr. Jasnoch has been counsel of record in numerous successful cases where Scott+Scott served in a leadership capacity, including: *In re LendingClub Corp. Shareholder Litig.*, No. CIV537300 (Cal. Super. Ct. San Mateo Cty) (\$125 million federal and state settlement); *In re King Digital Entertainment plc Shareholder Litig.*, No. CGC-15-544770, (Cal. Super. Ct. San Francisco Cty.) (\$18.5 million settlement); *In re FireEye, Inc. Securities Litig.*, Case No. 1:14-cv-266866 (Cal. Super. Ct. Santa Clara Cty.) (\$10.3 million settlement); *In re Pacific Coast Oil Trust Securities Litig.*, Case No. BC550418 (Cal. Super. Ct. Los Angeles Cty.) (\$7.6 million settlement); and *In re MobileIron, Inc., Shareholder Litig.*, Case No. 1-15-284001 (Cal. Super. Ct. Santa Clara Cty) (\$7.5 million settlement).

In 2015, Mr. Jasnoch was a member of the trial team in *Scorpio Music S.A. v. Victor Willis*, (No. 11-cv-1557 (S.D. Cal.)) a landmark copyright jury trial concerning the copyright ownership of hit songs by The Village People. In that suit, Scott+Scott client and Village People lyricist Victor Willis obtained a declaratory judgment confirming his copyright termination and giving him a 50% copyright interest in "YMCA" and compositions.



# ATTORNEYS AT LAW LLP

## GEOFFREY M. JOHNSON

### PRACTICE EMPHASIS

Geoffrey M. Johnson's practice focuses on shareholder derivative, corporate governance, and securities class action litigation.

### ADMISSIONS

**United States District Court:** Northern and Southern Districts of Ohio, Eastern District of Michigan and Western District of Texas; **United States Court of Appeals:** Second, Third, Sixth, Seventh, Eighth and Ninth; **State Supreme Courts:** Ohio

### EDUCATION

University of Chicago Law School (J.D., with Honors, 1999); Grinnell College (B.A., Political Science, with Honors, 1996)

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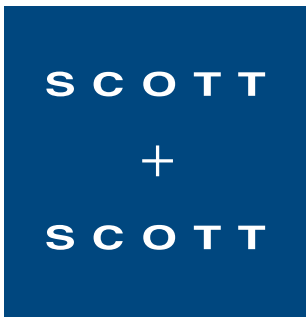
### HIGHLIGHTS

Mr. Johnson is a partner in the Ohio office and active in the firm's settlement and appellate practice groups. He has served as lead or co-lead counsel in several securities class action cases brought under Section 11 of the Securities Act of 1933, including *In re King Digital Entertainment plc S'holder, Litig.*, No. 15-544770 (Superior Court of California, San Francisco County), a shareholder lawsuit that settled for \$18.5 million after surviving two separate motions to dismiss, and *Rosenberg v. Cliffs Natural Resources, Inc.*, No. 14-1531 (Court of Common Pleas, Cuyahoga County, Ohio), a shareholder lawsuit that settled for \$10 million after the firm had engaged in extensive litigation and motion practice.

Mr. Johnson has been active in the firm's mortgage-backed securities litigation practice, serving as lead or co-lead counsel in mortgage-backed securities class action cases: *In re Washington Mutual Mortgage-Backed Securities Litig.*, 2:09-cv-00037 (W. D. Wash.) and *Putnam Bank v. Countrywide Financial, Inc.*, No. 10-cv-302 (C.D. Cal.). Mr. Johnson also helped develop the theories that the firm's pension fund clients have used to pursue class action cases against mortgage-backed security trustees. – *Retirement Board of the Policemen's Annuity & Benefit Fund of the City of Chicago v. Bank of New York Mellon* No. 11-cv-05459 (S.D.N.Y.); and *Oklahoma Police Pension & Retirement System v. U.S. Bank NA* No. 11-cv-8066 (S.D.N.Y.).

Mr. Johnson has also served as lead or co-lead counsel in other major securities and ERISA cases, including: *In re Royal Dutch/Shell Transport ERISA Litig.*, No. 04-1398 (D.N.J.), which settled for \$90 million and is one of the three largest recoveries ever obtained in an ERISA class action case; *In re Priceline Securities Litig.*, 00-cv-1884 (D. Conn.), which settled for \$80 million and is the largest class action securities settlement ever obtained in the State of Connecticut; and *In re General Motors ERISA Litig.*, 05-cv-71085 (E.D. Mich.), a case that settled for \$37.5 million and ranks among the largest ERISA class settlements ever obtained.

Prior to joining Scott+Scott, Mr. Johnson clerked for the Honorable Karen Nelson Moore, United States Court of Appeals for the Sixth Circuit.



# ATTORNEYS AT LAW LLP

## BETH KASWAN

### PRACTICE EMPHASIS

Ms. Kaswan specializes in class action litigation including for securities fraud and other complex financial matters.

### ADMISSIONS

States of New York and Massachusetts; United States Court of Appeals: First, Second, Fifth, Sixth, Seventh, and Ninth Circuits; United States District Court: Southern and Eastern Districts of New York, Northern District of Illinois and Eastern District of Wisconsin

### EDUCATION

Boston College (J.D. 1976); University of Miami (Bachelor of Business Administration, 1973)

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### HIGHLIGHTS

Ms. Kaswan has been practicing law for over 40 years and is a partner in the firm's New York office. During her tenure as an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York, including with respect to her promotions to Chief of the Commercial Litigation Unit and Deputy Chief of the Civil Division, Ms. Kaswan handled a number of complex fraud actions against major U.S. contractors and served as lead counsel in litigation to enjoin the manufacture of adulterated generic drugs in the landmark case *United States v. Barr Laboratories, Inc.*, 812 F. Supp. 458 (D.N.J. 1993). Ms. Kaswan, who began her career as an accountant at the offices of Peat, Marwick, Mitchell & Co., and then worked as a civil trial attorney in the tax division of the U.S. Department of Justice in Washington, D.C., is the recipient of several awards from the Justice Department and other agencies she represented, including the Justice Department's John Marshall award, Special Commendation from the Attorney General, an award from the Executive Office of U.S. Attorneys, Tax Division Outstanding Achievement awards, and awards from the FDA and U.S. Customs Service.

While at Scott+Scott, Ms. Kaswan served as lead counsel in *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass Through Certificates*, No. 09-cv-00037 (W.D. Wa.), the WaMu RMBS Section 11 Securities Act case which settled after plaintiffs succeeded in defeating the defendants' motion for summary judgment, only weeks before it was scheduled to proceed to a jury trial. Ms. Kaswan participated in the nine-week trial in *In the Matter of the Application of The Bank of New York Mellon*, Index No. 651786/2011 (N.Y. Supr. Ct.) in which she and other interveners challenged the proposed settlement between Bank of New York Mellon and Bank of America to resolve repurchase and servicing claims for 530 Countrywide trusts. She and others settled federal and state law claims against the Securitization Trustees for WaMu and Bear Stearns Trusts in *Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of America, N.A.*, No. 12-cv-2865 (S.D.N.Y.) and *Oklahoma Police Pension and Retirement System v. U.S. Bank N.A.*, No. 11-cv-8066 (S.D.N.Y.), respectively.

Ms. Kaswan brought a derivative suit on behalf of New York University against Ezra Merkin to freeze funds belonging to a feeder fund to Bernard Madoff. She also served as lead counsel to another shareholder derivative case, *Carfagno v. Schnitzer*, No. 08-CV-912-SAS (S.D.N.Y.), where she successfully negotiated a settlement on behalf of Centerline Holding Company and Centerline shareholders. Ms. Kaswan has served as lead counsel in *Cornwell v. Credit Suisse Group*, No. 08-cv-3758 (S.D.N.Y.) and *In re Tetra Technologies, Inc. Securities Litig.*, No. 08-cv-0965 (S.D. Tex.), among others.

Ms. Kaswan is a member of the New York and Massachusetts bars and has been named a "Super Lawyer" from 2011-2019.



# ATTORNEYS AT LAW LLP

## THOMAS LAUGHLIN

### PRACTICE EMPHASIS

Thomas Laughlin's practice focuses on securities class action, shareholder derivative, ERISA and other complex commercial litigation.

### ADMISSIONS

State of New York; United States Court of Appeals: Second, Third, Ninth, and Eleventh Circuits; United States District Court: Southern and Eastern Districts of New York, Northern District of Florida, District of Columbia and Eastern District of Michigan

### EDUCATION

New York University School of Law (J.D., cum laude, 2005); Yale University (B.A. History, cum laude, 2001)

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### HIGHLIGHTS

Mr. Laughlin is a partner in the New York office and focuses on securities class action, shareholder derivative, ERISA and other complex commercial litigation. After graduating from law school, Mr. Laughlin clerked for the Honorable Irma E. Gonzalez, United States District Court Judge for the Southern District of California.

While at Scott+Scott, Mr. Laughlin has worked on several cases that have achieved notable victories, including *Cornwell v. Credit Suisse*, No. 08-3758 (S.D.N.Y.) (securities settlement of \$70 million), *Rubenstein v. Oilsands Quest Inc.*, No. 11-1288 (S.D.N.Y.) (securities settlement of \$10.235 million) *Plymouth County Contributory Ret. Sys. v. Hassan*, No. 08-1022 (D.N.J.) (corporate governance reform); and *Garcia v. Carrion*, No. 09-1507 (D.P.R.) (corporate governance reform).

Mr. Laughlin also has significant appellate experience, having represented clients in connection with several appellate victories, including *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013); *Westmoreland County Employee Retir. Sys. v. Parkinson*, 727 F.3d 719 (7th Cir. 2013); *Pfeil v. State Street Bank and Trust Co.*, 671 F.3d 585 (6th Cir. 2012); and *King v. VeriFone Holdings, Inc.*, 12 A.3d 1140 (Del. Supr. 2011).

In 2014, Mr. Laughlin was co-chair of a 13-day bench trial in *Bankers' Bank Northeast v. Berry, Dunn, McNeil & Parker, LLC*, No. 12-cv-00127 (D. Me.). He represented a consortium of 10 community banks asserting negligence and professional malpractice claims against the former officers and directors of a bank and its auditor in connection with an \$18 million loan made to that bank in September 2008. Among other things, Mr. Laughlin conducted the cross-examination of all three witnesses from the defendant's auditing firm and the direct examination of plaintiff's auditing expert. The parties to the action succeeded in resolving the action after trial.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## AMANDA F. LAWRENCE

### PRACTICE EMPHASIS

Amamda Lawrence's practice splits her time between antitrust and securities matters.

### ADMISSIONS

States of Connecticut and Massachusetts; United States Court of Appeals: First and Ninth Circuits; United States District Court: Southern District of New York, Connecticut and Massachusetts

### EDUCATION

Yale Law School (J.D.2002); Dartmouth College College (B.A., cum laude, 1998)

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### HIGHLIGHTS

Ms. Lawrence is a partner in our Connecticut office. In the antitrust realm, Ms. Lawrence currently serves as co-lead counsel in the matter, *In re: GSE Bonds Antitrust Litigation*, 1:19-cv-01704-JSR (S.D.N.Y.) which alleges manipulation of the prices in the \$550 billion government sponsored entities bond market. Ms. Lawrence was also intricately involved in the "ISDAFix case" – *Alaska Electrical Pension Fund v. Bank of America*, 1:14-cv-07126-JMF-OTW (S.D.N.Y.), taking depositions and working through expert discovery, including numerous Daubert motions and responses. That case has to date achieved over \$504.5 million in recovery from large financial institutions for investors. She likewise has managed complex international investigations into suspected collusion or manipulation of financial markets. For example, she devoted herself to the international investigation of SSA bonds, which included multiple interviews with former managers of trading banks as well as extensive work with New York University professors to analyze trading data and unearth manipulation.

In her securities practice, Ms. Lawrence has worked on numerous Exchange Act and 1933 Act cases that have resulted in substantial settlements, including: *Police and Fire Retirement System of the City of Detroit v. Crane*, No. 13-cv-00945-VC (N.D. Cal.) (\$5.1 million settlement); *Rosenberg v. Cliffs Natural Resources, Inc.*, No. CV-14-828140 (Ohio Com. Pleas) (\$10 million settlement in 1933 Act case); *Rubenstein v. Oilsands Quest Inc.*, No. 11-1288 (S.D.N.Y.) (securities settlement of \$10.235 million); *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass-Through Certificates*, No. 09-cv-00037 (W.D. Wash.) (\$26 million securities class action settlement); *In re TETRA Technologies, Inc. Securities Litig.*, No. 07-cv-00965 (S.D. Tex.) (\$8.25 million securities class action settlement); *In re LendingClub Corporation Shareholder Litig.*, No. CIV 537300 (Cal. Super., San Mateo) (\$125 million securities class action settlement); and *In Re: FireEye, Inc. Securities Litig.*, No. 1-14-cv-066866 (Cal. Super., Santa Clara) (\$10.25 million securities class action settlement).

In addition to antitrust and securities matters, Ms. Lawrence has also worked on consumer cases that have resulted in significant settlements for the affected classes. For example, Ms. Lawrence helped achieve a settlement in the *The Vulcan Society, Inc. v. The City of New York*, No. 07-CV-2067 (E.D.N.Y.) that brought both monetary and injunctive relief to a class of African American and Hispanic firefighters in New York City, as well as a settlement in *In re Prudential Insurance Company of America SGLI/VGLI Contract Litig.*, No. 3:11-md-02208-MAP (D. Mass.) that brought both forms of relief to relatives of deceased servicemen and women.

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EXPERIENCE

## YIFAN (“KATE”) LV

### PRACTICE EMPHASIS

Kate Lv's practice focuses on prosecuting antitrust actions with an emphasis on intercultural cartels.

### ADMISSIONS

Ms. Lv is a member of the California, New York, and China Bars.

### EDUCATION

William & Mary School of Law (J.D., 2014); Peoples University of China, Beijing, China, (Master in Law, 2010); Tianjin University of Commerce, Tianjin, China, (Dual Bachelors in Law and Economics, 2008)

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### HIGHLIGHTS

Ms. Lv is an associate in Scott+Scott's San Diego office and represents plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y), challenging foreign-exchange market manipulation by many global financial institutions.

Ms. Lv also represents and advises the firm's Asian clients and is bilingual – speaking fluent Chinese and English.



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# ATTORNEY BACKGROUND/ EXPERIENCE

## CIAN MANSFIELD

### PRACTICE EMPHASIS

Cian Mansfield is a commercial litigator who specialises in competition damages litigation.

### ADMISSIONS

England and Wales (including Higher Rights of Audience); Republic of Ireland.

### EDUCATION

King's College London (Postgraduate Diploma in Competition Law, 2014); University of Cambridge (LL.M, 2009); University College Dublin (Bachelor of Civil Law, 2007, First Class Honours - including exchange year at the University of Lausanne in Switzerland). Following his LL.M he completed a five-month stage (internship) at the Legal Service of the European Commission in Brussels.

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### HIGHLIGHTS

Mr. Mansfield is a senior associate in Scott+Scott Europe LLP's London office and is currently acting as lead associate for: retailers in their claims in the English High Court against Visa and Mastercard in relation to anti-competitive interchange fees; a solar energy business in a dispute against their former CEO; and a number of potential claimants in follow-on damage actions arising from the Trucks cartel.

Prior to joining Scott+Scott Europe LLP, Cian spent over six years in the London office of Freshfields Bruckhaus Deringer LLP. During his time at Freshfields, Cian worked on a number of competition damages claims arising from European Commission infringement decisions in relation to a number of cartels. He also acted in a number of investigations, both internal investigations and those brought by international regulators (including the European Commission and the Competition and Markets Authority), particularly in the financial services sector, and on pieces of general commercial litigation.

Cian also has extensive pro bono experience. He currently acts as an advocate on behalf of failed and pending asylum seekers at the Asylum Support Tribunal as a member of the charity, the Asylum Support Appeals Project. While at Freshfields, Cian worked on UK Supreme Court interventions for the Office of the Children's Commissioner and the Open Society Justice Initiative.

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BACKGROUND/  
EXPERIENCE

## RUTH MANSON

### PRACTICE EMPHASIS

Ruth Manson specialises in commercial and competition damages litigation.

### ADMISSIONS

England and Wales

### EDUCATION

University of Cambridge (Law BA, 2015)

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### HIGHLIGHTS

Ms. Manson is an associate in Scott+Scott Europe LLP's London office. She specialises in commercial and competition litigation. With a background in commercial disputes, she has worked on a variety of litigation matters representing multinational corporations from the transport and construction sectors. She is currently working as part of the firm's Antitrust and Competition Practice advising a number of retailers regarding claims against Visa and Mastercard in respect of anti-competitive interchange fees, and working with numerous clients assessing potential claims arising from the manipulation of the foreign exchange market.

Prior to joining Scott+Scott Europe LLP, Ruth completed her traineeship at a major UK law firm in London. During her traineeship, Ruth worked on a number of large-scale litigations including a multi-million pound breach of contract claim and acted on behalf of a Part 20 Defendant in the on-going *Air Cargo* cartel litigation.



# ATTORNEY BACKGROUND/ EXPERIENCE

## SEAN T. MASSON

### PRACTICE EMPHASIS

Focusing his litigation efforts on mass tort, class action, and complex commercial cases, Mr. Masson represents institutional investors, government entities and consumers around the country. Currently, he is one of the lead attorneys in the firm prosecuting pharmaceutical companies and distributors for their role in the marketing and overprescribing of highly addictive opioid painkillers.

### ADMISSIONS

State of New York; United States District Court: Southern and Eastern Districts of New York, Eastern District of Wisconsin

### EDUCATION

Hofstra University School of Law (J.D., cum laude, 2009); Queens College (B.A., summa cum laude, 2006)

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### HIGHLIGHTS

Super Lawyers has named Mr. Masson a Rising Star for five consecutive years (2015-2019) for his work as a class action litigator. Prior to entering the private sector, Mr. Masson served as an Assistant District Attorney in the Manhattan DA's Office, successfully arguing over 40 appeals in state and federal courts and gaining extensive experience with large-scale government and regulatory investigations. Notable cases include: *People v. McKelvey* (upheld 75-year sentence for serial rapist preying on homeless women); *People v. Chance* (creating precedential law on issue of first impression regarding the disposal of stolen property under N.Y. Penal Law); and *People v. Espinal* (affirming murder-for-hire and conspiracy convictions for high ranking member of a large-scale cocaine trafficking operation).

During law school, Mr. Masson served as the Senior Notes and Comments Editor of the Hofstra Law Review and won the 1L Excellence in Torts award.

Mr. Masson's publications include: The Presidential Right of Publicity, 2010 BOSTON COLLEGE INTELLECTUAL PROPERTY & TECHNOLOGY FORUM 012001 and Note, Cracking Open the Golden Door: Revisiting U.S. Asylum Law's Response To China's One-Child Policy, 37 HOFSTRA LAW REVIEW 1135 (2009).

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BACKGROUND/  
EXPERIENCE

## LAUREN MCCABE

### PRACTICE EMPHASIS

Lauren McCabe's practice focuses on securities class actions.

### ADMISSIONS

State of New York

### EDUCATION

New York University Law School (J.D., 2008), Pepperdine University (B.A., 2005, summa cum laude)

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### HIGHLIGHTS

Ms. McCabe is a senior associate in Scott+Scott's New York office. Prior to joining Scott+Scott, Lauren was a litigation associate at a major international law firm where she represented clients in high stakes trials, securities class actions, breach of fiduciary duty cases, antitrust matters, and employment matters.

Ms. McCabe is the primary associate on the teams prosecuting the securities class actions *Gastronovo v. Dentsply Sirona Inc.*, Index No. 155393/2018 (Sup. Ct. N.Y.), *Kirkland v. WideOpenWest, Inc.*, Index No. 653248/2018 (Sup. Ct. N.Y.), and *Silverberg v. DryShips Inc.*, No. 2:17-cv-4547-SJF-ARL (E.D.N.Y.).

Ms. McCabe's publications include: *Justice Holland's Lasting Imprint on Corporate Law*, DELAWARE BUSINESS COURT INSIDER (March 14, 2017).

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# ATTORNEY BACKGROUND/ EXPERIENCE

## PATRICK MCGAHAN

### PRACTICE EMPHASIS

Mr. McGahan specializes in antitrust litigation before U.S. and English courts.

### ADMISSIONS

England and Wales (with Higher Rights of Audience); Queensland, Australia

### EDUCATION

King's College London (Postgraduate Diploma in Competition Law, 2015); University of Queensland (Bachelor of Laws, First Class Honours, and Bachelor of Arts, 2010)

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### HIGHLIGHTS

Mr. McGahan is a senior associate in Scott+Scott's Connecticut and London offices and works closely with other members of the firm's Antitrust and Competition Practice in counseling corporate and institutional clients, evaluating potential claims and developing strategies to recover losses caused by anticompetitive conduct. He has also acted for clients in a variety of securities litigation, arbitrations (both investment treaty and commercial), and pieces of general commercial litigation.

In the U.S., Mr. McGahan is the lead associate on the teams prosecuting the fed cattle antitrust litigation, *Robinson v. Diana Containerships*, No. 17-cv-6160 (E.D.N.Y.), and *In Re Netshoes Sec. Litig.*, Index No. 157435/2018 (N.Y. Sup. Ct.).

In England, Mr. McGahan is presently representing numerous clients who have European claims arising from the manipulation of the foreign exchange market.

Prior to joining Scott+Scott, Mr. McGahan spent four years in the London office of Freshfields Bruckhaus Deringer LLP. During this time he acted in many of the leading English competition damages cases, including *National Grid Electricity Transmission Plc v ABB Ltd*. He also acted for numerous clients in competition law investigations, both internal investigations and those brought by the Competition and Markets Authority, the European Commission, and other regulators.



# BACKGROUND/ EXPERIENCE

## S. SINAI MEGIBOW

### PRACTICE EMPHASIS

S. Sinai Megibow is an Investigator in Scott+Scott's Investigations Department.

### ADMISSIONS

State of New York

### EDUCATION

UCLA School of Law (J.D., 2001); University of Chicago (M.A., 1998); Tulane University (B.A., 1995)

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### HIGHLIGHTS

Mr. Megibow is based in Scott+Scott's New York office. In addition to being an investigator at the firm, he is also a Certified Fraud Examiner and Licensed Private Investigator in New York and Florida.

He has extensive experience conducting a wide range of investigations, including securities fraud, internal investigations, antitrust matters, Foreign Corrupt Practices Act compliance, corporate due diligence, and litigation intelligence. Prior to joining Scott+Scott, Sinai served as a Director in a global private investigation and intelligence consulting firm. Sinai began his career as an associate attorney practicing in the areas of White Collar Criminal matters and commercial litigation.

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## MARIANNE MEIJSSSEN

### PRACTICE EMPHASIS

Marianne Meijssen specializes in complex multi-jurisdictional damages litigation, and in antitrust damages claims.

### ADMISSIONS

The Netherlands

### EDUCATION

Utrecht University (LL.M, 2012); University of Amsterdam (LL.M, 2012); Maastricht University (LL.B, 2010)

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### HIGHLIGHTS

Over the years, Ms. Meijssen has gained broad experience representing both claimants and defendants in private as well as administrative proceedings. She frequently draws from this experience when working with clients to set up and litigate their cases.

Marianne has represented defendants in several leading Dutch follow-on damages cases (Elevators & Escalators, Pre-stressing Steel, Sodium Chloride, and *Air Cargo*). This has granted her valuable insights in the strategies employed by defendants, which she now uses to help plaintiffs recover damages they have suffered as effectively and efficiently as possible; She has acted for plaintiffs in a variety of stand-alone competition law cases, a number of which dealt with abuse of a dominant position or vertical infringements; and has defended numerous undertakings during investigations and infringement proceedings of the European Commission and the Netherlands Authority for Consumers and Markets, as well as subsequent appeal proceedings with European or national courts.

In addition, Ms. Meijssen has been a staff writer at the Dutch competition law journal *Markt & Mededinging* and frequently publishes in other journals about both civil law and antitrust issues. She also teaches competition law courses to peers, companies, and students, amongst others at Utrecht University and Academie voor de Rechtspraak.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## RANDY MOONAN

### PRACTICE EMPHASIS

Mr. Moonan's practice focuses on securities class actions.

### ADMISSIONS

State of New York; United States District Court: Southern and Eastern Districts of New York

### EDUCATION

Cornell Law School (J.D. 2013); University at Albany (B.A., History and Political Science, magna cum laude, Phi Beta Kappa, 2010)

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### HIGHLIGHTS

Mr. Moonan is an associate in Scott+Scott's New York office. Prior to joining Scott+Scott, Mr. Moonan was a litigation associate at Simpson Thacher & Bartlett LLP, representing major financial institutions in civil and regulatory matters involving securities, antitrust, corporate governance, and insurance law issues. During law school, Mr. Moonan served as a Managing Editor of the Cornell Journal of Law and Public Policy as well as a clinical extern at the United States Attorney's Office, Northern District of New York.



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# ATTORNEY BACKGROUND/ EXPERIENCE

## KASSANDRA NELSON

### PRACTICE EMPHASIS

Kassandra Nelson's practice focuses on securities and antitrust litigation.

### ADMISSIONS

State of New York; United States District Court: Southern and Eastern Districts of New York

### EDUCATION

Southern Methodist University (J.D., 2016); University of Alabama (B.A., cum laude, 2012)

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### HIGHLIGHTS

Ms. Nelson is an associate in the firm's New York office where she focuses on securities and antitrust litigation. During law school, Ms. Nelson volunteered over 450+ hours in Legal Public Service and received the distinction of Pro Bono Honor Roll upon graduation. She worked as an intern for the Domestic Violence Division at the Dallas County District Attorney's Office as well as an extern for the Honorable Judge Martin Hoffman. Ms. Nelson served as a student attorney for SMU's Innocence Clinic, working with the Dallas County Public Defender's Office and New York Innocence Project, and successfully advocated for the release and exoneration of Steven Chaney, freed after wrongfully serving more than 25 years.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## WALTER W. NOSS

### PRACTICE EMPHASIS

Walter N. Noss practices complex federal litigation with an emphasis on prosecuting antitrust actions on both a class-wide and individual, opt-out basis.

### ADMISSIONS

Member of the California, New York, and Ohio Bars; **United States Court of Appeals:** Sixth, Ninth, and Eleventh Circuits; **United States District Court:** Northern, Central, and Southern Districts of California, the Southern District of New York, and the Northern and Southern Districts of Ohio

### EDUCATION

The Ohio State University College of Law (J.D., with honors, 2000); University of Toledo (B.A. in Economics, magna cum laude, 1997)

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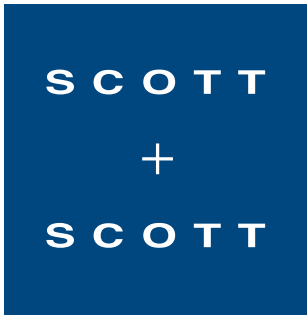
### HIGHLIGHTS

Mr. Noss serves as the managing partner for Scott+Scott's San Diego office and currently, represents class plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 1:13-cv-07789 (S.D.N.Y.), an action challenging collusion regarding foreign exchange rates, and *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion regarding the setting of the ISDAfix benchmark interest rate.

Mr. Noss represented class plaintiffs in *Dahl v. Bain Capital Partners LLC*, No. 1:07-cv-12388 (D. Mass.), a case challenging collusion among private equity firms. In *Dahl*, Mr. Noss served as one of the primary litigation counsel prosecuting the case, including deposing key managing directors, drafting dispositive motions, and arguing in court in opposition to defendants' summary judgment motions. The defendants in *Dahl* settled for \$590.5 million.

Mr. Noss represented the indirect purchaser class plaintiffs in *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Limited Company*, No. 2:12-cv-03824 (E.D. Pa.), a case challenging monopolistic conduct known as "product hopping" by the defendants. In *Mylan*, he was appointed sole lead counsel for the indirect class, and directed their prosecution and eventual settlement of the case for \$8 million. He also represents corporate opt-out clients in *In re: Aluminum Warehousing Antitrust Litig.*, MDL No. 2481 (S.D.N.Y.), a case challenging collusion regarding the spot metal price of physically-delivered aluminum. He has previously represented out-out clients in *In re Rubber Chemicals Antitrust Litig.*, MDL No. 1648 (N.D. Cal.); *In re Polychloroprene Rubber (CR) Antitrust Litig.*, MDL No. 1642 (D. Conn.); and *In re Plastics Additives (No. II) Antitrust Litig.*, MDL No. 1684 (E.D. Pa.), which were cases involving price-fixing by horizontal competitors in the synthetic rubber industry.

In addition, Walter has experience successfully litigating in federal civil jury trials. In April 2011, Mr. Noss served as lead trial counsel in *Novak v. Gray*, No. 8:09-cv-00880 (M.D. Fla.), winning a \$4.1 million jury verdict for breach of oral contract and fraudulent inducement. In December 2009, Mr. Noss served as plaintiffs' local counsel at trial in *Lederman v. Popovich*, No. 1:07-cv-00845 (N.D. Ohio), resulting in a \$1.8 million jury verdict for plaintiffs on claims of breach of fiduciary duties, conversion, and unjust enrichment. In January and February 2006, Mr. Noss assisted the trial team for *In re Scrap Metal Antitrust Litig.*, No. 1:02-cv-0844 (N.D. Ohio 2006), resulting in a \$34.5 million class action plaintiffs' verdict. Prior to joining Scott+Scott in April 2004, he was an associate in the Cleveland, Ohio office of Jones Day.



# ATTORNEY BACKGROUND/ EXPERIENCE

## RANDALL AUBREY PETRIE

### PRACTICE EMPHASIS

Randall Aubrey Petrie focuses on complex antitrust litigation and class actions..

### ADMISSIONS

States of New York and New Jersey; United States District Court: Southern District of New York

### EDUCATION

George Washington University School of Law (J.D., Dean's Fellow, 1992); Hamilton College (B.A., 1988)

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### HIGHLIGHTS

Mr. Petrie is an attorney in Scott+Scott's San Diego office.

## JOSEPH A. PETTIGREW

### PRACTICE EMPHASIS

Joseph A. Pettigrew's practice areas include securities, antitrust, shareholder derivative litigation, and other complex litigation.

### ADMISSIONS

States of California and Maryland; United States Supreme Court; United States District Court: Central District of California; District of Maryland

### EDUCATION

University of San Diego School of Law (J.D., 2004); Carleton College (B.A., Art History, cum laude, 1998)

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### HIGHLIGHTS

Mr. Pettigrew is an attorney who works across multiple S+S offices. His work includes the following cases: *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL No. 1720 (E.D.N.Y); and *Marvin H. Maurras Revocable Trust v. Bronfman*, 12-cv-3395 (N.D. Ill.).

Mr. Pettigrew has served on the board and as legal counsel to several nonprofit arts organizations.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## MELANIE PORTER

### PRACTICE EMPHASIS

Melanie Porter focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California; United States District Court: Southern District of California

### EDUCATION

California Western School of Law (J.D., cum laude, 2006); UCLA (B.A., Psychology, 2003)

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### HIGHLIGHTS

Ms. Porter is an attorney in Scott+Scott's San Diego office.

While at CWSL, Melanie served as President of the Asian Pacific Law Student Association and Hawaiian Law Student Association, as well as Secretary and Chair of Community Relations for the Health Law Society and Co-Chair of the Social and Membership Committee for Phi Alpha Delta.

In 2016, 2017, 2018 and 2019, Melanie received the Rising Star recognition by Super Lawyers. She is currently a member of the California State Bar, San Diego County Bar Association, Consumer Attorneys of San Diego, and the American Bar Association.

## SEAN RUSSELL

### PRACTICE EMPHASIS

Sean Russell focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California; United States District Court: Southern District of California

### EDUCATION

University of San Diego School of Law (Masters of Taxation, 2016); Thomas Jefferson School of Law (J.D., cum laude, 2015); University of California, Davis (B.A., Economics, 2008)

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### HIGHLIGHTS

Mr. Russell is an attorney in Scott+Scott's San Diego office where he focuses on complex antitrust litigation and class actions.

During law school Sean was Chief Articles Editor of the *Thomas Jefferson Law Review* and a Moot Court Competitor. He also served as an extern to the Honorable William V. Gallo of the U.S. District Court for the Southern District of California.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## MAX SCHWARTZ

### PRACTICE EMPHASIS

Max Schwartz's practice focuses on complex civil litigation, often involving financial products and services. He also counsels investment firms and institutional investors on strategies to enhance returns and recoup losses.

### ADMISSIONS

State of New York; United States Court of Appeals: Second Circuit; United States District Court: Southern District of New York

### EDUCATION

New York University School of Law (J.D.); Columbia University (B.A., cum laude)

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### HIGHLIGHTS

Mr. Schwartz is a partner in our New York office. He frequently serves as lead counsel in securities cases, where he has won significant recoveries for investors. Recent examples include *Weston v. RCS Capital Corp.*, 1:14-cv-10136 (S.D.N.Y.) (\$31 million settlement), *In re Conn's, Inc. Sec. Litig.*, No. 4:14-cv-00548 (S.D. Tex.) (\$22.5 million settlement), and *Birmingham Ret. & Relief Sys. v. S.A.C. Capital Advisors LLC*, No. 1:12-cv-09350 (S.D.N.Y.) (\$10 million settlement). Following the financial crisis, Max served as lead counsel in several cases that set important precedents regarding mortgage-backed securities. He argued the first cases to find that securitization trustees must seek to have defective mortgages repurchased from MBS trusts. These efforts led to the recovery of \$69 million for investors in *Washington Mutual MBS* and \$6 million for investors in *Bear Stearns MBS. Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of America, NA*, 1:12-cv-2865 (S.D.N.Y.); *Oklahoma Police Pension and Retirement System v. U.S. Bank N.A.*, 1:11-cv-8066 (S.D.N.Y.).

Mr. Schwartz has substantial experience in competition and antitrust matters as well. He has served as counsel in several recent cases involving rate-rigging including *Alaska Electrical Pension Fund v. Bank of America Corporation*, 14-cv-7126 (S.D.N.Y.) (ISDAfix litigation) (\$408.5 million settlement) and *In re Libor-Based Financial Instruments Antitrust Litigation*, MDL No. 2262 (S.D.N.Y.) (\$590 million settlement to date). He was also part of the team that secured a \$590 million settlement stemming from allegations that several of the largest leveraged buyouts were subject to collusion. *Dahl v. Bain Capital Partners, LLC*, 1:07-cv-12388 (D. Mass.). In addition, Mr. Schwartz has advised clients in antitrust matters ranging from pharmaceuticals to precious metals and has advised companies seeking merger review before a number of regulatory agencies.

Super Lawyers named Mr. Schwartz a Rising Star and the Legal Aid Society also recognized him with a Pro Bono Service Award for work before the New York Court of Appeals.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## JUDY SCOLNICK

### PRACTICE EMPHASIS

Judith Scolnick has extensive experience in the field of pharmaceutical litigation including, in particular, prosecuting opioid litigations on behalf of governmental entities, and shareholder derivative actions against Board of Directors who orchestrated or turned a blind eye toward their companies' violations of laws such as the False Claims Act, and FDA advertising and safety laws and regulations, etc. Ms. Scolnick also is experienced in prosecuting employment class action lawsuits as well as counseling businesses regarding compliance.

### ADMISSIONS

**States of New York, Massachusetts and New Jersey; United States Court of Appeals:** Second, Third, Eighth and Ninth Circuits; **United States District Court:** Southern and Eastern Districts of New York, New Jersey and Colorado

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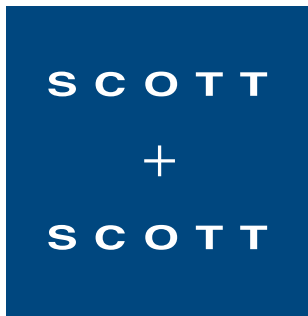
### HIGHLIGHTS

Ms. Scolnick is a partner in the firm's New York office and began her career, following law school, by serving as a law clerk to the late Honorable Anthony Julian of the United States District Court in Massachusetts. Thereafter, she served as a trial attorney in the Civil Division of the United States Department of Justice, where she was lead counsel in several high-profile employment discrimination lawsuits against Fortune 500 companies and defending various U.S. agencies around the country.

Ms. Scolnick then became an advisor to the British Airways Legal Department in the U.S. and U.K., which included negotiating and drafting contracts in various fields such as codeshare agreements, marketing ventures, supply chain agreements, and facilities agreements. In addition, Judith advised British Airways Legal Department in the U.S. on all employment matters including structuring reductions in force, avoiding and defending discrimination lawsuits, and executive contracts and severance agreements. In private practice Ms. Scolnick continued prosecuting single, group and class action employment discrimination actions.

Since 2017 she has primarily been leading the firm in prosecuting opioid litigations on behalf of cities and counties in seven states, and has been positioning these cases well for trial in state courts. Prior to the opioid litigations Ms. Scolnick effectively used the avenue of shareholder derivative actions to correct the abuses of pharmaceutical companies for the benefit of shareholders. She has served as lead counsel in many shareholder derivative actions and is currently lead counsel in *North Miami General Employees Retirement Fund v. Parkinson*, No. 10-cv-6514 (N.D. Ill.), a shareholder derivative case on behalf of pharmaceutical company, Baxter International, arising from the Board's failure to comply with FDA orders to remediate a medical device known as the Colleague Pump. She was also co-lead counsel in Bio-Rad in which the Board of Directors was forced to take a top to bottom restructuring of its compliance policies and corporate governance in response to the Company's wide-spread violations of the Foreign Corrupt Practices Act, a Sarbanes-Oxley whistleblower protection provision.

Ms. Scolnick has experience litigating at both the trial and appellate level. She successfully argued the *Baxter appeal* where the Court of Appeals for the Seventh Circuit, reversing a trial court's dismissal, held that a pension fund's complaint on behalf of all shareholders passed the pre-suit demand futility threshold test under Delaware substantive law. *Westmoreland County Employees' Retirement System v. Parkinson*, 727 F.3d 719 (7th Cir. 2013). Also in 2013, Ms. Scolnick obtained a landmark ruling in the *Wal-Mart shareholder derivative litigation* from the Court of Appeals for the Eighth Circuit. The Eighth Circuit reversed the district court's stay of the federal action in favor of a related proceeding in Delaware Chancery Court, and held that a Colorado River stay is never appropriate where the federal complaint alleges valid, exclusive federal claims. *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013).



# ATTORNEY BACKGROUND/ EXPERIENCE

Ms. Scolnick has also litigated a number of important employment discrimination class actions. These include *U.S. v. City of New York*, No. 07-cv-2067, 2011 WL 4639832 (E.D.N.Y. Oct. 5, 2011) (successfully representing a class of black applicants for entry-level firefighter jobs who were discriminated against by the City of New York), *Hohider v. UPS*, 243 F.R.D. 147 (W.D. Pa. 2007), reversed and remanded, 574 F.3d 169 (3d Cir. 2009), where although the Third Circuit reversed certification of a nationwide-class-of Americans with Disabilities Act protected UPS employees, Ms. Scolnick was able to negotiate with UPS changes to its return to work policy with regard to injured workers.

Ms. Scolnick has also been named a "Super Lawyer" from 2011-2019.

## DARYL F. SCOTT

### PRACTICE EMPHASIS

Daryl F. Scott specializes in complex securities litigation.

### ADMISSIONS

State of Virginia

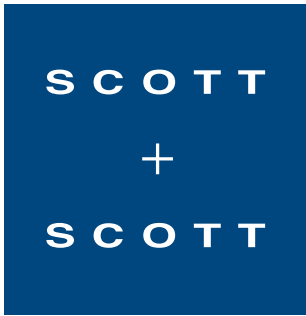
### EDUCATION

Georgetown University Law Center (Masters in Taxation, 1986); Creighton University School of Law (J.D., 1984)  
Vanderbilt University (B.A. Economics, 1981)

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### HIGHLIGHTS

Mr. Scott is a partner across all offices and involved in complex securities litigation at Scott+Scott. In addition to his work with the firm, Mr. Scott has specialized in private foundation and ERISA law. He was also formerly an executive officer of a private equity firm that held a majority interest in a number of significant corporations. Mr. Scott is admitted to the Supreme Court of Virginia is a member of the Virginia and Connecticut Bar Associations.



# ATTORNEY BACKGROUND/ EXPERIENCE

## DAVID R. SCOTT

### PRACTICE EMPHASIS

Managing Partner David R. Scott represents multinational corporations, hedge funds, and institutional investors in high-stakes, complex litigation, including antitrust, commercial, and securities actions.

### ADMISSIONS

States of New York, Pennsylvania and Connecticut; United States Court of Appeals: Second, Third, and Fifth Circuits; United States District Court: Southern District of New York, Connecticut, Eastern District of Pennsylvania, Northern and Southern Districts of Texas, and Colorado; United States Tax Court

### EDUCATION

New York University School of Law (LL.M. in taxation); Temple University School of Law (J.D., Moot Court Board, 1989)  
St. Lawrence University (B.A., cum laude, 1986)

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### HIGHLIGHTS

Mr. Scott is the Managing Partner of Scott+Scott Attorneys at Law LLP, Scott+Scott Europe LLP, and Scott+Scott Europe BV with offices in New York, Amsterdam, London, California, Connecticut, and Ohio.

In addition to managing the firm's lawyers worldwide, Mr. Scott advises some of the world's largest multinational corporations in cartel damages and other complex matters. He has been retained to design corporate policies for the global recoupment of losses, and transatlantic private enforcement programs.

He currently represents multinational companies and hedge funds in cases involving, among other things, price-fixing in the trucks, foreign exchange, high voltage power cables, cardboard, and payment card sectors.

Mr. Scott's antitrust cases in the United States have resulted in significant recoveries for victims of price-fixing cartels. Among other cases, Mr. Scott served as co-lead counsel in *Dahl v Bain Capital Partners*, No. 1:07-cv-12388 (D. Mass.), an action alleging that the largest private equity firms in the United States colluded to suppress prices that shareholders received in leveraged buyouts and that the defendants recently agreed to settle for \$590.5 million. He was lead counsel in *Red Lion Medical Safety v. Ohmeda*, No. 06-cv-1010 (E.D. Cal.), a lawsuit alleging that *Ohmeda*, one of the leading manufacturers of medical anesthesia equipment in the United States, excluded independent service organizations from the market for servicing its equipment. The case was successfully resolved in settlement negotiations before trial.

Mr. Scott has received widespread recognition for his antitrust and competition law work. He has been elected to Who's Who Legal: Competition 2015- 2019, which lists the world's top antitrust and competition law lawyers, selected based on comprehensive, independent survey work with both general counsel and lawyers in private practice around the world. He has also received a highly recommended ranking by Benchmark Litigation for each of the years 2013-2015.

In addition to his extensive competition law work, Mr. Scott has also taken the lead in bringing claims on behalf of institutional investors, such as sovereign wealth funds, corporate pension schemes, and public employee retirement funds. For example, he has been retained to pursue losses against mortgaged-backed securities trustees for failing to protect investors. He also represented a consortium of regional banks in litigation relating to toxic auction rate securities ("ARS") and obtained a sizable recovery for the banks in a confidential settlement. This case represents one of the few ARS cases in the country to be successfully resolved in favor of the plaintiffs.

Mr. Scott is frequently quoted in the press, including in publications such as *The Financial Times*, *The Guardian*, *The Daily Telegraph*, *The Wall Street Journal*, and *Law360*. He is regularly invited to speak at conferences around the world and before Boards of Directors and trustees responsible for managing institutional investments.



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# ATTORNEY BACKGROUND/ EXPERIENCE

## MELVIN SCOTT

### PRACTICE EMPHASIS

Melvin Scott's practice focuses on securities, commercial, and criminal litigation.

### ADMISSIONS

States of Connecticut and Pennsylvania

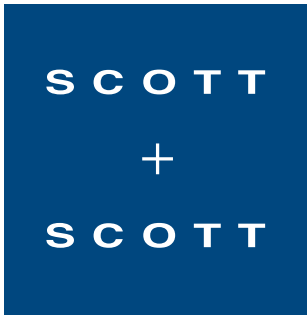
### EDUCATION

University of Kentucky (M.A., 1953; LL.B., 1957); University of Connecticut (B.A., 1950)

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### HIGHLIGHTS

Mr. Scott founded the firm in 1975. He formerly practiced in Kentucky and is presently admitted to practice in Connecticut and Pennsylvania. Mr. Scott was a member of the *Kentucky Law Review*, where he submitted several articles for publication. He has served as an Attorney Trial Referee since the inception of the program in the State of Connecticut and is a member of the Fee Dispute Committee for New London County. Mr. Scott also formerly served as a Special Public Defender in criminal cases and as a member of the New London County Grievance Committee. Mr. Scott actively represents aggrieved parties in securities, commercial, and criminal litigation and served or serves as counsel in *Irvine v. ImClone Systems, Inc.*; *Schnall v. Annuity and Life Re (Holdings) Ltd.*; *In re 360networks Class Action Securities Litigation*; *In re General Motors ERISA Litig.*, and *Hohider v. UPS*, among others.



# ATTORNEY BACKGROUND/ EXPERIENCE

## AMY SIPE

### PRACTICE EMPHASIS

Amy Sipe's practice focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of Kansas; United States Court of Appeals: Eleventh Circuit

### EDUCATION

University of Missouri School of Law, Kansas City (J.D., 1998); University of Missouri (B.A., 1993 and M.A., Communications,

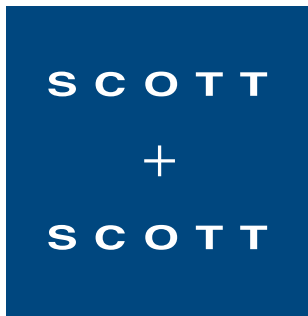
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### HIGHLIGHTS

Ms. Sipe is an attorney in Scott+Scott's San Diego office where she focuses on complex antitrust litigation and class actions. Prior to joining Scott+Scott, Ms. Sipe worked as in-house counsel for a highly diversified Fortune 500 corporation and for an Am Law Top 20 Law Firm. Additionally, Ms. Sipe served as both General Counsel and VP of Managed Review/ Legal Services for several nationally renowned Electronic Discovery vendors, where her oversight responsibilities included recruiting, staffing, training and managing hundreds of attorneys and projects across the U.S. and overseas. She developed curriculums and trained in the areas of document review, attorney client privilege, contract management and a variety of other litigation support projects. Additionally, she developed product specifications with outside counsel and consulted on all aspects of e-Discovery. Ms. Sipe was instrumental in building dozens of legal service centers both in the U.S. and overseas, including a legal services center for a U.K. Silver Circle Law Firm.

Ms. Sipe and her teams advanced a culture of best practices and continuous improvement and were among the first in the legal world to utilize the reasonableness of statistical sampling and metrics, via methods developed with the assistance of Cal Tech and supported by the Sedona Conference's Working Groups on Document Review, Attorney Client Privilege and Cross Border Discovery, all Working Groups in which she has participated in.

While Ms. Sipe's focus is antitrust and class action matters, she is also experienced in many areas of complex litigation, including, Securities, IP, Technology, Labor & Employment, Healthcare, Pharma, Bio-Tech, Oil & Gas, Sustainable Energy, Mergers and Acquisitions, and several high-profile take-over attempts.



# ATTORNEY BACKGROUND/ EXPERIENCE

## SYLVIA M. SOKOL

### PRACTICE EMPHASIS

Ms. Sokol is focused on the firm's Antitrust and Competition Law Practice, representing national and international clients in litigation involving domestic and international cartels.

### ADMISSIONS

States of New York and California; District of Columbia; United States Supreme Court; United States District Court: Southern District of New York, and the Northern, Southern, and Eastern Districts of California

### EDUCATION

New York University School of Law (cum laude, 1998); University of British Columbia (undergraduate studies)

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### HIGHLIGHTS

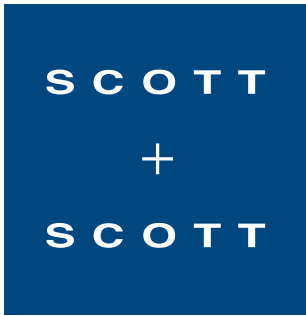
Ms. Sokol is a New York- and European-based partner. She represents and advises large multinational clients in cartel damages claims around the world. Sylvia has substantial experience designing corporate policies regarding potential damages claims, and in the ongoing monitoring of such claims. She works on a daily basis with corporate in-house counsel teams, including at the General Counsel and Global Competition Director level.

Ms. Sokol currently represents and advises her clients in cases involving anticompetitive conduct in the trucks, high voltage power cables, payment card, and foreign exchange sectors. In addition, Ms. Sokol's civil litigation experience has involved defending corporate clients charged with unlawful business practices and monopolizations. She has also represented clients in criminal and extradition matters.

Ms. Sokol has repeatedly been selected for the International Who's Who of Competition Lawyers & Economists and for Competition - U.S. in 2016-2019. Honorees are selected based on comprehensive and independent survey responses received from general counsel and private practitioners around the world. She has been selected to be a Fellow in The Trial Lawyer Honorary Society of the Litigation Counsel of America, which is a trial lawyer honorary society composed of less than one-half of one percent of American lawyers. Lawyer Monthly magazine awarded her the Women in Law Award 2017. She has also been named a "Super Lawyer" in 2011- 2019.

After law school, Sylvia was awarded the Soros Justice Fellowship to serve a year in the Capital Habeas Unit of the Federal Public Defender's Office, where she represented clients condemned to death and developed training materials for members of the capital defense bar. She then served as a judicial law clerk to the Honorable Warren J. Ferguson, United States Court of Appeals for the Ninth Circuit, before spending several years working at Morrison & Foerster LLP.

Ms. Sokol is bilingual in English and French, and holds French and United States citizenships.



# ATTORNEY BACKGROUND/ EXPERIENCE

## TOM SOUTHWELL

### PRACTICE EMPHASIS

Tom Southwell's expertise is in the oil and gas, energy and financial services sectors, in relation to disputes arising out of share sale transactions, joint ventures, and civil fraud.

### ADMISSIONS

Solicitor of the Supreme Court of England and Wales

### EDUCATION

Nottingham Law School (Legal Practice Course, 2004); University of Manchester (LL.B., 2003)

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### HIGHLIGHTS

Mr. Southwell is a partner in Scott+scott Europe LLP's London office. Tom specialises in international arbitration and has represented individuals, corporate clients, and financial institutions in arbitration proceedings under the rules of the major arbitral institutions and before all levels of the English Courts.

Before joining Scott+Scott, Tom was a member of the International Litigation and Arbitration group at Skadden, Arps, Slate, Meagher & Flom (UK) LLP, in London.

## RHIANA SWARTZ

### PRACTICE EMPHASIS

Rhiana Swartz's practice focuses on securities class actions and shareholder derivative actions.

### ADMISSIONS

State of New York; United States Court of Appeals: Second Circuit; United States District Court: Southern and Eastern Districts of New York, District of Colorado

### EDUCATION

Brooklyn Law School (J.D., magna cum laude, 2006); Swarthmore College (B.A., 2000)

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### HIGHLIGHTS

Ms. Swartz is an associate in the firm's New York office. After graduating from law school, Ms. Swartz clerked for the Honorable Joan M. Azrack in the Eastern District of New York. Currently, Ms. Swartz's practice focuses on securities class actions and shareholder derivative actions.

Prior to joining Scott+Scott, Ms. Swartz was Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, Office of Corporation Counsel, where she handled federal cases brought under 42 U.S.C. §1983 from initial receipt of complaint through trial verdict. Ms. Swartz settled more than 80 cases and conducted four federal trials. Ms. Swartz also spent more than four years as an associate at Sullivan & Cromwell LLP in New York, representing major financial institutions in civil and regulatory matters involving securities, antitrust, corporate governance, and employment law issues.

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# ATTORNEY BACKGROUND/ EXPERIENCE

## STEFAN TUINENGA

### PRACTICE EMPHASIS

Stefan Tuinenga's practice is primarily focused on international antitrust litigation and collective actions.

### ADMISSIONS

The Netherlands

### EDUCATION

University of Groningen, International and European law (LL.B and LL.M, with a LL.M exchange to McGill University, 2008; International Business & Management (BSc), 2008; **Law Firm School** (post-graduate law school, with honours)

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### HIGHLIGHTS

Mr. Tuinenga is counsel in Scott+Scott Europe BV's Amsterdam office. He has more than a decade of dispute resolution and competition law experience: in private practice, as in-house counsel and by working for a competition authority.

Mr. Tuinenga worked eight years for a large first tier firm in Amsterdam, acting in many of the leading antitrust litigation cases such as Air Cargo, wire steel and gas insulated switchgear; He also acted in multiple competition law investigations by the European Commission and the Dutch competition authority, among others in the Air Cargo, telecommunications, insulated glass, flour and retail food packaging sector, as well as in internal investigations; Mr. Tuinenga has been involved in various immunity and leniency applications, settlements, contested cases and discussions about access to documents and confidentiality.

In addition Mr. Tuinenga was responsible on a secondment basis for worldwide competition law and anti-bribery compliance at KLM Royal Dutch Airlines in 2014; stood at the foundation of the competition authority of Curaçao as director and legal counsel of the Fair Trade Authority Curaçao in 2017-2019, of which he is now a non-governmental advisor; coordinating lecturer for the competition law course for students and legal professionals of the University of Curacao in 2018 and 2019;

Stefan regularly publishes articles on developments in competition law and (antitrust) litigation, such as the overview articles on actions for damages in the Netherlands, the United Kingdom, and Germany in the Journal of European Competition Law & Practice for the year 2015 and 2017 (coordinating author);

Stefan is also passionate about triathalons and has completed three Ironmans (70.3 and 140.6) in the past year.



# BACKGROUND/ EXPERIENCE

## J. ALEX VARGAS

### PRACTICE EMPHASIS

J. Alex Vargas serves as Scott+Scott's Director of Investigations

### ADMISSIONS

States of New York and California; District of Columbia

### EDUCATION

University of San Diego School of Law (J.D., 2004, B.A., 1997); University of San Diego (B.A., 1997)

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### HIGHLIGHTS

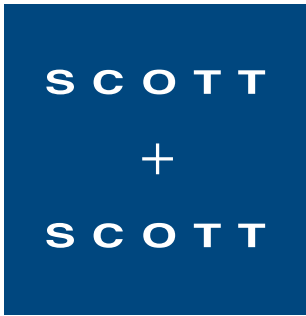
Mr. Vargas is based in Scott+Scott's New York office and heads up our investigation department. He conducts and oversees investigations across all practice groups.

Mr. Vargas has devoted over a decade of his career investigating claims on behalf of institutional investors and other stakeholders in the class action arena. He has been involved in several high-profile securities fraud cases, including one where he served as the principal investigator in connection with a 14-year litigation, resulting in the largest securities fraud settlement following a trial; a record \$1.575 billion recovery in *Jaffe v. Household Int'l, Inc.*, No. 02-C-05893 (N.D. Ill.).

Representative antitrust class actions include: *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 1:13-cv-07789 (S.D.N.Y.); *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, No. 2:16-cv-27240-CMR (E.D. Pa.); *Putman Bank v. Intercontinental Exchange, Inc.*, No. 1:19-cv-00439 (S.D.N.Y.); and *In re GSE Bonds Antitrust Litig.*, No. 1:19-cv-01704 (S.D.N.Y.).

Representative securities class actions include: *Banerjee v. Avinger, Inc.*, No. 4:17-cv-03400 (N.D. Ca.) (settlement of \$5 million); *Union Asset Management Holding AG v. SanDisk LLC*, No. 3:15-cv-01455-VC (N.D. Cal.) (\$50 million settlement preliminarily approved); *In re LendingClub Corp. S'holder Litig.*, No. CIV537300 (Cal. Super. Ct., San Mateo County) (settlement of \$125 million); *In re MobileIron, Inc. S'holder Litig.*, No. 1:15-cv-284001 (Cal. Super. Ct., Santa Clara County) (settlement of \$7.5 million); and *Rubenstein v. Oilsands Quest Inc.*, No. 11-cv-288 (S.D.N.Y.) (settlement of \$10.2 million).

Representative consumer and data breach class actions include *In re Equifax, Inc. Customer Data Security Breach Litig.*, No. 1:17-cv-2800 (N.D. Ga.); *In re Pacific Coast Oil Trust Sec. Lit.*, No. BC550418 (Cal. Sup. Ct., Los Angeles County) (settlement of \$7.6 million); *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 15-cv-2228 (N.D. Ill.) (settlement of \$5.2 million); *WinSouth Credit Union v. MAPCO Express, Inc.*, No. 14-cv-1573 (M.D. Tenn.) (largest dollar-per-card settlement obtained on behalf of financial institutions involving data breach of credit and debit card information); and *First Choice Fed. Credit Union v. The Wendy's Co.*, No. 2:16-cv-00506 (W.D. Pa.) (settlement of \$50 million).



# ATTORNEY BACKGROUND/ EXPERIENCE

## PHILIPPA (PIPPA) WINSTANLEY

### PRACTICE EMPHASIS

Pippa Winstanley specialises in commercial and competition damages litigation.

### ADMISSIONS

England and Wales.

### EDUCATION

University of Law (Graduate Diploma in Law, 2013; Legal Practice Course, 2015); University of Oxford (Music, MA 2012)

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### HIGHLIGHTS

Ms. Winstanley is an associate in Scott+Scott Europe LLP's London office. She specialises in competition damages litigation before the English High Court, Competition Appeal Tribunal and the Court of Appeal.

Pippa is currently representing potential claimants in follow-on damage actions against Visa and MasterCard in relation to anti-competitive interchange fees. She is also acting on behalf of clients seeking compensation from participants in a long-running multinational cartel. Pippa also works on general commercial litigation, including a dispute relating to a major property portfolio in the UK.

Prior to joining Scott+Scott Europe LLP, Pippa trained at Marriott Harrison LLP and qualified in commercial litigation at Clyde & Co LLP, where she represented major energy and aviation clients in relation to various debt recovery and breach of contract claims. Pippa has experience representing both corporations and individual shareholders.

## JING-LI YU

### PRACTICE EMPHASIS

Jing-Li Yu practices in the areas of shareholder derivative and federal securities litigation.

### ADMISSIONS

States of New York and Delaware; United States Court of Appeals: Second Circuit; United States District Court: Southern and Eastern Districts of New York

### EDUCATION

University of Pennsylvania (B.A., Economics, cum laude, 2001); University of Chicago (Master of Arts, Social Sciences, 2005)

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### HIGHLIGHTS

Mr. Yu is an associate in the New York office where he focuses on shareholder derivative and federal securities litigation.

Prior to joining Scott+Scott, Mr. Yu was a litigation associate based in Wilmington, Delaware at a litigation boutique firm that primarily represented institutional plaintiffs, and before then, he was a litigation and investigations associate based in New York, New York at two international law firms that primarily represented institutional defendants.

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EXPERIENCE

## BRANDON ZAPF

### PRACTICE EMPHASIS

Brandon Zapf focuses on complex antitrust litigation and class actions.

### ADMISSIONS

State of California; United States District Court: Central District of California

### EDUCATION

University of San Diego School of Law (LL.M. in Taxation, 2011); University of San Francisco School of Law (J.D., cum laude, 2007); University of California, Santa Barbara (B.A., 2002)

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### HIGHLIGHTS

Mr. Zapf is an attorney in Scott+Scott's San Diego office and has been named a Rising Star by Super Lawyers.

## CAITLIN ZAPF

### PRACTICE EMPHASIS

Caitlin Zapf focuses on complex antitrust litigation and class actions.

### ADMISSIONS

United States District Court: Northern, Central, and Southern Districts of California; State of California

### EDUCATION

University of San Francisco School of Law (J.D., cum laude, 2007); University of California, San Diego (B.A., 2003)

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### HIGHLIGHTS

Ms. Zapf is an attorney in Scott+Scott's San Diego office.



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# ATTORNEY BACKGROUND/ EXPERIENCE

## JONATHAN ZIMMERMAN

### PRACTICE EMPHASIS

Jonathan Zimmerman practices in the areas of shareholder derivative and federal securities litigation.

### ADMISSIONS

States of New Jersey and Pennsylvania; United States District Court: District of New Jersey and Eastern District of Pennsylvania

### EDUCATION

Temple University, Beasley School of Law (J.D., 2016); McGill University, Desautels School of Management (Bachelor of Commerce, 2009)

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### HIGHLIGHTS

Mr. Zimmerman is an associate in the New York office where he focuses on shareholder derivative and federal securities litigation. While in law school, he served as a Staff Editor on Temple's International and Comparative Law Journal. He also received the Best Paper Award in Advanced Financial Regulations for his work titled *Corporate Diversions: Short-Term Tax Savings at the Expense of Shareholder Rights* (Spring 2015).

Prior to joining Scott+Scott, Mr. Zimmerman practiced in the areas of shareholder derivative, federal securities, and Qui Tam litigation.

A former two-time All-Canadian collegiate lacrosse player and co-captain of McGill University's men's varsity team, Jonathan loves watching and playing sports when he, his wife, and his son are not exploring New York City's vibrant food scene.

## **EXHIBIT 8**

1 DEBORAH CLARK-WEINTRAUB (*pro hac vice*)  
MAX R. SCHWARTZ (*pro hac vice*)  
2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
The Helmsley Building  
3 230 Park Avenue, 17th Floor  
New York, NY 10169  
4 Telephone: (212) 223-6444  
Facsimile: (212) 223-6334  
5 Email: dweintraub@scott-scott.com  
mschwartz@scott-scott.com

6 *Attorneys for Class Representatives and the Class*

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8  
9 **UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

10  
11 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

12  
13 **DECLARATION OF CAROL C.  
VILLEGAS FILED ON BEHALF OF  
LABATON SUCHAROW LLP IN  
14 SUPPORT OF APPLICATION FOR  
15 AWARD OF ATTORNEYS' FEES AND  
EXPENSES**

16 Date: September 26, 2019 10:00 a.m.  
17 Dept.: Courtroom 4, 17<sup>th</sup> Floor  
Judge: Hon. Vince Chhabria

1 CAROL C. VILLEGAS, declares as follows pursuant to 28 U.S.C. § 1746:

2 1. I am a partner of the law firm of Labaton Sucharow LLP (“Labaton Sucharow”).

3 I submit this declaration in support of Class Counsel’s motion for an award of attorneys’ fees and  
4 payment of litigation expenses and charges (“Expenses”), on behalf of all Plaintiffs’ Counsel  
5 who contributed to the prosecution of the claims in the above-captioned action (the “Action”)  
6 from inception of the case through August 16, 2019 (the “Time Period”). I have personal  
7 knowledge of the facts set forth herein and, if called upon, could and would testify thereto.  
8

9 2. My firm, which served as additional counsel in the Action and is counsel for Lead  
10 Plaintiffs the City of Newport News Employees’ Retirement Fund and Massachusetts Laborers’  
11 Pension Fund, participated in various aspects of the litigation and settlement, as set forth in the  
12 Declaration of Deborah Clark-Weintraub in Support of Class Representatives’ Motion for Final  
13 Approval of Class Action Settlement and Plan of Allocation, Class Counsel’s Motion for an  
14 Award of Attorneys’ Fees and Payment of Expenses, and Reimbursement of Class  
15 Representatives’ Costs and Expenses, submitted herewith.  
16

17 3. The schedule attached hereto as Exhibit A is a summary indicating the amount of  
18 time spent by attorneys and professional support staff members of my firm who were involved in  
19 the prosecution of the Action and the lodestar calculation based on my firm’s current rates  
20 (unless otherwise noted). For personnel who are no longer employed by my firm, the lodestar  
21 calculation is based upon the rates for such personnel in his or her final year of employment by  
22 my firm. The schedule was prepared from daily time records regularly prepared and maintained  
23 by my firm, which are available at the request of the Court. Time expended in preparing this  
24 application for fees and payment of Expenses has not been included in this request.  
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1           4.       The hourly rates for the attorneys and professional support staff of my firm  
2 included in Exhibit A are their usual and customary rates, which have been accepted in other  
3 securities litigations.

4           5.       The number of hours expended on this litigation by the attorneys and professional  
5 support staff of my firm during the Time Period is 4,556.20 hours. The total lodestar for those  
6 hours is \$2,354,058.50.

7           6.       Attached as Exhibit B is a task-based summary of the work performed by the  
8 attorneys and professional staff members of my firm who performed services in this Action.

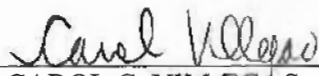
9           7.       My firm's lodestar figures are based upon the firm's hourly rates, which rates do  
10 not include charges for Expense items. Expense items are recorded separately and are not  
11 duplicated in my firm's hourly rates.

12           8.       As detailed in Exhibit C, my firm has incurred a total of \$212,449.02 in Expenses  
13 in connection with the prosecution of the Action. The Expenses are reflected on the books and  
14 records of my firm. These books and records are prepared from expense vouchers, check records  
15 and other source materials, and are an accurate record of the Expenses incurred.

16           9.       With respect to the standing of my firm, attached hereto as Exhibit D is a brief  
17 biography of my firm, as well as biographies of the firm's partners and of counsels.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this  
22nd day of August, 2019.

  
CAROL C. VILLEGAS

## EXHIBIT A

## IN RE SANDISK LLC SEC. LITIG.

## LABATON SUCHAROW LLP

Inception through August 16, 2019

PROFESSIONAL	STATUS	HOURLY RATE	HOURS	LODESTAR AT HOURLY RATES
Bernstein, J.	P	\$995	41.50	\$41,292.50
Schochet, I.	P	\$975	201.30	\$196,267.50
Gardner, J.	P	\$975	115.10	\$112,222.50
Keller, C.	P	\$975	23.50	\$22,912.50
Zeiss, N.	P	\$900	64.70	\$58,230.00
Belfi, E.	P	\$900	37.30	\$33,570.00
Villegas, C.	P	\$875	219.30	\$191,887.50
Rosenberg, E.	OC	\$675	19.50	\$13,162.50
Cividini, D.	A	\$625	313.30	\$195,812.50
Avan, R.	A <sup>1</sup>	\$600	23.80	\$14,280.00
McConville, F.	A <sup>2</sup>	\$550	65.60	\$36,080.00
Kamhi, R.	A	\$500	483.30	\$241,650.00
Gottlieb, E.	A	\$475	132.70	\$63,032.50
Coquin, A.	A	\$450	31.40	\$14,130.00
Brissett, V.	SA	\$435	292.90	\$127,411.50
Dolinger, L.	SA	\$410	462.40	\$189,584.00
Pospischil, D.	SA	\$410	416.40	\$170,724.00
Orji, C.	SA	\$410	362.30	\$148,543.00
Rubenstein, L.	SA	\$410	352.90	\$144,689.00
Barrett, T.	SA	\$360	252.30	\$90,828.00
Quarcoo, E.	SA	\$360	206.80	\$74,448.00
Pontrelli, J.	I	\$495	40.90	\$20,245.50
Greenbaum, A.	I	\$455	22.70	\$10,328.50
Howard, B.	I	\$430	106.10	\$45,623.00
Wroblewski, R.	I	\$425	90.00	\$38,250.00
Malonzo, F.	PL	\$340	62.60	\$21,284.00
Carpio, A.	PL	\$325	75.20	\$24,440.00
Schneider, P.	PL	\$325	40.40	\$13,130.00
<b>TOTAL</b>			<b>4,556.20</b>	<b>\$2,354,058.50</b>

Partner (P)  
Of Counsel (OC)  
Associate (A)  
Staff Attorney (SA)  
Investigator (I)  
Paralegal (PL)

<sup>1</sup> Ms. Avan is now Of Counsel and her rate has increased.

<sup>2</sup> Mr. McConville is now Of Counsel and his rate has increased.

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**EXHIBIT B**

**IN RE SANDISK LLC SEC. LITIG.  
LABATON SUCHAROW LLP  
Inception through August 16, 2019**

- Categories:
- |                                |                                  |
|--------------------------------|----------------------------------|
| (1) Factual Investigation      | (6) Court Appearances            |
| (2) Pleadings                  | (7) Experts/Consultants          |
| (3) Discovery                  | (8) Settlement                   |
| (4) Case Management            | (9) Litigation Strategy/Analysis |
| (5) Motions and Legal Research | (10) Trial Preparation           |

Name	Status	1	2	3	4	5	6	7	8	9	10	Total Hours	Rate	Total Lodestar
Bernstein, J.	P	4.30	4.50	1.00	18.50	3.00				10.20		41.50	\$995.00	\$41,292.50
Schochet, I.	P	24.60	17.70	69.20	10.70	57.30	9.70		1.50	10.60		201.30	\$975.00	\$196,267.50
Gardner, J.	P			1.60	24.00	25.50	2.30	4.70	35.40	21.60		115.10	\$975.00	\$112,222.50
Keller, C.	P	0.50				21.00				2.00		23.50	\$975.00	\$22,912.50
Zeiss, N.	P					14.00			50.70			64.70	\$900.00	\$58,230.00
Belfi, E.	P	29.00								8.30		37.30	\$900.00	\$33,570.00
Villegas, C.	P			92.10	1.90	68.50		9.20	46.00	1.60		219.30	\$875.00	\$191,887.50
Rosenberg, E.	OC								19.50			19.50	\$675.00	\$13,162.50
Cividini, D.	A			312.30					1.00			313.30	\$625.00	\$195,812.50
Avan, R.	A	11.40				12.10				0.30		23.80	\$600.00	\$14,280.00
McConville, F.	A	5.00				50.10				10.50		65.60	\$550.00	\$36,080.00
Kamhi, R.	A	5.00	3.20	243.20	3.60	183.70		5.70	17.70	12.80	8.40	483.30	\$500.00	\$241,650.00
Gottlieb, E.	A	11.70	31.20	31.40	10.70	34.70			0.50	12.50		132.70	\$475.00	\$63,032.50
Coquin, A.	A				6.80	9.40		1.10		1.90	12.20	31.40	\$450.00	\$14,130.00
Brissett, V.	SA			292.90								292.90	\$435.00	\$127,411.50
Dolinger, L.	SA			462.40								462.40	\$410.00	\$189,584.00
Pospischil, D.	SA		19.40	397.00								416.40	\$410.00	\$170,724.00
Orji, C.	SA	22.70		339.60								362.30	\$410.00	\$148,543.00
Rubenstein, L.	SA		14.50	338.40								352.90	\$410.00	\$144,689.00
Barrett, T.	SA		14.00	238.30								252.30	\$360.00	\$90,828.00
Quarcoo, E.	SA			197.00							9.80	206.80	\$360.00	\$74,448.00
Pontrelli, J.	I	34.20			6.70							40.90	\$495.00	\$20,245.50
Greenbaum, A.	I	22.70										22.70	\$455.00	\$10,328.50
Howard, B.	I	106.10										106.10	\$430.00	\$45,623.00
Wroblewski, R.	I	90.00										90.00	\$425.00	\$38,250.00
Malonzo, F.	PL	2.10		38.40	6.10	9.90			6.10			62.60	\$340.00	\$21,284.00
Carpio, A.	PL			0.60	39.60	34.30			0.70			75.20	\$325.00	\$24,440.00
Schneider, P.	PL			40.40								40.40	\$325.00	\$13,130.00
<b>TOTAL:</b>		369.30	104.50	3,095.80	128.60	523.50	12.00	20.70	179.10	92.30	30.40	4,556.20		\$2,354,058.50

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(SA) Staff Attorney  
(I) Investigator  
(PL) Paralegal

CASE NO. 3:15-CV-01455-VC  
DECLARATION OF CAROL C. VILLEGAS FILED ON BEHALF OF LABATON SUCHAROW LLP IN  
SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

**EXHIBIT C*****IN RE SANDISK LLC SEC. LITIG.*****LABATON SUCHAROW LLP****Inception through August 16, 2019**

<b>EXPENSE</b>	<b>AMOUNT</b>
Filing, Witness and Other Court Fees	\$1,855.00
Work-Related Transportation & Meals	\$2,465.09
Out-of-Town Transportation, Hotel & Meals*	\$21,367.23
Long-Distance Telephone & Conference Calling	\$284.32
Overnight Delivery	\$501.75
Court Hearing and Deposition Reporting	\$3,700.50
Consulting Expert - Loss Causation/Damages	\$2,000.00
Duplicating/Printing (\$0.10/page)	\$3,906.40
Online Legal and Factual Research	\$8,302.54
Litigation Support – Electronic Discovery Costs	\$52,566.19
Contribution to Joint Litigation Fund	\$115,500.00
<b>TOTAL</b>	<b>\$212,449.02</b>

\* \$1,650 in estimated travel costs has been included for a representative of Labaton Sucharow to attend the final approval hearing. If less than \$1,650 is incurred, the actual amount incurred will be deducted from the Settlement Fund. If more than \$1,650 is incurred, \$1,650 will be the cap and only that amount will be deducted from the Settlement Fund.



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**EXHIBIT D**  
***IN RE SANDISK LLC SEC. LITIG.***  
**LABATON SUCHAROW LLP**

FIRM RESUME



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# Firm Resume

## Securities Class Action Litigation

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New York, NY | Wilmington, DE | Washington, D.C.

[www.labaton.com](http://www.labaton.com)



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## About the Firm

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Founded in 1963, Labaton Sucharow LLP has earned a reputation as one of the leading plaintiffs firms in the United States. We have recovered more than \$12 billion and secured corporate governance reforms on behalf of the nation's largest institutional investors, including public pension and Taft-Hartley funds, hedge funds, investment banks, and other financial institutions. These recoveries include more than \$1 billion in *In re American International Group, Inc. Securities Litigation*, \$671 million in *In re HealthSouth Securities Litigation*, \$624 million in *In re Countrywide Financial Corporation Securities Litigation*, and \$473 million in *In re Schering-Plough/ENHANCE Securities Litigation*.

As a leader in the field of complex litigation, the Firm has successfully conducted class, mass, and derivative actions in the following areas: securities; antitrust; financial products and services; corporate governance and shareholder rights; mergers and acquisitions; derivative; REITs and limited partnerships; consumer protection; and whistleblower representation.

Along with securing newsworthy recoveries, the Firm has a track record for successfully prosecuting complex cases from discovery to trial to verdict. In court, as *Law360* has noted, our attorneys are known for "fighting defendants tooth and nail." Our appellate experience includes winning appeals that increased settlement value for clients, and securing a landmark 2013 U.S. Supreme Court victory benefitting all investors by reducing barriers to the certification of securities class action cases.

Our Firm is equipped to deliver results with a robust infrastructure of more than 60 full-time attorneys, a dynamic professional staff, and innovative technological resources. Labaton Sucharow attorneys are skilled in every stage of business litigation and have challenged corporations from every sector of the financial markets. Our professional staff includes paralegals, financial analysts, e-discovery specialists, a certified public accountant, a certified fraud examiner, and a forensic accountant. With seven investigators, including former members of federal and state law enforcement, we have one of the largest in-house investigative teams in the securities bar. Managed by a law enforcement veteran who spent 12 years with the FBI, our internal investigative group provides us with information that is often key to the success of our cases.

Outside of the courtroom, the Firm is known for its leadership and participation in investor protection organizations, such as the Council for Institutional Investors, World Federation of Investors, National Association of Shareholder and Consumer Attorneys, as well as serving as a patron of the John L. Weinberg Center for Corporate Governance of the University of Delaware. The Firm shares these groups' commitment to a market that operates with greater transparency, fairness, and accountability.

Labaton Sucharow has been consistently ranked as a top-tier firm in leading industry publications such as *Chambers & Partners USA*, *The Legal 500*, and *Benchmark Litigation*. For the past decade, the Firm was listed on *The National Law Journal's* Plaintiffs' Hot List and was inducted to the Hall of Fame for successive honors. The Firm has also been featured as one of *Law360's* Most Feared Plaintiffs Firms and Class Action and Securities Law Practice Groups of the Year.

Visit [www.labaton.com](http://www.labaton.com) for more information about our Firm.

## Securities Class Action Litigation

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Labaton Sucharow is a leader in securities litigation and a trusted advisor to more than 300 institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995 (PSLRA), the Firm has recovered more than \$9 billion in the aggregate for injured investors through securities class actions prosecuted throughout the United States and against numerous public corporations and other corporate wrongdoers.

These notable recoveries would not be possible without our exhaustive case evaluation process. The Firm has developed a proprietary system for portfolio monitoring and reporting on domestic and international securities litigation, and currently provides these services to more than 160 institutional investors, which manage collective assets of more than \$2 trillion. The Firm's in-house licensed investigators also gather crucial details to support our cases, whereas other firms rely on outside vendors, or conduct no confidential investigation at all.

As a result of our thorough case evaluation process, our securities litigators can focus solely on cases with strong merits. The benefits of our selective approach are reflected in the low dismissal rate of the securities cases we pursue, which is well below the industry average. Over the past decade, we have successfully prosecuted headline-making class actions against AIG, Countrywide, Fannie Mae, and Bear Stearns, among others.

### Notable Successes

Labaton Sucharow has achieved notable successes in financial and securities class actions on behalf of investors, including the following:

- ***In re American International Group, Inc. Securities Litigation, No. 04-cv-8141 (S.D.N.Y.)***

In one of the most complex and challenging securities cases in history, Labaton Sucharow secured more than \$1 billion in recoveries on behalf of lead plaintiff Ohio Public Employees' Retirement System in a case arising from allegations of bid rigging and accounting fraud. To achieve this remarkable recovery, the Firm took over 100 depositions and briefed 22 motions to dismiss. The settlement entailed a \$725 million settlement with American International Group (AIG), \$97.5 million settlement with AIG's auditors, \$115 million settlement with former AIG officers and related defendants, and an additional \$72 million settlement with General Reinsurance Corporation, which was approved by the Second Circuit on September 11, 2013.

- ***In re Countrywide Financial Corp. Securities Litigation, No. 07-cv-05295 (C.D. Cal.)***

Labaton Sucharow, as lead counsel for the New York State Common Retirement Fund and the five New York City public pension funds, sued one of the nation's largest issuers of mortgage loans for credit risk misrepresentations. The Firm's focused investigation and discovery efforts uncovered incriminating evidence that led to a \$624 million settlement for investors. On February 25, 2011, the court granted final approval to the settlement, which is one of the top 20 securities class action settlements in the history of the PSLRA.

- ***In re HealthSouth Corp. Securities Litigation, No. 03-cv-01500 (N.D. Ala.)***

Labaton Sucharow served as co-lead counsel to New Mexico State Investment Council in a case stemming from one of the largest frauds ever perpetrated in the healthcare industry. Recovering \$671 million for the class, the settlement is one of the top 15 securities class action settlements of all

time. In early 2006, lead plaintiffs negotiated a settlement of \$445 million with defendant HealthSouth. On June 12, 2009, the court also granted final approval to a \$109 million settlement with defendant Ernst & Young LLP. In addition, on July 26, 2010, the court granted final approval to a \$117 million partial settlement with the remaining principal defendants in the case, UBS AG, UBS Warburg LLC, Howard Capek, Benjamin Lorello, and William McGahan.

- ***In re Schering-Plough/ENHANCE Securities Litigation, No. 08-cv-00397 (D. N.J.)***

As co-lead counsel, Labaton Sucharow obtained a \$473 million settlement on behalf of co-lead plaintiff Massachusetts Pension Reserves Investment Management Board. After five years of litigation, and three weeks before trial, the settlement was approved on October 1, 2013. This recovery is one of the largest securities fraud class action settlements against a pharmaceutical company. The Special Masters' Report noted, "**the outstanding result achieved for the class is the direct product of outstanding skill and perseverance by Co-Lead Counsel...no one else...could have produced the result here—no government agency or corporate litigant to lead the charge and the Settlement Fund is the product solely of the efforts of Plaintiffs' Counsel.**"

- ***In re Waste Management, Inc. Securities Litigation, No. H-99-2183 (S.D. Tex.)***

In 2002, the court approved an extraordinary settlement that provided for recovery of \$457 million in cash, plus an array of far-reaching corporate governance measures. Labaton Sucharow represented lead plaintiff Connecticut Retirement Plans and Trust Funds. At that time, this settlement was the largest common fund settlement of a securities action achieved in any court within the Fifth Circuit and the third largest achieved in any federal court in the nation. Judge Harmon noted, among other things, that Labaton Sucharow "**obtained an outstanding result by virtue of the quality of the work and vigorous representation of the class.**"

- ***In re General Motors Corp. Securities Litigation, No. 06-cv-1749 (E.D. Mich.)***

As co-lead counsel in a case against automotive giant, General Motors (GM), and Deloitte & Touche LLP (Deloitte), its auditor, Labaton Sucharow obtained a settlement of \$303 million—one of the largest settlements ever secured in the early stages of a securities fraud case. Lead plaintiff Deka Investment GmbH alleged that GM, its officers, and its outside auditor overstated GM's income by billions of dollars, and GM's operating cash flows by tens of billions of dollars, through a series of accounting manipulations. The final settlement, approved on July 21, 2008, consisted of a cash payment of \$277 million by GM and \$26 million in cash from Deloitte.

- ***Arkansas Teacher Retirement System v. State Street Corp., No. 11-cv-10230 (D. Mass)***

Labaton Sucharow served as lead counsel for the plaintiff Arkansas Teacher Retirement System (ATRS) in this securities class action against Boston-based financial services company, State Street Corporation (State Street). On November 2, 2016, the court granted final approval of the \$300 million settlement with State Street. The plaintiffs claimed that State Street, as custodian bank to a number of public pension funds, including ATRS, was responsible for foreign exchange (FX) trading in connection with its clients global trading. Over a period of many years, State Street systematically overcharged those pension fund clients, including Arkansas, for those FX trades.

- ***Wyatt v. El Paso Corp., No. H-02-2717 (S.D. Tex.)***

Labaton Sucharow secured a \$285 million class action settlement against the El Paso Corporation on behalf of co-lead plaintiff, an individual. The case involved a securities fraud stemming from the company's inflated earnings statements, which cost shareholders hundreds of millions of dollars during a four-year span. On March 6, 2007, the court approved the settlement and also commended the

efficiency with which the case had been prosecuted, particularly in light of the complexity of the allegations and the legal issues.

- ***In re Bear Stearns Cos., Inc. Securities, Derivative & ERISA Litigation, No. 08-cv-2793 (S.D.N.Y.)***

Labaton Sucharow served as co-lead counsel, representing lead plaintiff, the State of Michigan Retirement Systems, and the class. The action alleged that Bear Stearns and certain officers and directors made misstatements and omissions in connection with Bear Stearns' financial condition, including losses in the value of its mortgage-backed assets and Bear Stearns' risk profile and liquidity. The action further claimed that Bear Stearns' outside auditor, Deloitte & Touche LLP, made misstatements and omissions in connection with its audits of Bear Stearns' financial statements for fiscal years 2006 and 2007. Our prosecution of this action required us to develop a detailed understanding of the arcane world of packaging and selling subprime mortgages. Our complaint has been called a "tutorial" for plaintiffs and defendants alike in this fast-evolving area. After surviving motions to dismiss, on November 9, 2012, the court granted final approval to settlements with the Bear Stearns defendants for \$275 million and with Deloitte for \$19.9 million.

- ***In re Massey Energy Co. Securities Litigation, No. 10-CV-00689 (S.D. W.Va.)***

As co-lead counsel representing the Commonwealth of Massachusetts Pension Reserves Investment Trust, Labaton Sucharow achieved a \$265 million all-cash settlement in a case arising from one of the most notorious mining disasters in U.S. history. On June 4, 2014, the settlement was reached with Alpha Natural Resources, Massey's parent company. Investors alleged that Massey falsely told investors it had embarked on safety improvement initiatives and presented a new corporate image following a deadly fire at one of its coal mines in 2006. After another devastating explosion which killed 29 miners in 2010, Massey's market capitalization dropped by more than \$3 billion. Judge Irene C. Berger noted that "**Class counsel has done an expert job of representing all of the class members to reach an excellent resolution and maximize recovery for the class.**"

- ***Eastwood Enterprises, LLC v. Farha (WellCare Securities Litigation), No. 07-cv-1940 (M.D. Fla.)***

On behalf of The New Mexico State Investment Council and the Public Employees Retirement Association of New Mexico, Labaton Sucharow served as co-lead counsel and negotiated a \$200 million settlement over allegations that WellCare Health Plans, Inc., a Florida-based managed healthcare service provider, disguised its profitability by overcharging state Medicaid programs. Under the terms of the settlement approved by the court on May 4, 2011, WellCare agreed to pay an additional \$25 million in cash if, at any time in the next three years, WellCare was acquired or otherwise experienced a change in control at a share price of \$30 or more after adjustments for dilution or stock splits.

- ***In re Bristol-Myers Squibb Securities Litigation, No. 00-cv-1990 (D.N.J.)***

Labaton Sucharow served as lead counsel representing the lead plaintiff, union-owned LongView Collective Investment Fund of the Amalgamated Bank, against drug company Bristol-Myers Squibb (BMS). Lead plaintiff claimed that the company's press release touting its new blood pressure medication, Vanlev, left out critical information, other results from the clinical trials indicated that Vanlev appeared to have life-threatening side effects. The FDA expressed serious concerns about these side effects, and BMS released a statement that it was withdrawing the drug's FDA application, resulting in the company's stock price falling and losing nearly 30 percent of its value in a single day. After a five year battle, we won relief on two critical fronts. First, we secured a \$185 million recovery for shareholders, and second, we negotiated major reforms to the company's drug development

process that will have a significant impact on consumers and medical professionals across the globe. Due to our advocacy, BMS must now disclose the results of clinical studies on all of its drugs marketed in any country.

- ***In re Fannie Mae 2008 Securities Litigation, No. 08-cv-7831 (S.D.N.Y.)***

As co-lead counsel representing co-lead plaintiff Boston Retirement System, Labaton Sucharow secured a \$170 million settlement on March 3, 2015 with Fannie Mae. Lead plaintiffs alleged that Fannie Mae and certain of its current and former senior officers violated federal securities laws, by making false and misleading statements concerning the company's internal controls and risk management with respect to Alt-A and subprime mortgages. Lead plaintiffs also alleged that defendants made misstatements with respect to Fannie Mae's core capital, deferred tax assets, other-than-temporary losses, and loss reserves. This settlement is a significant feat, particularly following the unfavorable result in a similar case for investors of Fannie Mae's sibling company, Freddie Mac. Labaton Sucharow successfully argued that investors' losses were caused by Fannie Mae's misrepresentations and poor risk management, rather than by the financial crisis.

- ***In re Broadcom Corp. Class Action Litigation, No. 06-cv-05036 (C.D. Cal.)***

Labaton Sucharow served as lead counsel on behalf of lead plaintiff New Mexico State Investment Council in a case stemming from Broadcom Corp.'s \$2.2 billion restatement of its historic financial statements for 1998 - 2005. In August 2010, the court granted final approval of a \$160.5 million settlement with Broadcom and two individual defendants to resolve this matter, the second largest up-front cash settlement ever recovered from a company accused of options backdating. Following a Ninth Circuit ruling confirming that outside auditors are subject to the same pleading standards as all other defendants, the district court denied Broadcom's auditor Ernst & Young's motion to dismiss on the ground of loss causation. This ruling is a major victory for the class and a landmark decision by the court—the first of its kind in a case arising from stock-options backdating. In October 2012, the court approved a \$13 million settlement with Ernst & Young.

- ***In re Satyam Computer Services Ltd. Securities Litigation, No. 09-md-2027 (S.D.N.Y.)***

Satyam, referred to as "India's Enron," engaged in one of the most egregious frauds on record. In a case that rivals the Enron and Bernie Madoff scandals, the Firm represented lead plaintiff UK-based Mineworkers' Pension Scheme, which alleged that Satyam Computer Services Ltd., related entities, its auditors, and certain directors and officers made materially false and misleading statements to the investing public about the company's earnings and assets, artificially inflating the price of Satyam securities. On September 13, 2011, the court granted final approval to a settlement with Satyam of \$125 million and a settlement with the company's auditor, PricewaterhouseCoopers, in the amount of \$25.5 million. Judge Barbara S. Jones commended lead counsel during the final approval hearing noting that the "...quality of representation which I found to be very high..."

- ***In re Mercury Interactive Corp. Securities Litigation, No. 05-cv-3395 (N.D. Cal.)***

Labaton Sucharow served as co-lead counsel on behalf of co-lead plaintiff Steamship Trade Association/International Longshoremen's Association Pension Fund, which alleged Mercury backdated option grants used to compensate employees and officers of the company. Mercury's former CEO, CFO, and General Counsel actively participated in and benefited from the options backdating scheme, which came at the expense of the company's shareholders and the investing public. On September 25, 2008, the court granted final approval of the \$117.5 million settlement.



- ***In re Oppenheimer Champion Fund Securities Fraud Class Actions, No. 09-cv-525 (D. Colo.) and In re Core Bond Fund, No. 09-cv-1186 (D. Colo.)***

Labaton Sucharow served as lead counsel and represented individuals and the proposed class in two related securities class actions brought against OppenheimerFunds, Inc., among others, and certain officers and trustees of two funds—Oppenheimer Core Bond Fund and Oppenheimer Champion Income Fund. The lawsuits alleged that the investment policies followed by the funds resulted in investor losses when the funds suffered drops in net asset value although the funds were presented as safe and conservative investments to consumers. In May 2011, the Firm achieved settlements amounting to \$100 million: \$52.5 million in *In re Oppenheimer Champion Fund Securities Fraud Class Actions*, and a \$47.5 million settlement in *In re Core Bond Fund*.

- ***In re Computer Sciences Corporation Securities Litigation, No. 11-cv-610 (E.D. Va.)***

As lead counsel representing Ontario Teachers' Pension Plan Board, Labaton Sucharow secured a \$97.5 million settlement in this "rocket docket" case involving accounting fraud. The settlement was the third largest all cash recovery in a securities class action in the Fourth Circuit and the second largest all cash recovery in such a case in the Eastern District of Virginia. The plaintiffs alleged that IT consulting and outsourcing company Computer Sciences Corporation (CSC) fraudulently inflated its stock price by misrepresenting and omitting the truth about the state of its most visible contract and the state of its internal controls. In particular, the plaintiffs alleged that CSC assured the market that it was performing on a \$5.4 billion contract with the UK National Health Services when CSC internally knew that it could not deliver on the contract, departed from the terms of the contract, and as a result, was not properly accounting for the contract. Judge T.S. Ellis, III stated, "**I have no doubt—that the work product I saw was always of the highest quality for both sides.**"

## Lead Counsel Appointments in Ongoing Litigation

Labaton Sucharow's institutional investor clients are regularly chosen by federal judges to serve as lead plaintiffs in prominent securities litigations brought under the PSLRA. Dozens of public pension funds and union funds have selected Labaton Sucharow to represent them in federal securities class actions and advise them as securities litigation/investigation counsel. Our recent notable lead and co-lead counsel appointments include the following:

- ***In re SCANA Corporation Securities Litigation, No. 17-cv-2616 (D.S.C.)***

Labaton Sucharow represents the West Virginia Investment Management Board against SCANA Corporation and certain of the company's senior executives in this securities class action alleging false and misleading statements about the construction of two new nuclear power plants.

- ***Murphy v. Precision Castparts Corp., No. 16-cv-00521 (D. Or.)***

Labaton Sucharow represents Oklahoma Firefighters Pension and Retirement System in this securities class action against Precision Castparts Corp., an aviation parts manufacturing conglomerate that produces complex metal parts primarily marketed to industrial and aerospace customers.

- ***In re Goldman Sachs Group, Inc. Securities Litigation, No. 10-cv-03461 (S.D.N.Y.)***

Labaton Sucharow represents Arkansas Teacher Retirement System in this high-profile litigation based on the scandals involving Goldman Sachs' sales of the Abacus CDO.

- ***Pension Trust Fund for Operating Engineers v. DeVry Education Group, Inc., No. 16-cv-5198 (N.D. Ill.)***

Labaton Sucharow represents Utah Retirement Systems in this securities class action alleging that DeVry Education Group made false and misleading statements about employment and salary statistics for DeVry University Graduates.

- ***In re PG&E Corporation Securities Litigation, No. 18-cv-03509 (N.D. Cal.)***

Labaton Sucharow represents the Public Employees Retirement Association of New Mexico in a securities class action lawsuit against PG&E related to wildfires that devastated Northern California in 2017.

## Innovative Legal Strategy

Bringing successful litigation against corporate behemoths during a time of financial turmoil presents many challenges, but Labaton Sucharow has kept pace with the evolving financial markets and with corporate wrongdoer's novel approaches to committing fraud.

Our Firm's innovative litigation strategies on behalf of clients include the following:

- ***Mortgage-Related Litigation***

In *In re Countrywide Financial Corporation Securities Litigation*, No. 07-cv-5295 (C.D. Cal.), our client's claims involved complex and data-intensive arguments relating to the mortgage securitization process and the market for residential mortgage-backed securities (RMBS) in the United States. To prove that defendants made false and misleading statements concerning Countrywide's business as an issuer of residential mortgages, Labaton Sucharow utilized both in-house and external expert analysis. This included state-of-the-art statistical analysis of loan level data associated with the creditworthiness of individual mortgage loans. The Firm recovered \$624 million on behalf of investors.

Building on its experience in this area, the Firm has pursued claims on behalf of individual purchasers of RMBS against a variety of investment banks for misrepresentations in the offering documents associated with individual RMBS deals.

- ***Options Backdating***

In 2005, Labaton Sucharow took a pioneering role in identifying options-backdating practices as both damaging to investors and susceptible to securities fraud claims, bringing a case, *In re Mercury Interactive Securities Litigation*, No. 05-cv-3395 (N.D. Cal.), that spawned many other plaintiff recoveries.

Leveraging its experience, the Firm went on to secure other significant options backdating settlements, in, for example, *In re Broadcom Corp. Class Action Litigation*, No. 06-cv-5036 (C.D. Cal.), and in *In re Take-Two Interactive Securities Litigation*, No. 06-cv-0803 (S.D.N.Y.). Moreover, in *Take-Two*, Labaton Sucharow was able to prompt the SEC to reverse its initial position and agree to distribute a disgorgement fund to investors, including class members. The SEC had originally planned for the fund to be distributed to the U.S. Treasury. As a result, investors received a very significant percentage of their recoverable damages.

- **Foreign Exchange Transactions Litigation**

The Firm has pursued or is pursuing claims for state pension funds against BNY Mellon and State Street Bank, the two largest custodian banks in the world. For more than a decade, these banks failed to disclose that they were overcharging their custodial clients for foreign exchange transactions. Given the number of individual transactions this practice affected, the damages caused to our clients and the class were significant. Our claims, involving complex statistical analysis, as well as qui tam jurisprudence, were filed ahead of major actions by federal and state authorities related to similar allegations commenced in 2011. Our team favorably resolved the BNY Mellon matter in 2012. The case against State Street Bank resulted in a \$300 million recovery.

## Appellate Advocacy and Trial Experience

When it is in the best interest of our clients, Labaton Sucharow repeatedly has demonstrated our willingness and ability to litigate these complex cases all the way to trial, a skill unmatched by many firms in the plaintiffs bar.

Labaton Sucharow is one of the few firms in the plaintiffs securities bar to have prevailed in a case before the U.S. Supreme Court. In *Amgen Inc. v. Connecticut Retirement Plans and Trust Funds*, 568 U.S. 455 (2013), the Firm persuaded the court to reject efforts to thwart the certification of a class of investors seeking monetary damages in a securities class action. This represents a significant victory for all plaintiffs in securities class actions.

In *In re Real Estate Associates Limited Partnership Litigation*, Labaton Sucharow's advocacy significantly increased the settlement value for shareholders. The defendants were unwilling to settle for an amount the Firm and its clients viewed as fair, which led to a six-week trial. The Firm and co-counsel ultimately obtained a landmark \$184 million jury verdict. The jury supported the plaintiffs' position that the defendants knowingly violated the federal securities laws, and that the general partner had breached his fiduciary duties to shareholders. The \$184 million award was one of the largest jury verdicts returned in any PSLRA action and one in which the class, consisting of 18,000 investors, recovered 100 percent of their damages.

## Our Clients

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Labaton Sucharow represents and advises the following institutional investor clients, among others:

- Arkansas Teacher Retirement System
- Baltimore County Retirement System
- Boston Retirement System
- California State Teachers' Retirement System
- Chicago Teachers' Pension Fund
- City of New Orleans Employees' Retirement System
- Connecticut Retirement Plans & Trust Funds
- Division of Investment of the New Jersey Department of the Treasury
- Genesee County Employees' Retirement System
- Illinois Municipal Retirement Fund
- Indiana Public Retirement System
- Los Angeles City Employees' Retirement System
- Macomb County Employees Retirement System
- Metropolitan Atlanta Rapid Transit Authority
- Michigan Retirement Systems
- New York State Common Retirement Fund
- Norfolk County Retirement System
- Office of the Ohio Attorney General and several of its Retirement Systems
- Oklahoma Firefighters Pension and Retirement System
- Plymouth County Retirement System
- Office of the New Mexico Attorney General and several of its Retirement Systems
- Public Employees' Retirement System of Mississippi
- Public Employee Retirement System of Idaho
- Rhode Island State Investment Commission
- Santa Barbara County Employees' Retirement System
- State of Oregon Public Employees' Retirement System
- State of Wisconsin Investment Board
- Utah Retirement Systems
- Virginia Retirement System
- West Virginia Investment Management Board

## Awards and Accolades

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Industry publications and peer rankings consistently recognize the Firm as a respected leader in securities litigation.

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### Chambers & Partners USA

Leading Plaintiffs Securities Litigation Firm (2009-2019)

“effective and greatly respected...a bench of partners who are highly esteemed by competitors and adversaries alike”

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### The Legal 500

Leading Plaintiffs Securities Litigation Firm and also recognized in Antitrust (2010-2019) and M&A Litigation (2013, 2015-2019)

“'Superb' and 'at the top of its game.' The Firm's team of 'hard-working lawyers, who push themselves to thoroughly investigate the facts' and conduct 'very diligent research.'”

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### Benchmark Litigation

Recommended in Securities Litigation Nationwide and in New York State (2012-2019); and Noted for Corporate Governance and Shareholder Rights Litigation in the Delaware Court of Chancery (2016-2019), Top 10 Plaintiffs Firm in the United States (2017-2019)

“clearly living up to its stated mission 'reputation matters'...consistently earning mention as a respected litigation-focused firm fighting for the rights of institutional investors”

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### Law360

Most Feared Plaintiffs Firm (2013-2015); Class Action Practice Group of the Year (2012 and 2014-2018); and Securities Practice Group of the Year (2018)

“known for thoroughly investigating claims and conducting due diligence before filing suit, and for fighting defendants tooth and nail in court”

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### The National Law Journal

Winner of the Elite Trial Lawyers Award in Securities Law (2015, 2019), Hall of Fame Honoree, and Top Plaintiffs' Firm on the annual Hot List (2006-2016)

“definitely at the top of their field on the plaintiffs' side”

## Community Involvement

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To demonstrate our deep commitment to the community, Labaton Sucharow has devoted significant resources to pro bono legal work and public and community service.

### Firm Commitments

#### Immigration Justice Campaign

Labaton Sucharow has partnered with the Immigration Justice Campaign to represent immigrants in their asylum proceedings.

#### Brooklyn Law School Securities Arbitration Clinic

Labaton Sucharow partnered with Brooklyn Law School to establish a securities arbitration clinic. The program, which ran for five years, assisted defrauded individual investors who could not otherwise afford to pay for legal counsel and provided students with real-world experience in securities arbitration and litigation. Former Partners Mark S. Arisohn and Joel H. Bernstein led the program as adjunct professors.

#### Change for Kids

Labaton Sucharow supports Change for Kids (CFK) as a Strategic Partner of P.S. 182 in East Harlem. One school at a time, CFK rallies communities to provide a broad range of essential educational opportunities at under-resourced public elementary schools. By creating inspiring learning environments at our partner schools, CFK enables students to discover their unique strengths and develop the confidence to achieve.

#### The Lawyers' Committee for Civil Rights Under Law Edward Labaton, Member, Board of Directors

The Firm is a long-time supporter of The Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy. The Lawyers' Committee involves the private bar in providing legal services to address racial discrimination.

Labaton Sucharow attorneys have contributed on the federal level to U.S. Supreme Court nominee analyses (analyzing nominees for their views on such topics as ethnic equality, corporate diversity, and gender discrimination) and national voters' rights initiatives.

#### Sidney Hillman Foundation

Labaton Sucharow supports the Sidney Hillman Foundation. Created in honor of the first president of the Amalgamated Clothing Workers of America, Sidney Hillman, the foundation supports investigative and progressive journalism by awarding monthly and yearly prizes. Partner Thomas A. Dubbs is frequently invited to present these awards.

## Individual Attorney Commitments

Labaton Sucharow attorneys give of themselves in many ways, both by volunteering and in leadership positions in charitable organizations. A few of the awards our attorneys have received or organizations they are involved in are:

- Awarded “Champion of Justice” by the Alliance for Justice, a national nonprofit association of over 100 organizations which represent a broad array of groups “committed to progressive values and the creation of an equitable, just, and free society.”
- Pro bono representation of mentally ill tenants facing eviction, appointed as guardian ad litem in several housing court actions.
- Recipient of a Volunteer and Leadership Award from a tenants' advocacy organization for work defending the rights of city residents and preserving their fundamental sense of public safety and home.
- Board Member of the Ovarian Cancer Research Fund—the largest private funding agency of its kind supporting research into a method of early detection and, ultimately, a cure for ovarian cancer.

Our attorneys have also contributed to or continue to volunteer with the following charitable organizations, among others:

- American Heart Association
- Big Brothers/Big Sisters of New York City
- Boys and Girls Club of America
- Carter Burden Center for the Aging
- City Harvest
- City Meals-on-Wheels
- Coalition for the Homeless
- Cycle for Survival
- Cystic Fibrosis Foundation
- Dana Farber Cancer Institute
- Food Bank for New York City
- Fresh Air Fund
- Habitat for Humanity
- Lawyers Committee for Civil Rights
- Legal Aid Society
- Mentoring USA
- National Lung Cancer Partnership
- National MS Society
- National Parkinson Foundation
- New York Cares
- New York Common Pantry
- Peggy Browning Fund
- Sanctuary for Families
- Sandy Hook School Support Fund
- Save the Children
- Special Olympics
- Toys for Tots
- Williams Syndrome Association

## Commitment to Diversity

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Recognizing that business does not always offer equal opportunities for advancement and collaboration to women, Labaton Sucharow launched its Women's Networking and Mentoring Initiative in 2007.

Led by Firm partners and co-chairs Serena P. Hallowell and Carol C. Villegas, the Women's Initiative reflects our commitment to the advancement of women professionals. The goal of the Initiative is to bring professional women together to collectively advance women's influence in business. Each event showcases a successful woman role model as a guest speaker. We actively discuss our respective business initiatives and hear the guest speaker's strategies for success. Labaton Sucharow mentors young women inside and outside of the firm and promotes their professional achievements. The Firm also is a member of the National Association of Women Lawyers (NAWL). For more information regarding Labaton Sucharow's Women's Initiative, please visit [www.labaton.com/en/about/women/Womens-Initiative.cfm](http://www.labaton.com/en/about/women/Womens-Initiative.cfm).

Further demonstrating our commitment to diversity in the legal profession and within our Firm, in 2006, we established the Labaton Sucharow Minority Scholarship and Internship. The annual award—a grant and a summer associate position—is presented to a first-year minority student who is enrolled at a metropolitan New York law school and who has demonstrated academic excellence, community commitment, and personal integrity.

Labaton Sucharow has also instituted a diversity internship which brings two Hunter College students to work at the Firm each summer. These interns rotate through various departments, shadowing Firm partners and getting a feel for the inner workings of the Firm.



## Securities Litigation Attorneys

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Our team of securities class action litigators includes:

### Partners

Christopher J. Keller (Chairman)  
Lawrence A. Sucharow (Chairman Emeritus)  
Eric J. Belfi  
Michael P. Canty  
Marisa N. DeMato  
Thomas A. Dubbs  
Christine M. Fox  
Jonathan Gardner  
David J. Goldsmith  
Louis Gottlieb  
Serena P. Hallowell  
Thomas G. Hoffman, Jr.  
James W. Johnson  
Edward Labaton  
Christopher J. McDonald  
Michael H. Rogers  
Ira A. Schochet  
David J. Schwartz  
Irina Vasilchenko  
Carol C. Villegas  
Ned Weinberger  
Mark S. Willis  
Nicole M. Zeiss

### Of Counsel

Rachel A. Avan  
Mark Bogen  
Joseph H. Einstein  
John J. Esmay  
Derrick Farrell  
Alfred L. Fatale III  
Mark Goldman  
Lara Goldstone  
Francis P. McConville  
James McGovern  
Domenico Minerva  
Corban S. Rhodes  
Elizabeth Rosenberg

Detailed biographies of the team's qualifications and accomplishments follow.

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#### **Christopher J. Keller, Chairman** [ckeller@labaton.com](mailto:ckeller@labaton.com)

Christopher J. Keller focuses on complex securities litigation. His clients are institutional investors, including some of the world's largest public and private pension funds with tens of billions of dollars under management.

Described by *The Legal 500* as a "sharp and tenacious advocate" who "has his pulse on the trends," Chris has been instrumental in the Firm's appointments as lead counsel in some of the largest securities matters arising out of the financial crisis, such as actions against Countrywide (\$624 million settlement), Bear Stearns (\$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor), Fannie Mae (\$170 million settlement), and Goldman Sachs.

Chris has also been integral in the prosecution of traditional fraud cases such as *In re Schering-Plough Corporation / ENHANCE Securities Litigation*; *In re Massey Energy Co. Securities Litigation*, where the Firm obtained a \$265 million all-cash settlement with Alpha Natural Resources, Massey's parent company; as well as *In re Satyam Computer Services, Ltd. Securities Litigation*, where the Firm obtained a settlement of more than \$150 million. Chris was also a principal litigator on the trial team of *In re Real Estate Associates Limited Partnership Litigation*. The six-week jury trial resulted in a \$184 million plaintiffs' verdict, one of the largest jury verdicts since the passage of the Private Securities Litigation Reform Act.

In addition to his active caseload, Chris holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee. In response to the evolving needs of clients, Chris also established, and currently leads, the Case Development Group, which is composed of attorneys, in-house investigators, financial analysts, and forensic accountants. The group is responsible for evaluating clients' financial losses and analyzing their potential legal claims both in and outside of the U.S. and tracking trends that are of potential concern to investors.

Educating institutional investors is a significant element of Chris' advocacy efforts for shareholder rights. He is regularly called upon for presentations on developing trends in the law and new case theories at annual meetings and seminars for institutional investors.

He is a member of several professional groups, including the New York State Bar Association and the New York County Lawyers' Association. In 2017, he was elected to the New York City Bar Fund Board of Directors. The City Bar Fund is the nonprofit 501(c)(3) arm of the New York City Bar Association aimed at engaging and supporting the legal profession in advancing social justice."

He is admitted to practice in the States of New York and Ohio, as well as before the Supreme Court of the United States, and the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Wisconsin, and the District of Colorado.

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**Lawrence A. Sucharow, Chairman Emeritus**  
[lsucharow@labaton.com](mailto:lsucharow@labaton.com)

With more than four decades of experience, Lawrence A. Sucharow is an internationally recognized trial lawyer and a leader of the class action bar. Under his guidance, the Firm has grown into and earned its position as one of the top plaintiffs securities and antitrust class action firms in the world. As Chairman Emeritus, Larry focuses on counseling the Firm's large institutional clients, developing creative and compelling strategies to advance and protect clients' interests, and the prosecution and resolution of many of the Firm's leading cases.

Over the course of his career, Larry has prosecuted hundreds of cases and the Firm has recovered billions in groundbreaking securities, antitrust, business transaction, product liability, and other class actions. In fact, a landmark case tried in 2002—*In re Real Estate Associates Limited Partnership Litigation*—was the very first securities action successfully tried to a jury verdict following the enactment of the Private Securities Litigation Reform Act (PSLRA). Experience such as this has made Larry uniquely qualified to evaluate and successfully prosecute class actions.

Other representative matters include: *In re CNL Resorts, Inc. Securities Litigation* (\$225 million settlement); *In re Paine Webber Incorporated Limited Partnerships Litigation* (\$200 million settlement); *In re Prudential Securities Incorporated Limited Partnerships Litigation* (\$110 million partial settlement); *In re Prudential Bache Energy Income Partnerships Securities Litigation* (\$91 million settlement) and *Shea v. New York Life Insurance Company* (over \$92 million settlement).

Larry's consumer protection experience includes leading the national litigation against the tobacco companies in *Castano v. American Tobacco Co.*, as well as litigating *In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*. Currently, he plays a key role in *In re Takata Airbag Products Liability Litigation* and a nationwide consumer class action against Volkswagen Group of America, Inc., arising out of

the wide-scale fraud concerning Volkswagen's "Clean Diesel" vehicles. Larry further conceptualized the establishment of two Dutch foundations, or "Stichtingen" to pursue settlement of claims against Volkswagen on behalf of injured car owners and investors in Europe.

In recognition of his career accomplishments and standing in the securities bar at the Bar, Larry was selected by *Law360* as one the 10 Most Admired Securities Attorneys in the United States and as a Titan of the Plaintiffs Bar. Further, he is one of a small handful of plaintiffs' securities lawyers in the United States recognized by *Chambers & Partners USA*, *The Legal 500*, *Benchmark Litigation*, and *Lawdragon 500* for his successes in securities litigation. Referred to as a "legend" by his peers in *Benchmark Litigation*, *Chambers* describes him as an "an immensely respected plaintiff advocate" and a "renowned figure in the securities plaintiff world...[that] has handled some of the most high-profile litigation in this field." According to *The Legal 500*, clients characterize Larry as a "a strong and passionate advocate with a desire to win." In addition, Brooklyn Law School honored Larry with the 2012 Alumni of the Year Award for his notable achievements in the field.

In 2018, Larry was appointed to serve on Brooklyn Law School's Board of Trustees. He has served a two-year term as President of the National Association of Shareholder and Consumer Attorneys, a membership organization of approximately 100 law firms that practice complex civil litigation including class actions. A longtime supporter of the Federal Bar Council, Larry serves as a trustee of the Federal Bar Council Foundation. He is a member of the Federal Bar Council's Committee on Second Circuit Courts, and the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the Founding Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association, a position he held from 1988-1994. In addition, Larry serves on the Advocacy Committee of the World Federation of Investors Corporation, a worldwide umbrella organization of national shareholder associations. In May 2013, Larry was elected Vice Chair of the International Financial Litigation Network, a network of law firms from 15 countries seeking international solutions to cross-border financial problems.

Larry is admitted to practice in the States of New York, New Jersey, and Arizona as well as before the Supreme Court of the United States, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York, and the District of New Jersey.

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**Eric J. Belfi, Partner**  
[ebelfi@labaton.com](mailto:ebelfi@labaton.com)

Representing many of the world's leading pension funds and other institutional investors, Eric J. Belfi is an accomplished litigator with experience in a broad range of commercial matters. Eric focuses on domestic and international securities and shareholder litigation, as well as direct actions on behalf of governmental entities. He serves as a member of the Firm's Executive Committee.

As an integral member of the Firm's Case Development Group, Eric has brought numerous high-profile domestic securities cases that resulted from the credit crisis, including the prosecution against Goldman Sachs. In *In re Goldman Sachs Group, Inc. Securities Litigation*, he played a significant role in the investigation and drafting of the operative complaint. Eric was also actively involved in securing a combined settlement of \$18.4 million in *In re Colonial BancGroup, Inc. Securities Litigation*, regarding material misstatements and omissions in SEC filings by Colonial BancGroup and certain underwriters.

Along with his domestic securities litigation practice, Eric leads the Firm's Non-U.S. Securities Litigation Practice, which is dedicated exclusively to analyzing potential claims in non-U.S. jurisdictions and advising on the risk and benefits of litigation in those forums. The practice, one of the first of its kind, also serves as liaison counsel to institutional investors in such cases, where appropriate. Currently, Eric represents nearly 30 institutional investors in over a dozen non-U.S. cases against companies including SNC-Lavalin Group Inc. in Canada, Vivendi Universal, S.A. in France, OZ Minerals Ltd. in Australia, Lloyds Banking Group in the UK, and Olympus Corporation in Japan.

Eric's international experience also includes securing settlements on behalf of non-U.S. clients including the UK-based Mineworkers' Pension Scheme in *In re Satyam Computer Securities Services Ltd. Securities Litigation*, an action related to one of the largest securities fraud in India which resulted in \$150.5 million in collective settlements. Representing two of Europe's leading pension funds, Deka Investment GmbH and Deka International S.A., Luxembourg, in *In re General Motors Corp. Securities Litigation*, Eric was integral in securing a \$303 million settlement in a case regarding multiple accounting manipulations and overstatements by General Motors.

Additionally, Eric oversees the Financial Products and Services Litigation Practice, focusing on individual actions against malfeasant investment bankers, including cases against custodial banks that allegedly committed deceptive practices relating to certain foreign currency transactions. Most recently, he served as lead counsel to Arkansas Teacher Retirement System in a class action against State Street Corporation and certain affiliated entities alleging misleading actions in connection with foreign currency exchange trades, which resulted in a \$300 million recovery. He has also represented the Commonwealth of Virginia in its False Claims Act case against Bank of New York Mellon, Inc.

Eric's M&A and derivative experience includes noteworthy cases such as *In re Medco Health Solutions Inc. Shareholders Litigation*, in which he was integrally involved in the negotiation of the settlement that included a significant reduction in the termination fee.

Eric's prior experience included serving as an Assistant Attorney General for the State of New York and as an Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted white-collar criminal cases, including many securities law violations. He presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Eric is a member of the National Association of Public Pension Attorneys (NAPPA) Securities Litigation Working Group. He has spoken on the topics of shareholder litigation and U.S.-style class actions in European countries and has discussed socially responsible investments for public pension funds.

Eric is admitted to practice in the State of New York, as well as before the United States Court of Appeals for the Tenth Circuit, and the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Michigan, the District of Colorado, the District of Nebraska, and the Eastern District of Wisconsin.

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**Michael P. Canty, Partner**  
[mcanty@labaton.com](mailto:mcanty@labaton.com)

Michael P. Canty prosecutes complex fraud cases on behalf of institutional investors and consumers. Upon joining Labaton, Michael successfully prosecuted a number of high profile securities matters involving technology companies including cases against AMD, a multi-national semiconductor company and Ubiquiti Networks, Inc., a global software company. In both cases Michael played a pivotal role in securing favorable settlements for investors. Recommended by *The Legal 500* in the field of securities litigation, Michael also is an accomplished litigator with more than a decade of trial experience in matters relating to national security, white collar crime, and cybercrime. He currently serves as General Counsel to the Firm.

Prior to joining Labaton Sucharow, Michael was a federal prosecutor in the United States Attorney's Office for the Eastern District of New York, where he served as the Deputy Chief of the Office's General Crimes Section. Michael also served in the Office's National Security and Cybercrimes Section. During his time as lead prosecutor, Michael investigated and prosecuted complex and high-profile white collar, national security, and cybercrime offenses. He also served as an Assistant District Attorney for the Nassau County District Attorney's Office, where he handled complex state criminal offenses and served in the Office's Homicide Unit.

Michael has extensive trial experience both from his days as a prosecutor in New York City for the United States Department of Justice and during his six years as an Assistant District Attorney. He served as trial

counsel in more than 35 matters, many of which related to violent crime, white collar and terrorism related offenses. He played a pivotal role in *United States v. Abid Naseer*, where he prosecuted and convicted an al-Qaeda operative who conspired to carry out attacks in the United States and Europe. Michael also led the investigation in *United States v. Marcos Alonso Zea*, a case in which he successfully prosecuted a citizen for attempting to join a terrorist organization in the Arabian Peninsula and for providing material support intended for planned attacks.

Michael also has a depth of experience investigating and prosecuting cases involving the distribution of prescription opioids. In January 2012, Michael was assigned to the U.S. Attorney's Office Prescription Drug Initiative to mount a comprehensive response to what the United States Department of Health and Human Services' Center for Disease Control and Prevention has called an epidemic increase in the abuse of so-called opioid analgesics. As a member of the initiative, in *United States v. Conway* and *United States v. Deslouches* Michael successfully prosecuted medical professionals who were illegally prescribing opioids. In *United States v. Moss et al.* he was responsible for dismantling one of the largest oxycodone rings operating in the New York metropolitan area at the time. In addition to prosecuting these cases, Michael spoke regularly to the community on the dangers of opioid abuse as part of the Office's community outreach.

Additionally, Michael has extensive experience in investigating and prosecuting data breach cases

Before becoming a prosecutor, Michael worked as a Congressional Staff Member for the United States House of Representatives. He primarily served as a liaison between the Majority Leader's Office and the Government Reform and Oversight Committee. During his time with the House of Representatives, Michael managed congressional oversight of the United States Postal Service and reviewed and analyzed counter-narcotics legislation as it related to national security matters.

Michael is admitted to practice in the State of New York as well as before the United States Courts of Appeals for the Second Circuit, and the United States District Court for the Eastern District of New York.

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**Marisa N. DeMato, Partner**  
[mdemato@labaton.com](mailto:mdemato@labaton.com)

With more than 14 years of securities litigation experience, Marisa N. DeMato advises leading pension funds and other institutional investors in the United States and Canada on issues related to corporate fraud in the U.S. securities markets and represents them in complex civil actions. Her work focuses on counseling clients on best practices in corporate governance of publicly traded companies and advising institutional investors on monitoring the well-being of their investments. Marisa also advises and counsels municipalities and health plans on issues related to U.S. antitrust law and potential violations.

Recently, Marisa represented Seattle City Employees' Retirement System and helped reach a \$90 million derivative settlement and historic corporate governance changes with Twenty-First Century Fox, Inc., regarding allegations surrounding workplace harassment incidents at Fox News. Marisa also represented the Oklahoma Firefighters Pension and Retirement System in securing a \$9.5 million settlement with Castlight Health, Inc. for securities violations in connection with the company's initial public offering. She also served as legal adviser to the West Palm Beach Police Pension Fund in *In re Walgreen Co. Derivative Litigation*, which secured significant corporate governance reforms and required Walgreens to extend its Drug Enforcement Agency commitments as part of the settlement related to the company's violation of the U.S. Controlled Substances Act.

Prior to joining Labaton Sucharow, Marisa worked for a nationally recognized securities litigation firm and devoted a substantial portion of her time to litigating securities fraud, derivative, mergers and acquisitions, and consumer fraud. Over the course of those eight years she represented numerous pension funds, municipalities, and individual investors throughout the United States and was an integral member of the legal teams that helped secure multimillion dollar settlements, including *In re Managed Care Litigation* (\$135 million recovery); *Cornwell v. Credit Suisse Group* (\$70 million recovery); *Michael v. SFBC International, Inc.* (\$28.5

million recovery); *Ross v. Career Education Corporation* (\$27.5 million recovery); and *Village of Dolton v. Taser International Inc.* (\$20 million recovery).

Marisa has spoken on shareholder litigation-related matters, frequently lecturing on topics pertaining to securities fraud litigation, fiduciary responsibility, and corporate governance issues. Most recently, she testified before the Texas House of Representatives Pensions Committee to address the changing legal landscape public pensions have faced since the Supreme Court's Morrison decision and highlighted the best practices for non-U.S. investment recovery. During the 2008 financial crisis, Marisa spoke widely on the subprime mortgage crisis and its disastrous effect on the pension fund community at regional and national conferences, and addressed the crisis' global implications and related fraud to institutional investors internationally in Italy, France, and the United Kingdom. Marisa has also presented on issues pertaining to the federal regulatory response to the 2008 crisis, including implications of the Dodd-Frank legislation and the national debate on executive compensation and proxy access for shareholders. Marisa is an active member of the National Association of Public Pension Attorneys (NAPPA) and also a member of the Federal Bar Council, an organization of lawyers dedicated to promoting excellence in federal practice and fellowship among federal practitioners.

Marisa has also become one of the leading advocates for institutional investing in women and minority-owned investment firms. In 2018, she served as co-chair of the Firm's first annual Women's Initiative forum focusing on institutional investing in women and minority-owned investment firms. Marisa was instrumental in the development and execution of the programming for the inaugural event, which featured two all-female panels, and was praised by attendees for offering an insightful discussion on how pension funds and other institutional investors can provide opportunities for women and minority-owned firms.

In the spring of 2006, Marisa was selected over 250,000 applicants to appear on the sixth season of *The Apprentice*, which aired on January 7, 2007, on NBC. As a result of her role on *The Apprentice*, Marisa has appeared in numerous news media outlets, such as *The Wall Street Journal*, *People* magazine, and various national legal journals.

Marisa is admitted to practice in the State of Florida and the District of Columbia as well as before the United States District Courts for the Northern, Middle, and Southern Districts of Florida.

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**Thomas A. Dubbs, Partner**  
[tdubbs@labaton.com](mailto:tdubbs@labaton.com)

Thomas A. Dubbs focuses on the representation of institutional investors in domestic and multinational securities cases. Recognized as a leading securities class action attorney, Tom has been named as a top litigator by *Chambers & Partners* for nine consecutive years.

Tom has served or is currently serving as lead or co-lead counsel in some of the most important federal securities class actions in recent years, including those against American International Group, Goldman Sachs, the Bear Stearns Companies, Facebook, Fannie Mae, Broadcom, and WellCare. Tom has also played an integral role in securing significant settlements in several high-profile cases including: *In re American International Group, Inc. Securities Litigation* (settlements totaling more than \$1 billion); *In re Bear Stearns Companies, Inc. Securities Litigation* (\$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor); *In re HealthSouth Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al. (WellCare Securities Litigation)* (over \$200 million settlement); *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Broadcom Corp. Securities Litigation* (\$160.5 million settlement with Broadcom, plus \$13 million settlement with Ernst & Young LLP, Broadcom's outside auditor); *In re St. Paul Travelers Securities Litigation* (\$144.5 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); and *In re Vesta Insurance Group, Inc. Securities Litigation* (\$79 million settlement).

Representing an affiliate of the Amalgamated Bank, the largest labor-owned bank in the United States, a team led by Tom successfully litigated a class action against Bristol-Myers Squibb, which resulted in a settlement of \$185 million as well as major corporate governance reforms. He has argued before the United States Supreme Court and has argued 10 appeals dealing with securities or commodities issues before the United States Courts of Appeals.

Due to his reputation in securities law, Tom frequently lectures to institutional investors and other groups such as the Government Finance Officers Association, the National Conference on Public Employee Retirement Systems, and the Council of Institutional Investors. He is a prolific author of articles related to his field, and he recently penned "Textualism and Transnational Securities Law: A Reappraisal of Justice Scalia's Analysis in *Morrison v. National Australia Bank*," *Southwestern Journal of International Law* (2014). He has also written several columns in UK-wide publications regarding securities class action and corporate governance.

Prior to joining Labaton Sucharow, Tom was Senior Vice President & Senior Litigation Counsel for Kidder, Peabody & Co. Incorporated, where he represented the company in many class actions, including the First Executive and Orange County litigation and was first chair in many securities trials. Before joining Kidder, Tom was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing Thomson McKinnon Securities Inc. in many matters, including the Petro Lewis and Baldwin-United class actions.

In addition to his *Chambers & Partners* recognition, Tom was named a Leading Lawyer by *The Legal 500*, and inducted into its Hall of Fame, an honor presented to only three other plaintiffs securities litigation lawyers "who have received constant praise by their clients for continued excellence." *Law360* also named him an "MVP of the Year" for distinction in class action litigation in 2012 and 2015, and he has been recognized by *The National Law Journal*, *Lawdragon 500*, and *Benchmark Litigation* as a Securities Litigation Star. Tom has received a rating of AV Preeminent from the publishers of the Martindale-Hubbell directory.

Tom serves as a FINRA Arbitrator and is an Advisory Board Member for the Institute for Transnational Arbitration. He is a member of the New York State Bar Association, the Association of the Bar of the City of New York, the American Law Institute, and he is a Patron of the American Society of International Law. He was previously a member of the Members Consultative Group for the Principles of the Law of Aggregate Litigation and the Department of State Advisory Committee on Private International Law. Tom also serves on the Board of Directors for The Sidney Hillman Foundation.

Tom is admitted to practice in the State of New York as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Ninth, and Eleventh Circuits, and the United States District Court for the Southern District of New York.

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**Christine M. Fox, Partner**  
[cfox@labaton.com](mailto:cfox@labaton.com)

With more than 20 years of securities litigation experience, Christine M. Fox prosecutes complex securities fraud cases on behalf of institutional investors. Christine is actively involved in litigating matters against Molina Healthcare, Qurate Retail, AT&T, and Avon.

Christine has played a pivotal role in securing favorable settle for investors in class actions against Barrick Gold Corporation, one of the largest gold mining companies in the world (\$140 million recovery); CVS Caremark, the nation's largest pharmacy retail chain (\$48 million recovery); Nu Skin Enterprises, a multilevel marketing company (\$47 million recovery); and Genworth Financial, Inc. (\$20 million recovery).

Prior to joining the Firm, Christine worked at a national litigation firm focusing on securities, antitrust, and consumer litigation in state and federal courts. She played a significant role in securing class action recoveries in a number of high-profile securities cases, including *In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation* (\$475 million recovery); *In re Informix Corp. Securities Litigation* (\$136.5 million recovery); *In re*

*Alcatel Alsthom Securities Litigation* (\$75 million recovery); and *In re Ambac Financial Group, Inc. Securities Litigation* (\$33 million recovery).

Christine received her J.D. from the University of Michigan Law School and her B.A. from Cornell University. She is a member of the American Bar Association, the New York State Bar Association, and the Puerto Rican Bar Association. Christine is actively involved in Labaton Sucharow's pro bono immigration program and recently reunited a father and child separated at the border. She is currently working on their asylum application.

Christine is conversant in Spanish.

Christine is admitted to the practice in the State of New York as well as before the United States District Courts for the Southern and Eastern Districts of New York.

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**Jonathan Gardner, Partner**  
[jgardner@labaton.com](mailto:jgardner@labaton.com)

Jonathan Gardner serves as Head of Litigation for the Firm. With more than 28 years of experience, Jonathan oversees all of the Firm's litigation matters, including prosecuting complex securities fraud cases on behalf of institutional investors. He has played an integral role in securing some of the largest class action recoveries against corporate offenders since the global financial crisis.

A *Benchmark Litigation* "Star" acknowledged by his peers as "engaged and strategic," Jonathan was also named an MVP by *Law360* for securing hard-earned successes in high-stakes litigation and complex global matters. Recently, he led the Firm's team in the investigation and prosecution of *In re Barrick Gold Securities Litigation*, which resulted in a \$140 million recovery. Jonathan has also served as the lead attorney in several cases resulting in significant recoveries for injured class members, including: *In re Hewlett-Packard Company Securities Litigation*, resulting in a \$57 million recovery; *Public Employees' Retirement System of Mississippi v. Endo International PLC*, resulting in \$50 million recovery; *Medoff v. CVS Caremark Corporation*, resulting in a \$48 million recovery; *In re Nu Skin Enterprises, Inc., Securities Litigation*, resulting in a \$47 million recovery; *In re Intuitive Surgical Securities Litigation*, resulting in a \$42.5 million recovery; *In re Carter's Inc. Securities Litigation*, resulting in a \$23.3 million recovery against Carter's and certain of its officers as well as PricewaterhouseCoopers, its auditing firm; *In re Aeropostale Inc. Securities Litigation*, resulting in a \$15 million recovery; *In re Lender Processing Services Inc.*, involving claims of fraudulent mortgage processing which resulted in a \$13.1 million recovery; and *In re K-12, Inc. Securities Litigation*, resulting in a \$6.75 million recovery.

Recommended and described by *The Legal 500* as having the "ability to master the nuances of securities class actions," Jonathan has led the Firm's representation of investors in many recent high-profile cases including *Rubin v. MF Global Ltd.*, which involved allegations of material misstatements and omissions in a Registration Statement and Prospectus issued in connection with MF Global's IPO in 2007. In November 2011, the case resulted in a recovery of \$90 million for investors. Jonathan also represented lead plaintiff City of Edinburgh Council as Administering Authority of the Lothian Pension Fund in *In re Lehman Brothers Equity/Debt Securities Litigation*, which resulted in settlements exceeding \$600 million against Lehman Brothers' former officers and directors, Lehman's former public accounting firm as well the banks that underwrote Lehman Brothers' offerings. In representing lead plaintiff Massachusetts Bricklayers and Masons Trust Funds in an action against Deutsche Bank, Jonathan secured a \$32.5 million recovery for a class of investors injured by the bank's conduct in connection with certain residential mortgage-backed securities. J

Jonathan has also been responsible for prosecuting several of the Firm's options backdating cases, including *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement); *In re SafeNet, Inc. Securities Litigation* (\$25 million settlement); *In re Semtech Securities Litigation* (\$20 million settlement); and *In re MRV Communications, Inc. Securities Litigation* (\$10 million settlement). He also was instrumental in *In re Mercury Interactive Corp. Securities Litigation*, which settled for \$117.5 million, one of the largest settlements or



judgments in a securities fraud litigation based on options backdating. Jonathan also represented the Successor Liquidating Trustee of Lipper Convertibles, a convertible bond hedge fund, in actions against the fund's former independent auditor and a member of the fund's general partner as well as numerous former limited partners who received excess distributions. He successfully recovered over \$5.2 million for the Successor Liquidating Trustee from the limited partners and \$29.9 million from the former auditor.

He is a member of the Federal Bar Council, New York State Bar Association, and the Association of the Bar of the City of New York.

Jonathan is admitted to practice in the State of New York as well as before the United States Court of Appeals for the First, Sixth, Ninth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, and the Eastern District of Wisconsin.

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**David J. Goldsmith, Partner**  
[dgoldsmith@labaton.com](mailto:dgoldsmith@labaton.com)

David J. Goldsmith has nearly 20 years of experience representing public and private institutional investors in a variety of securities and class action litigations. He has twice been recommended by *The Legal 500* as part of the Firm's recognition as a top-tier plaintiffs firm in securities class action litigation.

A principal litigator at the Firm, David is responsible for the Firm's appellate practice, and has briefed and argued multiple appeals in the federal Courts of Appeals. He is presently litigating appeals in the Second, Third, and Ninth Circuits in significant securities class actions brought against *Petróleo Brasileiro S.A. — Petrobras*, *StoneMor Partners*, *Molina Healthcare, Inc.*, and *United Technologies Corp.* In the Supreme Court of the United States, David recently acted as co-counsel for AARP and AARP Foundation as *amici curiae* in *China Agritech, Inc. v. Resh*, 138 S. Ct. 1800 (2018), and as co-counsel for a group of federal jurisdiction and securities law scholars as *amici curiae* in *Cyan, Inc. v. Beaver County Employees Retirement Fund*, 138 S. Ct. 1061 (2018).

As a trial lawyer, David was an integral member of the team representing the Arkansas Teacher Retirement System in a significant action alleging unfair and deceptive practices by State Street Bank in connection with foreign currency exchange trades executed for its custodial clients. The resulting \$300 million settlement is the largest class action settlement ever reached under the Massachusetts consumer protection statute, and one of the largest class action settlements reached in the First Circuit. David also represented the New York State Common Retirement Fund and New York City pension funds as lead plaintiffs in the landmark *In re Countrywide Financial Corp. Securities Litigation*, which settled for \$624 million. He has successfully represented state and county pension funds in class actions in California state court arising from the IPOs of technology companies, and recovered tens of millions of dollars for a large German bank and a major Irish special-purpose vehicle in individual actions alleging fraud in connection with the sale of residential mortgage-backed securities. David's representation of a hedge fund and individual investors as lead plaintiffs in an action concerning the well-publicized collapse of four Regions Morgan Keegan mutual funds led to a \$62 million settlement.

David regularly advises the Genesee County (Michigan) Employees' Retirement Commission with respect to potential securities, shareholder, and antitrust claims, and represents the System in a major action charging a conspiracy by some of the world's largest banks to manipulate the U.S. Dollar ISDAfix benchmark interest rate. This case was featured in Law360's selection of the Firm as a Class Action Group of the Year for 2017.

In 2016, David participated in a panel moderated by Prof. Arthur Miller at the 22nd Annual Symposium of the Institute for Law and Economic Policy, discussing changes in Rule 23 since the 1966 Amendments. David is an active member of several professional organizations, including The National Association of Shareholder & Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice complex civil litigation including class actions, the American Association for Justice, New York State Bar Association, and the Association of the Bar of the City of New York.

During law school, David was Managing Editor of the *Cardozo Arts & Entertainment Law Journal* and served as a judicial intern to the Honorable Michael B. Mukasey, then a United States District Judge for the Southern District of New York.

For many years, David has been a member of AmorArtis, a renowned choral organization with a diverse repertoire.

He is admitted to practice in the States of New York and New Jersey as well as before the United States Courts of Appeals for the First, Second, Fourth, Fifth, Eighth, and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, the District of Colorado, and the Western District of Michigan.

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**Louis Gottlieb, Partner**  
**lgottlieb@labaton.com**

Louis Gottlieb focuses on representing institutional and individual investors in complex securities and consumer class action cases. He has played a key role in some of the most high-profile securities class actions in recent history, securing significant recoveries for plaintiffs and ensuring essential corporate governance reforms to protect future investors, consumers, and the general public.

Lou was integral in prosecuting *In re American International Group, Inc. Securities Litigation* (settlements totaling more than \$1 billion) and *In re 2008 Fannie Mae Securities Litigation* (\$170 million settlement pending final approval). He also helped lead major class action cases against the company and related defendants in *In re Satyam Computer Services, Ltd. Securities Litigation* (\$150.5 million settlement). He has led successful litigation teams in securities fraud class action litigations against Metromedia Fiber Networks and Pricemart, as well as consumer class actions against various life insurance companies.

In the Firm's representation of the Connecticut Retirement Plans and Trust Funds in *In re Waste Management, Inc. Securities Litigation*, Lou's efforts were essential in securing a \$457 million settlement. The settlement also included important corporate governance enhancements, including an agreement by management to support a campaign to obtain shareholder approval of a resolution to declassify its board of directors, and a resolution to encourage and safeguard whistleblowers among the company's employees. Acting on behalf of New York City pension funds in *In re Orbital Sciences Corporation Securities Litigation*, Lou helped negotiate the implementation of measures concerning the review of financial results, the composition, role and responsibilities of the Company's Audit and Finance committee, and the adoption of a Board resolution providing guidelines regarding senior executives' exercise and sale of vested stock options.

Lou was a leading member of the team in the *Napp Technologies Litigation* that won substantial recoveries for families and firefighters injured in a chemical plant explosion. Lou has had a major role in national product liability actions against the manufacturers of orthopedic bone screws and atrial pacemakers, and in consumer fraud actions in the national litigation against tobacco companies.

A well-respected litigator, Lou has made presentations on punitive damages at Federal Bar Association meetings and has spoken on securities class actions for institutional investors.

Lou brings a depth of experience to his practice from both within and outside of the legal sphere. He graduated first in his class from St. John's School of Law. Prior to joining Labaton Sucharow, he clerked for the Honorable Leonard B. Wexler of the Eastern District of New York, and he worked as an associate at Skadden Arps Slate Meagher & Flom LLP.

Lou is admitted to practice in the States of New York and Connecticut as well as before the United States Courts of Appeals for the Fifth and Seventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Serena P. Hallowell, Partner**  
[shallowell@labaton.com](mailto:shallowell@labaton.com)

Serena P. Hallowell leads the Direct Action Litigation Practice and focuses on complex litigation, prosecuting securities fraud cases on behalf of some of the world's largest institutional investors, including pension funds, hedge funds, mutual funds, asset managers, and other large institutional investors. Serena also regularly advises and/or represents institutional investors who are seeking counsel on evaluating recovery opportunities in connection with fraud-related conduct. In addition to her active caseload, Serena serves as Co-Chair of the Firm's Women's Networking and Mentoring Initiative and is actively involved in the Firm's summer associate and lateral hiring programs.

Recently, Serena was recognized as a "Trailblazer" by *The National Law Journal* and as one of the leading lawyers in America by *Lawdragon*. She has also been recommended by *The Legal 500* in securities litigation, and named a Rising Star by *Benchmark Litigation* and *Law360*.

Currently she is prosecuting cases against Valeant Pharmaceuticals and Endo International, among others. Recently, in Endo, the parties have announced an agreement in principle to settle the matter. Also, in Valeant, Serena leads a team that won a significant motion in the District of New Jersey, when the court sustained claims arising under the NJ RICO Act in direct actions filed against Valeant.

Serena was part of a highly skilled team that reached a \$140 million settlement against one of the world's largest gold mining companies in *In re Barrick Gold Securities Litigation*. Playing a principal role in prosecuting *In re Computer Sciences Corporation Securities Litigation* in a "rocket docket" jurisdiction, she helped secure a settlement of \$97.5 million on behalf of lead plaintiff Ontario Teachers' Pension Plan Board, the third largest all cash settlement in the Fourth Circuit at the time. She was also instrumental in securing a \$48 million recovery in *Medoff v. CVS Caremark Corporation*, as well as a \$41.5 million settlement in *In re NII Holdings, Inc. Securities Litigation*. Serena also has broad appellate and trial experience.

Serena received a J.D. from Boston University School of Law, where she served as the Note Editor for the *Journal of Science & Technology Law*. She earned a B.A. in Political Science from Occidental College.

Serena is a member of the New York City Bar Association, where she serves on the Securities Litigation Committee, the Federal Bar Council, the South Asian Bar Association, the National Association of Public Pension Attorneys (NAPPA), and the National Association of Women Lawyers (NAWL). Her pro bono work includes representing immigrant detainees in removal proceedings for the American Immigrant Representation Project and devoting time to the Securities Arbitration Clinic at Brooklyn Law School.

She is conversational in Urdu/Hindi.

Serena is admitted to practice in the State of New York, as well as before the United States Courts of Appeals for the First, Ninth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Thomas G. Hoffman, Jr., Partner**  
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Thomas G. Hoffman, Jr. focuses on representing institutional investors in complex securities actions.

Thomas was instrumental in securing a \$1 billion recovery in the eight-year litigation against AIG and related defendants. He also was a key member of the Labaton Sucharow team that recovered \$170 million for investors in *In re 2008 Fannie Mae Securities Litigation*. Currently, Thomas is prosecuting cases against BP and Allstate.

Thomas received a J.D. from UCLA School of Law, where he was Editor-in-Chief of the *UCLA Entertainment Law Review*, and he served as a Moot Court Executive Board Member. In addition, he was a judicial extern to the Honorable William J. Rea, United States District Court for the Central District of California. Thomas earned a B.F.A., with honors, from New York University.

Thomas is admitted to practice in the State of New York as well as before the United States District Courts for the Southern and Eastern Districts of New York.

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**James W. Johnson, Partner**  
[jjohnson@labaton.com](mailto:jjohnson@labaton.com)

James W. Johnson focuses on complex securities fraud cases. In representing investors who have been victimized by securities fraud and breaches of fiduciary responsibility, Jim's advocacy has resulted in record recoveries for wronged investors. Currently, he is prosecuting high-profile cases against financial industry leader Goldman Sachs in *In re Goldman Sachs Group, Inc., Securities Litigation*, and SCANA, an energy-based holding company, in *In re SCANA Securities Litigation*. In addition to his active caseload, Jim holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee and acting as the Firm's Hiring Partner. He also serves as the Firm's Executive Partner overseeing firmwide issues.

A recognized leader in his field, Jim has successfully litigated a number of complex securities and RICO class actions including: *In re Bear Stearns Companies, Inc. Securities Litigation* (\$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor); *In re HealthSouth Corp. Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al. (WellCare Securities Litigation)* (\$200 million settlement); *In re Bristol Myers Squibb Co. Securities Litigation* (\$185 million settlement), in which the court also approved significant corporate governance reforms and recognized plaintiff's counsel as "extremely skilled and efficient"; *In re Amgen Inc. Securities Litigation* (\$95 million settlement); *In re National Health Laboratories, Inc. Securities Litigation*, which resulted in a recovery of \$80 million in the federal action and a related state court derivative action; and *In re Vesta Insurance Group, Inc. Securities Litigation* (\$79 million settlement).

In *County of Suffolk v. Long Island Lighting Co.*, Jim represented the plaintiff in a RICO class action, securing a jury verdict after a two-month trial that resulted in a \$400 million settlement. The Second Circuit quoted the trial judge, Honorable Jack B. Weinstein, as stating "counsel [has] done a superb job [and] tried this case as well as I have ever seen any case tried." On behalf of the Chugach Native Americans, he also assisted in prosecuting environmental damage claims resulting from the Exxon Valdez oil spill.

Jim is a member of the American Bar Association and the Association of the Bar of the City of New York, where he served on the Federal Courts Committee, and he is a Fellow in the Litigation Council of America.

Jim has received a rating of AV Preeminent from the publishers of the Martindale-Hubbell directory.

He is admitted to practice in the States of New York and Illinois as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh, and Eleventh Circuits, and the United States District Courts for the Southern, Eastern, and Northern Districts of New York, and the Northern District of Illinois.

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**Edward Labaton, Partner**  
[elabaton@labaton.com](mailto:elabaton@labaton.com)

An accomplished trial lawyer and partner with the Firm, Edward Labaton has devoted 50 years of practice to representing a full range of clients in class action and complex litigation matters in state and federal court. He is the recipient of the Alliance for Justice's 2015 Champion of Justice Award, given to outstanding individuals whose life and work exemplifies the principle of equal justice.

Ed has played a leading role as plaintiffs' class counsel in a number of successfully prosecuted, high-profile cases, involving companies such as PepsiCo, Dun & Bradstreet, Financial Corporation of America, ZZZZ Best, Revlon, GAF Co., American Brands, Petro Lewis and Jim Walter, as well as several Big Eight (now Four) accounting firms. He has also argued appeals in state and federal courts, achieving results with important precedential value.

Ed has been President of the Institute for Law and Economic Policy (ILEP) since its founding in 1996. Each year, ILEP co-sponsors at least one symposium with a major law school dealing with issues relating to the civil justice system. In 2010, he was appointed to the newly formed Advisory Board of George Washington University's Center for Law, Economics, & Finance (C-LEAF), a think tank within the Law School, for the study and debate of major issues in economic and financial law confronting the United States and the globe. Ed is an Honorary Lifetime Member of the Lawyers' Committee for Civil Rights under Law, a member of the American Law Institute, and a life member of the ABA Foundation. In addition, he has served on the Executive Committee and has been an officer of the Ovarian Cancer Research Fund since its inception in 1996.

Ed is the past Chairman of the Federal Courts Committee of the New York County Lawyers Association, and was a member of the Board of Directors of that organization. He is an active member of the Association of the Bar of the City of New York, where he was Chair of the Senior Lawyers' Committee and served on its Task Force on the Role of Lawyers in Corporate Governance. He has also served on its Federal Courts, Federal Legislation, Securities Regulation, International Human Rights, and Corporation Law Committees. He also served as Chair of the Legal Referral Service Committee, a joint committee of the New York County Lawyers' Association and the Association of the Bar of the City of New York. He has been an active member of the American Bar Association, the Federal Bar Council, and the New York State Bar Association, where he has served as a member of the House of Delegates.

For more than 30 years, he has lectured on many topics including federal civil litigation, securities litigation, and corporate governance.

He is admitted to practice in the State of New York as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, and the Central District of Illinois.

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**Christopher J. McDonald, Partner**  
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Christopher J. McDonald works with both the Firm's Antitrust & Competition Litigation Practice and its Securities Litigation Practice.

In the antitrust field, Chris is currently litigating *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, in which the Firm has been appointed to the End-Payor Plaintiffs Steering Committee, *In re Treasury Securities Auction Antitrust Litigation*, in which the Firm serves as interim co-lead counsel, and *In re Platinum and Palladium Antitrust Litigation*, in which the Firm serves as co-lead counsel. Chris was also co-lead counsel in *In re TriCor Indirect Purchaser Antitrust Litigation*, obtaining a \$65.7 million settlement on behalf of the plaintiff class. He has been recommended in Antitrust Litigation Class Action by *The Legal 500*.

Chris' securities practice has developed a focus on life sciences industries; his cases often involve claims against pharmaceutical, biotechnology, or medical device companies. Most recently, Chris served as lead counsel in *In re Amgen Inc. Securities Litigation*, a case against global biotechnology company Amgen and certain of its former executives, resulting in a \$95 million settlement. He also served as co-lead counsel in *In re Schering-Plough Corporation / ENHANCE Securities Litigation*, which resulted in a \$473 million settlement, one of the largest securities class action settlements ever against a pharmaceutical company and among the largest recoveries ever in a securities class action that did not involve a financial restatement. He was also an integral part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*, where

Labaton Sucharow secured a \$185 million settlement, as well as significant corporate governance reforms, on behalf of Bristol-Myers Squibb shareholders.

Chris began his legal career at Patterson, Belknap, Webb & Tyler LLP, where he gained extensive trial experience in areas ranging from employment contract disputes to false advertising claims. Later, as a senior attorney with a telecommunications company, Chris advocated before regulatory agencies on a variety of complex legal, economic, and public policy issues.

During his time at Fordham University School of Law, Chris was a member of the Law Review. He is currently a member of the New York State Bar Association, its Antitrust Law Section, and the Section's Cartel and Criminal Practice Committee. He is also a member of the New York City Bar Association.

Chris is admitted to practice in the State of New York and the United States Supreme Court. He is also admitted before the United States Courts of Appeals for the Second, Fourth, Third, Ninth, and Federal Circuit, as well as the United States District Courts for the Southern and Eastern Districts of New York, and the Western District of Michigan.

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**Michael H. Rogers, Partner**  
[mrogers@labaton.com](mailto:mrogers@labaton.com)

Michael H. Rogers focuses on prosecuting complex securities fraud cases on behalf of institutional investors. Currently, Mike is actively involved in prosecuting *In re Goldman Sachs, Inc. Securities Litigation*; *3226701 Canada, Inc. v. Qualcomm, Inc.*; *Public Employees' Retirement System of Mississippi v. Sprouts Farmers Markets, Inc.*; *Vancouver Asset Alumni Holdings, Inc. v. Daimler AG*; and *In re Virtus Investment Partners, Inc. Securities Litigation*.

Since joining Labaton Sucharow, Mike has been a member of the lead counsel teams in federal class actions against Countrywide Financial Corp. (\$624 million settlement), HealthSouth Corp. (\$671 million settlement), State Street (\$300 million settlement), Mercury Interactive Corp. (\$117.5 million settlement), and Computer Sciences Corp. (\$97.5 million settlement).

Prior to joining Labaton Sucharow, Mike was an attorney at Kasowitz, Benson, Torres & Friedman LLP, where he practiced securities and antitrust litigation, representing international banking institutions bringing federal securities and other claims against major banks, auditing firms, ratings agencies and individuals in complex multidistrict litigation. He also represented an international chemical shipping firm in arbitration of antitrust and other claims against conspirator ship owners.

Mike began his career as an attorney at Sullivan & Cromwell, where he was part of Microsoft's defense team in the remedies phase of the Department of Justice antitrust action against the company.

Mike received a J.D., *magna cum laude*, from the Benjamin N. Cardozo School of Law, Yeshiva University, where he was a member of the *Cardozo Law Review*. He earned a B.A., *magna cum laude*, in Literature-Writing from Columbia University.

Mike is proficient in Spanish.

He is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Ira A. Schochet, Partner**  
[ischochet@labaton.com](mailto:ischochet@labaton.com)

A seasoned litigator with three decades of experience, Ira A. Schochet focuses on class actions involving securities fraud. Ira has played a lead role in securing multimillion dollar recoveries in high-profile cases such as those against Countrywide Financial Corporation (\$624 million), Weatherford International Ltd (\$120 million), Massey Energy Company (\$265 million), Caterpillar Inc. (\$23 million), Autoliv Inc. (\$22.5 million), and Fifth Street Financial Corp. (\$14 million).

A longtime leader in the securities class action bar, Ira represented one of the first institutional investors acting as a lead plaintiff in a post-Private Securities Litigation Reform Act case and ultimately obtained one of the first rulings interpreting the statute's intent provision in a manner favorable to investors in *STI Classic Funds, et al. v. Bollinger Industries, Inc.* His efforts are regularly recognized by the courts, including in *Kamarasy v. Coopers & Lybrand*, where the court remarked on "the superior quality of the representation provided to the class." In approving the settlement he achieved in *In re InterMune Securities Litigation*, the court complimented Ira's ability to secure a significant recovery for the class in a very efficient manner, shielding the class from prolonged litigation and substantial risk.

Ira has also played a key role in groundbreaking cases in the field of merger and derivative litigation. In *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*, he achieved the second largest derivative settlement in the Delaware Court of Chancery history, a \$153.75 million settlement with an unprecedented provision of direct payments to stockholders by means of a special dividend. In another first-of-its-kind case, Ira was featured in *The AmLaw Litigation Daily* as Litigator of the Week for his work in *In re El Paso Corporation Shareholder Litigation*. The action alleged breach of fiduciary duties in connection with a merger transaction, including specific reference to wrongdoing by a conflicted financial advisory consultant, and resulted in a \$110 million recovery for a class of shareholders and a waiver by the consultant of its fee.

From 2009-2011, Ira served as President of the National Association of Shareholder and Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice class action and complex civil litigation. During this time, he represented the plaintiffs' securities bar in meetings with members of Congress, the Administration, and the SEC.

From 1996 through 2012, Ira served as Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. During his tenure, he has served on the Executive Committee of the Section and authored important papers on issues relating to class action procedure including revisions proposed by both houses of Congress and the Advisory Committee on Civil Procedure of the United States Judicial Conference. Examples include: "Proposed Changes in Federal Class Action Procedure"; "Opting Out On Opting In," and "The Interstate Class Action Jurisdiction Act of 1999."

He also has lectured extensively on securities litigation at continuing legal education seminars. He has also been awarded an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

He is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second, Fifth, Ninth, and Tenth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the Central District of Illinois, the Northern District of Texas, and the Western District of Michigan.

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**David J. Schwartz, Partner**  
[dschwartz@labaton.com](mailto:dschwartz@labaton.com)

David J. Schwartz's practice focuses on event driven and special situation litigation using legal strategies to enhance clients' investment return.

His extensive experience includes prosecuting as well as defending against securities and corporate governance actions for an array of institutional clients including hedge funds, merger arbitrage investors, pension funds, mutual funds, and asset management companies. He played a pivotal role in several securities class action cases, including against real estate service provider Altisource Portfolio Solutions, where he helped achieve a \$32 million cash settlement, and investment management firm Virtus Investment Partners, which resulted in a \$22 million settlement. David has also done substantial work in mergers and acquisitions appraisal litigation, and direct action/opt-out litigation.

David was recently named to *Benchmark Litigation's* "40 & Under Hot List," which recognizes him as one the nation's most accomplished partners age 40 years and under.

David obtained his J.D. from Fordham University School of Law, where he served on the *Urban Law Journal*. He received his B.A. in economics, with honors, from the University of Chicago.

David is admitted to practice in the State of New York as well as before the United States District Court for the Southern District of New York.

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**Irina Vasilchenko, Partner**  
[ivasilchenko@labaton.com](mailto:ivasilchenko@labaton.com)

Irina Vasilchenko focuses on prosecuting complex securities fraud cases on behalf of institutional investors.

Currently, Irina is actively involved in prosecuting *In re Goldman Sachs Group, Inc. Securities Litigation*, *In re SCANA Corporation Securities Litigation*, *In re Acuity Brands, Inc. Securities Litigation*, and *Vancouver Alumni Asset Holdings, Inc. v. Daimler AG*. Since joining Labaton Sucharow, she has been part of the Firm's teams in *In re Massey Energy Co. Securities Litigation*, where the Firm obtained a \$265 million all-cash settlement with Alpha Natural Resources, Massey's parent company; *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); and *In re Hewlett-Packard Company Securities Litigation* (\$57 million settlement).

Prior to joining Labaton Sucharow, Irina was an associate in the general litigation practice group at Ropes & Gray LLP, where she focused on securities litigation.

Irina maintains a commitment to pro bono legal service including, most recently, representing an indigent defendant in a criminal appeal case before the New York First Appellate Division, in association with the Office of the Appellate Defender. As part of this representation, she argued the appeal before the First Department panel. Irina is a member of the New York City Bar Association's Women in the Courts Task Force. She also leads Labaton Sucharow's Associate Training Program.

Irina received a J.D., *magna cum laude*, from Boston University School of Law, where she was an editor of the *Boston University Law Review* and was the G. Joseph Tauro Distinguished Scholar (2005), the Paul L. Liacos Distinguished Scholar (2006), and the Edward F. Hennessey Scholar (2007). Irina earned a B.A. in Comparative Literature with Distinction, *summa cum laude* and Phi Beta Kappa, from Yale University.

She is fluent in Russian and proficient in Spanish.

Irina is admitted to practice in the State of New York and the State of Massachusetts as well as before the United States District Courts for the Southern and Eastern Districts of New York.

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**Carol C. Villegas, Partner**  
[cvillegas@labaton.com](mailto:cvillegas@labaton.com)

Carol C. Villegas Carol C. Villegas focuses on prosecuting complex securities fraud cases on behalf of institutional investors. Leading one of the Firm's litigation teams, she currently oversees litigation against



DeVry Education Group, Skechers, U.S.A., Inc., Shanda Games, Prothena Corp., and Danske Bank. In addition to her litigation responsibilities, Carol holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee and serving as Co-Chair of the Firm's Women's Networking and Mentoring Initiative and as the Firm's Chief Compliance Officer.

Carol's skillful handling of discovery work, her development of innovative case theories in complex cases, and her adept ability during oral argument earned her recent accolades from the New York Law Journal as a Top Woman in Law. She has also been recognized as a Rising Star by *Benchmark Litigation* and a Next Generation Lawyer by *The Legal 500*, where clients praised her for helping them "better understand the process and how to value a case."

Carol played a pivotal role in securing favorable settlements for investors from AMD, a multi-national semiconductor company, Liquidity Services, an online auction marketplace, Aeropostale, a leader in the international retail apparel industry, ViroPharma Inc., a biopharmaceutical company, and Vocera, a healthcare communications provider. She also recently helped revive a securities class action against LifeLock after arguing an appeal before the Ninth Circuit. A true advocate for her clients, Carol's argument in the case against Vocera resulted in a ruling from the bench, denying defendants motion to dismiss in that case.

Prior to joining Labaton Sucharow, Carol served as the Assistant District Attorney in the Supreme Court Bureau for the Richmond County District Attorney's office, where she took several cases to trial. She began her career as an associate at King & Spalding LLP, where she worked as a federal litigator.

Carol received a J.D. from New York University School of Law, and she was the recipient of The Irving H. Jurow Achievement Award for the Study of Law and selected to receive the Association of the Bar of the City of New York Minority Fellowship. Carol served as the Staff Editor, and later the Notes Editor, of the *Environmental Law Journal*. She earned a B.A., with honors, in English and Politics from New York University.

Carol is a member of the National Association of Public Pension Attorneys (NAPPA), the National Association of Women Lawyers (NAWL), the Hispanic National Bar Association, the Association of the Bar of the City of New York, and a member of the Executive Council for the New York State Bar Association's Committee on Women in the Law.

She is fluent in Spanish.

She is admitted to practice in the State of New York, as well as before the United States Court of Appeals for the First, Second, Ninth, Tenth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the District of Colorado, and the Eastern District of Wisconsin.

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**Ned Weinberger, Partner**  
[nweinberger@labaton.com](mailto:nweinberger@labaton.com)

Ned Weinberger is Chair of the Firm's Corporate Governance and Shareholder Rights Litigation Practice. An experienced advocate of shareholder rights, Ned focuses on representing investors in corporate governance and transactional matters, including class action and derivative litigation. Ned was recognized by *Chambers & Partners USA* in the Delaware Court of Chancery and was named "Up and Coming," noting his impressive range of practice areas. He was also recently named a "Leading Lawyer" by *The Legal 500* and a Rising Star by *Benchmark Litigation*.

Ned is currently prosecuting, among other matters, *In re Straight Path Communications Inc. Consolidated Stockholder Litigation*, which alleges breaches of fiduciary duty by the controlling stockholder of Straight Path Communications, Howard Jonas, in connection with the company's proposed sale to Verizon Communications Inc. He recently led a class and derivative action on behalf of stockholders of Providence Service Corporation—*Haverhill Retirement System v. Kerley*—that challenged an acquisition financing arrangement involving Providence's board chairman and his hedge fund. The case settled for \$10 million.

Ned was part of a team that achieved a \$12 million recovery on behalf of stockholders of ArthroCare Corporation in a case alleging breaches of fiduciary duty by the ArthroCare board of directors and other defendants in connection with Smith & Nephew, Inc.'s acquisition of ArthroCare. Other recent successes on behalf of stockholders include *In re Vaalco Energy Inc. Consolidated Stockholder Litigation*, which resulted in the invalidation of charter and bylaw provisions that interfered with stockholders' fundamental right to remove directors without cause.

Prior to joining Labaton Sucharow, Ned was a litigation associate at Grant & Eisenhofer P.A. where he gained substantial experience in all aspects of investor protection, including representing shareholders in matters relating to securities fraud, mergers and acquisitions, and alternative entities. Representative of Ned's experience in the Delaware Court of Chancery is *In re Barnes & Noble Stockholders Derivative Litigation*, in which Ned assisted in obtaining approximately \$29 million in settlements on behalf of Barnes & Noble investors. Ned was also part of the litigation team in *In re Clear Channel Outdoor Holdings, Inc. Shareholder Litigation*, the settlement of which provided numerous benefits for Clear Channel Outdoor Holdings and its shareholders, including, among other things, a \$200 million cash dividend to the company's shareholders.

Ned received his J.D. from the Louis D. Brandeis School of Law at the University of Louisville where he served on the *Journal of Law and Education*. He earned his B.A. in English Literature, *cum laude*, at Miami University.

Ned is admitted to practice in the States of Delaware, Pennsylvania, and New York as well as before the United States District Court for the District of Delaware.

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**Mark S. Willis, Partner**  
[mwillis@labaton.com](mailto:mwillis@labaton.com)

With nearly three decades of experience, Mark S. Willis' practice focuses on domestic and international securities litigation. Mark advises leading pension funds, investment managers, and other institutional investors from around the world on their legal remedies when impacted by securities fraud and corporate governance breaches. Mark represents clients in U.S. litigation and maintains a significant practice advising clients of their legal rights abroad to pursue securities-related claims. He has been recognized in securities litigation by *The Legal 500*.

Mark represents institutions from the United Kingdom, Spain, the Netherlands, Denmark, Germany, Belgium, Canada, Japan, and the United States in a novel lawsuit in Texas against BP plc to salvage claims that were dismissed from the U.S. class action because the claimants' BP shares were purchased abroad (thus running afoul of the Supreme Court's *Morrison* rule that precludes a U.S. legal remedy for such shares). These previously dismissed claims have now been sustained and are being pursued under English law in a Texas federal court.

Mark also represents the Utah Retirement Systems in a shareholder action against the DeVry Education Group, and he represented the Arkansas Public Employees Retirement System in a shareholder action against The Bancorp (which settled for \$17.5 million), and Caisse de dépôt et placement du Québec, one of Canada's largest institutional investors, in a U.S. shareholder class action against Liquidity Services (which settled for \$17 million).

In the *Converium* class action, Mark represented a Greek institution in a nearly four-year battle that eventually became the first U.S. class action settled on two continents. This trans-Atlantic result saw part of the \$145 million recovery approved by a federal court in New York, and the rest by the Amsterdam Court of Appeal. The Dutch portion was resolved using the Netherlands then newly enacted Act on Collective Settlement of Mass Claims. In doing so, the Dutch Court issued a landmark decision that substantially broadened its jurisdictional reach, extending jurisdiction for the first time to a scenario in which the claims were not brought under Dutch law, the alleged wrongdoing took place outside the Netherlands, and none of the potentially liable parties were domiciled in the Netherlands.

In the corporate governance arena, Mark has represented both U.S. and overseas investors. In a shareholder derivative action against Abbott Laboratories' directors, he charged the defendants with mismanagement and fiduciary breaches for causing or allowing the company to engage in a 10-year off-label marketing scheme, which had resulted in a \$1.6 billion payment pursuant to a Justice Department investigation—at the time the second largest in history for a pharmaceutical company. In the derivative action, the company agreed to implement sweeping corporate governance reforms, including an extensive compensation clawback provision going beyond the requirements under the Dodd-Frank Act, as well as the restructuring of a board committee and enhancing the role of the Lead Director. In the *Parmalat* case, known as the “Enron of Europe” due to the size and scope of the fraud, Mark represented a group of European institutions and eventually recovered nearly \$100 million and negotiated governance reforms with two large European banks who, as part of the settlement, agreed to endorse their future adherence to key corporate governance principles designed to advance investor protection and to minimize the likelihood of future deceptive transactions. Securing governance reforms from a defendant that was not an issuer was a first at that time in a shareholder fraud class action.

Mark has also represented clients in opt-out actions. In one, brought on behalf of the Utah Retirement Systems, Mark negotiated a settlement that was nearly four times more than what its client would have received had it participated in the class action.

On non-U.S. actions Mark has advised clients, and represented their interests as liaison counsel, in more than 30 cases against companies such as Volkswagen, Olympus, the Royal Bank of Scotland, the Lloyds Banking Group, and Petrobras, and in jurisdictions ranging from the UK to Japan to Australia to Brazil to Germany.

Mark has written on corporate, securities, and investor protection issues—often with an international focus—in industry publications such as *International Law News*, *Professional Investor*, *European Lawyer*, and *Investment & Pensions Europe*. He has also authored several chapters in international law treatises on European corporate law and on the listing and subsequent disclosure obligations for issuers listing on European stock exchanges. He also speaks at conferences and at client forums on investor protection through the U.S. federal securities laws, corporate governance measures, and the impact on shareholders of non-U.S. investor remedies.

He is admitted to practice in the State of Massachusetts and the District of Columbia, as well as the U.S. District Court for the District of Columbia.

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**Nicole M. Zeiss, Partner**  
[nzeiss@labaton.com](mailto:nzeiss@labaton.com)

A litigator with nearly two decades of experience, Nicole M. Zeiss leads the Settlement Group at Labaton Sucharow, analyzing the fairness and adequacy of the procedures used in class action settlements. Her practice focuses on negotiating and documenting complex class action settlements and obtaining the required court approval of the settlements, notice procedures, and payments of attorneys' fees.

Over the past decade, Nicole was actively involved in finalizing settlements with Massey Energy Company (\$265 million), Fannie Mae (\$170 million), and Schering-Plough (\$473 million), among many others.

Nicole was part of the Labaton Sucharow team that successfully litigated the \$185 million settlement in *In re Bristol-Myers Squibb Securities Litigation*, and she played a significant role in *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement). Nicole also litigated on behalf of investors who have been damaged by fraud in the telecommunications, hedge fund, and banking industries.

Prior to joining Labaton Sucharow, Nicole practiced in the area of poverty law at MFY Legal Services. She also worked at Gaynor & Bass practicing general complex civil litigation, particularly representing the rights of freelance writers seeking copyright enforcement.

Nicole maintains a commitment to pro bono legal services by continuing to assist mentally ill clients in a variety of matters—from eviction proceedings to trust administration.

She received a J.D. from the Benjamin N. Cardozo School of Law, Yeshiva University and earned a B.A. in Philosophy from Barnard College. Nicole is a member of the Association of the Bar of the City of New York.

She is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, and the District of Colorado.

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**Rachel A. Avan, Of Counsel**  
[ravan@labaton.com](mailto:ravan@labaton.com)

Rachel A. Avan prosecutes complex securities fraud cases on behalf of institutional investors. She focuses on advising institutional investor clients regarding fraud-related losses on securities, and on the investigation and development of U.S. and non-U.S. securities fraud class, group, and individual actions. Rachel manages the Firm's Non-U.S. Securities Litigation Practice, which is dedicated to analyzing the merits, risks, and benefits of potential claims outside the United States. She has played a key role in ensuring that the Firm's clients receive substantial recoveries through non-U.S. securities litigation. In addition to her litigation responsibilities, Rachel serves as the Firm's Compliance Officer.

In evaluating new and potential matters, Rachel draws on her extensive experience as a securities litigator. She was an active member of the team prosecuting the securities fraud class action against Satyam Computer Services, Inc., in *In re Satyam Computer Services Ltd. Securities Litigation*, dubbed "India's Enron." That case achieved a \$150.5 million settlement for investors from the company and its auditors. She also had an instrumental part in the pleadings in a number of class actions including, *In re Barrick Gold Securities Litigation* (\$140 million settlement); *Freedman v. Nu Skin Enterprises, Inc.* (\$47 million recovery); and *Iron Workers District Council of New England Pension Fund v. NII Holdings, Inc.* (\$41.5 million recovery).

Rachel has spearheaded the filing of more than 75 motions for lead plaintiff appointment in U.S. securities class actions including, *In re Facebook, Inc. IPO Securities & Derivative Litigation*; *In re Computer Sciences Corporation Securities Litigation*; *In re Petrobras Securities Litigation*; *In re Spectrum Pharmaceuticals, Inc. Securities Litigation*; *Weston v. RCS Capital Corporation*; and *Cummins v. Virtus Investment Partners Inc.*

In addition to her securities class action litigation experience, Rachel also played a role in prosecuting several of the Firm's derivative matters, including *In re Barnes & Noble Stockholder Derivative Litigation*; *In re Coca-Cola Enterprises Inc. Shareholders Litigation*; and *In re The Student Loan Corporation Litigation*.

Rachel brings to the Firm valuable insight into corporate matters, having served as an associate at a corporate law firm, where she counseled domestic and international public companies regarding compliance with federal and state securities laws. Her analysis of corporate securities filings is also informed by her previous work assisting with the preparation of responses to inquiries by the U.S. Securities and Exchange Commission and the Financial Industry Regulatory Authority.

Before attending Benjamin N. Cardozo School of Law, Rachel enjoyed a career in editing for a Boston-based publishing company. She also earned a Master of Arts in English and American Literature from Boston University.

Since 2015, Rachel has been recognized as a New York Metro "Rising Star" in securities litigation by *Super Lawyers*, a Thomson Reuters publication.

She is proficient in Hebrew.

Rachel is admitted to practice in the States of New York and Connecticut as well as before the United States District Court for the Southern District of New York.

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**Mark Bogen, Of Counsel**

[mbogen@labaton.com](mailto:mbogen@labaton.com)

Mark Bogen advises leading pension funds and other institutional investors on issues related to corporate fraud in domestic and international securities markets. His work focuses on securities, antitrust, and consumer class action litigation, representing Taft-Hartley and public pension funds across the country.

Among his many efforts to protect his clients' interests and maximize shareholder value, Mark recently helped bring claims against and secure a settlement with Abbott Laboratories' directors, whereby the company agreed to implement sweeping corporate governance reforms, including an extensive compensation clawback provision going beyond the requirements under the Dodd-Frank Act.

Mark has written weekly legal columns for the *Sun-Sentinel*, one of the largest daily newspapers circulated in Florida. He has been legal counsel to the American Association of Professional Athletes, an association of over 4,000 retired professional athletes. He has also served as an Assistant State Attorney and as a Special Assistant to the State Attorney's Office in the State of Florida.

Mark obtained his J.D. from Loyola University School of Law. He received his B.A. in Political Science from the University of Illinois.

He is admitted to practice in the States of Illinois and Florida.

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**Joseph H. Einstein, Of Counsel**

[jeinstein@labaton.com](mailto:jeinstein@labaton.com)

A seasoned litigator, Joseph H. Einstein represents clients in complex corporate disputes, employment matters, and general commercial litigation. He has litigated major cases in the state and federal courts and has argued many appeals, including appearing before the United States Supreme Court.

His experience encompasses extensive work in the computer software field including licensing and consulting agreements. Joe also counsels and advises business entities in a broad variety of transactions.

Joe serves as an official mediator for the United States District Court for the Southern District of New York. He is an arbitrator for the American Arbitration Association and FINRA. Joe is a former member of the New York State Bar Association Committee on Civil Practice Law and Rules and the Council on Judicial Administration of the Association of the Bar of the City of New York. He currently is a member of the Arbitration Committee of the Association of the Bar of the City of New York.

During Joe's time at New York University School of Law, he was a Pomeroy and Hirschman Foundation Scholar, and served as an Associate Editor of the *Law Review*.

Joe has been awarded an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

He is admitted to practice in the State of New York as well as before the Supreme Court of the United States, the United States Courts of Appeals for the First and Second Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**John J. Esmay, Of Counsel**  
[jesmay@labaton.com](mailto:jesmay@labaton.com)

John J. Esmay focuses on prosecuting complex securities fraud cases on behalf of institutional investors.

Prior to joining Labaton Sucharow, John was an associate at a white collar defense firm where he assisted in all aspects of complex litigation including securities fraud, banking regulation violations, and other regulatory matters. John successfully defended a disciplinary hearing brought by the Financial Industry Regulatory Authority's (FINRA) enforcement division for allegations of insider trading and securities fraud. John helped reach a successful conclusion of a criminal prosecution of a trader for one of the nation's largest financial institutions involved in a major bid-rigging scheme. He was also instrumental in clearing charges and settling a regulatory matter against a healthcare provider brought by the New York State Office of the Attorney General.

Prior to his white collar defense experience, John was an associate at Hogan Lovells US LLP and litigated many large complex civil matters including securities fraud cases, antitrust violations, and intellectual property disputes.

John also previously worked as a judicial clerk for the Honorable William H. Pauley III in the Southern District of New York. He received his J.D., *magna cum laude*, from Brooklyn Law School and his B.S. from Pomona College.

John is admitted to practice in the State of New York.

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**Derrick Farrell, Of Counsel**  
[dfarrell@labaton.com](mailto:dfarrell@labaton.com)

Derrick Farrell focuses on representing shareholders in appraisal, class, and derivative actions. He has substantial trial experience as both a petitioner and a respondent on a number of high profile matters, including: *In re Appraisal of Ancestry.com, Inc.*, C.A. No. 8173-VCG, *IQ Holdings, Inc. v. Am. Commercial Lines Inc.*, Case No. 6369-VCL, and *In re Cogent, Inc. S'holder Litig.*, C.A. No. 5780-VCP. He has also argued before the Delaware Supreme Court on multiple occasions.

Prior to joining Labaton Sucharow, Derrick started his career as an associate at Latham & Watkins LLP, where he gained substantial insight into the inner workings of corporate boards and the role of investment bankers in a sale process. He has guest lectured at Harvard University and co-authored numerous articles including articles published by the Harvard Law School Forum on Corporate Governance and Financial Regulation and PLI.

Derrick graduated from Texas A&M University (B.S., Biomedical Science) and the Georgetown University Law Center (J.D. cum laude). At Georgetown Mr. Farrell served as an advocate and coach to the Barrister's Council (Moot Court Team) and was Magister of Phi Delta Phi. Following his graduation Derrick clerked for the Honorable Donald F. Parsons, Jr., Vice Chancellor, Court of Chancery of the State of Delaware.

Derrick is licensed to practice law in the States of Delaware and Massachusetts and is admitted to practice before the U.S. District Court for the District of Delaware.

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**Alfred L. Fatale III, Of Counsel**  
[afatale@labaton.com](mailto:afatale@labaton.com)

Alfred L. Fatale III focuses on prosecuting complex securities fraud cases on behalf of institutional and individual investors.

Alfred represents investors in cases related to the protection of the financial markets in trial and appellate courts throughout the country. In particular, he is leading the firm's efforts in litigating securities claims against several companies in state courts following the U.S. Supreme Court's decision in *Cyan, Inc. v. Beaver County Employees Retirement Fund*. This includes prosecuting *In re ADT Inc. Shareholder Litigation*, a case alleging that the offering documents for ADT's \$1.47 billion IPO misrepresented the competition the company was facing from do-it-yourself home security products.

He recently secured an \$11 million settlement for investors in *In re CPI Card Group Inc., Securities Litigation*, a class action brought by an individual retail investor against a debit and credit card manufacturer that allegedly misrepresented demand for its products prior to the company's IPO.

Alfred is also actively involved in *Murphy v. Precision Castparts Corp.*, a case against a major aerospace parts manufacturer that allegedly misled investors about its market share and demand for its products, and *Boston Retirement System v. Alexion Pharmaceuticals Inc.*, a class action arising from the company's conduct in connection with sales of Soliris – a drug that costs between \$500,000 and \$700,000 a year.

Prior to joining Labaton Sucharow, Alfred was an associate at Fried, Frank, Harris, Shriver & Jacobson LLP, where he advised and represented financial institutions, investors, officers, and directors in a broad range of complex disputes and litigations including cases involving violations of federal securities law and business torts.

Alfred earned his J.D. from Cornell Law School, where he was a member of the *Cornell Law Review*, as well as the Moot Court Board. He also served as a judicial extern under the Honorable Robert C. Mulvey. He received his B.A., *summa cum laude*, from Montclair State University.

Alfred is an active member of the American Bar Association, Federal Bar Council, New York State Bar Association, New York County Bar Association, and New York City Bar Association.

Alfred is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Mark Goldman, Of Counsel**  
[mgoldman@labaton.com](mailto:mgoldman@labaton.com)

Mark S. Goldman has 30 years of experience in commercial litigation, primarily litigating class actions involving securities fraud, consumer fraud, and violations of federal and state antitrust laws.

Mr. Goldman has extensive experience in data protection and consumer litigation, including representing numerous victims of identity theft seeking to hold accountable companies that failed to protect the safety of private data maintained on their networks, including *In re Community Health Systems, Inc. Customer Data Security Breach Litigation*, No. 15-cv-222 (N.D. Ala.), *In re Anthem, Inc. Data Breach Litigation*, No. 15-md-02617 (N.D. Cal.), *In re Intuit Data Litigation*, No. 15-cv-1778 (N.D. Cal.), and *In re Medical Informatics Engineering, Inc. Customer Data Security Breach Litigation*, MDL No. 2667 (N.D. Ind.).

In the antitrust field, Mr. Goldman litigated several cases that led to recoveries exceeding \$1 billion each, for the benefit of the consumers and small businesses he represented, including *In re Air Cargo Antitrust Litigation*, No. 06-md-1775 (E.D.N.Y.), *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.), *In re NASDAQ Antitrust Litigation*, No. 94-cv-3996 (S.D.N.Y.), and *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 94-c-897 (N.D. Ill.).

In the area of securities litigation, Mr. Goldman played a prominent role in class actions brought under the antifraud provisions of the Securities Exchange Act of 1934, including *In re Nuskin Enterprises, Inc. Securities*

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*Litigation*, No. 14-cv-0033 (D. Utah), *In re Spectrum Pharmaceuticals, Inc. Securities Litigation*, No. 13-cv-0433 (D. Nev.), and *In re OmniVision Technologies, Inc. Securities Litigation*, No. 11-cv-05235 (N.D. Cal.).

Mr. Goldman also prosecuted a number of insider trading cases brought against company insiders who, in violation of Section 16(b) of the Securities Exchange Act of 1934, engaged in short swing trading. Mr. Goldman has also served as co-lead counsel in a number of class actions brought against life insurance companies, challenging the manner in which premiums are charged during the first year of coverage.

Mr. Goldman is a member of the Philadelphia Bar Association. Mr. Goldman has been awarded an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

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**Lara Goldstone, Of Counsel**  
[lgoldstone@labaton.com](mailto:lgoldstone@labaton.com)

Lara Goldstone advises pension funds and other institutional investors on issues related to corporate fraud in the U.S. securities markets. Before joining Labaton Sucharow, Lara worked as a legal intern in the Larimer County District Attorney's Office and the Jefferson County District Attorney's Office.

Prior to her legal career, Lara worked at Industrial Labs where she worked closely with Federal Drug Administration standards and regulations. In addition, she was a teacher in Irvine, California.

Lara received a J.D. from University of Denver Sturm College of Law, where she was a judge of The Providence Foundation of Law & Leadership Mock Trial and a competitor of the Daniel S. Hoffman Trial Advocacy Competition. She earned a B.A. from The George Washington University where she was a recipient of a Presidential Scholarship for academic excellence. She earned a B.A. from The George Washington University where she was a recipient of a Presidential Scholarship for academic excellence.

Lara is admitted to practice in the State of Colorado.

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**Francis P. McConville, Of Counsel**  
[fmccconville@labaton.com](mailto:fmccconville@labaton.com)

Francis P. McConville focuses on prosecuting complex securities fraud cases on behalf of institutional investor clients. As a lead member of the Firm's Case Development Group, he focuses on the identification, investigation, and development of potential actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

Most recently, Francis has played a key role in filing several matters on behalf of the Firm including, *In re PG&E Corporation Securities Litigation*; *In re SCANA Corporation Securities Litigation*; *Steamfitters Local 449 Pension Plan v. Skechers U.S.A., Inc.*; and *In re Nielsen Holdings PLC Securities Litigation*.

Prior to joining Labaton Sucharow, Francis was a litigation associate at a national law firm primarily focused on securities and consumer class action litigation. Francis has represented institutional and individual clients in federal and state court across the country in class action securities litigation and shareholder disputes, along with a variety of commercial litigation matters. He assisted in the prosecution of several matters, including *Kiken v. Lumber Liquidators Holdings, Inc.* (\$42 million recovery); *Hayes v. MagnaChip Semiconductor Corp.* (\$23.5 million recovery); and *In re Galena Biopharma, Inc. Securities Litigation* (\$20 million recovery).

Francis received his J.D. from New York Law School, *magna cum laude*, where he served as Associate Managing Editor of the *New York Law School Law Review*, worked in the Urban Law Clinic, named a John Marshall Harlan Scholar, and received a Public Service Certificate. He earned his B.A. from the University of Notre Dame.



He is admitted to practice in the State of New York as well as in the United States District Courts for the Southern and Eastern Districts of New York, the District of Colorado, and the Eastern District of Michigan.

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**James McGovern, Of Counsel**  
jmcgovern@labaton.com

James McGovern advises leading pension funds and other institutional investors on issues related to corporate fraud in domestic and international securities markets. His work focuses primarily on securities litigation and corporate governance, representing Taft-Hartley, public pension funds, and other institutional investors across the country in domestic securities actions. He also advises clients as to their potential claims tied to securities-related actions in foreign jurisdictions.

James has worked on a number of large securities class action matters, including *In re Worldcom, Inc. Securities Litigation*, the second-largest securities class action settlement since the passage of the PSLRA (\$6.1 billion recovery); *In re Parmalat Securities Litigation* (\$90 million recovery); *In re American Home Mortgage Securities Litigation* (amount of the opt-out client's recovery is confidential); *In re The Bancorp Inc. Securities Litigation* (\$17.5 million recovery); *In re Pozen Securities Litigation* (\$11.2 million recovery); *In re Cabletron Systems, Inc. Securities Litigation* (\$10.5 million settlement); and *In re UICI Securities Litigation* (\$6.5 million recovery).

In the corporate governance arena, James helped bring claims against Abbott Laboratories' directors, on account of their mismanagement and breach of fiduciary duties for allowing the company to engage in a 10-year off-label marketing scheme. Upon settlement of this action, the company agreed to implement sweeping corporate governance reforms, including an extensive compensation clawback provision going beyond the requirements under the Dodd-Frank Act.

Following the unprecedented takeover of Fannie Mae and Freddie Mac by the federal government in 2008, James was retained by a group of individual and institutional investors to seek recovery of the massive losses they had incurred when the value of their shares in these companies was essentially destroyed. He brought and continues to litigate a complex takings class action against the federal government for depriving Fannie Mae and Freddie Mac shareholders of their property interests in violation of the Fifth Amendment of the U.S. Constitution, and causing damages in the tens of billions of dollars.

James also has addressed members of several public pension associations, including the Texas Association of Public Employee Retirement Systems and the Michigan Association of Public Employee Retirement Systems, where he discussed how institutional investors could guard their assets against the risks of corporate fraud and poor corporate governance.

Prior to focusing his practice on plaintiffs' securities litigation, James was an attorney at Latham & Watkins where he worked on complex litigation and FIFRA arbitrations, as well as matters relating to corporate bankruptcy and project finance. At that time, he co-authored two articles on issues related to bankruptcy filings: *Special Issues In Partnership and Limited Liability Company Bankruptcies* and *When Things Go Bad: The Ramifications of a Bankruptcy Filing*.

James earned his J.D., *magna cum laude*, from Georgetown University Law Center. He received his B.A. and M.B.A. from American University, where he was awarded a Presidential Scholarship and graduated with high honors.

He is admitted to practice in the State of Vermont and the District of Columbia.

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**Domenico Minerva, Of Counsel**  
[dminerva@labaton.com](mailto:dminerva@labaton.com)

Domenico "Nico" Minerva advises leading pension funds and other institutional investors on issues related to corporate fraud in the U.S. securities markets. A former financial advisor, his work focuses on securities, antitrust, and consumer class action litigation and shareholder derivative litigation, representing Taft-Hartley and public pension funds across the country.

Nico's extensive experience litigating securities cases includes those against global securities systems company Tyco and co-defendant PricewaterhouseCoopers (*In re Tyco International Ltd., Securities Litigation*), which resulted in a \$3.2 billion settlement, achieving the largest single defendant settlement in post-PSLRA history. He also has counseled companies and institutional investors on corporate governance reform.

Nico has also done substantial work in antitrust class actions in pay-for-delay or "product hopping" cases in which pharmaceutical companies allegedly obstructed generic competitors in order to preserve monopoly profits on patented drugs, including *Mylan Pharmaceuticals Inc. v. Warner Chilcott Public Limited Co.*, *In re Lidoderm Antitrust Litigation*, *In re Solodyn (MinocyclineHydrochloride) Antitrust Litigation*, *In re Niaspan Antitrust Litigation*, *In re Aggrenox Antitrust Litigation*, and *Sergeants Benevolent Association Health & Welfare Fund et al. v. Actavis PLC et al.* In an anticompetitive antitrust matter, *The Infirmity LLC vs. National Football League Inc et al.*, Nico played a part in challenging an exclusivity agreement between the NFL and DirectTV over the service's "NFL Sunday Ticket" package, and he litigated on behalf of indirect purchasers of potatoes in a case alleging that growers conspired to control and suppress the nation's potato supply *In re Fresh and Process Potatoes Antitrust Litigation*.

On behalf of consumers, Nico represented a plaintiff in *In Re ConAgra Foods Inc.* over its claims that Wesson-brand vegetable oils are 100 percent natural.

An accomplished speaker, Nico has given numerous presentations to investors on a variety of topics of interest regarding corporate fraud, wrongdoing, and waste. He is also an active member of the National Association of Public Pension Plan Attorneys (NAPPA).

Nico obtained his J.D. from Tulane University Law School, where he also completed a two-year externship with the Honorable Kurt D. Engelhardt of the United States District Court for the Eastern District of Louisiana. He earned his B.S. in Business Administration from the University of Florida.

Nico is admitted to practice in the States of New York and Delaware, as well as the United States District Courts for the Eastern and Southern Districts of New York.

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**Corban S. Rhodes, Of Counsel**  
[crhodes@labaton.com](mailto:crhodes@labaton.com)

Corban S. Rhodes focuses on prosecuting complex securities fraud cases on behalf of institutional investors, as well as consumer data privacy litigation.

Currently, Corban represents shareholders litigating fraud-based claims against TerraVia (formerly Solazyme) and Alexion Pharmaceuticals. He has successfully litigated dozens of cases against most of the largest Wall Street banks in connection with their underwriting and securitization of mortgage-backed securities leading up to the financial crisis.

Recognized as a "Rising Star" in Consumer Protection Law by *Law360*, Corban is also pursuing a number of matters involving consumer data privacy, including cases of intentional misuse or misappropriation of consumer data, and cases of negligence or other malfeasance leading to data breaches, including *In re Facebook Biometric Information Privacy Litigation* and *Schwartz v. Yahoo Inc.*

Before joining Labaton Sucharow, Corban was an associate at Sidley Austin LLP where he practiced complex commercial litigation and securities regulation and served as the lead associate on behalf of large financial institutions in several investigations by regulatory and enforcement agencies related to the financial crisis.

In 2008, Corban received a Thurgood Marshall Award for his pro bono representation on a habeas petition of a capital punishment sentence. He also later co-authored "Parmalat Judge: Fraud by Former Executives of Bankrupt Company Bars Trustee's Claims Against Auditors," published by the American Bar Association.

Corban received a J.D., *cum laude*, from Fordham University School of Law, where he received the 2007 Lawrence J. McKay Advocacy Award for excellence in oral advocacy and was a board member of the Fordham Moot Court team. He earned his B.A., *magna cum laude*, in History from Boston College.

Corban serves on the Securities Litigation Committee of the New York City Bar Association. Additionally, *Super Lawyers*, a Thomson Reuters publication, recognized Corban as a New York Metro "Rising Star," noting his experience and contribution to the securities litigation field.

Corban is admitted to practice in the State of New York, as well as before the United States Court of Appeals for the Second Circuit and the United States District Courts for Southern District of New York and the Central District of California.

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**Elizabeth Rosenberg, Of Counsel**  
[erosenberg@labaton.com](mailto:erosenberg@labaton.com)

Elizabeth Rosenberg focuses on prosecuting complex securities fraud cases on behalf of institutional investors, with a focus on obtaining court approval of class action settlements, notice procedures, and payment of attorneys' fees.

Prior to joining Labaton Sucharow, Elizabeth was an associate at Whatley Drake & Kallas LLP, where she litigated securities and consumer fraud class actions. Elizabeth began her career as an associate at Milberg LLP where she practiced securities litigation and was also involved in the pro bono representation of individuals seeking to obtain relief from the World Trade Center Victims' Compensation Fund.

Elizabeth received her J.D. from Brooklyn Law School. She obtained her B.A. in Psychology from the University of Michigan.

Elizabeth is admitted to practice in the State of New York and the District Courts for the Southern and Eastern Districts of New York.

## **EXHIBIT 9**

1 DEBORAH CLARK-WEINTRAUB (*pro hac vice*)  
MAX R. SCHWARTZ (*pro hac vice*)  
2 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**  
The Helmsley Building  
3 230 Park Avenue, 17th Floor  
New York, NY 10169  
4 Telephone: (212) 223-6444  
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5 Email: dweintraub@scott-scott.com  
mschwartz@scott-scott.com

6 *Attorneys for Class Representatives and the Class*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 IN RE: SANDISK LLC SECURITIES  
LITIGATION

Case No. 3:15-cv-01455-VC

Hon. Vince Chhabria

12  
13 **DECLARATION OF STEVEN J. TOLL**  
**FILED ON BEHALF OF COHEN**  
**MILSTEIN SELLERS & TOLL PLLC IN**  
**SUPPORT OF APPLICATION FOR**  
**AWARD OF ATTORNEYS' FEES AND**  
**EXPENSES**

14  
15  
16 Date: September 26, 2019 10:00 a.m.  
17 Dept.: Courtroom 4, 17<sup>th</sup> Floor  
Judge: Hon. Vince Chhabria

1 STEVEN J. TOLL, declares as follows pursuant to 28 U.S.C. § 1746:

2 1. I am the managing partner of the law firm of Cohen Milstein Sellers & Toll  
3 (“Cohen Milstein”). I submit this declaration in support of Class Counsel’s motion for an award  
4 of attorneys’ fees and payment of litigation expenses and charges (“Expenses”), on behalf of all  
5 Plaintiffs’ Counsel who contributed to the prosecution of the claims in the above-captioned  
6 action (the “Action”) from inception of the case through August 16, 2019 (the “Time Period”). I  
7 have personal knowledge of the facts set forth herein and, if called upon, could and would testify  
8 thereto.  
9

10 2. My firm, which served as additional counsel in the Action and is counsel for Lead  
11 Plaintiff Pavers and Road Builders Pension, Annuity and Welfare Funds (“Pavers” or the “Pavers  
12 Funds”), participated in various aspects of the litigation and settlement, as set forth in the  
13 Declaration of Max R. Schwartz in Support of (I) Class Representatives’ Motion for Final  
14 Approval of Class Action Settlement and Plan of Allocation and (II) Class Counsel’s Motion for  
15 an Award of Attorneys’ Fees and Payment of Litigation Expenses, submitted herewith.  
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17 3. The schedule attached hereto as Exhibit A is a summary indicating the amount of  
18 time spent by the attorneys and professional support staff members of my firm who were  
19 involved in the prosecution of the Action and the lodestar calculation based on my firm’s current  
20 rates. For personnel who are no longer employed by my firm, the lodestar calculation is based  
21 upon the rates for such personnel in his or her final year of employment by my firm. The  
22 schedule was prepared from daily time records regularly prepared and maintained by my firm,  
23 which are available at the request of the Court. Time expended in preparing this application for  
24 fees and payment of Expenses has not been included in this request.  
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1           4.       The hourly rates for the attorneys and professional support staff of my firm  
2 included in Exhibit A are their usual and customary rates, which have been accepted in other  
3 securities litigations.

4           5.       The total number of hours expended on this litigation by the attorneys and  
5 professional support staff of my firm during the Time Period is 5,852 hours. The total lodestar  
6 for those hours is \$2,580,463.75.

7           6.       Attached as Exhibit B is a task-based summary of the work performed by the  
8 attorneys and professional staff members of my firm who performed services in this Action.

9           7.       My firm's lodestar figures are based upon the firm's hourly rates, which rates do  
10 not include charges for Expense items. Expense items are recorded separately and are not  
11 duplicated in my firm's hourly rates.

12           8.       As detailed in Exhibit C, my firm has incurred a total of \$127,344.66 in Expenses  
13 in connection with the prosecution of the Action. The Expenses are reflected on the books and  
14 records of my firm. These books and records are prepared from expense vouchers, check records  
15 and other source materials, and are an accurate record of the Expenses incurred.

16           9.       With respect to the standing of my firm, attached hereto as Exhibit D is a brief  
17 biography of my firm, as well as biographies of the firm's partners and of counsels.

18           I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st  
19 day of August, 2019.

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26 STEVEN J. TOLL  
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## EXHIBIT A

## IN RE SANDISK LLC SEC. LITIG.

## COHEN MILLSTEIN SELLERS &amp; TOLL PLLC

Inception through August 16, 2019

PROFESSIONAL	STATUS	HOURLY RATE	HOURS	LODESTAR AT HOURLY RATES
Steven J. Toll	P	\$1,045	140.75	\$147,083.75
Daniel S. Sommers	P	\$940	9.50	\$8,930.00
Stephen D. Bunch	P	\$670	10.75	\$7,202.50
Joshua S. Devore	P	\$710	0.25	\$177.50
Christopher Lometti	OC	\$940	324.00	\$304,560.00
Christina D. Saler	OC	\$695	250.25	\$173,923.75
Elizabeth Aniskevich	A	\$530	217.50	\$115,275.00
Allen Dreschel	A	\$460	227.75	\$104,765.00
Kenneth Rehns	A	\$570	264.25	\$150,622.50
Aimee Boorse	CA	\$285	1,060.50	\$302,242.50
Max Holland	CA	\$300	450.25	\$135,075.00
Kathleen Johnson	CA	\$375	291.00	\$109,125.00
Carolyn Mozden	CA	\$385	619.75	\$238,603.75
Allison C. Pierre	CA	\$400	1,310.25	\$524,100.00
Kieran Sharpe	CA	\$400	570.00	\$228,000.00
Carol Brotstein	PL	\$290	0.25	\$72.50
Robin Bleiweis	PL	\$290	73.50	\$21,315.00
Cris Fiore	PL	\$290	1.75	\$507.50
Samuel Hainbach	PL	\$300	5.00	\$1,500.00
Tamara Haynes	PL	\$300	2.25	\$675.00
Jihoon Lee	PL	\$315	2.50	\$787.50
Marie Mullins	PL	\$300	2.50	\$750.00
Aaron Taylor	PL	\$300	6.00	\$1,800.00
Jeannette Sanchez	PL	\$290	8.00	\$2,320.00
James Hannaway	LC	\$300	3.50	\$1,050.00
<b>TOTAL</b>			<b>5,852.00</b>	<b>\$2,580,463.75</b>

Partner (P)  
 Of Counsel (OC)  
 Associate (A)  
 Staff Attorney (SA)  
 Contract Attorney (CA)  
 Law Clerk (LC)  
 Investigator (I)  
 Paralegal (PL)

CASE NO. 3:15-CV-01455-VC

DECLARATION OF STEVEN J. TOLL FILED ON BEHALF OF COHEN MILSTEIN SELLERS &amp; TOLL PLLC IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES



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**EXHIBIT B**

**IN RE SANDISK LLC SEC. LITIG.  
COHEN MILSTEIN SELLERS & TOLL PLLC  
Inception through August 16, 2019**

Categories:

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|--------------------------------|----------------------------------|
| (1) Factual Investigation      | (6) Court Appearances            |
| (2) Pleadings                  | (7) Experts/Consultants          |
| (3) Discovery                  | (8) Settlement                   |
| (4) Case Management            | (9) Litigation Strategy/Analysis |
| (5) Motions and Legal Research | (10) Trial Preparation           |

Name		1	2	3	4	5	6	7	8	9	10	Total Hours	Rate	Total Lodestar
Steven J. Toll	P	-	72.25	20.00	-	5.75	-	-	38.75	4.00	-	140.75	\$ 1,045.00	147,083.75
Daniel S. Sommers	P	-	4.00	-	0.25	-	-	-	-	5.25	-	9.50	\$ 940.00	8,930.00
Stephen D. Bunch	P	-	5.50	-	-	-	-	-	5.25	-	-	10.75	\$ 670.00	7,202.50
Joshua S. Devore	P	-	-	-	-	0.25	-	-	-	-	-	0.25	\$ 710.00	177.50
Christopher Lometti	OC	-	109.00	174.75	-	6.25	-	16.00	8.25	9.75	-	324.00	\$ 940.00	304,560.00
Christina D. Saler	OC	-	13.50	174.75	-	3.00	-	-	12.00	47.00	-	250.25	\$ 695.00	173,923.75
Elizabeth Aniskevich	A	-	61.25	146.75	1.00	3.75	-	2.75	-	2.00	-	217.50	\$ 530.00	115,275.00
Allen Dreschel	A	-	227.75	-	-	-	-	-	-	-	-	227.75	\$ 460.00	104,765.00
Kenneth Rehns	A	-	204.25	-	-	27.25	29.50	-	-	3.25	-	264.25	\$ 570.00	150,622.50
Aimee Boorse	CA	-	-	1,060.50	-	-	-	-	-	-	-	1,060.50	\$ 285.00	302,242.50
Max Holland	CA	-	-	450.25	-	-	-	-	-	-	-	450.25	\$ 300.00	135,075.00
Kathleen Johnson	CA	-	-	291.00	-	-	-	-	-	-	-	291.00	\$ 375.00	109,125.00
Carolyn Mozden	CA	-	-	619.75	-	-	-	-	-	-	-	619.75	\$ 385.00	238,603.75
Allison C. Pierre	CA	-	-	1,310.25	-	-	-	-	-	-	-	1,310.25	\$ 400.00	524,100.00
Kieran Sharpe	CA	-	-	570.00	-	-	-	-	-	-	-	570.00	\$ 400.00	228,000.00
Carol Brotstein	PL	-	-	-	0.25	-	-	-	-	-	-	0.25	\$ 290.00	72.50
Robin Bleiweis	PL	-	8.25	45.25	4.00	16.00	-	-	-	-	-	73.50	\$ 290.00	21,315.00
Cris Fiore	PL	-	-	1.75	-	-	-	-	-	-	-	1.75	\$ 290.00	507.50
Samuel Hainbach	PL	-	-	-	-	5.00	-	-	-	-	-	5.00	\$ 300.00	1,500.00
Tamara Haynes	PL	-	-	2.25	-	-	-	-	-	-	-	2.25	\$ 300.00	675.00
Jihoon Lee	PL	-	-	-	-	2.50	-	-	-	-	-	2.50	\$ 315.00	787.50
Marie Mullins	PL	-	-	-	2.50	-	-	-	-	-	-	2.50	\$ 300.00	750.00
Aaron Taylor	PL	-	6.00	-	-	-	-	-	-	-	-	6.00	\$ 300.00	1,800.00
Jeannette Sanchez	PL	-	-	-	-	8.00	-	-	-	-	-	8.00	\$ 290.00	2,320.00
James Hannaway	LC	-	3.50	-	-	-	-	-	-	-	-	3.50	\$ 300.00	1,050.00
<b>TOTAL:</b>			715.25	4,867.25	8.00	77.75	29.50	18.75	64.25	71.25	-	5,852.00		2,580,463.75

- (P) Partner  
(OC) Of Counsel  
(A) Associate  
(SA) Staff Attorney  
(CA) Contract Attorney  
(LC) Law Clerk  
(I) Investigator  
(PL) Paralegal

CASE NO. 3:15-CV-01455-VC  
DECLARATION OF STEVEN J. TOLL FILED ON BEHALF OF COHEN MILSTEIN SELLERS & TOLL PLLC  
IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

**EXHIBIT C*****IN RE SANDISK LLC SEC. LITIG.*****COHEN MILSTEIN SELLERS & TOLL PLLC****Inception through August 16, 2019**

<b>EXPENSE</b>	<b>AMOUNT</b>
Filing, Witness and Other Court Fees	\$1,230.00
Work-Related Transportation & Meals	\$508.64
Out-of-Town Transportation, Hotel & Meals*	\$6,502.87
Long-Distance Telephone & Conference Calling	\$90.87
Overnight Delivery	\$532.31
Court Hearing and Deposition Reporting	\$949.65
Consulting Expert - Loss Causation/Damages	
Duplicating/Printing (\$0.15/page)	\$21.60
Color Duplicating/Printing (\$0.20/page)	\$5.20
Online Legal and Factual Research	\$2,003.52
Litigation Support – Electronic Discovery Costs	
Contribution to Joint Litigation Fund	\$115,500.00
<b>TOTAL</b>	<b>\$127,344.66</b>

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**EXHIBIT D**  
*IN RE SANDISK LLC SEC. LITIG.*  
**COHEN MILSTEIN SELLERS & TOLL PLLC**

**FIRM RESUME**

# **EXHIBIT D**

# COHENMILSTEIN

## COHEN MILSTEIN SELLERS & TOLL PLLC

For decades, Cohen Milstein Sellers & Toll PLLC has represented individuals, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, consumer protection, civil rights/discrimination, ERISA, employment, and human rights laws. Cohen Milstein is also at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad. The firm's most significant successes include:

- New Jersey Carpenters Health Fund v. Royal Bank of Scotland Group PLC et al. No. 1:08-cv-05310-DAB-HBP (S.D.N.Y.): On March 8, 2019, the Honorable Deborah A. Batts granted final approval to a \$165 million all-cash settlement, bringing this lawsuit, the last of 11 MBS class actions Cohen Milstein successfully handled, to conclusion. Cohen Milstein was lead counsel in this certified MBS class action.
- In re Lidoderm Antitrust Litigation No. 3:14-md-02521 (N.D. Cal.): Plaintiffs allege that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of plaintiffs' best-case damages estimate. This case was ranked by Law360 as "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).
- In re Domestic Drywall Antitrust Litigation No. 2:13-md-02437 (E.D. Pa.): Cohen Milstein served as co-lead counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The court approved settlements that total more than \$190 million. The court commented that it had sided with plaintiffs because of counsel's "outstanding work," and that plaintiffs' counsel had a "sophisticated and highly professional approach." It complemented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also stated, "Few cases with no government action, or investigation, result in class settlements as large as this one."
- In re Anthem Data Breach Litigation No. 15-MD-02617-LHK (N.D. Cal.): On August 16, 2018, the Honorable Lucy H. Koh in the U.S. District Court for the Northern District of California granted final approval to a \$115 million settlement – the largest data breach settlement in U.S. history – ending claims that Anthem Inc., one of the nation's largest for-profit managed health care companies, put 78.8 million customers' personal information, including social security numbers and health date, at risk in a 2015 data breach. Cohen Milstein was co-lead counsel.
- Moody's Litigation: Represented the co-lead state Mississippi and represented New Jersey in the \$864 million consumer fraud settlement achieved in January 2017 by 22 states and the U.S. Department of Justice with Moody's Corporation, Moody's Investors Service, Inc., and Moody's Analytics, Inc. Together with the S&P settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- S&P Litigation: Represented co-lead state Mississippi in the \$1.375 billion-dollar consumer fraud settlement achieved in 2015 by 20 states and the U.S. Department of Justice with Standard & Poor's. Together with the Moody's settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.

- In re BP Securities Litigation No. 4:10-MD-02185 (S.D. Tex.): Cohen Milstein represented the New York State Common Retirement Fund as co-lead plaintiff in a securities class action filed in 2010, alleging that BP injured investors by intentionally downplaying the severity of the Deepwater Horizon oil spill and preventing investors from learning the magnitude of the disaster. After successfully arguing for class certification to the district court, Cohen Milstein presented plaintiffs' defense of that court's decision to the U.S. Court of Appeals for the Fifth Circuit, which affirmed the class. The case settled for \$175 million a few weeks before trial was set to begin.
- In re Animation Workers Litigation No. 5:14-cv-04062 (N.D. Cal.): Cohen Milstein served as co-lead counsel representing a class of animation and visual effects workers who allege that Pixar, Lucasfilm, DreamWorks and other studios conspired to suppress their pay. The court granted final approval of \$168.5 million in settlements. To our knowledge, this is the most successful no-poach case ever filed in U.S. history, achieving an average recovery per class member of nearly \$14,000.
- HEMT MBS Litigation No. 1:08-cv-05653 (S.D.N.Y.): On May 10, 2016, U.S. District Judge Paul A. Crotty finally approved a \$110 million settlement in the mortgage-backed securities class action brought by investors against Credit Suisse AG and its affiliates. This settlement ends claims brought by the New Jersey Carpenters Health Fund and other investors who claimed that the offering documents for the mortgage-backed securities at issue violated the Securities Act as they contained false and misleading misstatements concerning compliance with underwriting standards.
- In re Urethane Antitrust Litigation (Polyether Polyol Cases) MDL No: 1616 (D. Kan.): Cohen Milstein served as co-lead counsel on behalf of a class of direct purchasers of chemicals used to make many everyday products, from mattress foam to carpet cushion, who were overcharged as a result of a nationwide price-fixing conspiracy. On February 25, 2016, Cohen Milstein reached an agreement with The Dow Chemical Company to settle the case against Dow for \$835 million. Combined with earlier settlements obtained from Bayer, Huntsman, and BASF, the Dow settlement pushed the total settlements in the case to \$974 million. The settlement was approved on July 29, 2016.
- RALI MBS Litigation No. 08-8781 (S.D.N.Y.): On July 31, 2015, Judge Katherine Failla gave final approval to a \$235 million settlement with underwriters Citigroup Global Markets Inc., Goldman Sachs & Co., and UBS Securities LLC. She also approved a plan for distribution to investors of those funds as well as the previously approved \$100 million settlement with RALI, its affiliates, and the individual Defendants that was reached in 2013. This global settlement marks an end to a long and complicated class action over MBS offerings that RALI and certain of its affiliates issued and sold to the New Jersey Carpenters Health Fund and other investors from 2006 through 2007. The case took seven years of intense litigation to resolve.
- In re: Bear Stearns Mortgage Pass-Through Certificates Litigation No. 08-08093 (S.D.N.Y.): On May 27, 2015, U.S. District Judge Laura Taylor Swain finally approved a class action settlement with JPMorgan Chase & Co., which agreed to pay \$500 million and up to an additional \$5 million in litigation-related expenses to resolve claims arising from the sale of \$27.2 billion of mortgage-backed securities issued by Bear Stearns & Co. during 2006 and 2007 in 22 separate public offerings.
- Harborview MBS Litigation No. 08-5093 (S.D.N.Y.): In February 2014, Cohen Milstein reached a settlement with the Royal Bank of Scotland (RBS) in the Harborview MBS Litigation, resolving claims that RBS duped investors into buying securities backed by shoddy home loans. The \$275 million settlement is the fifth largest class action settlement in a federal MBS case. This case is one of eight significant MBS actions that Cohen Milstein has been named lead or co-lead counsel by courts and one of three that were nearly thrown out by the court, only to be revived in 2012.
- In Re Electronic Books Antitrust Litigation No. 11-md-02293 (S.D.N.Y.): In August 2014, a New York federal judge approved a \$400 million antitrust settlement in the hotly contested ebooks price-fixing suit against Apple Inc.

Combined with \$166 million in previous settlements with five defendant publishing companies, the final settlement totaled more than \$560 million. The settlement resolves damages claims brought by a class of ebook purchasers and attorneys general from 33 U.S. states and territories.

- Countrywide MBS Litigation No. 2:10-cv-00302 (C.D. Cal.): In April 2013, plaintiffs in the landmark mortgage-backed securities (MBS) class action litigation against Countrywide Financial Corporation and others, led by Lead Plaintiff, the Iowa Public Employees' Retirement System (IPERS), agreed to a \$500 million settlement. It is the nation's largest MBS-federal securities class action settlement. The settlement was approved in December 2013 and brings to a close the consolidated class action lawsuit brought in 2010 by multiple retirement funds against Countrywide and other defendants for securities violations involving the packaging and sale of MBS. The settlement is also one of the largest (top 20) class action securities settlements of all time.
- In re Beacon Associates Litigation No. 09-cv-0777 (S.D.N.Y.): Class action settlement of \$219 million for trustees and participants in ERISA-covered employee benefit plans whose assets were lost through investments made on their behalf by Beacon Associates LLC I & II in the investment schemes of Bernard Madoff.
- In re Plasma-Derivative Protein Therapies Antitrust Litigation No. 09 C 7666 (N.D. Ill.): After four years of litigation, in October of 2013, CSL Limited, CSL Behring LLC, CSL Plasma, Inc. (collectively, "CSL"), and the Plasma Protein Therapeutics Association ("PPTA") agreed to pay \$64 million dollars to settle a lawsuit brought by the University of Utah Hospital and other health care providers alleging that CSL, the PPTA, and Baxter agreed between 2003-2009 to restrict the supply of immunoglobulin and albumin and thereby increase the prices of those therapies. Two months later, Baxter International Inc. and Baxter Healthcare Corp. (collectively "Baxter") agreed to pay an additional \$64 million to settle these claims – bringing the total recovery to the class to \$128 million.
- Keepseagle v. Vilsack Civil Action No. 1:99CV03119 (D.D.C.): A class of Native American farmers and ranchers allege that they have been systematically denied the same opportunities to obtain farm loans and loan servicing that have been routinely afforded white farmers by the USDA. A class was certified in 2001 by Judge Emmet Sullivan, District Judge for the U.S. District Court for the District of Columbia, and the D.C. Circuit declined USDA's request to review that decision. On October 19, 2010, the case reached a historic settlement, with the USDA agreeing to pay \$680 million in damages to thousands of Native American farmers and ranchers and forgive up to \$80 million worth of outstanding farm loan debt.
- In re Parmalat Securities Litigation No. 1:04-md-1653 (S.D.N.Y.): Cohen Milstein, as co-lead counsel, successfully negotiated several settlements totaling approximately \$90 million, including two settlements with Parmalat's outside auditors. Judge Lewis A. Kaplan remarked that plaintiffs' counsel "did a wonderful job here for the class and were in all respects totally professional and totally prepared. I wish I had counsel this good in front of me in every case." Parmalat's bankruptcy filing was the biggest corporate bankruptcy in Europe, and in December 2003, the U.S. Securities and Exchange Commission filed a suit charging Parmalat with "one of the largest and most brazen corporate financial frauds in history." During the litigation, the company subsequently emerged from bankruptcy, as a result we added "New Parmalat" as a defendant because of the egregious fraud committed by the now-bankrupt old Parmalat. New Parmalat strenuously objected and Judge Kaplan of the Southern District of New York ruled in the class plaintiffs' favor, a ruling which was affirmed on appeal. This innovative approach of adding New Parmalat enabled the class to obtain an important additional source of compensation, as we subsequently settled with New Parmalat for shares worth approximately \$26 million.
- Dukes v. Wal-Mart Stores, Inc. No. C-01-2252 (N.D. Cal.): Cohen Milstein is co-lead counsel in this sex discrimination case. In 2004, the U.S. District Court certified a nationwide class action lawsuit for all female employees of Wal-Mart who worked in U.S. stores anytime after December 26, 1998. This was the largest civil rights class action ever certified against a private employer, including approximately 1.5 million current and former female employees. That ruling was appealed, and while affirmed by the Ninth Circuit, was reversed by the Supreme Court in June 2011. Cohen Milstein argued the case for the plaintiffs-respondents in the Supreme Court.



Since then, the *Dukes* action has been amended to address only the Wal-Mart regions that include stores in California, and other regional class cases have been or are soon to be filed. This litigation to resolve the merits of the claims – whether Wal-Mart discriminates against its female retail employees in pay and promotions – continues.

- Rubin v. MF Global, Ltd. No. 08-CV-02233 (S.D.N.Y.): Acting as co-lead counsel in this class action, the Firm represented the Central States, Southeast and Southwest Areas Pension Fund which was one of the co-lead plaintiffs in the case. In September 2010, as a result of Plaintiffs' decision to appeal, the U.S. Second Circuit Court of Appeals vacated in part the lower court's dismissal of the case and remanded the case for further proceedings. In overturning the District Court decision, the Second Circuit issued a decision which differentiated between a forecast or a forward looking statement accompanied by cautionary language -- which the Appellate Court said would be insulated from liability under the bespeaks caution doctrine -- from a factual statement, or non-forward-looking statement, for which liability may exist. Importantly, the Second Circuit accepted Plaintiffs' position that where a statement is mixed, the court can sever the forward-looking aspect of the statement from the non-forward looking aspect. The Court further stated that statements or omissions as to existing operations (and present intentions as to future operations) are not protected by the bespeaks caution doctrine. Mediation followed this decision and resulted in a settlement comprised of \$90 million in cash.
- Hughes v. Huron Consulting Group No. 09-CV-04734 (N.D. Ill.): Cohen Milstein represented lead plaintiffs the Public School Teachers' Pension & Retirement Fund of Chicago and the Arkansas Public Employees Retirement System ("APERS") in this case against Huron Consulting Group, founded by former Arthur Anderson personnel following its collapse in the wake of the Enron scandal. In August 2010, the District Court for the Northern District of Illinois denied defendants' motions to dismiss in their entirety and upheld plaintiffs' allegations that defendants intentionally improperly accounted for acquisition-related payments, which allowed plaintiffs to move forward with discovery. The case was settled for \$40 million, comprised of \$27 million in cash and 474,547 shares in Huron common stock, with an aggregate value at the time of final approval in 2011 of approximately \$13 million.
- In re Lucent Technologies Securities Litigation No. 00-621 (D.N.J.): A settlement in this massive securities fraud class action was reached in late March 2003. The class portion of the settlement amounts to over \$500 million in cash, stock and warrants and ranks as the second largest securities class action settlement ever completed. Cohen Milstein represented one of the co-lead plaintiffs in this action, a private mutual fund.
- Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al. No. 00-015 (Knox County Superior Court, Me.): In 2004, a state court jury from Maine found three blueberry processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy that artificially lowered the prices defendants paid to approximately 800 growers for wild blueberries. The jury ordered defendants Cherryfield Foods, Inc., Jasper Wyman & Son, Inc., and Allen's Blueberry Freezer, Inc. to pay \$18.68 million in damages, the amount which the growers would have been paid absent the defendants' conspiracy. After a mandatory trebling of this damage figure under Maine antitrust law, the total amount of the verdict for the plaintiffs is just over \$56 million. The Firm served as co-lead counsel.
- In re StarLink Corn Products, Liability Litigation MDL No. 1403 (N.D. Ill.): Cohen Milstein successfully represented U.S. corn farmers in a national class action against Aventis CropScience USA Holding and Garst Seed Company, the manufacturer and primary distributor of StarLink corn seeds. StarLink is a genetically modified corn variety that the United States government permitted for sale as animal feed and for industrial purposes, but never approved for human consumption. However, StarLink was found in corn products sold in grocery stores across the country and was traced to widespread contamination of the U.S. commodity corn supply. The Firm, as co-lead counsel, achieved a final settlement providing more than \$110 million for U.S. corn farmers, which was approved by a federal district court in April 2003. This settlement was the first successful resolution of tort claims brought by farmers against the manufacturers of genetically modified seeds.

- Snyder v. Nationwide Mutual Insurance Company No. 97/0633 (Sup. Ct. N.Y. Onondaga Cty.). Cohen Milstein served as one of plaintiffs' principal counsel in this case on behalf of persons who held life insurance policies issued by Nationwide through its captive agency force. The action alleged consumer fraud and misrepresentations. Plaintiffs obtained a settlement valued at more than \$85 million. The judge praised the efforts of Cohen Milstein and its co-counsel for having done "a very, very good job for all the people." He complimented "not only the manner" in which the result was arrived at, but also the "time ... in which it was done."
- Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al. No. 1:01CV02313 (D.D.C.): Cohen Milstein has been co-lead counsel in this case since its inception in 2001. Plaintiffs alleged that Bristol-Myers Squibb unlawfully monopolized the United States market for paclitaxel, a cancer drug discovered and developed by the United States government, which Bristol sells under the brand name Taxol. Bristol's scheme included a conspiracy with American BioScience, Inc., a generic manufacturer, to block generic competition. Cohen Milstein's investigation and prosecution of this litigation on behalf of direct purchasers of Taxol led to a settlement of \$65,815,000 that was finally approved by U.S. District Judge Emmet G. Sullivan on August 14, 2003 and preceded numerous Taxol-related litigations brought by the Federal Trade Commission and State Attorneys General offices.
- Kruman v. Christie's International PLC, et al. No. 01-7309 (S.D.N.Y.): A \$40 million settlement on behalf of all persons who bought or sold items through Christie's or Sotheby's auction houses in non-internet actions was approved in this action. Cohen Milstein served as one of three leading counsel on behalf of foreign plaintiffs. The Court noted that approval of the settlement was particularly appropriate, given the significant obstacles that faced plaintiffs and plaintiffs' counsel in the litigation. The settlement marked the first time that claims on behalf of foreign plaintiffs under U.S. antitrust laws have been resolved in a U.S. court, a milestone in U.S. antitrust jurisprudence.
- Roberts v. Texaco, Inc. 94-Civ. 2015 (S.D.N.Y.): Cohen Milstein represented a class of African-American employees in this landmark litigation that resulted in the then-largest race discrimination settlement in history (\$176 million in cash, salary increases and equitable relief). The Court hailed the work of class counsel for, *inter alia*, "framing an imaginative settlement, that may well have important ameliorative impact not only at Texaco but in the corporate context as a whole ...".
- Trotter v. Perdue Farms, Inc. No. 99-893 (D. Del.): This suit on behalf of hourly workers at Perdue's chicken processing facilities – which employ approximately 15,000 people – forced Perdue to pay employees for time spent "donning and doffing," that is, obtaining, putting on, sanitizing and removing protective equipment that they must use both for their own safety and to comply with USDA regulations for the safety of the food supply. The suit alleged that Perdue's practice of not counting donning and doffing time as hours worked violated the Fair Labor Standards Act and state law. In a separate settlement with the Department of Labor, Perdue agreed to change its pay practices. In addition, Perdue is required to issue retroactive credit under one of its retirement plans for "donning and doffing" work if the credit would improve employees' or former employees' eligibility for pension benefits. Cohen Milstein was co-lead counsel.

## Awards & Recognition

- In 2019, Public Justice Foundation named Cohen Milstein a finalist for the **“Trial Lawyer of the Year Award.”**
- In 2019, Cohen Milstein’s Environmental Toxic Tort practice was named a winner of *The National Law Journal’s* **“Elite Trial Lawyers” Award**, and Cohen Milstein’s Agnieszka Fryszman and Sharon Robertson were named winners of *The National Law Journal’s* **“Elite Women of the Plaintiffs Bar” Award**.
- In 2019, six of Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Plaintiff Consumer Lawyers.”**
- In 2019, Cohen Milstein’s Carol V. Gilden received *Lawyer Monthly Magazine’s* **“Women in Law Award.”**
- In 2019, four of Cohen Milstein partners were named to **Benchmark Litigation’s “40 & Under Hot List.”**
- In 2019, Cohen Milstein’s Christine E. Webber received the **Washington Lawyers’ Committee for Civil Rights and Urban Affairs’ “Roderic V.O. Boggs Award.”**
- In 2019, Cohen Milstein’s Nicholas C. Johnson and Poorad Razavi were named to *Florida Trend’s* **“Legal Elite.”**
- In 2019, Cohen Milstein’s Nicholas C. Johnson was appointed to serve on the **AAJ Board of Governors**.
- In 2019, Cohen Milstein was named a finalist for *The National Law Journal’s* **“Elite Trial Lawyer” Award** in five practice areas and named Cohen Milstein’s Agnieszka Fryszman and Sharon Robertson were named finalists of *The National Law Journal’s* **“Elite Women of the Plaintiffs Bar.”**
- In 2019, Cohen Milstein was named among **“The Best Law Firms for Female Attorneys”** in *Law360’s* 2019 Glass Ceiling Report.
- In 2019, The Legal 500 recognized Cohen Milstein’s Antitrust, Civil Rights & Employment, Products Liability, and Securities Litigation practices as **“Leading Practices,”** and named seven Cohen Milstein attorneys among their **“Leading Lawyers,” “Next Generation Lawyers,”** and **“Rising Stars.”**
- In 2019, Cohen Milstein was named to *The National Law Journal’s* **“Pro Bono Hot List.”**
- In 2019, 21 Cohen Milstein attorneys were recognized as **“Super Lawyers,”** and nine Cohen Milstein attorneys were recognized as **“Rising Stars.”**
- In 2019, the **Florida Bar Association’s William Reece Smith, Jr. Leadership Academy** named Takisha D. Richardson a Fellow.
- In 2019, six Cohen Milstein Attorneys were named to **“Lawdragon 500 Leading Plaintiff Employment Lawyers.”**
- In 2019, the *Daily Business Review* honored Cohen Milstein’s Theodore J. Leopold with the **“Distinguished Leaders” Award**, Nicolas C. Johnson with the **“On the Rise” Award**, and the firm’s Sexual Abuse, Sex Trafficking, and Domestic Violence Litigation team with the **“Innovative Practice Areas” Award**.
- In 2019, four Cohen Milstein lawyers received **“The Burton Awards’ Law360 Distinguished Legal Writing Award - Law Firm.”**
- In 2019, nine Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Lawyers in America.”**
- In 2018, *The National Law Journal* and *Trial Lawyer Magazine*, named Steven J. Toll and Betsy A. Miller among **“America’s 50 Most Influential Trial Lawyers.”**
- In 2018, Cohen Milstein was named **“Law360 Practice Group of the Year”** in two categories: Consumer Protection and Environmental.
- In 2018, *Law360* named Andrew M. Friedman a **“Law360 MVP – Cybersecurity and Privacy,”** Kalpana Kotagal a **“Law360 MVP – Employment,”** and Theodore J. Leopold a **“Law360 MVP – Environmental.”**
- In 2018, *The National Law Journal* named Cohen Milstein winner of **“Elite Trial Lawyer of the Year”** in four categories, including Consumer Protection, Counterterrorism, Immigration, and Financial Products, and finalist in five other categories, including Antitrust, Civil Rights, Disability Rights, Employment Rights, and Racial Discrimination.

- In 2018, *The National Law Journal* named Kalpana Kotagal, Betsy A. Miller, and G. Julie Reiser – “**Elite Women of the Plaintiffs Bar.**”
- In 2018, A Better Balance presented Kalpana Kotagal with “**A Better Balance: The Work & Family Legal Center’s Distinguished Public Service Award.**”
- In 2018, the American Antitrust Institute honored Sharon K. Robertson with its “**Outstanding Antitrust Litigation Achievement Award.**”
- In 2018, the NAACP honored Cohen Milstein with its “**Foot Soldier in the Sand Award,**” in recognition of the firm’s outstanding commitment to providing pro bono legal services.
- In 2018, *The Best Lawyers in America* recognized eleven Cohen Milstein attorneys as among the **Best Lawyers in America (2019)**, in their respective areas of law.
- In 2018, *The Best Lawyers in America* singled out and named Joseph M. Sellers “**The Best Lawyers in America 2019, Labor Law Lawyer of the Year – Washington, D.C.**”
- In 2018, *The Best Lawyers in America* singled out and named Milstein’s Leslie M. Kroeger “**The Best Lawyers in America 2019, Mass Tort Litigation / Class Actions “Lawyer of the Year – West Palm Beach, FL.”**”
- In 2018, *Palm Beach Illustrated* named seven Cohen Milstein Attorneys to its “**“Top Lawyers” List.**”
- In 2018, *Benchmark Litigation* named four Cohen Milstein attorneys to its “**40 & Under Hot List.**”
- In 2018, *Florida Trend* named five Cohen Milstein attorneys to its list of “**Florida’s Legal Elite.**”
- In 2018, Lawdragon 500 named five Cohen Milstein attorneys to “**Leading Plaintiff Employment Lawyers.**”
- In 2018, *Crain’s* named Carol V. Gilden one of Chicago’s “**Notable Women Lawyers.**”
- In 2018, Harvard Law School named Kalpana Kotagal a “**Wasserstein Fellow.**”
- In 2018, *Chambers USA Women in Law* honored Kalpana Kotagal with its “**Outstanding Contribution to the Community in Advancing Diversity Award.**”
- In 2018, the *New York Law Journal* named Sharon K. Robertson to its list of “**New York Rising Stars.**”
- In 2018, *The Legal 500: Guide to the US Legal Profession* listed Cohen Milstein’s **Antitrust, Employment Disputes, and Securities Litigation** practices among its “**Leading Practices.**”
- In 2018, the *Daily Business Review* named Leslie M. Kroeger a “**Distinguished Leader.**”
- In 2018, *Law360* named Steven J. Toll a 2018 “**Titan of the Plaintiffs Bar.**”
- In 2018, Leslie M. Kroeger was sworn-in as President-Elect to the Florida Justice Association.
- In 2018, Lawdragon named seven Cohen Milstein attorneys to the 2018 “**Lawdragon 500,**” an annual list of the **500 Leading Lawyers in America.**
- In 2018, Theodore J. Leopold was named *The National Law Journal’s* “**Energy and Environmental Trailblazer.**”
- In 2018, *Law360* named Cohen Milstein “**Practice Group of the Year: Privacy.**”
- In 2018, *Super Lawyers* recognized 20 Cohen Milstein attorneys as “**2018 Super Lawyers**” and 12 Cohen Milstein attorneys as “**Super Lawyer Rising Stars.**”
- In 2017, Steven J. Toll was named a *Law360* “**MVP – Class Action.**”
- In 2017, the *Daily Business Review (DBR)* named Theodore J. Leopold *DBR’s* “**Most Effective Lawyer of 2017: Class Action.**”
- In 2017, Joel Laitman, Christopher Lometti, Betsy Miller, and Victoria Nugent were named *The National Law Journal’s* “**Plaintiffs’ Lawyers Trailblazers.**”
- In 2017, *The Best Lawyers in America* recognized seven Cohen Milstein partners as among the “**Best Lawyers in America**” for their respective practices of law.
- In 2017, *Law360* named Cohen Milstein partners, S. Douglas Bunch and Kalpana Kotagal as “**Rising Stars.**”
- In 2017, *The Legal 500* named Cohen Milstein a **Leading Firm** in “**Antitrust: Civil Litigation / Class Actions**” and “**Dispute Resolution: Securities Litigation – Plaintiff.**”

- In 2017, *The Legal 500* named Richard A. Koffman to its **"Legal 500 Hall of Fame."**
- In 2017, *Legal 500* named Sharon K. Robertson and Brent W. Johnson as **"Legal 500 Next Generation Lawyer"** in the area of Antitrust: Civil Litigation/Class Actions.
- In 2017, *Super Lawyers* named Brent W. Johnson as a **"Rising Star"** and a **"Top Rated Antitrust Litigation Attorney in Washington, DC."**
- In 2017, *Super Lawyers* named Leslie M. Kroeger, Stephan A. Le Clairche, and Theodore J. Leopold **"Florida Super Lawyers"** and Nicholas C. Johnson and Adam J. Langino **"Florida Rising Stars."**
- In 2017, the Coalition for Independent Living Options Inc. presented Michael Dolce a Special Acknowledgment Award for his **"Commitment to Ending Sex Crimes against People with Disabilities."**
- In 2017, Adam J. Langino was elected **AAJ's Newsletter Chair for the Product Liability Section.**
- In 2017, *Florida Trend* named Manuel J. Dominguez a **"Legal Elite."**
- In 2017, Nicholas C. Johnson was elected President of the F. Malcolm Cunningham, Sr. Bar Association.
- In 2017, Leslie M. Kroeger was elected Treasurer to the Florida Justice Association.
- In 2017, *Law360* selected Cohen Milstein as a **"Competition Practice Group of the Year"** and a **"Class Action Practice Group of the Year."**
- In 2017, *South Florida Legal Guide* named Theodore J. Leopold as a **"Top Lawyer,"** and Diana L. Martin and Adam Langino a **"Top Up and Comer."**
- In 2016, Women in Wealth Awards selects Carol V. Gilden Selected as **"Best in Securities Litigation Law - Illinois & Excellence Award for Investor Protection Law."**
- In 2016, Richard A. Koffman was named a **Law360 "MVP – Competition Law."**
- In 2016, Martha Geer was selected as a **"North Carolina Leaders in the Law Honoree."**
- In 2016, the Washington Lawyers' Committee for Civil Rights and Urban Affairs named Cohen Milstein a recipient of its **"Outstanding Achievement Award."**
- In 2016, for the eighth consecutive year, Cohen Milstein was recognized by *The Legal 500* as one of the leading plaintiff class action antitrust firms in the United States.
- In 2016, Agnieszka Fryszman, Joel Laitman, Chris Lometti, Kit Pierson, Joe Sellers and Steve Toll were named to the **2016 Lawdragon 500 Leading Lawyers in America.**
- In 2016, *Law360* named Julie Goldsmith Reiser one of the **"25 Most Influential Women in Securities Law."**
- In 2016, Cohen Milstein was named to *The National Law Journal's* **"Plaintiffs Hot List"** for the fifth time in six years.
- In 2016, *Law360* named Cohen Milstein as one of the top firms for female attorneys.
- In 2015, *Law360* named Cohen Milstein as the sole plaintiffs firm to be selected in two **"Practice Groups of the Year"** categories and one of only five class action firms recognized.
- In 2015, Cohen Milstein was named an **"Elite Trial Lawyer Firm"** by *The National Law Journal* for the second year in a row.
- In 2015, Steven J. Toll named a **Law360 "MVP – Securities Law."**
- In 2015, Cohen Milstein was selected as a **"Most Feared Plaintiffs Firm"** by *Law360* for the third year in a row.
- In 2015, Richard Koffman was named, for the fifth consecutive year, in *The Legal 500* **"Leading Lawyers" in "Litigation - Mass Tort and Class Action: Plaintiff Representation – Antitrust."**
- In 2015, Theodore J. Leopold, Leslie M. Kroeger, and Stephan A. LeClainche were selected as **"Florida Super Lawyers"** and Adam J. Langino was selected as a **"Florida Rising Star."**
- In 2015, Andrew Friedman, Agnieszka Fryszman, Karen Handorf, Kit A. Pierson, Julie Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll and Christine E. Webber were selected as **"Washington DC Super Lawyers."**

- In 2015, Laura Alexander, Monya Bunch, S. Douglas Bunch, Johanna Hickman, Kalpana Kotagal, and Emmy Levens were selected as "**Washington DC Rising Stars**" by *Super Lawyers*.
- In 2015, for the fourth time in five years, Cohen Milstein was selected to *The National Law Journal* "**Plaintiffs' Hot List.**"
- In 2015, Carol V. Gilden was selected as "**Pension Funds Litigation Attorney of the Year in Illinois**" for the second year in a row by the Corporate INTL Legal Awards.
- In 2014, Cohen Milstein's Antitrust Practice was selected as a "**Practice Group of the Year**" by *Law360*.
- In 2014, Cohen Milstein Partner Kit Pierson was selected as an "**Antitrust MVP**" by *Law360*.
- In 2014, Cohen Milstein was named a "**Most Feared Plaintiffs Firm**" by *Law360* for the second year in a row. In 2014, Cohen Milstein was selected as an **Elite Trial Lawyer** firm by *The National Law Journal*.
- Cohen Milstein Partners Steven J. Toll, Joseph M. Sellers, Kit A. Pierson, and Agnieszka M. Fryszman Selected to the **2014 Lawdragon 500**.
- Released in 2015, Joseph M. Sellers, Theodore J. Leopold, and Leslie M. Kroeger listed in "**Best Lawyers in America.**"
- Released in 2014, the 2013 SCAS 50 Report on Total Securities Class Action Settlements ranked Cohen Milstein as a top firm.
- In 2014, Cohen Milstein's Theodore J. Leopold was named among the "**Top 100 Florida Super Lawyers**, Leslie M. Kroeger was named to the "**Florida Super Lawyers,**" and Diana L. Martin was named a "**Florida Rising Star.**"
- In 2014, Cohen Milstein attorneys Leslie M. Kroeger and Adam J. Langino were recognized in **Florida Trend's "Florida Legal Elite."** Kroeger is recognized as Legal Elite and Langino is listed as an Up-and-Comer.
- In 2014, Cohen Milstein was selected to the selected to the **National Law Journal's Midsize Hot List.**
- In 2014, Cohen Milstein was recognized as a "**Highly Recommended Washington, DC Litigation Firm**" by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2014, Cohen Milstein was ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500** for the sixth year in a row.
- In 2014, Partner Richard Koffman was named, for the fourth consecutive year, in the Legal 500 United States "**Leading Lawyers**" list under the category of "Litigation - Mass Tort and Class Action: Plaintiff Representation - Antitrust".
- In 2014, Cohen Milstein attorneys Agnieszka Fryszman, Julie Goldsmith Reiser, Joseph Sellers, Daniel Sommers, and Steven Toll were recognized as **Local Litigation Stars** by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2014, Cohen Milstein attorneys R. Joseph Barton, Andrew Friedman, Agnieszka Fryszman, Karen Handorf, Kit A. Pierson, Julie Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll and Christine E. Webber were selected as **Washington DC Super Lawyers.**
- In 2014, Cohen Milstein attorneys Laura Alexander, Monya Bunch, S. Douglas Bunch, Jeffrey Dubner, Johanna Hickman, Joshua Kolsky, Kalpana Kotagal, Emmy Levens, and Michelle Yau were selected as **Washington DC Rising Stars** by Super Lawyers.
- In 2014, Cohen Milstein Partner Carol V. Gilden was selected as the Illinois Pension Fund Attorney of the Year.
- In 2014, Best Lawyers named Cohen Milstein Partner Joseph Sellers D.C. Litigation - Labor & Employment Lawyer of the Year.
- In 2013, for the third-year in a row, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List.**
- In 2013, Cohen Milstein was named a "**Most Feared Plaintiffs Firm**" by *Law360*.
- In 2013, Cohen Milstein was ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500** for the fifth year in a row.
- In 2013, Cohen Milstein attorneys Joseph Barton, Andrew Friedman, Agnieszka Fryszman, Karen Handorf, Kit A. Pierson, Julie G. Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll, and Christine E. Webber were selected as **Washington DC Super Lawyers.**

- In 2013, Cohen Milstein attorney Michelle Yau was selected as **Washington DC Rising Stars** by Super Lawyers. In 2013, Cohen Milstein Partner Carol V. Gilden was selected as a **2013 Illinois Super Lawyer**. She has been selected every year since 2005.
- In 2012, for the second-year in a row, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2012, Cohen Milstein was the recipient of the Judith M. Conti Pro Bono Law Firm of the Year Award from the Employment Justice Center.
- In 2012, Cohen Milstein was recognized as a "Highly Recommended Washington, DC Litigation Firm" by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2012, Cohen Milstein was ranked as a top firm by the 2011 SCAS Report on Total Securities Class Action Settlements.
- In 2012, Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500 for the fourth year in a row.
- In 2012, Partner Joseph M. Sellers was selected as a **Washington DC Super Lawyer**. Mr. Sellers was also selected for this prestigious award in 2007, 2008, 2009, 2010, and 2012.
- In 2012, Partner Steven J. Toll was selected as a **Washington DC Super Lawyer**. Mr. Toll was also selected for this prestigious award in 2007, 2009, 2010, and 2011.
- In 2012, Partner Daniel S. Sommers was selected as a **Washington DC Super Lawyer**. Mr. Sommers was also selected for this prestigious award in 2011.
- In 2012, Partner Christine E. Webber was selected as a **Washington DC Super Lawyer**. Ms. Webber was also selected for this prestigious award in 2007.
- In 2012, Partner Agnieszka M. Fryszman was selected as a **Washington DC Super Lawyer**. In 2012, Partner Kit A. Pierson was selected as a **Washington DC Super Lawyer**.
- In 2012, Partner Carol V. Gilden was selected as an **Illinois Super Lawyer**. Ms. Gilden was also selected for this prestigious award in 2005, 2006, 2007, 2008, 2009, 2010, and 2011.
- In 2011, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2011, Partner Joseph M. Sellers was selected as a "**Visionary**" by *The National Law Journal*.
- In 2011, Partner J. Douglas Richards, Of Counsel Joel Laitman, and Of Counsel Christopher Lometti were selected as **New York - Metro Super Lawyers**.
- In 2011, Partner Joseph M. Sellers and the *Keepseagle v. Vilsack* team were selected as a finalist for the **2011 Trial Lawyer of the Year Award** from the Public Justice Foundation.
- In 2011, **Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500 for the third year in a row.
- In 2011, Partners Steven Toll, Joseph Sellers, and Daniel Sommers were selected as **Washington DC Super Lawyers**. Partner J. Douglas Richards, Of Counsel Joel Laitman and Christopher Lometti were selected as **New York - Metro Super Lawyers**. Partner Carol Gilden was selected as an **Illinois Super Lawyer**.
- In 2011, Cohen Milstein was a recipient of *The National Law Journal's Pro Bono Award*. The Firm was named one of the "six firms that best reflect the pro bono tradition."
- In 2010, Partner Joseph M. Sellers was selected as one of "**The Decade's Most Influential Lawyers**" by *The National Law Journal*.
- In 2010, Partner Steven J. Toll was named one of Law360's "**Most Admired Attorneys**". In 2010, Partner Andrew N. Friedman was selected as a **Washington DC Super Lawyer**.
- In 2010, Partner Agnieszka M. Fryszman was selected as a finalist for the **Trial Lawyer of the Year Award** from the Public Justice Foundation.
- In 2010, Partners Joseph M. Sellers and Agnieszka M. Fryszman were both selected as one of the **Lawdragon 500 Leading Lawyers in America**.
- In 2010, Cohen Milstein was once again ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500.

## Attorney Profiles – Partners

### Steven J. Toll

Steven J. Toll is Managing Partner at Cohen Milstein, a member of the Executive Committee, and Co-Chair of the firm's Securities Litigation & Investor Protection practice group. In this role, Mr. Toll guides the firm's mediation efforts and strategy, and has been lead or principal counsel on some of the most high-profile stock fraud lawsuits in the past 30 years, arguing important matters before the highest courts in the land.

Mr. Toll has built a distinguished career and reputation as a fierce advocate of the rights of shareholders and has guided mediation efforts on the firm's largest and most important matters (both securities fraud and other consumer type cases), a role in which he has earned the trust of mediators, as well as the respect of defense counsel. Mr. Toll has been involved in settling some of the most important mortgage-backed securities (MBS) class-action lawsuits in the aftermath of the financial crisis, including: Countrywide Financial Corp., which settled for \$500 million in 2013; Residential Accredited Loans Inc. (RALI), which settled for \$335 million in 2014; Harborview MBS, which settled for \$275 million, also in 2014; and Novastar MBS, which settled for \$165 million in 2019. He also negotiated a \$90 million settlement of a suit against MF Global.

Among Mr. Toll's important cases is the Harman class action suit, where Mr. Toll argued and won an important ruling from the U.S. Court of Appeals for the District of Columbia Circuit. The Circuit Court reinstated the suit against electronics maker Harman International Industries; the ruling is significant in that it places limits on the protection allowed by the safe harbor rule for forward-looking statements. A \$28.25 million settlement was achieved in this action in 2017.

Mr. Toll was also co-lead counsel in the BP Securities class action securities fraud lawsuit that arose from the devastating Deepwater oil spill in the Gulf of Mexico. The Fifth Circuit Court of Appeals affirmed the certification of the class of investors alleged to have been injured by BP's misrepresenting the amount of oil spilling into the Gulf of Mexico, and thus minimizing the extent of the cost and financial impact to BP of the clean-up and resulting damages. In February 2017, the court granted final approval to a \$175 million settlement reached between BP and lead plaintiffs for the "post-explosion" class.

Mr. Toll was co-lead counsel in the consumer class action suit against Lumber Liquidators, a lawsuit that alleges the nationwide retailer sold Chinese-made laminate flooring containing hazardous levels of the carcinogen formaldehyde while falsely labeling their products as meeting or exceeding California emissions standards, a story that was profiled twice on 60 Minutes in 2015. In October 2018, the court granted final approval to a settlement of \$36 million between Lumber Liquidators and plaintiffs.

Over the course of his career, Mr. Toll has received numerous industry recognitions for his work. Most recently, in 2019, The National Law Journal and The Trial Lawyer named him one of "America's 50 Most Influential Trial Lawyers," in 2018, Mr. Toll was named Law360's "Titan of the Plaintiffs Bar," as well as a Legal 500 "Leading Lawyer – Securities Litigation." In 2017, he was named Law360's "MVP – Class Actions," in 2015, he was named Law360's "MVP – Securities," and since 2014, he has been perennially named to the Lawdragon 500, which recognizes the 500 leading lawyers in America. He is also annually recognized as a Super Lawyer in Securities Litigation and Class Action/Mass Torts.

Mr. Toll writes and speaks extensively on securities litigation and investor protection issues. His articles have appeared in Harvard Law School Forum on Corporate Governance and Financial Regulation and Cohen Milstein's Shareholder Advocate.

Mr. Toll has provided a great deal of pro bono legal work during a career at Cohen Milstein that spans more than three decades. In addition, he has been an active supporter of Children's Hospital National Medical Center for decades, setting up an endowment in his daughter's name to help the Hospital's leukemia patients and their families (his daughter passed away from leukemia in 1987), plus more recently establishing regular programs for music and laughter for the children during their hospital stays.



Mr. Toll is a graduate of the Wharton School of the University of Pennsylvania, earning a B.S., cum laude, and received his J.D. from Georgetown University Law Center, where he was Special Project Editor of *The Tax Lawyer*.

### **Joseph M. Sellers**

Joseph M. Sellers is a Partner at Cohen Milstein, Chair of the firm's Executive Committee and Chair of the Civil Rights & Employment Practice Group, a practice he founded. In a career spanning nearly four decades, Mr. Sellers has represented victims of discrimination and other illegal employment practices individually and through class actions. He brings to his practice a deep commitment and broad background in fighting discrimination in all its forms. That experience includes decades of representing clients in litigation to enforce their civil rights, participating in drafting and efforts to pass landmark civil rights legislation, testifying before Congress on various civil rights issues, training government lawyers on the trial of civil rights cases, teaching civil rights law at various law schools and lecturing extensively on civil rights and employment matters.

Mr. Sellers, who joined the firm in 1997, has been practicing civil rights law for more than 35 years, during which time he has represented individuals and classes of people who have been victims of civil rights violations or denied other rights in the workplace. He has tried to judgment before courts and juries several civil rights class actions and a number of individual cases and has argued more than 30 appeals in the federal and state appellate courts, including the United States Supreme Court. He has served as class counsel, and typically lead counsel, in more than 75 civil rights and employment class actions.

His clients have included persons denied the rights and opportunities of employment because of race, national origin, religion, age, disability and sex, including sexual orientation and identity. He has represented victims of race discrimination in the denial of equal access to credit, in the rates charged for insurance and in the equal access to health clubs, retail stores, restaurants and other public places. He has challenged housing discrimination on the basis of race and the denial of housing and public accommodations to people with disabilities.

Some of the noteworthy matters he has handled include: *Walmart v. Dukes* (U.S. S.Ct.), delivered argument on behalf of class of women who alleged sex discrimination in pay and promotions in case establishing new rules governing class certification; *Randolph v. Greentree Financial* (U.S. S.Ct.), delivered argument on behalf of consumer challenging enforcement of arbitration agreement in case establishing rules governing the enforceability of arbitration agreements; *Beck v. Boeing Company* (W.D. Wash.), co-lead counsel on behalf of class of more than 28,000 women employees alleging sex discrimination in pay and overtime decisions; *Conway, et al. v. Deutsch* (E.D. Va.), co-lead counsel on behalf of class of female covert case officers at the CIA alleging sex discrimination in promotions and job assignments; *Johnson, et al. v. Freeh* (D.D.C.), co-lead counsel on behalf of class of African-American FBI special agents alleging racial discrimination in promotion and job assignments; *Keepseagle v. Veneman* (D.D.C.), lead counsel on behalf of class of Native American farmers and ranchers alleging denial of equal access to credit by USDA; *Neal v. Director, D.C. Dept. of Corrections* (D.D.C.), co-lead counsel in which he tried first sexual harassment class action to a jury, on behalf of a class of women correctional employees and women and men subject to retaliation; *Doe v. D.C. Fire Department* (D.D.C.), in which he established after trial that an applicant with HIV could properly serve as a firefighter; *Floyd-Mayers v. American Cab Co.* (D.D.C.), in which he represented persons who alleged they were denied taxi service because of their race and the race of the residents at the location to which they asked to be driven; and *Trotter, et al. v. Perdue Farms* (D. Del.), lead counsel on behalf of chicken processing workers alleging violations of federal wage and hour and employee benefits law.

Prior to joining Cohen Milstein, Mr. Sellers served for over 15 years as the Director of the Employment Discrimination Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, an organization providing pro bono representation in a broad range of civil rights and related poverty issues. He was a member of the transition teams of Obama/Biden in 2008 and Clinton/Gore in 1992 and 1993, and served as a Co-Chair of the Special Committee on Race and Ethnicity of the D.C. Circuit Task Force on Gender, Race and Ethnic Bias to which he was appointed by the judges of the D.C. Circuit Court of Appeals and the U.S. District Court for the District of Columbia.

Throughout his career, Mr. Sellers has also been active in legislative matters. He helped to draft and worked for the passage of the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990 and the Lily Ledbetter Fair Pay Restoration Act of 2009. He has testified more than 20 times before Committees of the United States Senate and House of Representatives on various civil rights and employment matters.

A teacher and mentor, Mr. Sellers has trained lawyers at the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice on the trial of civil rights cases, and was an Adjunct Professor at the Washington College of Law at American University, where he taught Employment Discrimination law, and at the Georgetown University Law Center, where he taught Professional Responsibility. In addition, he has lectured extensively throughout the country on various civil rights and employment topics.

Mr. Sellers has been recognized as one of the top lawyers in Washington and as one of the top plaintiffs' employment lawyers in the U.S. In 2010, The National Law Journal named him one of "The Decade's Most Influential Lawyers," in 2011 The Legal Times named him a "Legal Visionary," and in 2012 the Washington Lawyers' Committee for Civil Rights and Urban Affairs awarded him the Wiley Branton Award for leadership in civil rights. He is a professionally trained mediator and has served as the President of the Washington Council of Lawyers.

Mr. Sellers received his B.A. in American History and Literature from Brown University, and earned his J.D. from Case Western Reserve School of Law, where he served as Research Editor of the Case Western Reserve Law Review.

#### **Daniel S. Sommers**

Daniel S. Sommers is a Partner at Cohen Milstein, a member of the firm's Executive Committee, and previously served as Co-Chair of the firm's Securities Litigation & Investor Protection practice. During his over three decade career at Cohen Milstein, Mr. Sommers has taken leadership roles in litigating large, complex and significant securities cases. He has provided litigation counsel to the firm's institutional investor clients, including for example, the New York State Common Retirement Fund, the Ohio Public Employees Retirement System, the State Teachers Retirement System of Ohio, the Arkansas Public Employees Retirement System and numerous Taft-Hartley pension funds. Many of his cases have resulted in important rulings and legal precedents, as well as in significant recoveries for investors totaling hundreds of millions of dollars.

Some of his notable matters include:

- **Bear Stearns Mortgage Pass Through Securities Litigation:** Co-lead counsel in a \$505 million landmark settlement (including a \$5 million expense fund) of a securities class action suit alleging that Bear Stearns violated securities laws in the sale of mortgage backed securities to investors. This is the largest recovery ever obtained in a securities class action on behalf of investors in mortgage-backed securities.
- **Converium/SCOR Securities Litigation (Netherlands):** Co-lead counsel in a groundbreaking \$58.4 million securities class action recovery, in which the Amsterdam Court of Appeal declared binding a world-wide class action settlement of claims of non-U.S. investors who purchased Converium shares outside of the United States. The ruling was a major victory for worldwide investors because it successfully implemented the Dutch Collective Settlement Statute even though the underlying transactions had limited contact with the Netherlands.
- **Fannie Mae Securities Litigation:** Played a significant role in a high profile securities class action against Fannie Mae, several of its former executives and KPMG involving allegations of falsified financial statements. The \$153 million settlement amount represents the largest recovery in a securities fraud class action ever obtained in the United States District Court for the District of Columbia.
- **CP Ships Ltd. Securities Litigation:** Co-lead counsel in a class action lawsuit alleging that CP Ships, a Canadian company headquartered in England but with substantial operations in Tampa, Florida, issued false financial statements. Mr. Sommers argued an appeal in the U.S. Court of Appeals for the Eleventh Circuit, successfully opposing objections to a settlement that provided non-U.S. investors with the protections of the federal securities laws.

Mr. Sommers has obtained significant recoveries for investors in numerous other securities class action cases in federal courts throughout the United States including: *Steiner v. Southmark Corporation* (N.D. Tex.) (over \$70 million recovery); *In re PictureTel Inc. Securities Litigation* (D. Mass.) (\$12 million recovery); *In re Opus Bank Securities Litigation* (C.D. Cal.) (\$17 million recovery); *In re Physician Corporation of America Securities Litigation* (S.D. Fla.) (\$10.2 million recovery); *In re Gilat Satellite Securities Litigation* (E.D.N.Y.) (\$20 million recovery); *In re Pozen Inc. Securities Litigation* (M.D.N.C.) (\$11.2 million recovery); *In re Nextel Communications Securities Litigation* (D.N.J.) (up to \$27 million recovery); *In re PSINet Inc. Securities Litigation* (E.D. Va.) (\$17.8 million recovery); *In re Cascade International Inc. Securities Litigation* (S.D. Fla.) (global recovery of approximately \$10 million); *In re GT Solar Securities Litigation* (D.N.H.) (recovery of \$10.5 million); *Mulligan v. Impax Laboratories, Inc.* (N.D. Cal.) (recovery of \$8 million); *Plumbers & Pipefitters National Pension Fund v. Orthofix, N.V.* (S.D.N.Y.) (recovery of \$11 million) and *In re ECI Telecom Securities Ltd. Litigation* (E.D. Va.) (\$21.75 million recovery). He has also handled significant appellate matters including arguing before the United States Court of Appeals for the Ninth Circuit in *Hemmer Group v. Southwest Water Company*, where he obtained a reversal of the district court's order dismissing investors' claims under the Securities Act of 1933. In addition, he was co-lead counsel for investors before the United States Supreme Court in *Broudo v. Dura Pharmaceuticals, Inc.*, 544 U.S. 336 (2005) (addressing the standards for pleading loss causation).

Mr. Sommers is also experienced in non-class action litigation. He represented TBG Inc., a multi-billion dollar privately-held overseas corporation, in a multi-party, complex action alleging fraud in a corporate acquisition and represented individuals in connection with investigations brought by the United States Securities and Exchange Commission. He also has represented publicly traded corporations in the prosecution and defense of claims. Mr. Sommers has litigated cases covering a wide-range of industries including the financial services, computer software, pharmaceutical, insurance, real estate and telecommunications industries among others. In addition, he has substantial experience in cases presenting complex accounting and auditing issues.

Mr. Sommers is recognized as a thought leader on the subjects of securities and class action litigation and is a frequent speaker on those topics both to other lawyers and institutional investors. He has been quoted on these topics in a variety of publications, such as *The Wall Street Journal*, *The Washington Post*, *Bloomberg BNA*, and *Law360*. Mr. Sommers served as a member of the editorial advisory boards of *Bloomberg BNA Securities Litigation & Law Report* and *Law360 Securities Benchmark Plaintiff* has recognized him as a litigation star in multiple years. He currently serves as Chairman of the Markets Advisory Council of the Council of Institutional Investors and is a member of the Securities Litigation Committee of the National Association of Public Pension Attorneys. He has been named a Washington, D.C. Super Lawyer each year from 2011 through 2019, and has been awarded Martindale-Hubbell's highest rating of AV Preeminent®. He served as Chairman and Vice-Chairman of the Investor Rights Committee of the Corporation, Finance and Securities Law Section, District of Columbia Bar, and through the years has been a guest lecturer at Columbus School of Law at the Catholic University of America; Georgetown Law Center; and George Washington University Law School.

Mr. Sommers attended Union College, where he earned a B.A., magna cum laude, in Political Science, and graduated from George Washington University Law School.

#### **Daniel A. Small**

Daniel A. Small is a Partner at Cohen Milstein and the immediate past Co-Chair of the firm's Antitrust practice group, a role and honor which he has held on and off since 2008. He is also a member of the firm's Executive Committee.

Mr. Small is one of the most respected litigators in antitrust class actions. He was named a Lawdragon 500 Leading Lawyer in 2018 and 2019, and since 2009, Legal 500 has annually recognized Mr. Small and Cohen Milstein as a "Leading Plaintiffs Antitrust Class Action Lawyer/Firm." Benchmark Plaintiff has repeatedly awarded him with its "National Litigation Star – Antitrust," and in 2014, International Who's Who of Competition Lawyers & Economists named him "Leading Competition Lawyer."

Mr. Small is widely regarded for his intellectual energy, deeply studying the economic issues underpinning antitrust disputes and developing a sophisticated understanding of how conspiracies and monopolies operate in a range of complex markets – from animation and visual effects workers and computer software and hardware to wild blueberries and hospital nurses – and achieving just compensation for victims and promoting more open markets nationwide.

Mr. Small has represented plaintiff classes, and defended unions, as lead or co-lead counsel in numerous antitrust cases and obtained settlements and judgments totaling hundreds of millions of dollars. He has tried cases to verdict and argued in numerous appellate courts, including the U.S. Supreme Court.

Currently, Mr. Small is litigating the following notable matters:

- **Sutter Health Antitrust Litigation:** Cohen Milstein is part of a small team of firms representing a certified class of self-funded employers and union trust funds against Sutter Health, a large hospital chain in Northern California, for restraining hospital competition through anticompetitive provider agreements.
- **Rotavirus Vaccines Antitrust Litigation:** Cohen Milstein developed and filed a proprietary case against Merck & Co., Inc. on behalf of a class of direct purchasers, alleging that Merck engaged in an anticompetitive bundled discount scheme to maintain its monopoly power in the rotavirus vaccines market after entry by GlaxoSmithKline plc.
- **National Association of Realtors Litigation:** Cohen Milstein is representing home sellers in a class action against the National Association of Realtors and four of the largest national real estate broker franchisors for conspiring to require home sellers to pay the broker representing the buyer of their homes, and to pay at an inflated amount, in violation of federal antitrust law.
- **Google Wi-Fi Litigation:** Cohen Milstein is co-lead counsel in a nationwide class action alleging that Google violated the Wiretap Act when its Street View vehicles secretly collected payload data from unencrypted Wi-Fi networks. Plaintiffs defeated a motion to dismiss raising novel Wiretap Act issues, and the ruling was affirmed on interlocutory appeal to the Ninth Circuit.

Past successes include:

- **Animation Workers Litigation:** Cohen Milstein served as co-lead counsel representing a class of animation and visual effects workers who allege that Pixar, Lucasfilm, DreamWorks and other studios conspired to suppress their pay. The court granted final approval of \$168.5 million in settlements.
- **NYU Hospitals Center Litigation:** Cohen Milstein served as co-lead counsel defending 1199SEIU United Healthcare Workers East against an antitrust claim by NYU Hospitals Center alleging that 1199SEIU conspired with a multi-employer bargaining association and others to increase NYU's required contributions to the Union's benefit fund. In June 2018, the court granted defendants' motion to dismiss the antitrust claim. All remaining claims were dismissed with prejudice in December 2018.
- **Prime Healthcare Services Litigation:** Cohen Milstein defended the Service Employees International Union in an antitrust action brought by Prime Healthcare Services, a hospital chain in Southern California, alleging that SEIU conspired with Kaiser Permanente to drive Prime and certain other hospitals out of the market. Cohen Milstein led the successful effort to dismiss the complaint and amended complaint in the Southern District of California and to defend the dismissal on appeal to the Ninth Circuit.
- **Michigan Blue Cross Litigation:** Cohen Milstein served as co-lead counsel in this class action challenging Michigan Blue Cross's use of most favored nation provisions in its provider agreements with numerous hospitals in Michigan. The court granted final approval of a \$30 million settlement.
- **Hy-Ko Products Antitrust Litigation:** Cohen Milstein represented Hy-Ko Products Co., a manufacturer of keys and key duplication machines, in a monopolization case against its dominant competitors. The litigation settled on favorable terms.
- **In re Buspirone Antitrust Litigation:** Cohen Milstein served as co-lead counsel in a class action alleging that Bristol Myers-Squibb Co., the manufacturer of the prescription drug Buspar, conspired to keep generic versions of the drug out of the market. The class of end-payers settled for \$90 million.

- *Pease v. Jasper Wyman & Son, et al.*: Cohen Milstein was lead counsel representing a class of wild blueberry growers in Maine who sued four blueberry processors for conspiring to depress blueberry prices. The case was tried before a jury in Maine state court, where Mr. Small was co-lead trial counsel. The jury found the processors liable for 100% of the damages estimated by plaintiffs' expert, resulting in a judgment of \$56 million.

Mr. Small also maintains an active pro bono practice. Current notable cases include:

- *Citizens for Responsibility and Ethics in Washington, et al. v. Trump, and District of Columbia et al. v. Trump*: Cohen Milstein is representing restaurant and hotel plaintiffs and the Attorneys General of Maryland and the District of Columbia in lawsuits against President Trump, seeking to enjoin his ongoing receipt of emoluments in violation of the U.S. Constitution.
- *Seeger, et al. v. United States Department of Defense*: Cohen Milstein is representing a group of civilian and military lawyers who represent a detainee in the military commission proceedings at the Guantánamo Bay naval station. Represented by Cohen Milstein, this group of lawyers filed a lawsuit under the Administrative Procedure Act against the Department of Defense, the Navy, and the Convening Authority, claiming that military commission personnel have been forced to live and work for years in facilities that have been found to have dangerous levels of cancer-causing chemicals and other toxic substances, ranging from formaldehyde to heavy metals and mold.

In 2018, Mr. Small, Cohen Milstein, and the co-lead counsel team in *Animation Workers Antitrust Litigation* were nominated for Public Justice Foundation's Trial Lawyer of the Year, recognizing the legal teams that made the most outstanding contributions to the public interest through precedent-setting or otherwise extraordinary litigation concluded within the last year.

Mr. Small serves on the Advisory Board of the American Antitrust Institute (AAI), a pre-eminent thought-leadership organization devoted to promoting competition. He is also Chair of the selection committee for the Jerry S. Cohen Memorial Fund Writing Award, which annually recognizes top antitrust scholarship.

Mr. Small clerked for the Honorable Judge Roger Vinson, United States District Court for the Northern District of Florida, from 1986 to 1988.

Mr. Small attended Colgate University, where he graduated with a B.A., cum laude, in History. He earned his J.D. at American University's Washington College of Law.

### **Theodore J. Leopold**

Theodore J. Leopold is a Partner at Cohen Milstein and a member of the firm's Executive Committee. Mr. Leopold is Chair of the Catastrophic Injury & Wrongful Death, Managed Care Abuse, and Unsafe & Defective Products practices and Co-Chair of the Consumer Protection practice.

Mr. Leopold's practice is devoted solely to trial work, with a focus on complex product liability, mass tort, managed care abuse, consumer class actions and catastrophic injury and wrongful death litigation. Mr. Leopold has tried cases throughout the country and has recovered multi-million dollar verdicts, including jury verdicts in the eight-figure and nine-figure amounts.

In his role, Mr. Leopold litigates high-stakes, complex lawsuits on behalf of consumer safety issues, particularly as it relates to product defects, automobile safety and managed care matters. In 2010, he obtained a \$131 million jury verdict against the Ford Motor Company, the ninth-largest verdict against an automobile company in U.S. history.

Mr. Leopold is court-appointed Interim Co-Lead Counsel in two high-profile putative toxic tort class actions, including *In re Flint Water Cases* and *Cape Fear River Contaminated Water Class Action Litigation*. Mr. Leopold also serves on the

plaintiffs' trial team in the Rail Freight Fuel Surcharge Antitrust Litigation, as lead counsel in the HCA Class Action and Polaris ATV matter.

Currently, Mr. Leopold is litigating the following notable matters:

- In re Flint Water Cases: On July 26, 2017, Mr. Leopold was appointed Interim Co-Lead Counsel for a group of related class action lawsuits filed in federal court on behalf of Flint, Michigan residents and businesses harmed by exposure to toxic levels of lead and other hazards from the city's drinking water.
- Cape Fear River Contaminated Water Litigation: On January 4, 2018, Mr. Leopold was court appointed Interim Co-Lead Class Counsel to consolidate and oversee a series of five putative toxic tort class actions filed against E.I. DuPont de Nemours Company and The Chemours Company in the U.S. District Court, Eastern District of North Carolina, Southern Division.
- Lindsay X-LITE Guardrail Litigation: Mr. Leopold represents the families of Hannah Eimers, Lauren Beuttel, Jacob Davison, and Wilbert Byrd, who were killed by defective Lindsay X-LITE guardrails, against the Lindsay Corporation and several related entities for designing, manufacturing, and selling defective, dangerous guardrails for use on public roadways.
- Pulse Nightclub Shooting: Mr. Leopold is co-lead counsel representing more than 90 survivors and relatives of victims of the Orlando Pulse Nightclub shooting. The lawsuit against the shooter's former employer, G4S, alleges that it knew he was mentally unstable and threatening violence, yet they employed him as an armed guard, obtained his security license from the state with the use of a fraudulently signed psychological assessment, and repeatedly gave him weapons training, making him a more effective and dangerous shooter.
- Johannessohn et al, v. Polaris Industries: On July 31, 2017, Mr. Leopold filed a class action suit against Polaris Industries, the manufacturer of the Sportsman all-terrain vehicles (ATVs), alleging the ATVs have a design defect that makes them dangerous to drive.
- Ratha, et al v Phatthana Seafood Co.: Mr. Leopold is part of a Cohen Milstein's Human Rights team representing seven Cambodian plaintiffs who, after being promised well-paying jobs, became victims of human trafficking, forced labor, involuntary servitude, and peonage by factories in Thailand producing shrimp and seafood for export to the United States.
- HCA: Mr. Leopold is lead counsel in a class action lawsuit alleging that HCA hospitals bill inflated and exorbitant fees for radiology services provided in the emergency room to people involved in automobile accidents and receiving care that is covered by their Florida Personal Injury Protection (PIP) insurance.

Examples of some of Mr. Leopold's litigation successes are:

- Quinteros, et al v. DynCorp, et al: Mr. Leopold represented over 2,000 Ecuadorian farmers and their families who suffered physical and mental injuries and property damage as a result of aerial spraying of toxic herbicides on or near their land by DynCorp, a U.S. government contractor. The bellwether trial on behalf of the first six Ecuadorian clients came to a conclusion in April 2017, when the ten-person jury unanimously determined that DynCorp was responsible for the conduct of the pilots with whom it had subcontracted to conduct the chemical spraying after April 2003. In July 2017, Mr. Leopold successfully settled the case.
- Mincey v. Takata: Mr. Leopold was the lead attorney in a lawsuit brought on behalf of Patricia Mincey, a Florida woman who was paralyzed when the driver's side airbag in her car deployed too aggressively during a vehicle collision. The injuries Ms. Mincey sustained in the accident ultimately led to her death. In groundbreaking litigation at the forefront of what would become a Department of Justice investigation and the largest defective product recall in automobile history, Ms. Mincey alleged that the airbag system in her car, manufactured by Takata Corporation, was defective and that Takata knowingly hid the defect from consumers. On July 15, 2016, immediately before a hearing was to be held on Plaintiff's motions to depose the CEO of Takata and to amend the complaint to plead a claim for punitive damages, Mr. Leopold successfully resolved the case.
- Caterpillar Product Liability Litigation: Mr. Leopold was co-lead counsel in a class action lawsuit alleging Caterpillar sold diesel engines with defective exhaust emissions system that resulted in power losses and shutdowns. Mr.

Leopold developed the case and led all aspects of the litigation, which he successfully resolved in September 2016 for \$60 million.

- *Cole v. Ford*: Mr. Leopold was co-trial attorney for the family of former New York Mets infielder Brian Cole who was killed when the Ford Explorer he was driving rolled over, ejecting him from the vehicle. The lawsuit charged that the seat belt in the Explorer was defective in that it failed to keep Mr. Cole in his seat. Following two hung juries, eleven of the 12 jury members, in the third trial, agreed on the verdict and found for the Cole family in the amount of \$131 million.
- *Quinlan v. Toyota*: Mr. Leopold was lead counsel in a product liability case against Toyota Motor Company after Bret Quinlan was paralyzed when his Toyota Camry suddenly and without warning began accelerating and failed to respond to the brakes. Mr. Leopold successfully resolved the case prior to trial.
- *Chippis v. Humana*: Mr. Leopold tried one of the first managed care cases in the country after Humana wrongfully denied physical and occupational therapy for a 6 year old child with cerebral palsy. The jury returned the largest punitive damage award on behalf of an individual in Florida history, and this seminal case was featured in the movie *Damaged Care*.
- *Salvato v. Marion County Sherriff*: Mr. Leopold represented the Salvato family in the wrongful death case of Joshua Salvato, an unarmed 21-year-old, who was shot and killed by two Marion County Sherriff's deputies in 2014, and obtained a \$2.3 million jury verdict at trial.
- *Carrier v. Trinity*: Mr. Leopold represented the Carrier family in this wrongful death matter. The death occurred as a result of the guardrail safety device failing. Instead of protecting the driver, the guardrail intruded into the passenger compartment of the vehicle and impaled the driver, causing her death. Mr. Leopold successfully resolved the case in October 2016.

Mr. Leopold is the past president of Public Justice Foundation, a national organization headquartered in Washington, D.C. that fights for justice through precedent-setting and socially significant individual and class action litigation. He is consistently recognized by leading peer-reviewed publications, such as *The Best Lawyers in America* and *Super Lawyers*. He was recently named a 2018 *Best Lawyers in America* "Lawyer of the Year" in the practice area of Product Liability Litigation – Plaintiffs in West Palm Beach for his expertise. In addition, he has been nominated for "Trial Lawyer of the Year" by the Public Justice Foundation for his ground breaking litigation involving the managed care industry, and his work has been featured in the *National Law Journal's* "Top Verdicts of the Year."

Mr. Leopold lectures frequently at professional gatherings on such issues as personal injury, product liability, class action litigation, trial tactics and consumer justice. He is also author and co-author of several legal publications, including *Florida Insurance Law and Practice* (Thomson/West). Additionally, Mr. Leopold has earned the Florida Bar Civil Trial Certification, the highest level of recognition by the Florida Bar for competency and experience within civil trial law.

Mr. Leopold is a graduate of the University of Miami, where he received a B.A. He earned his J.D. from Cumberland School of Law, Samford University.

#### **Laura Alexander**

Laura Alexander is a Partner in the Antitrust practice at Cohen Milstein. Ms. Alexander has extensive litigation and trial experience in complex antitrust litigation, including class actions, as well as individual claims.

Ms. Alexander is a former defense litigator, and brings to bear unique strategic insight from representing both plaintiffs and defendants. She has litigated and tried cases before state and federal courts, administrative agencies, arbitration panels, as well as appellate courts, including the United States Supreme Court.

She specializes in large scale antitrust disputes involving highly sophisticated entities and complex anticompetitive schemes. At trial, Ms. Alexander takes leading roles, including conducting witness and expert cross-examinations and delivering opening and closing statements.

Currently, Ms. Alexander is litigating the following notable matters:

- **Ideker Farms, et al. v. the United States of America:** Cohen Milstein represents Ideker Farms and more than 350 additional plaintiffs located in six states along the Missouri River in this landmark mass action in the U.S. Court of Federal Claims alleging that the federal government took land and flooding easements over lands owned by farmers, violating the takings clause of the Fifth Amendment. Ms. Alexander has been involved in all aspects of the litigation, including cross-examining key witnesses at trial, and presenting portions of the opening and closing statements. In March 2018, after a four-month trial, the Court ruled largely in favor of plaintiffs on liability and causation. Bellwether trials continue. The Court will next determine the extent of the losses due to the taking.
- **Sutter Health Antitrust Litigation:** Cohen Milstein is co-lead counsel in a monopolization case alleging Sutter Health, one of the largest hospital chains in Northern California, has used anticompetitive contract terms and contracting practices to drive out competition and raise prices to self-insured employers to supracompetitive levels. Ms. Alexander has been involved in all aspects of the litigation. Trial is set for June 2019.
- **Big Oak Farms, Inc. v. the United States of America:** Cohen Milstein represents farmers along the Mississippi River in a Fifth Amendment takings case alleging that the U.S. Army Corps of Engineers intentionally flooded plaintiffs' land, without providing just compensation. Ms. Alexander has been involved in all aspects of the litigation.

Ms. Alexander's past successes include:

- **Urethanes (Polyether Polyols) Antitrust Litigation:** Cohen Milstein is co-lead counsel for direct purchaser plaintiffs in an antitrust class action alleging a nationwide conspiracy to fix the prices of chemicals used to make polyurethane foam. Four defendants—Bayer, BASF, Huntsman, and Lyondell—settled for a total of \$139.5 million, while the case against the fifth manufacturer, Dow Chemical, went to trial. After a four-week jury trial, the jury returned a \$400 million verdict for the plaintiffs, which the district court trebled under federal antitrust law to more than \$1 billion. Ms. Alexander was a member of the trial team and had significant brief writing and witness preparation responsibilities. The U.S. Court of Appeals for the Tenth Circuit affirmed the judgment, and the parties subsequently settled.

Ms. Alexander also maintains an active pro bono docket, including:

- **Fannie Mae v. Fausto Amaya:** In 2015, Ms. Alexander successfully defended a first-generation immigrant and his family from having their home foreclosed-upon. She successfully negotiated a new mortgage at terms that allowed the defendant to keep his equity in his property and allowed four generations of the Amaya family to stay in their home.
- Since 2014, Ms. Alexander has been annually recognized as a Super Lawyers' "Washington, DC Rising Star," (2014 - 2018).

Ms. Alexander has authored or co-authored a number of scholarly articles, including "Prominent Market Definition Issues in Pharmaceutical Antitrust Cases," published in the Fall 2015 issue of Antitrust, an American Bar Association publication. Her 2007 Georgetown University Law Center note, "Monopsony and the Consumer Harm Standard," The Georgetown Law Journal, continues to be a sought-after treatise, as the growth of technology combined with increased consolidation among buyers has led to increased focus on the potential harms from buyer power.

Ms. Alexander served as a law clerk to the Honorable Judge M. Margaret McKeown on the United States Court of Appeals for the Ninth Circuit.

Ms. Alexander attended Reed College, earning a B.A. in Mathematics, and earned her J.D., magna cum laude, from Georgetown University Law Center.



**Gary L. Azorsky**

Gary L. Azorsky is a Partner at Cohen Milstein, and Co-chair of the Firm's Whistleblower/False Claims Act Practice. Mr. Azorsky joined Cohen Milstein in 2012, establishing the practice. In his role, Mr. Azorsky pursues whistleblower cases under the federal and state false claims act statutes in the health care, pharmaceutical, banking and defense contractor industries and other industries that conduct business with the government. Mr. Azorsky specializes in the complex, highly detailed process for filing and pursuing these cases. In his practice, he has helped right wrongs and to recover nearly \$2.5 billion in defrauded funds for federal and state governments, including hundreds of millions of dollars for whistleblower clients.

Most recently, Mr. Azorsky served as co-lead counsel in the qui tam action against the pharmaceutical company Wyeth pending in the District of Massachusetts, in which more states joined to intervene along with the government of the United States than had ever before intervened in a qui tam action. (United States of America et al., ex rel. Lauren Kieff, v. Wyeth, No.1:03-CV-12366-DPW [D.Mass.]) The \$784.6 million settlement was the seventh-largest False Claims Act recovery on record and the second-largest recovery in history involving a single class of drugs. Mr. Azorsky worked alongside Department of Justice attorneys and states Attorneys General throughout the 12-year pendency of the case.

Mr. Azorsky was actively involved in precedent-setting cases, such as the series of Ven-A-Care cases, which were among the first large FCA multi-state cases and laid the groundwork for much of the false claims act litigation that goes on today. He has also represented whistleblowers in False Claims Act cases involving defense contractors, off-label marketing and misbranding by pharmaceutical companies and fraud in connection with the banking industry, for-profit colleges and student loan programs. In addition, Mr. Azorsky represents whistleblowers in tax fraud claims against large and small corporations through the IRS Whistleblower Office, as well as whistleblowers alleging violations of the Foreign Corrupt Practices Act and violations of the federal securities laws filed with the SEC Whistleblower Office.

Mr. Azorsky served as co-counsel for the whistleblower on the following representative matters:

- United States of America ex rel. Ven-a-Care of the Florida Keys Inc. v. Dey Laboratories, et al., Civil Action No. 05-11084 (D. Mass) (\$280 Million settlement in December 2010)
- United States of America ex rel. Ven-A-Care of the Florida Keys Inc. v. Boehringer Ingelheim Corp, et al., Civil Action No. 07-10248 (D. Mass.) (\$280 Million settlement in December, 2010)
- Florida ex rel. Ven-A-Care of the Florida Keys Inc. v. Boehringer Ingelheim Corp, et al., Civil Action No. 98-3-32A (Leon Cty., Fla.) (\$6.5 Million settlement with Dey Laboratories, Inc. in March 2010)
- Florida ex rel. Ven-A-Care of the Florida Keys Inc. v. Boehringer Ingelheim Corp, et al., Civil Action No. 98-3-32A (Leon Cty., Fla.) (\$9.57 Million settlement with Schering-Plough in December 2009)
- Florida ex rel. Ven-A-Care of the Florida Keys Inc. v. Boehringer Ingelheim Corp, et al., Civil Action No. 98-3-32A (Leon Cty., Fla.) (\$8.5 Million settlement with Boehringer Ingelheim in December 2009)
- Texas ex rel. Ven-A-Care of the Florida Keys Inc. v. Roxane Laboratories, Inc., Boehringer Ingelheim Pharmaceuticals, Inc., Ben Venue Laboratories, Inc. and Boehringer Ingelheim Corporation, Civil Action No. GV3-03079 (Travis Cty., Tex.) (\$10 Million settlement with Boehringer Ingelheim in November 2005)
- Texas ex rel. Ven-A-Care of the Florida Keys Inc. v. Warrick Pharmaceuticals Corporation, Schering Plough Corporation, Schering Corporation, Civil Action No. GV002327 (Travis Cty., Tex.) (\$27 Million settlement with Schering-Plough in May 2004)
- Texas ex rel. Ven-A-Care of the Florida Keys Inc. v. Dey, Inc., Dey, L.P., Civil Action No. GV002327 (Travis Cty., Tex.) (\$18.5 Million settlement with Dey Laboratories, Inc. in June 2003)

Mr. Azorsky is recognized for his expertise. He has served as an expert witness in a legal malpractice case concerning qui tam practice. He has provided expert guidance on the False Claims Act in congressional hearings, as well as before the Vermont Senate Judiciary Committee in support of the passage of a False Claims Act for the state. In addition, he regularly speaks before professional audiences regarding the federal and state False Claims Acts.

Mr. Azorsky is a member of Taxpayers Against Fraud, a nonprofit, public interest organization dedicated to combating fraud against the Federal Government through the promotion and use of the Federal False Claims Act and its qui tam provisions. Prior to joining Cohen Milstein, in addition to his Whistleblower/False Claims Act practice, he was actively involved in groundbreaking civil rights, commercial and intellectual property litigation, including Internet and software industry-related litigation.

Mr. Azorsky is a graduate of the University of Pennsylvania, with a B.A. in English, and received his law degree from Cornell University Law School.

### **Benjamin D. Brown**

Benjamin D. Brown is a Partner at Cohen Milstein, and Co-Chair of the firm's Antitrust practice group. Mr. Brown, who previously served in the Antitrust Division of the United States Department of Justice, brings to his role extensive experience leading complex litigation, particularly antitrust class actions.

Mr. Brown has been appointed by federal courts to serve as co-lead counsel or on steering committees for plaintiffs in numerous important matters, such as *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.); *Allen, et al. v. Dairy Farmers of America, Inc.* (D. Vt.); and *Mixed Martial Arts (MMA) Antitrust Litigation* (D. Nv.). He has led cases through trial and argued appeals and stands ready to take cases through to the finish line.

Mr. Brown is also a leader in the area of takings cases, claims that are brought under the Fifth Amendment of the U.S. Constitution for the unconstitutional taking of property without compensation. He also represents individuals or groups in litigations and confidential arbitrations involving complex commercial disputes, particularly those involving regulated markets.

Currently, Mr. Brown is litigating a number of large, complex antitrust and price manipulation lawsuits, where he plays a prominent role and leads all aspects of the litigation, from deciding on the claims to be brought, the strategy to be pursued and charting the course of the case. Notable matters include:

- **Mixed Martial Arts (MMA) Antitrust Litigation:** Cohen Milstein is co-lead counsel in a class action on behalf of MMA fighters alleging that Zuffa LLC – commonly known as the Ultimate Fighting Championship or “UFC” – has unlawfully monopolized the markets for promoting live professional MMA bouts and for purchasing the services of professional MMA fighters. The district court denied the defendant’s motion to dismiss the case in September 2015 and discovery is ongoing. Mr. Brown is co-lead in this class action.
- **Allen, et al. v. Dairy Farmers of America, Inc:** Cohen Milstein served co-lead counsel in a class action lawsuit on behalf of Northeast dairy farmers against Dairy Farmers of America (DFA) and Dean Foods Company charging a conspiracy to reduce competition for raw milk and that DFA monopolized the milk market in the Northeast, forcing dairy farmers to market their milk through DFA or its affiliate Dairy Marketing Services (DMS). Final, approved settlements total \$50 million.
- **DairyAmerica Litigation:** Cohen Milstein is sole lead counsel of a putative class of dairy farmers who allege that defendants fraudulently misreported nonfat dry milk prices to the National Agricultural Statistics service, resulting in artificially depressed raw milk prices and unfairly depriving American dairy farmers of tens or hundreds of millions of dollars. Mr. Brown directs and leads all aspects of the litigation.

Mr. Brown is also currently litigating a number of takings lawsuits, including the following notable matters:

- **Ideker Farms, et al. v. United States of America:** Cohen Milstein represents Ideker Farms and more than 400 other plaintiffs located in six states along the Missouri River in a landmark mass action lawsuit in the U.S. Court of Federal Claims alleging that the federal government took land and flooding easements over lands owned by farmers without any compensation in violation of the takings clause of the Fifth Amendment. Mr. Brown has helped lead the litigation team, including during a months-long liability trial in 2017, during which he personally cross-

examined ten witnesses, including six experts. In March 2018, the Court ruled largely in favor of plaintiffs on liability and cause of flooding claims. Bellwether trials continue. The Court will next determine the extent of the losses due to the taking.

- **Big Oak Farms, Inc., et al. v. United States of America:** Cohen Milstein represents a group of farmers along the Mississippi River in a Fifth Amendment takings case alleging that the U.S. Army Corps of Engineers intentionally flooded plaintiffs' land without providing just compensation. Mr. Brown has been directing and leading all aspects of the litigation.

Mr. Brown joined Cohen Milstein in 2005, following four years as a trial attorney with the Antitrust Division of the United States Department of Justice. At the Department of Justice, Mr. Brown led and assisted in numerous investigations, litigations and trials involving antitrust activity and mergers. Mr. Brown also served as a Special Assistant United States Attorney in the Eastern District of Virginia, where he prosecuted criminal cases. Prior to serving in the U.S. Department of Justice, Mr. Brown was in private practice, where he counseled defendants in antitrust litigation matters. This experience has provided him with insights into defense strategies and has earned him the respect of defendants' counsel.

The Legal 500 has recognized Mr. Brown as one of the nation's leading class action antitrust attorneys. Mr. Brown is also recognized in *Who's Who Legal: Thought Leaders – Competition*, and he has been listed as one of Washington D.C.'s "Leading Star" Plaintiffs' Litigators by Benchmark Litigation, recognizing his writing, his depositions and his arguments in court. He is a frequent panelist at legal industry gatherings and is a recognized expert on antitrust litigation whose opinions on the newest developments and trends in antitrust litigation are often quoted in the media. Mr. Brown is a contributing author of the ABA's *Antitrust Class Actions Handbook*, and has served as a state editor for the ABA's *Survey of State Class Action Law*. He authored several chapters on private antitrust recovery actions for the *Global Competition Review's Antitrust Review of the Americas*, and co-authored with fellow partner Douglas Richards, "Predominance of Common Questions – Common Mistakes in Applying the Class Action Standard," *Rutgers Law Journal* (Vol. 41).

Mr. Brown is currently serving on the Advisory Board of the Institute for Consumer Antitrust Studies at Loyola University Chicago's School of Law.

Mr. Brown attended the University of Wisconsin – Madison, where he graduated Phi Beta Kappa, majoring in Philosophy, and earned his J.D., from Harvard Law School, graduating cum laude. He served as Law Clerk to the Hon. Chief Judge Juan R. Torruella, U.S. Court of Appeals for the First Circuit. The United States District Court for the District of Columbia has honored Mr. Brown for his outstanding commitment to pro bono litigation.

### **S. Douglas Bunch**

S. Douglas Bunch is a Partner at Cohen Milstein and a member of the Securities Litigation & Investor Protection practice group.

Mr. Bunch represents individual and institutional investors in securities and shareholder class actions. His work and path-breaking legal arguments in precedent-setting cases, such as *In re Harman International Industries, Inc. Securities Litigation*, have earned him numerous accolades, including being named one of Law360's Rising Stars (2017), honoring lawyers under the age of 40 whose professional accomplishments transcend their age.

Mr. Bunch has played a leading role in the following securities class actions:

- **Harman International Industries, Inc. Securities Litigation:** Cohen Milstein obtained a precedent-setting ruling by the U.S. Court of Appeals for the D.C. Circuit, reversing the dismissal of the case by the lower court, protecting investors by limiting the scope of protection afforded by the so-called "safe-harbor" for forward-looking statements in the Private Securities Litigation Reform Act of 1995.
- **ITT Educational Services, Inc. Securities Litigation:** Cohen Milstein achieved a \$16.96 million settlement against ITT and two of its officers. The case was hotly contested and involved unraveling complex accounting treatments

governing ITT's transactions with third-party lenders, whereby the third parties agreed to assume liability for student loan defaults up to a particular threshold. The case settled during discovery after the parties had reviewed and analyzed over two million pages of documents, after depositions had been taken, while class certification briefing was ongoing.

- **Plumbers & Pipefitters National Pension Fund v. Orthofix International N.V.:** Cohen Milstein reached an \$11 million settlement against this medical device company headquartered in Curacao, Netherlands Antilles, despite significant logistical obstacles during investigation and discovery. Much of the information relevant to the case—including internal company documents and witness testimony—were in six foreign languages, and located in nine different countries on four different continents.
- **Rubin v. MF Global, Ltd.:** Cohen Milstein achieved a significant \$90 million settlement in this precedent-setting case, in which the U.S. Court of Appeals for the Second Circuit sided with the plaintiffs and held that companies cannot make false or misleading statements in their offering documents, and then hide behind associated risk disclosures in an attempt to escape liability. The National Law Journal named Cohen Milstein to its Plaintiffs' Hot List for its achievement.
- **MBS Litigation:** Cohen Milstein is a legal pioneer in mortgage-backed securities (MBS) litigation, having negotiated some of the largest and most significant MBS settlements in history and achieved more than \$2.5 billion in investor recoveries. Mr. Bunch played a key role in these cases, particularly those against Residential Accredited Loans, Inc. (RALI) (\$335 million settlement), Harborview Mortgage Loan Trusts (\$275 million settlement), and Bear Stearns & Co. Inc. (\$500 million settlement).

Mr. Bunch is currently involved the following notable cases:

- **Cape Fear River Contaminated Water Litigation:** On January 4, 2018, Cohen Milstein was appointed Interim Co-Lead Class Counsel to consolidate and oversee a series of putative toxic tort class actions filed against E.I. du Pont de Nemours & Company and The Chemours Company in the U.S. District Court for the Eastern District of North Carolina, Southern Division. These consolidated cases allege that for more than four decades, DuPont and Chemours polluted the Cape Fear River near Wilmington, North Carolina, with a chemical called GenX; contaminated the water supply in five North Carolina counties; and misrepresented the company's conduct to state and federal regulators, all while knowing that GenX was carcinogenic. Plaintiffs allege extensive property damage and personal injury as a result of defendants' actions.
- **Nieves v. Performance Sports Group Ltd.:** Cohen Milstein is Lead Counsel in this high-profile, putative securities class action involving PSG's failure to disclose that its purported financial success was not based on sustainable, "organic" growth as represented, but was driven by the company's manipulative and coercive sale practices, which included pulling orders forward to earlier quarters and pressuring customers to increase their orders without regard for market demand. The SEC and Canadian authorities subsequently initiated investigations, and PSG filed for bankruptcy.
- **Schwartz v. Opus Bank:** Cohen Milstein is Lead Counsel in this putative securities class action, alleging that certain directors and officers of this commercial bank misled investors by portraying an image of a disciplined and conservative approach to credit, underwriting, and credit controls. In March 2018, the U.S. District Court for the Central District of California granted preliminary approval of a \$17 million settlement, and a hearing on final approval of the settlement is currently scheduled for July 2018.

In recognition of his legal achievements, Mr. Bunch was named a Law360 Rising Star (2017), recognizing outstanding lawyers under the age of 40. Mr. Bunch has also been annually recognized by Washington, DC Super Lawyers (2014-19).

Mr. Bunch is co-founder and chairman of Global Playground, Inc., a nonprofit that builds schools and other educational infrastructure in the developing world, and serves or has served on the boards of the Northeast Conference on the Teaching of Foreign Languages, Ascanius: The Youth Classics Institute, and Virginia21. In 2016, the Governor of Virginia appointed Mr. Bunch to the Board of Visitors of the College of William & Mary.

A member of Phi Beta Kappa, Mr. Bunch graduated with a B.A., summa cum laude, from the College of William & Mary, earned an Ed. M. from Harvard University, and received his J.D. from William & Mary Law School, where he was a recipient of the Benjamin Rush Medal in 2006. In 2011, he was awarded William & Mary's inaugural W. Taylor Reveley III award, recognizing alumni who have demonstrated a sustained commitment to public service.

### **Manuel J. Dominguez**

Manuel J. ("John") Dominguez is a Partner at Cohen Milstein, and a member of the Antitrust practice group. Mr. Dominguez specializes in complex, multi-district antitrust litigation, representing individuals and businesses that have been harmed by anticompetitive business practices. Mr. Dominguez, in addition, plays a significant role in the practice group identifying and investigating potential antitrust violations.

Mr. Dominguez has been litigating complex antitrust and consumer cases for more than 20 years, and has served as lead counsel and handled numerous high-profile, high-stakes cases during that time. His efforts have enabled aggrieved businesses and consumers to recover hundreds of millions of dollars. He litigated and resolved cutting-edge litigation against AOL for allegedly unlawfully collecting the Internet search data of millions of users and making their private information available for downloading by the general public. Earlier in his career, Mr. Dominguez litigated a highly significant securities matter that settled for hundreds of millions of dollars involving Symbol Technologies Inc., a barcode technology maker that intentionally overstated its revenues through premature revenue recognition, improper consignment arrangements and channel stuffing.

Mr. Dominguez, who joined Cohen Milstein in 2011, has assisted the firm in developing its investigatory and case development groups. He is a hands-on litigator who is currently representing plaintiffs in antitrust litigation involving alleged price-fixing and anticompetitive monopolistic practices in various industries including truck transmissions, medical products, auto industry and finance, among others. Although Mr. Dominguez's practice is focused on antitrust litigation, he continues to be involved in securities and consumer matters.

Mr. Dominguez is currently representing direct purchasers in a series of Auto Parts antitrust class action lawsuits being litigated in the Eastern District of Michigan in Detroit. These cases stem from the largest antitrust investigation in the history of the U.S. Department of Justice, with over \$1 billion in fines and multiple criminal indictments. Two of the cases, Wire Harnesses and Bearings, are scheduled to be the first cases to be considered for certification by the court. In these cases, Mr. Dominguez has significant responsibilities, including leading discovery efforts against defendants and assisting experts.

Mr. Dominguez is also co-lead counsel in the Truck Transmissions Antitrust Litigation alleging that Eaton Corp., the largest manufacturer of truck transmissions, and the four major truck manufacturers conspired to create a monopoly for transmissions used in heavy-duty trucks. Mr. Dominguez responsibilities include arguing all the major motions and deposing and defending nearly all the expert depositions in this matter. The case is currently up on appeal in the Third Circuit.

Mr. Dominguez began his career as an Assistant Attorney General serving in the Attorney General of the State of Florida's Department of Economic Crimes. In that role, he represented the state of Florida in prosecuting corporations and business entities for alleged violations of Florida's RICO, antitrust and Unfair and Deceptive Trade Practices Act statutes. Following his service as an Assistant Attorney General, Mr. Dominguez entered private practice, litigating and trying numerous cases involving unfair trade practices and other alleged violations of state and federal consumer protection statutes. In 2000, he joined a premier class action firm focused on antitrust and securities litigation; there, he rose to the head of the firm's antitrust and consumer practice groups. Mr. Dominguez recently won a significant motion to dismiss in a non-class action antitrust action brought on behalf of Doctors and practice groups against a major insurance company and hospital in Florida in *Omni Healthcare, Inc. v. Health First, Inc.* The issues presented and argued were issues of first impression for the middle district of Florida.

Mr. Dominguez is also nationally recognized for his knowledge of managing the discovery process in today's increasingly technologically complex business environment. He has made presentations on topics such as the impact of the new e-discovery amendments to the Federal Rules of Civil Procedure, and has also participated in The Sedona Conference® Working Group 1, an organization at the vanguard of developing standards for electronic discovery.

Mr. Dominguez formerly served as the Chair for the Antitrust, Franchise & Trade Regulation Committee of the Florida Bar's Business Law Section. Mr. Dominguez previously served as the Vice Chair of this committee and was a member of the Executive Council of Florida Bar's Business Law Section. He is also co-author of an article that appeared in the Florida Bar Journal, "The Plausibility Standard as a Double Edge Sword: The application of Twombly and Iqbal to Affirmative Defenses" (Vol. 84, No. 6).

Mr. Dominguez received a B.A. from Florida International University, and earned his J.D. from the Florida State University Law School, graduating with honors. In law school, he was a member of the Transnational Journal of Law and Policy.

#### **Michael B. Eisenkraft**

Michael B. Eisenkraft is a Partner at Cohen Milstein where he takes a leading role in prosecuting innovative cases relating to the protection of financial and commodity markets for the firm and currently represents investors in the Interest Rate Swaps, Treasuries, Stock Lending, KOSPI 200, XIV ETN, and LIBOR markets. He has also helped investors recover hundreds of millions of dollars in the firm's mortgage-backed securities cases. Mr. Eisenkraft serves as the Administrative Partner for Cohen Milstein's New York office and chairs the firm's new business development committee.

Mr. Eisenkraft was honored by Law360 in 2018 as one of six attorneys under the age of forty in the field of securities whose "professional accomplishments belie their age", as well as by Benchmark Litigation (40 & Under Hot List), and by New York Super Lawyers (Rising Star 2013-2019). Mr. Eisenkraft is rated "AV" or preeminent by Martindale-Hubbell.

His notable successes at Cohen Milstein include:

- NovaStar MBS Litigation: \$165 million settlement on behalf of investors in a Securities Act litigation involving billions of dollars of mortgage-backed securities underwritten by the Royal Bank of Scotland, Wachovia and Deutsche Bank.
- HEMT MBS Litigation: \$110 million settlement on behalf of investors in mortgage-backed securities issued and underwritten by Credit Suisse after more than seven years of litigation, which included the first written decision certifying a Securities Act class of mortgage-backed securities in the country.
- RALI MBS Litigation: \$335 million in settlements on behalf of investors in mortgage-backed securities issued by Residential Capital and underwritten by various investment banks after seven years of litigation.
- Harborview MBS Litigation: \$275 million settlement on behalf of investors in mortgage-backed securities issued and underwritten by the Royal Bank of Scotland and its subsidiaries after more than six years of litigation.
- Dynex: \$7.5 million settlement on eve of trial on behalf of investors in asset-backed securities. The decision certifying the class in the case was the first decision within the Second Circuit certifying a class of asset-backed bond purchasers under the 1934 Act.
- China MediaExpress: \$12 million settlement with auditor defendant in case involving alleged fraud at Chinese reverse merger company China MediaExpress. One of the largest settlements with an auditor defendant in a case involving a Chinese reverse merger company.

Mr. Eisenkraft's current cases include:

- In Re: Interest Rate Swaps Antitrust Litigation: Court-appointed co-lead counsel in antitrust class action alleging that major investment banks conspired to prevent an all to all market for interest rate swaps from developing.

- In Re: Treasuries Securities Auction Antitrust Litigation: Court-appointed co-lead counsel in antitrust and Commodity Exchange Act class action alleging manipulation of the multi-trillion dollar market for U.S. Treasuries and related instruments.
- Stock Lending Antitrust Litigation: Leading antitrust class action alleging that major investment banks conspired to prevent the stock lending market from evolving by boycotting and interfering with various platforms and services designed to increase transparency and reduce costs in the stock lending market.
- Tower Research Capital: Leading Commodity Exchange Act class action against a high frequency trading firm alleging manipulation of the market for KOSPI 200 futures contracts (the representative stock market index of South Korea and one of the most widely traded futures in the world) using spoofing or faked trades.
- Chahal v. Credit Suisse Grp. AG, et al: Court-appointed co-lead counsel in securities class action alleging fraud and market manipulation of XIV Exchange Traded Note market.
- LIBOR (Exchange Traded Class): Commodity Exchange Act and antitrust class action representing investors in Eurodollar futures injured by manipulation of LIBOR by world's largest banks.

Mr. Eisenkraft served as a law clerk to the Honorable Judge Barrington D. Parker of the United States Court of Appeals for the Second Circuit. He is the author or co-author of numerous articles on legal issues in the securities and antitrust fields among other subjects.

Mr. Eisenkraft attended Brown University, where he received a B.A., magna cum laude and Phi Beta Kappa, and graduated cum laude from Harvard Law School.

#### **Andrew N. Friedman**

Andrew N. Friedman is a Partner at Cohen Milstein, and is Co-Chair of the firm's Consumer Protection practice group. Practicing in the class action field since 1985, Mr. Friedman specializes in litigating complex, multi-state class action lawsuits against manufacturers and consumer service providers such as banks, insurers, credit card companies and others. He is widely recognized as a leader in enforcing consumer rights and known as a hands-on lawyer who is ready to take litigation all the way through trial.

Over the years, Mr. Friedman has been lead or co-lead counsel in numerous important cases, bringing relief to millions of consumers and recovering hundreds of millions of dollars in class actions. He was one of the principal counsel in cases against Nationwide and Country Life, which asserted sales marketing abuses in the marketing of so-called "vanishing premium policies," where insurance agents sold insurance policies to unsuspecting consumers promising that after a relatively short time the dividends generated from the policy would be so high as to be able to fully pay the premiums. In fact, the calculations of the policies were based on unrealistic interest rate projections and, therefore, the premiums never "vanished." The Nationwide case resulted in a settlement valued at between \$85 million and \$103 million, while a settlement with Country Life made \$44 million in benefits available to policyholders.

Mr. Friedman was co-lead counsel in *Keithly v. Intelius, Inc.* (W.D. Wash.), where he negotiated two nationwide settlements with Intelius, Inc., relating to negative option programs and improper post-transaction marketing. The combined settlements made \$12 million in cash and a total of \$3.5 million in vouchers available to the Class.

Mr. Friedman has also litigated important consumer product lawsuits, including one against Thomson Consumer Electronics, which resulted in a settlement that made up to \$100 million available for persons who paid for unreimbursed repairs to defective televisions. In addition, Mr. Friedman was one of the principal counsel in the Dex-Cool Litigation, a nationwide lawsuit alleging that General Motors sold millions of cars with defective coolant that gummed up and caused corrosion to engines. GM settled ahead of trial, offering relief of cash payments of up to \$800 per repair.

More recently, Mr. Friedman litigated a lawsuit against Symantec, Corp., and Digital River, Inc., a four-year long nationwide class action battle regarding the marketing of a re-download service in conjunction with the sale of Norton software. The

case settled in a \$60 million all-cash deal one month before the case was about to go to trial – one of the most significant consumer settlements in years.

Prior to his current role as Co-Chair and member of the Consumer Protection group, Mr. Friedman was a member of the Securities Litigation & Investor Protection practice, litigating many important matters, including the Globalstar Securities Litigation in which he served as one of the lead trial counsel. The case settled for \$20 million during the second week of the trial. In addition, Mr. Friedman served as one of co-lead or principal counsel in Norman Frank et al. v. David L. Paul (a recovery of over \$18 million); In re Jiffy Lube Securities Litigation (D. Md.) (a recovery of over \$12 million); and In re Immunex Securities Litigation (W.D. Wash.) (a recovery of \$14 million).

Currently, Mr. Friedman is litigating such notable matters as:

- **Anthem Data Breach Litigation:** Mr. Friedman is co-lead counsel in a high-profile class action lawsuit against Anthem Inc. over its massive data breach that compromised the personal identification (including social security numbers, date of birth, medical ID number, etc.) and health information of 80 million insured customers. The lawsuit alleges Anthem, the second-largest insurance company in the nation, failed to ensure its data systems were protected, failed to prevent and stop the breach from happening and failed to disclose to its customers material facts regarding the breach. Mr. Friedman is involved in all aspects of the litigation.
- **Sallie Mae Litigation:** Cohen Milstein is co-lead counsel in a series of cases alleging that Sallie Mae charged usurious interest rates and improper late fees to California students. Mr. Friedman is overseeing all aspects of the litigation.
- **Home Depot Data Breach Litigation:** Mr. Friedman is a member of the Plaintiffs' Steering Committee representing financial institutions and heads the expert committee in a class action lawsuit arising out of the Home Depot data breach, a cyber attack that affected hundreds of financial institutions and more than 40 million consumers.

Mr. Friedman is a noted speaker who has appeared on numerous panels for legal education seminars and institutional investor conferences on the issues of consumer and securities class actions. In 2011, LawDragon named him one of the Leading Plaintiffs' Lawyers. His work has been cited in the media and he was profiled in the April 14, 2000, Washington Business Journal.

Prior to joining Cohen Milstein, Mr. Friedman served as an attorney with the U.S. Patent and Trademark Office.

Mr. Friedman attended Tufts University, graduating magna cum laude and was elected Phi Beta Kappa, with a B.A. in Psychology. He earned his J.D. from the National Law Center, George Washington University.

### **Agnieszka Fryzman**

Agnieszka Fryzman is a Partner at Cohen Milstein, and is Chair of the firm's Human Rights practice group. She has been recognized as leading one of the best private international human rights practices in the world.

Ms. Fryzman represents individuals who have been victims of torture, human trafficking, forced and slave labor and other violations of international law. A recognized expert and leader in the field of human rights law, Ms. Fryzman regularly litigates cases against corporate giants. She was a member of the legal team that successfully represented survivors of Nazi-era forced and slave labor against the German and Austrian companies that allegedly profited from their labor. These cases were resolved by international negotiations that resulted in multi-billion dollar settlements. She also represented, pro bono, Holocaust survivors suing Swiss banks that collaborated with the Nazi regime during World War II. This litigation led academics to revise their assessment of Switzerland's relationship with Nazi Germany and exposed the extent of business participation in the Holocaust.

Ms. Fryzman earned the National Law Journal Pro Bono Award for efforts on behalf of Nepali laborers injured or killed at U.S. military bases in Iraq and Afghanistan. Her team obtained several judgments and significant settlements on behalf of the families.



In addition, she currently represents victims of a human trafficking ring that allegedly lured men from Nepal with the promise of employment at luxury hotels, but instead took them against their will to work for U.S. military contractors in Iraq. Ms. Fryszman investigated and initiated suit against military contractor KBR, filing one of the first complaints under the Trafficking Victims Protection Act. She has also represented men and women who were trafficked by diplomats, in the fishing industry, and to work cleaning houses in Northern Virginia. In one recent case, after Ms. Fryszman obtained a full recovery for her client in a civil suit, the Department of Justice brought criminal charges, resulting in guilty pleas by the perpetrators. Her work on behalf of the former “comfort women,” women and girls trafficked into sexual slavery by the government of Japan during World War II, was recognized with the “Fierce Sister” award from the National Asian Pacific American Women’s Forum.

Ms. Fryszman represented, pro bono, victims of the September 11 attack on the Pentagon and obtained one of the highest awards for an injured survivor from the Victim’s Compensation Fund. Ms. Fryszman also represented, pro bono, two individuals detained by the United States at Guantanamo Bay who were ultimately cleared without charge.

Prior to joining Cohen Milstein in 1998, Ms. Fryszman served as counsel to the United States House of Representatives Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, and before that counsel to Representative Henry Waxman, Ranking Member on the House Government Reform and Oversight Committee. Earlier in her career, she was legislative director to U.S. Representative Jack Reed. Ms. Fryszman has received some of the legal profession’s highest honors. Since 2009, LawDragon 500 has named her perennially to its list of Leading Lawyers in America. Benchmark Plaintiff has named her a Leading Star Plaintiffs’ Litigator and one of the Top 150 Women in Litigation. For her pro bono work, she was awarded the Beacon of Justice Award by the National Legal Aid and Defender Association and the Frederick Douglass Human Rights Award from the Southern Center for Human Rights. She was also a finalist for the Public Justice Foundation’s Trial Lawyer of the Year Award for her work on *Wiwa v. Royal Dutch Shell*. Ms. Fryszman joined the legal team in that case to prepare it for trial, resulting in a multi-million dollar settlement on the morning of jury selection.

Ms. Fryszman graduated from Brown University with an A.B. in International Relations, and earned her law degree from Georgetown University, graduating magna cum laude, Order of the Coif. At law school, she was a Public Interest Law Scholar.

### **Martha Geer**

Martha Geer is a Partner at Cohen Milstein and head of the firm’s North Carolina office. She joined the firm in May 2016 after a distinguished career on the North Carolina Court of Appeals.

Judge Geer’s background – almost two decades as a respected litigator and appellate advocate handling a range of complex civil litigation followed by more than 13 years as a rarely-reversed appellate judge – is a composite of experience few attorneys have and clients find of great value.

As a trial and appellate lawyer, Judge Geer works with clients across many of firm’s litigation practice disciplines, including antitrust, securities fraud, ERISA, civil rights and employment law, consumer protection, as well as qui tam actions.

### **Judicial Experience**

Judge Geer was first elected to the North Carolina Court of Appeals in 2002. In 2010, because of her reputation as a fair and impartial judge, she garnered strong bipartisan support that resulted in her winning re-election by a 20-point margin.

During her tenure on the Court, Judge Geer heard more than 3,800 appeals, authored more than 1,350 opinions, and had her opinions reversed less than 2% of the time. As one of the most experienced Court of Appeals judges, Judge Geer was responsible for hearing and deciding appeals on a wide variety of issues involving almost every area of law. She also

served on the Court's Executive Committee, which works with the Chief Judge in administration of the Court. During her service on the Court, she was named Outstanding Appellate Judge by the North Carolina Advocates for Justice.

#### Private Practice Experience

Prior to being elected to the bench, Judge Geer was a partner with two leading North Carolina plaintiffs' firms and was a founding member of the second firm. She was a highly respected trial and appellate litigator, known for obtaining cutting-edge and precedent-setting victories in a diverse set of practice areas, including securities litigation, labor and employment law, ERISA, antitrust and trade regulation, commercial litigation, consumer protection, and constitutional and civil rights litigation.

As a private practice trial and appellate lawyer, she has been regularly recognized in The Best Lawyers in America, as well as Business North Carolina as one of North Carolina's "Legal Elite." Judge Geer began her legal career with Paul Weiss Rifkind Wharton & Garrison.

As a part of her private practice, Judge Geer has done a substantial amount of pro bono work, including being part of a team that obtained a stay of execution on behalf of a mentally retarded man on death row who was subsequently shown to be innocent by DNA testing, once such testing finally became available. That work led to her being one of the recipients of the 2004 Dybwad Humanitarian Award, the highest honor of the American Association on Intellectual and Developmental Disabilities.

As both a judge and a lawyer, Judge Geer has worked to improve the quality of legal representation through service on the Appellate Specialization Committee of the North Carolina State Bar, the Appellate Rules Committee of the North Carolina Bar Association, the Board of Governors of the North Carolina Advocates for Justice, and various committees of the American Bar Association and other bar association groups.

Judge Geer is a highly sought-after teacher of continuing education programs for both other judges and lawyers.

Judge Geer received her B.A. summa cum laude from Bryn Mawr College and her J.D. with high honors from the University of North Carolina School of Law where she was a Morehead Fellow and served as Managing Editor of the North Carolina Law Review.

#### **Carol V. Gilden**

Carol V. Gilden is a Partner in Cohen Milstein's Securities Litigation & Investor Protection Practice Group. She represents public pension funds, Taft-Hartley pension and health and welfare funds, and other institutional investors in securities class actions, transaction and derivative litigation, and individual actions, as well as in foreign securities litigation. She also litigates other types of complex litigation and class actions in state and federal courts nationwide.

Ms. Gilden is an industry leader and client champion, spearheading some of the most novel securities disputes in the financial markets, resulting in aggregate recoveries in excess of several billion dollars for investors. Her guiding principle – those who commit fraud on the financial markets should be held accountable.

Ms. Gilden has been court appointed lead, co-lead or executive committee counsel on numerous high-profile securities cases, including MF Global, in which the U.S. Court of Appeals for the Second Circuit held that companies that make false, misleading statements cannot hide behind risk disclosures in an attempt to escape liability, and for which she was named in the National Law Journal's Hot Plaintiffs Firm of the Year; and IntraLinks – one of the first securities class actions to be certified following the Supreme Court's decision in Halliburton II, providing a roadmap for obtaining class certification to other cases. She is currently Co-Lead Counsel in two groundbreaking antitrust lawsuits involving two of the world's largest financial markets.

Ms. Gilden began her career at the Securities and Exchange Commission in the Enforcement Division, spending five years investigating and litigating cases involving securities fraud. Prior to joining Cohen Milstein in 2007, Ms. Gilden served as the head of the securities class action practice at a prominent mid-sized Chicago law firm and the vice chair of its class action department.

#### Representative Matters

- **Interest Rate Swaps Market Manipulation Litigation:** Ms. Gilden represents the Chicago Public School Teachers' Pension Fund and other institutions in a groundbreaking putative class action, charging 12 Wall Street banks with conspiring to engineer and maintain a collusive and anti-competitive stranglehold over the interest rate swaps market – one of the world's biggest financial markets. On August 3, 2016, Cohen Milstein was appointed Co-Lead Counsel. The case is past the motion to dismiss and in active discovery.
- **Treasuries Market Manipulation Litigation:** Ms. Gilden represents the Cleveland Bakers and Teamsters Pension and Health and Welfare Funds and other institutions in a groundbreaking putative antitrust securities class action, alleging two dozen financial institutions with an inside role at the auction for U.S. Treasuries, conspired to manipulate yields and prices to their own benefit. On August 23, 2017, Cohen Milstein was appointed Co-Lead Counsel.
- **Nieves v. Performance Sports Group Ltd. et al.:** Ms. Gilden represents Plumbers & Pipefitters National Pension Fund and other investors, in this high-profile, putative securities class action involving PSG's failure to disclose that its growth was not based on sustainable "organic growth" as represented, but was driven by the Company's manipulative and coercive sale practices, which included pulling orders forward and forcing customers to increase their orders without regard for market demand. The SEC and Canadian authorities subsequently initiated investigations, and PSG filed for bankruptcy. On June 7, 2016, Cohen Milstein was appointed Lead Counsel.
- **Credit Suisse Group AG Securities Litigation:** Ms. Gilden is representing the International Brotherhood of Teamsters Local No. 710 Pension Plan in a securities class action against Credit Suisse Group AG, involving misrepresentations of its trading and risk limits, and subsequent accumulation of billions of dollars in extremely risky, highly illiquid investments, including the surreptitious accumulation of nearly \$3 billion in distressed debt and U.S. collateralized loan obligations ("CLOs"). On March 19, 2018, Cohen Milstein was appointed Co-Lead Counsel.
- **Intuitive Surgical Inc. Derivative Litigation:** Ms. Gilden represented the Public School Teachers' Pension and Retirement Fund of Chicago and negotiated a total settlement worth \$20.2 million at final approval, consisting of cash and options, and requiring Intuitive to adopt extensive product safety, FDA compliance, and insider trading and corporate governance measures.
- **ITT Educational Services, Inc. Securities Litigation:** Ms. Gilden represented Plumbers and Pipefitters National Pension Fund and Metropolitan Water Reclamation District Retirement Fund and achieved a \$16.96 million settlement against ITT and two of its officers. The case was hotly contested and involved unraveling complex accounting treatments governing ITT's transactions with the third-party lenders, set against the Department of Education and Higher Education Act default guidelines. The case settled during discovery after reviewing and analyzing over two million pages of documents, after depositions had been taken and in the middle of class certification briefing.
- **Singh et al. v. Orthofix International NV:** Ms. Gilden represented Plumbers and Pipefitters National Pension Fund and reached an \$11 million settlement against this medical device company headquartered in Curacao, Netherlands Antilles, despite significant logistical obstacles during investigation and discovery. Much of the information relevant to the case—internal company documents, witnesses, and news reports—were in six foreign languages and located in nine different countries on four different continents.
- **City of Chicago v. Hotels.com, et al:** Ms. Gilden represented the City of Chicago in a high-profile lawsuit in Cook County Circuit Court, alleging that Expedia, Hotels.com, Orbitz, Priceline and Travelocity failed to properly remit hotel taxes to the City of Chicago for hotel bookings. Expedia, the last remaining defendant, appealed a \$29 million judgement, and settled on appeal and after the conclusion of briefing. In total, the City of Chicago recouped \$23.6 million in back taxes and penalties, and these defendants now collect and remit to the City of Chicago taxes on the mark-up of the room bookings.

## Other Recent Leadership Roles

In addition to the notable matters listed above, Ms. Gilden has been lead and co-lead counsel in many notable matters, including:

- **MF Global litigation:** A significant settlement of \$90 million settlement and a precedent-setting case, in which the U.S. Court of Appeals for the Second Circuit sided with the plaintiffs and held that companies cannot make false or misleading statements in their offering documents, and then hide behind risk disclosures related to those facts in their attempt to escape liability. The National Law Journal singled out Ms. Gilden's work on the case in connection with its selection of Cohen Milstein as a Hot Plaintiffs' Firm for that year.
- **IntraLinks Litigation:** One of the first securities class actions to be certified following the Supreme Court's decision in Halliburton II. That case was successfully resolved for \$14 million. Ms. Gilden served as lead counsel.
- **Huron Securities Litigation:** A total \$40 million settlement, including \$27 million in cash plus 474,547 shares of common stock, valued at \$13,292,061 as of the market's close on May 6, 2011.
- **In re RehabCare Group, Inc. Shareholders Litigation:** Ms. Gilden was co-lead counsel and settled the case for a cash payment to shareholders and significant deal reforms including enhanced disclosures and an amended merger agreement.
- Ms. Gilden's executive committee roles include other high-profile cases: Global Crossing Securities Litigation (settlements of \$448 million) and the Merrill Lynch Analyst cases (\$125 million settlement), as well as on the litigation team of the Waste Management Litigation (\$220 million settlement). Under her leadership, her former firm was an active member of the litigation teams in the AOL Time Warner Securities litigation (\$2.5 billion settlement), CMS Securities Litigation (\$200 million settlement) and the Salomon Analyst Litigation/In re AT&T (\$75 million settlement). Further, Ms. Gilden was lead counsel in an opt-out securities litigation action in connection with the McKesson/HBOC merger, Pacha, et al. v. McKesson Corporation, et al., which settled for a substantial, confidential sum.

Ms. Gilden has earned the trust of her clients, who know she will go to the mat for them, tenaciously advocating for them from start to finish in their cases. She draws respect from colleagues, as well as adversaries who perennially have placed her in the highest ranks of the profession, including being named an Illinois Super Lawyer repeatedly over the last 10 years, "Pension Fund Attorney of the Year, Illinois" by the Global Corporate International Magazine in 2014 and 2015 and being recognized for Excellence in Law by the Worldwide Registry. In 2016, she was recognized by the Women in Wealth Awards as a winner in the category of "Best in Securities Litigation Law - Illinois & Excellence Award for Investor Protection Law." She has also been featured on the cover of the Chicago Lawyer in connection with a feature article on securities class actions. She is a much sought-after speaker at legal and pension fund conferences and has been frequently quoted in the national media on market scandals, recent developments and trends in securities law and high profile securities fraud cases. Ms. Gilden is rated AV Preeminent™ by Martindale-Hubbell in its judicial and peer-review ratings for the highest level of professional excellence.

Ms. Gilden served as the first (and to this day, only) woman President of the National Association of Shareholder and Consumer Attorneys, the preeminent trade association for securities class action attorneys, as well as the organization's first woman Treasurer. As President of NASCAT, Ms. Gilden made repeated visits to Capitol Hill advocating for strong investor protection. She also engaged in outreach to the institutional investor community on needed reforms to reverse the erosion of investor rights. Under Ms. Gilden's leadership, NASCAT also filed amicus briefs in connection with major securities cases before the Supreme Court and other courts. Prior to becoming President, she served as the President-Elect. She continues to serve on NASCAT's Executive Committee.

Ms. Gilden was selected to serve on the Corporate Governance and Markets Advisory Councils to the Board of Directors for the Council for Institutional Investors (CII) during 2013-2015. CII is a nonprofit association of pension and other employee benefits funds, endowments and foundations and a voice for effective corporate governance and strong shareholder rights. Ms. Gilden is also a member of the National Association of Public Pension Attorneys (NAPPA).

Ms. Gilden regularly lectures at legal conferences around the country on securities litigation and class action law, and is a frequent speaker at institutional investor conferences and symposiums regarding securities law developments, shareholder rights and regulatory reform. She has authored and co-authored numerous scholarly articles and course materials on securities fraud cases, class actions, derivative litigation and related topics.

Ms. Gilden attended the University of Illinois, earning a B.S. in Business Administration, and received her J.D. from Chicago-Kent College of Law, where she graduated with honors and was a member of the Chicago-Kent Law Review.

### **Geoffrey Graber**

Geoffrey Graber is a Partner at Cohen Milstein and a member of the firm's Consumer Protection practice, where he specializes in representing consumers in complex class action litigation involving issues of false advertising, fraud, data privacy theft and other forms of unfair business practices at the hands of banks, insurance, health care companies, and other consumer providers.

Mr. Graber also represents whistleblowers in qui tam litigation under the False Claims Act and whistleblower programs under the U.S. Securities Exchange (SEC), U.S. Department of Transportation (DOT), and U.S. Department of Defense (DOD). Often these lawsuits involve Foreign Corrupt Practices Act allegations.

Prior to joining Cohen Milstein in 2015, Mr. Graber had a distinguished career at the U.S. Department of Justice (DOJ), serving as Deputy Associate Attorney General and Director of the Residential Mortgage-Backed Securities (RMBS) Working Group at the DOJ, where he oversaw the DOJ's nationwide investigation into the packaging and sale of mortgage-backed securities (MBS), leading up to the financial crisis. He supervised more than 100 DOJ prosecutors, lawyers, investigators and analysts and worked closely with senior officials from the SEC, Department of Housing and Urban Development (HUD), Inspector General's Office for the Federal Finance Agency and more than 10 state attorneys general offices.

The DOJ investigations overseen by Mr. Graber ultimately recovered more than \$36 billion. These recoveries include the record-breaking \$16.65 billion settlement reached in August 2014 with Bank of America – the largest settlement with a single entity in U.S. history – as well as settlements with Citigroup (\$7 billion) and JP Morgan (\$13 billion).

Earlier in his tenure at the DOJ, Mr. Graber served as Counsel in the Civil Division, where he proposed and then led the three-year investigation (2004 – 2007) of Standard & Poor's (S&P) and its ratings of structured finance products. Mr. Graber oversaw the investigation and supervised a team of more than 50 prosecutors, DOJ lawyers, investigators and analysts. The investigation, which made groundbreaking use of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), resulted in the largest enforcement action filed by the United States concerning the financial crisis (United States v. Standard & Poor's). As a result of his successful work on S&P, Mr. Graber earned the Attorney General's Distinguished Service Award in 2015.

In 2014, while at the DOJ, Mr. Graber also received the Attorney General's Distinguished Service Award for his work relating to the \$13 billion settlement with JP Morgan – including, at the time, the largest FIRREA penalty recovered by the DOJ.

Mr. Graber's distinguished background and experience has proven invaluable to clients. He is currently litigating the following high-profile matters:

- **Barnett v. Facebook:** Mr. Graber represents a putative class of advertising purchasers, who claim that Facebook breached its implied duty to perform with reasonable care and violated California's Unfair Competition Law by intentionally miscalculating and inflating metrics related to its video advertisement and monitoring services. If not for these miscalculations, plaintiffs claim, they would not have purchased more video advertisements and at a higher price than they otherwise would have paid.

- **Infante v. Luxottica Retail North America (LensCrafters):** Mr. Graber represents a putative class of purchasers of LensCrafters' Accufit Digital Measurement System (Accufit) services, who allege that LensCrafters used false, misleading advertising and deceptive sales practices about Accufit being "five times more accurate" in measuring pupillary distance than traditional methods, to induce customers to purchase LensCrafters' higher-priced prescription lens products.
- **Democratic National Committee v. The Russian Federation, et al.:** On April 20, 2018 Cohen Milstein, on behalf of the Democratic National Committee (DNC), filed a lawsuit in federal court against the Russian Federation, Donald J. Trump for President, Inc., and others for their attack on the 2016 U.S. elections, by, among other things, hacking DNC servers and disseminating stolen documents. Mr. Graber is one of the principal team leaders in the litigation.

Mr. Graber's recent successes include:

- **In re Anthem, Inc. Data Breach Litigation:** Cohen Milstein was co-lead counsel in a certified class action involving the 2015 cyberattack and massive data breach of Anthem, Inc., one of the nation's largest for-profit managed health care companies, which resulted in the theft of personal identification and health information of 78.8 million insureds. On August 25, 2017 the Court preliminarily approved a \$115 million settlement in this class action. The settlement, once approved, will be the largest data breach settlement in history. Mr. Graber was involved in all aspects of the litigation.

Before joining the DOJ, Mr. Graber was an associate at a top-tier defense law firm, where he defended Fortune 500 companies and their officers and directors in securities and derivative suits, consumer class actions and government investigations. Mr. Graber also devoted substantial time to pro bono representation of indigent individuals and families in civil rights actions against local law enforcement.

Mr. Graber received his undergraduate degree in Philosophy from Vassar College, and earned his law degree from the University of Southern California Law School, where he served as the Managing Articles Editor on Southern California Law Review.

#### **Karen L. Handorf**

Karen L. Handorf is a Partner at Cohen Milstein and Chair of the firm's Employee Benefits (ERISA) practice group. She joined the firm in 2007 following a distinguished career in government service litigating ERISA cases in federal and district courts. In her role as head of the Employee Benefits practice, Ms. Handorf represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases in the district courts and on appeal.

Ms. Handorf is involved in litigation and appeals involving a broad range of employee benefits issues. She currently leads a team of litigators in a series of lawsuits alleging that health care systems wrongfully claim their pension benefit plans are exempt from ERISA's protection because they are church plans. Ms. Handorf is also litigating issues involving the selection of proprietary funds by 401(k) plans sponsored by financial institutions and imprudent and non-diversified investments by defined benefit plans. She also represents Oregon officials in a lawsuit alleging that a provision of the state's OregonSaves retirement program for private-sector employees is preempted by ERISA.

Prior to joining Cohen Milstein, Ms. Handorf was an attorney for the U.S. Department of Labor (DOL), where she litigated ERISA cases in federal and district courts for 25 years. While at the DOL, she played a major role in formulating the Government's position on ERISA issues expressed in amicus briefs filed by the Solicitor General in the United States Supreme Court.

Ms. Handorf is a recipient of the Department of Labor Distinguished Career Service Award and received Exceptional Achievement Awards for her work on ERISA 401(k) plan remedies, the amicus brief in the Enron litigation, retiree health care, the amicus program in general, the appellate brief in the Department's Tower litigation, termination annuities litigation and multiple employer welfare arrangement (MEWAs) litigation.

Ms. Handorf has been recognized for her expertise by her colleagues in the ERISA bar, who named her a Fellow of the American College of Employee Benefits Counsel. She is a frequent speaker on ERISA issues for the ABA, various Bar associations and at private seminars. She serves as plaintiffs' co-chair of preemption subcommittee of the Employee Benefits Committee of the ABA's Labor Section. In 2016, 2017 and 2018, she was named to the Best Lawyers in America.

Ms. Handorf attended the University of Wisconsin-River Falls, where she received a B.S. in Speech and History, and earned her law degree from the University of Wisconsin Law School.

#### **Brent W. Johnson**

Brent W. Johnson is a Partner at Cohen Milstein and a member of the Antitrust practice group. Mr. Johnson co-leads the group's new case investigations. He has initiated and developed cases that have compensated class members hundreds of millions of dollars and helped break new ground in antitrust law, including challenging no-poach agreements in labor markets.

Mr. Johnson was recognized in 2017, 2018 and 2019 by The Legal 500 as a "Next Generation Lawyer," an honor bestowed upon less than a dozen lawyers positioned to become leaders in the field of antitrust civil litigation and class actions. He also was named a Super Lawyers "Rising Star" and a "Top Rated Antitrust Litigation Attorney in Washington, DC" in 2016, 2017, and 2018. He was named a "Future Star" by Benchmark Litigation in 2018.

Mr. Johnson has considerable expertise and strategic perspective in large, complex antitrust litigation and class actions, having represented businesses and individuals as plaintiffs and defendants. His practice encompasses a broad range of antitrust claims, including Sherman Act Section 1 restraints of trade and Section 2 monopoly and monopsony claims. He has argued before federal district courts and state trial and appellate courts and brought cases to trial.

Mr. Johnson's recent successes include the following notable antitrust class actions:

- **In re Domestic Drywall Antitrust Litigation (E.D. Pa.):** Mr. Johnson initiated the investigation and filed the first complaint in this case, in which Cohen Milstein serves as co-lead counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The Court has approved settlements that total more than \$190 million. The Court commented that it had sided with Plaintiffs because of counsel's "outstanding work," and that Plaintiffs' counsel had a "sophisticated and highly professional approach." It complemented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also stated that "Few cases with no government action, or investigation, result in class settlements as large as this one."
- **In re Animation Workers Antitrust Litigation (N.D. Cal.):** Mr. Johnson developed this case with two other attorneys in the firm, and Cohen Milstein filed the first complaint. Cohen Milstein serves as co-lead counsel representing a class of animation and visual effects workers in a lawsuit alleging that the defendants, who include Pixar, Lucasfilm Ltd. and DreamWorks Animation, secretly agreed not to solicit class members and to coordinate on compensation. The Court approved settlements with all of the defendants for a total of \$168.5 million.
- **Grand Strand v. Oltrin (D. S.C.):** Mr. Johnson was personally appointed co-lead Class Counsel and led the CMST team in representing a class of direct purchasers of bulk bleach, including municipal water authorities and others, against that product's manufacturers who engaged in an illegal market allocation agreement. The Court approved a settlement worth nearly all of the class's single damages and remarked that the case had been "skillfully handled."
- **In re Urethane Antitrust Litigation (D. Kan.):** Cohen Milstein served as co-lead counsel on behalf of a certified class of direct purchasers of several types of chemicals who were overcharged as a result of a nationwide price-fixing and market allocation conspiracy. In the litigation, multiple defendants collectively settled for over \$130 million, and a jury verdict of \$1.1 billion was secured against Dow Chemical, the final defendant, in 2013. Dow ultimately settled for \$835 million while the case was on appeal before the Supreme Court, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.

- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.): Cohen Milstein serves as co-lead counsel, representing a class of purchasers of hospital services against Blue Cross Blue Shield of Michigan for agreeing to MFN provisions in its contracts with hospitals throughout Michigan that required those hospitals to charge other insurers as much or considerably more for services provided to class members. The Court approved a settlement with BCBSM for nearly \$30 million.

Currently, Mr. Johnson is litigating the following antitrust class actions:

- *In re Interest Rate Swaps Antitrust Litigation* (S.D.N.Y.): Cohen Milstein serves as co-lead counsel, representing the Public School Teachers' Pension and Retirement Fund of Chicago and a proposed buy-side investor class against numerous Wall Street investment banks. The class alleges that the defendants conspired to prevent class members from trading IRS on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads.
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.): Cohen Milstein represents a class of end-user consumers of broiler chicken in a litigation alleging that the defendants, who include Perdue Farms and Tyson Foods, agreed to restrict the supply of broilers, among other things, thereby raising their price to consumers. The case is ongoing.

Prior to joining Cohen Milstein, Mr. Johnson practiced at a premier global law firm, where he focused on antitrust litigation for plaintiffs and defendants. Some of Mr. Johnson's matters included:

- *Feesers, Inc. v. Michael Foods, Inc. and Sodexo, Inc.* (M.D. Pa.): Mr. Johnson was a member of the successful trial team that represented Michael Foods, a manufacturer of processed egg products and refrigerated potato products, in a three-week trial of a Robinson-Patman Act action brought by a broad-line distributor of food products.
- *Dahl, et al. v. Bain Capital, et al.* (D. Mass.): Mr. Johnson represented The Carlyle Group in a class action where plaintiffs alleged collusion among certain private equity firms and investment banks in specific going-private transactions in violation of Section 1 of the Sherman Act.
- *In re Aftermarket Filters Antitrust Litigation* (N.D. Ill.): Mr. Johnson represented Champion Laboratories, a manufacturer of aftermarket automotive filters, in a class action where plaintiffs alleged a conspiracy among manufacturers to fix prices in violation of Section 1 of the Sherman Act.
- *National Laser Technology, Inc. v. Biolase Technology, Inc.* (S.D. Ind.): Mr. Johnson represented Biolase, the country's largest manufacturer of lasers for dental applications, against Sherman Act claims brought by a competitor aftermarket dental laser support company. The matter resulted in a favorable settlement for the client.

Mr. Johnson has significant experience in other complex civil litigation, including mass torts and government contracts.

Mr. Johnson is a commentator on antitrust and class action issues. In the fall of 2016, he provided testimony concerning Rule 23 to the Advisory Committee on Civil Rules on behalf of the Committee to Support the Antitrust Laws. Along with Emmy Levens, he published an article on ascertainability in the Spring 2016 issue of the ABA's Antitrust magazine. He is a member of the ABA Section of Antitrust Law, and in July of 2019, he gave an ABA presentation on the legal standard to apply in cases regarding no-poach agreements. In his pro bono work, he has represented Covenant House Washington, D.C., Habitat for Humanity International Inc. and the Cystic Fibrosis Foundation.

Mr. Johnson graduated magna cum laude from Duke University, with a B.A. in Political Science and Spanish, and attended Stanford Law School, where he earned his law degree.

#### **Richard A. Koffman**

Richard A. Koffman is a Partner at Cohen Milstein and former Co-Chair of the Antitrust practice group. He litigates antitrust cases on behalf of the victims of corporations engaged in price-fixing, market monopolization, and other unlawful conduct.



Mr. Koffman has been repeatedly recognized as one of the nation's top plaintiffs' antitrust lawyers. He was named Law360's Competition Law MVP (2016) and inducted into The Legal 500 Hall of Fame (2017), after being recognized by The Legal 500 since 2010 as one of the top plaintiffs' class action and mass tort litigators in antitrust. Mr. Koffman was also named one of the world's leading competition lawyers by Global Competition Review.

Mr. Koffman has had the honor of serving as court-appointed lead or co-lead counsel in many landmark antitrust class actions, including the Urethanes Antitrust Litigation, which resulted in the largest price-fixing verdict in U.S. history and the largest jury verdict of 2013.

A former Senior Trial Attorney in the U.S. Department of Justice's Antitrust and Civil Rights Divisions, Mr. Koffman views his role in litigating antitrust lawsuits as an extension of the public interest work he pursued at the DOJ in promoting competition and fighting discrimination.

Recent case successes include:

- Urethanes (Polyether Polyols) Antitrust Litigation: Co-lead counsel for plaintiffs in an antitrust class action alleging a conspiracy to fix the prices of chemicals used to make polyurethane foam. Four defendants settled pre-trial for a total of \$139 million. After a four-week trial, the jury returned a \$400 million verdict for plaintiffs against the final defendant, The Dow Chemical Co., which the district court trebled to more than \$1 billion. Dow ultimately settled for \$835 million while the case was on appeal, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.
- Plasma-Derivative Protein Therapies Antitrust Litigation: Co-lead counsel for plaintiffs alleging a conspiracy to reduce the supply and increase prices of IVIG and Albumin – life-saving therapies derived from blood plasma. Mr. Koffman and his team obtained settlements totaling \$128 million to compensate customers who were overcharged for these vital therapies.
- Polyester Staple Antitrust Litigation: Co-lead counsel for plaintiffs alleging a conspiracy to fix prices for polyester staple fiber; the case settled for \$46 million.

Current cases include:

- Dental Supplies Antitrust Litigation: Co-lead counsel for a proposed class of dental practices and dental laboratories. The case alleges that Defendants Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company – the three largest dental supply and dental equipment distributors in the United States – fixed price margins on dental equipment, jointly pressured manufacturers to squeeze out competitors, and agreed not to “poach” each other's employees, in violation of federal antitrust law. As a result of the alleged conspiracy, dental practices and dental laboratories may have paid artificially inflated prices for many kinds of dental supplies and dental equipment, from consumables like gauze and cement to big-ticket equipment like chairs and x-rays.
- Mixed Martial Arts (MMA) Antitrust Litigation: Co-lead counsel in a class action on behalf of MMA fighters alleging that Zuffa LLC – commonly known as the Ultimate Fighting Championship – has unlawfully monopolized the markets for promoting live professional MMA bouts and for purchasing the services of professional MMA fighters. The district court denied defendant's motion to dismiss the case in September 2015.
- Treasuries Securities Antitrust Litigation: Co-lead counsel in a ground-breaking antitrust and Commodity Exchange Act class action alleging many of the nation's biggest banks manipulated the multi-trillion-dollar market for U.S. Treasuries and related instruments.

In 2016, Law360 named Mr. Koffman a Competition Law MVP – one of only five attorneys (and only two plaintiffs' attorneys) to be so honored. The Legal 500 has recognized Mr. Koffman as a Leading Lawyer for "Litigation - Mass Tort and Class Action: Plaintiff Representation - Antitrust" for eight years in a row, describing him as a “strong brief writer and an excellent oral advocate.” In 2017, Mr. Koffman was inducted to the inaugural “Legal 500 Hall of Fame.” Mr. Koffman

was also named as one of the world's leading competition lawyers by Global Competition Review in the U.S. Plaintiffs section of Who's Who Legal: Competition 2016.

Mr. Koffman served as a law clerk to two Federal Judges: James B. McMillan, of the U.S. District Court for the Western District of North Carolina and Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit.

Mr. Koffman attended Wesleyan University, where he received a B.A. in English, with honors, and is a member of Phi Beta Kappa. Mr. Koffman is a graduate of Yale Law School, where he was Senior Editor of the Yale Law Journal.

### **Kalpana Kotagal**

Kalpana Kotagal is a Partner at Cohen Milstein, a member of the firm's Civil Rights & Employment practice group, and Chair of the firm's Hiring and Diversity Committee. Ms. Kotagal plays an active role in the investigation and development of new matters for the Civil Rights & Employment practice group.

Ms. Kotagal is co-author of the "Inclusion Rider," referenced by Oscar-winning actress Frances McDormand in her 2018 Best Actress acceptance speech, together with Dr. Stacy Smith of the Annenberg Inclusion Initiative and Fanshen Cox of Pearl Street Films. Ms. Kotagal is also currently serving as an advisor to noted filmmakers on a film addressing issues of gender pay disparities.

Currently, Ms. Kotagal represents female sales employees in a Title VII and Equal Pay Act case against one of the nation's largest jewelry chains in *Jock, et al. v Sterling Jewelers Inc.* Her clients have alleged a pattern of sex discrimination in compensation and promotions. Ms. Kotagal also represents female sales employees in a putative class action against AT&T, alleging violations of the Title VII, the Americans with Disabilities Act and the Family Medical Leave Act in *Allen v. AT&T Mobility Services LLC*, as well as transgender beneficiaries of both private and publicly provided health insurance who have challenged the denial of transition-related care as discriminatory.

Among other notable cases, Ms. Kotagal played an instrumental role in representing Wal-Mart employees in the landmark Supreme Court case, *Dukes v. Wal-Mart Stores Inc.*, which addressed the standards for class certification in employment discrimination matters.

Ms. Kotagal's past successes include:

- *Hill, et. al v. Donohue, United States Postal Service*: Ms. Kotagal represented a class of disabled veteran job applicants, who alleged the U.S. Postal Service illegally required pre-offer medical inquiries during their application process. The case, which settled for \$9.58 million, resulted in USPS's agreeing to implement changes in its practices to prevent similar violations in the future.
- *Aaron v. Pilgrim's Pride Corp.*: Ms. Kotagal represented 8,000 workers in 11 states in a wage and hour lawsuit, in which the workers sought redress for unpaid overtime. The \$10 million settlement allowed class members to recover about 85% of the back pay owed them.
- *Nurse Wages Matters*: Cohen Milstein represented nurses in an antitrust case, contending that hospitals conspired to suppress and fix wages of nurses.

For her work on the Inclusion Rider and her other efforts in championing equity, diversity, and inclusion through her practice of law, Ms. Kotagal has received several industry recognitions, including being listed in the Lawdragon 500 Leading Lawyers in America (2019), named Law360's "Employment – MVP" (2018), recognizing the top five most influential employment lawyers in the United States, named one of The National Law Journal's "Elite Women of the Plaintiffs Bar" (2018), and received Chambers Women in Law: USA 2018, "Outstanding Contribution to the Community in Advancing Diversity" Award, as well as A Better Balance: The Work & Family Legal Center's Distinguished Public Service Award. In 2017, Ms. Kotagal was also recognized by Law360 as a "Rising Star," an annual list recognizing lawyers under the age of 40 whose professional accomplishments transcend their age.

A noted public speaker, Ms. Kotagal is often called on to address issues of employment and civil rights law, class actions, mandatory arbitration, diversity in the workplace to a wide range of audiences, including TEDxLinz, Democratic Attorneys General Association, the American Constitution Society, the National Employment Lawyers Association, the Impact Fund, among many others. She also speaks regularly to law students and new lawyers. Ms. Kotagal has twice had the honor of being invited to deliver the commencement addresses to graduating law school classes, including University of Pennsylvania Law School in 2019 and the University of California, Irvine School of Law in 2018. In 2018, Harvard Law School named Ms. Kotagal as a Wasserstein Public Interest Fellow at Harvard Law School.

Ms. Kotagal is a prolific writer. Her recent Op-Eds include: "Inclusion Rider Work Must Continue in Hollywood and Beyond," Law360, February 21, 2019; "Push for Diversity in Hollywood Paves Path for Rest of America," The Hill, March 28, 2018; "The 'Inclusion Rider' Should Be a Hollywood Standard," The Washington Post, March 9, 2018; and "The Need for Female Equality and Diversity in Hollywood," Variety, February 23, 2017 (Co-Authored with Cohen Milstein's Anita Hill. Recent articles include: "Your Thoughts: Can Trump Ban Transgender from the US Military?" Lawyer Monthly Opinion Piece, August 08, 2017.

Ms. Kotagal is a member of the Advisory Board of the Annenberg Inclusion Initiative and sits on the Board of Directors of A Better Balance. She is also a member of American Constitution Society Task Force on #MeToo in the Legal Profession and is a member of the Dean's Council for Penn Law Women at the University of Pennsylvania. She has also served as a member of the Center for Worklife Law's Working Group on Pregnancy Accommodation and the National Employment Lawyers Association (NELA).

Ms. Kotagal brings to her litigation practice her experience as an organizer, having previously served as field organizer with Green Corps, a field director with the U.S. Public Interest Research Group, and as an advisor to a Congressional candidate in 2006. Ms. Kotagal also served as an honorary chair of the National Finance Committee of Young Lawyers for Obama in 2008. She is the immediate past chair of the governance committee of the Board of Directors of CISV USA, an international youth-empowerment and peace education organization with more than 20 chapters in the United States.

Prior to joining Cohen Milstein, she served as a law clerk to the Honorable Betty Binns Fletcher of United States Court of Appeals for the Ninth Circuit.

Ms. Kotagal attended Stanford University, where she was a Morris K. Udall Scholar and graduated with honors. She earned her J.D., cum laude, from the University of Pennsylvania Law School, where she was a James Wilson Fellow. Ms. Kotagal was Articles Editor of the University of Pennsylvania Law Review.

### **Leslie M. Kroeger**

is a Partner at Cohen Milstein and Co-Chair of the firm's Complex Tort Litigation practice group. She focuses on complex, high-profile product liability, wrongful death, and managed care abuse litigation.

Ms. Kroeger is a highly accomplished trial attorney who began her legal career in the courtroom as an Assistant Public Defender for the 18th Judicial Circuit of Florida and later became an Assistant State Attorney in Miami-Dade County, Florida. She then moved into private practice where she continues to handle a variety of complex civil litigation before state and federal courts in Florida and nationwide.

Currently, Ms. Kroeger is litigating the following notable matters:

- **Lindsay X-LITE Guardrail Litigation:** Cohen Milstein represents more than five families of decedents and victims of catastrophic injuries in a series of individual products liability, wrongful death and catastrophic injury lawsuits in Tennessee and South Carolina state courts against the Lindsay Corporation and several related entities for designing, manufacturing, selling, and installing defective, X-Lite guardrails on state roadways.

- Pulse Nightclub Shooting: Cohen Milstein is co-lead counsel, representing more than 90 survivors and relatives of victims of the Orlando Pulse Nightclub shooting. The wrongful death lawsuit against the shooter's former employer, G4S, alleges that it knew the shooter was mentally unstable and threatening violence, yet obtained his security license from the state with the use of a fraudulently signed psychological assessment, employed him as an armed guard, and repeatedly gave him weapons training.
- United States of America, et al. v. AIDS Healthcare Foundation, Inc.: Cohen Milstein represents three former managers of the AHF in a Federal and Florida State Whistleblower Act claims against the nation's largest provider of HIV/AIDS medical care for illegal patient referral kickbacks. Ms. Kroeger has been involved in all aspects of the litigation. The case is ongoing.
- Ratha, et al v Phatthana Seafood Co.: Cohen Milstein is representing seven Cambodian plaintiffs in a cross-border human rights lawsuit, involving human trafficking, forced labor, involuntary servitude, and peonage by factories in Thailand that produce shrimp and seafood for export to the United States.

Ms. Kroeger has successfully litigated the following lawsuits:

- Quinteros, et al v. DynCorp, et al: Cohen Milstein represented over 2,000 Ecuadorian farmers and their families who suffered physical injuries and property damage as a result of aerial spraying of toxic herbicides on or near their land by DynCorp, a U.S. government contractor. A bellwether trial on behalf of the first six Ecuadorian clients came to a conclusion in April 2017, when the ten-person jury unanimously determined that DynCorp was responsible for the conduct of the pilots with whom it had subcontracted to conduct the chemical spraying after April 2003. This resolution allowed for a successful case settlement.
- Mincey v. Takata: Cohen Milstein was lead counsel in a lawsuit brought on behalf of Patricia Mincey and her family. Patricia Mincey sustained catastrophic injuries that rendered her a quadriplegic in 2014 when the driver's side airbag in her Honda Civic deployed too aggressively during a collision due to a product defect. She passed away in early 2016 due to complications from her quadriplegia caused by the problematic airbag. The suit charged that Takata, the manufacturer of the airbag system, knew of the airbag defect and hid the problem from consumers. Evidence uncovered by the firm showed that Takata concealed the defective nature of the airbag system for more than a decade. The case was resolved in July 2016.
- Quinlan v. Toyota Motor Corporation: Cohen Milstein was lead counsel in a product liability case filed against Toyota, alleging that manufacturing defects in the defendant's car caused the car being driven by the plaintiff to suddenly accelerate and go out of control, resulting in catastrophic injuries that left Quinlan a quadriplegic. The defendant entered into a confidential settlement. Ms. Kroeger was engaged in all aspects of the litigation.
- In re: Caterpillar, Inc. Engine Products Liability Litigation: Cohen Milstein was co-lead counsel in a nationwide product liability class action lawsuit, alleging Caterpillar sold diesel engines with defective exhaust emissions system that resulted in power losses and shutdowns. Ms. Kroeger was involved all aspects of the litigation.
- John Doe v. Sunz Insurance Company and CorVel Corporation: Cohen Milstein successfully represented John Doe in a workers compensation arbitration against his workers' compensation carrier and third-party administrator for breach of fiduciary duty and intentional infliction of emotional distress relating to their denial of medically necessary cervical spine surgery, recommended by a carrier-approved orthopedic surgeon, and their termination of his workers' compensation benefits.

Ms. Kroeger is the President-Elect of the Florida Justice Association (FJA), one of the nation's premier plaintiffs trial associations. In June 2019 she will serve as President of FJA, the second female President in the history of the association. Since 2001, Ms. Kroeger has been an active member of FJA, serving on the Executive Committee since 2011 and more recently as FJA's Secretary and Treasurer. She is a past Chair of the Women's Caucus.

FJA has also recognized Ms. Kroeger for her leadership and advocacy efforts. In 2017 and 2018, she was presented with FJA's Cornerstone Award in recognition of her leadership and efforts in recruiting new members to the organization. In 2015, Ms. Kroeger was awarded FJA's Champion of Consumer Safety Award for her lobbying efforts before the Florida legislature, resulting in passage of SB 518, a state law requiring children under age five to be secured in federally-approved child-restraint devices.

Ms. Kroeger also currently serves on the Board of Directors of Guardians for New Futures, and she oversees a Safe Kids bi-annual booster-seat give-away. She is Past-President and Founder of the Martin County Chapter of the Florida Association for Women Lawyers. She also served six years on the Florida Bar Professional Ethics Committee.

Ms. Kroeger is widely recognized for her leadership and legal skills. She was recently awarded Daily Business Review's 2018 Distinguished Leader award. She is consistently recognized by Best Lawyers in America in the field of Product Liability Litigation – Plaintiffs, as well as Florida Super Lawyers, and Florida Trend's Legal Elite. Ms. Kroeger is AV rated by Martindale-Hubbell.

Ms. Kroeger often speaks and writes on a range of issues dealing with litigation strategies and tactics from addressing the standards for expert witness testimony in light of the Supreme Court's Daubert ruling to delivering compelling opening statements and other trial skills, as well as legal trends related to automotive negligence, roadway safety and guardrail systems, managed care abuse, and denial of workers' compensation claims. She is frequently invited to speak at the Florida Workers' Advocates Annual Conference, the 2017 North Carolina Advocates for Justice Annual Conference, and the Al J. Cone Trial Advocacy Institute and other CLE programs hosted by the Florida Justice Association. In 2016, Ms. Kroeger was named to Law360's Product Liability Editorial Advisory Board.

Ms. Kroeger graduated with high honors from the University of Tennessee at Knoxville and obtained her law degree from the Cumberland School of Law, Samford University. Following law school, she served in a trial clerkship in Miami.

### **Emmy Levens**

Emmy L. Levens, a Partner in the Firm's Washington, D.C. office, is a member of the Antitrust Practice Group. With nearly a decade of experience, Ms. Levens has particular expertise in complex antitrust litigation, class actions, and appellate litigation. Ms. Levens plays a central role in helping the antitrust group evaluate potential cases and chairs the Firm's Summer Associate Committee.

Currently, Ms. Levens is litigating the following notable matters:

- **Flint Water Crisis:** Ms. Levens represents a group of residents and businesses in Flint, Michigan, in a suit for damages sustained as a result of their exposure to toxic levels of lead and other bacteria. This important case is ongoing in the Eastern District of Michigan.
- **Resistors Antitrust Litigation:** Cohen Milstein serves as interim co-lead counsel in a proposed class action accusing the world's largest manufacturers of resistors of fixing prices. As a critical member of the team of lawyers representing the proposed class of direct purchasers, Ms. Levens has been involved in every aspect of the case from investigation to prosecution of the class's case which is currently ongoing in the Northern District of California.
- **Truck Transmissions Antitrust Litigation:** Cohen Milstein serves as co-lead counsel in a putative class action alleging Eaton – the largest manufacturer of Class 8 Transmissions in the United States – conspired with manufacturers of Class 8 Trucks to exclude a rival transmission manufacturer from the market. Ms. Levens has played an important role on the case from the beginning and has recently returned to the case to assist with the appeal.
- **Northeast Dairy:** In *Allen vs. Dairy Farmers of America* (D. Vt.), Cohen Milstein serves as lead counsel for one of two subclasses of dairy farmers challenging anticompetitive conduct in the Northeast which resulted in lower prices paid to farmers. Ms. Levens has served as one of the principle attorneys litigating this matter since its inception. To date, the case has recovered a historic settlement with former defendant Dean Foods Company and another settlement for \$50 million in addition to industry-changing equitable relief has recently been preliminarily approved by the Court.

Some of her past successes include:

- Plasma-Derivative Protein Therapies Antitrust Litigation: Cohen Milstein served as co-lead counsel for plaintiffs alleging that the two largest manufacturers of IVIG and Albumin – life-saving therapies derived from blood plasma – conspired to reduce the supply, and increase the prices, of these therapies. Ms. Levens played an active role in the litigation, helping to obtain settlements totaling \$128 million for hospitals and other direct purchasers.
- Bulk Bleach Litigation: Ms. Levens served as one of the key attorneys at Cohen Milstein representing a class of municipalities and other direct purchasers of bulk bleach in a case alleging that the two dominant manufacturers of bulk bleach in the Carolina’s engaged in an illegal market allocation agreement. After successfully defeating multiple motions to dismiss, class counsel obtained a settlement that satisfied nearly all of the class’s damages. In approving the settlement, Judge Gergel complimented counsel, stating that the, “whole case has been, I think, very professionally handled, skillfully handled.”
- Asylum Appeal: Ms. Levens agreed to represent pro bono a Nepalese woman after her initial application for asylum was denied. The woman had previously advocated for democratic reforms in Nepal but was forced to leave her home country to escape Communist militias. Ms. Levens appealed the matter through two rounds of briefing to the Board of Immigration Appeals and up to the Fourth Circuit Court of Appeals. After successfully obtaining a new asylum hearing for her client, Ms. Levens negotiated an agreement that allowed her client to remain safely in the United States.

Ms. Levens was also a member of the Apple price-fixing litigation team recognized as “Legal Lions” by Law360. In addition to her work at the Firm, Ms. Levens has served as an adjunct Professor at Georgetown School of Law and is a Board member and Secretary of Global Playground, a nonprofit that builds schools in the developing world. She recently co-authored an article entitled, “Heightened Ascertainability Requirement Disregards Rule 23’s Plain Language,” which appeared in the Spring, 2016 issue of Antitrust magazine.

Prior to joining the firm, Ms. Levens worked as a staff law clerk at the U.S. Court of Appeals for the Seventh Circuit.

Ms. Levens attended the University of Kansas, graduating with honors, and earned her J.D. at UCLA Law School, graduating Order of the Coif. While at law school, Ms. Levens served as the Managing Editor for the UCLA Journal of Environmental Law and Policy, Director of the Downtown Legal Housing Clinic, and President of Moot Court.

#### **Jeanne A. Markey**

Jeanne A. Markey is a Partner at Cohen Milstein and Co-Chair of the firm's Whistleblower/False Claims Act practice group.

Ms. Markey has successfully represented whistleblowers in federal and state cases across the country in some of highest-profile qui tam litigation in the healthcare, defense, financial services, and education industries. She has also represented whistleblower clients in the public housing sector, in S.E.C. related matters, and in matters involving complex financial instruments.

Representative settled cases include:

- United States of America et al., ex rel. Lauren Kieff, v. Wyeth: Ms. Markey was co-lead counsel in this False Claims Act whistleblower case against pharmaceutical giant Wyeth (subsequently acquired by Pfizer), in which the whistleblowers alleged that Wyeth defrauded Medicaid, the joint federal/state healthcare program for the poor, when it reported falsely inflated prices for its acid suppression drug Protonix from 2001 through 2006 for Medicaid rebate purposes. Weeks before trial, in February 2016, in one of the largest qui tam settlements in U.S. history, Wyeth agreed to pay \$784.6 million to the U.S. government and the over 35 intervening states.
- United States et al. ex relators v. Southern SNF Management, Inc. and Rehab Services in Motion, LLC: Ms. Markey was lead counsel in this False Claims Act case in which three whistleblowers employed by a chain of skilled nursing facilities located in Florida and Alabama alleged that the chain was engaged in a multi-year scheme of inflating the facilities’ Medicare collections by assigning Medicare patients to levels of therapy, (often referred to as “RUG”

levels), higher than what was medically reasonable and necessary for that patient. In July 2018 this case settled for \$10 million.

- Ven-A-Care Whistleblower Litigation: Ms. Markey was involved in a series of Ven-A-Care whistleblower cases which pertained to the inflated reimbursement amounts drug companies were causing Medicare and Medicaid to pay for prescription drugs by reporting inflated wholesale prices to the government. These large, highly-successful groundbreaking cases helped to pave the way for a wide range of subsequent False Claims Act cases in the realm of healthcare and directed at drug companies in particular.

In 2016, Ms. Markey was recognized as one of the top 25 women lawyers in the Commonwealth of Pennsylvania by The Legal Intelligencer.

In 2018, Ms. Markey, an alumna of Cornell University Law School, was invited to become a member of The President's Council of Cornell Women.

She is also an active member of Taxpayers Against Fraud, a nonprofit, public interest organization dedicated to combating fraud against the Federal Government through the promotion and use of the Federal False Claims Act and its Qui Tam provisions, and the Association of qui tam attorneys.

She frequently speaks about developments in the qui tam field and has co-authored several articles about topics including statistical sampling and representing whistleblowers in cases involving issues of medical necessity.

Ms. Markey received her B.A. (cum laude) from Colgate University and her J.D. from Cornell University Law School.

#### **Douglas J. McNamara**

Douglas J. McNamara is a Partner at Cohen Milstein, and a member of the firm's Consumer Protection practice group. In that role, Mr. McNamara specializes in litigating complex, multi-state class action lawsuits against manufacturers and consumer service providers such as banks, insurers, credit card companies and others. He has helped litigate precedent-setting cases, including *Salud Services, Inc. v. Caterpillar, Inc.* He is a hands-on litigator who takes pleasure in the details, facts, and documents of each case. Mr. McNamara is a highly regarded speaker who has presented at several forums on such topics as federal preemption, class certification and civil litigation, and is the author of scholarly articles focusing on emerging legal issues.

Mr. McNamara has worked on numerous cases involving dangerous pharmaceuticals and medical devices, light cigarettes, defective consumer products, and environmental torts. He litigated and resolved the class action lawsuit against Philips Electronics North America Corp., which alleged that certain Philips and Magnavox flat-panel TVs suffer from a defect that causes their capacitors to fail prematurely and renders the TVs inoperable.

Mr. McNamara is currently litigating the following notable matters:

- Lumber Liquidators Litigation: Cohen Milstein is co-lead counsel in the consumer class action lawsuit *In re: Lumber Liquidators Chinese-Manufactured Flooring Products, Sales Practice and Product Liabilities Litigation*, alleging the nationwide retailer sold Chinese-made laminate flooring containing hazardous levels of the carcinogen formaldehyde while falsely labeling their products as meeting or exceeding California emissions standards, a story that was profiled twice on 60 Minutes in 2015.
- Symantec Litigation: Cohen Milstein is lead counsel in *Khoday et al. v. Symantec Corp. et al.*, a nationwide class action battle involving the marketing to consumers of a re-download service in conjunction with the sale of Norton software. The case settled in a \$60 million all-cash deal a month before the case was to go to trial – one of the most significant consumer settlements in years. Mr. McNamara was involved in all aspects of the case, from managing the litigation to overseeing a staff of contract attorneys to settlement discussions.

- **Rooms to Go Litigation:** Cohen Milstein represents a putative class in *Hankinson et al. v. R.T.G. Furniture Corp., d/b/a Rooms to Go*, alleging that the furniture retailer misled consumers as to the application of its ForceField stain protection plan. Mr. McNamara is engaged in all aspects of the litigation, including discovery and working with expert witnesses.
- **Caterpillar Litigation:** Cohen Milstein is lead counsel in *Salud Services, Inc. v. Caterpillar, Inc.*, a class action lawsuit against Caterpillar alleging that bus engines designed to meet 2002 federal emissions standards are failing, leaving passengers stranded and bus companies eating the costs of countless repairs and towing fees. The Firm succeeded in beating back the defendant's argument that the Clean Air Act preempted the plaintiff's claims since the claims related to emissions standards. Mr. McNamara was the architect of that opposition and is involved in all aspects of the product liability litigation.

Prior to joining Cohen Milstein in 2001, Mr. McNamara was a litigation associate at an international law firm, specializing in pharmaceutical and product liability cases. He started his career at New York City's Legal Aid Society, defending indigent criminal defendants at trial and on appeal.

He has been the lead author on three law review articles: "Buckley, Imbler and Stare Decisis: The Present Predicament of Prosecutorial Immunity and An End to Its Absolute Means," 59 *Albany Law Review*, 1135 (1996); "Sexual Discrimination and Sexual Misconduct: Applying New York's Gender-Specific Sexual Misconduct Law to Minors," 14 *Touro Law Review*, 477 (Winter 1998), and most recently, Douglas McNamara, et al, "Reexamining the Seventh Amendment Argument Against Issue Certification," 34 *Pace Law Review*, 1041 (2014). He is presently teaching a course on environmental and toxic torts as an adjunct at George Washington University School of Law.

Mr. McNamara graduated summa cum laude from SUNY Albany with a major in Political Science, and earned his J.D. from New York University School of Law.

#### **Betsy A. Miller**

Betsy A. Miller is a Partner at Cohen Milstein and Co-Chair of the Public Client practice group. Ms. Miller represents state Attorneys General, counties, and cities in civil law enforcement investigations and litigation involving consumer protection, Medicaid fraud, and other areas of enforcement that protect government interests and vulnerable communities. She currently represents the states of Indiana and New Jersey in their opioid investigations and litigation.

Prior to joining Cohen Milstein, Ms. Miller served as the Chief of Staff and Senior Counsel to the Attorney General for the District of Columbia. Her responsibilities included supervising an office of 700+ employees and serving as the lead lawyer for the historic transition of the D.C. Public Schools under Mayor Adrian Fenty and Chancellor Michelle Rhee.

Earlier in her career, Ms. Miller served as Counsel for Senator Patrick J. Leahy (D-VT) on the Senate Judiciary Committee, where she was responsible for handling confirmation hearings on presidential nominations to the federal judiciary, the Department of Justice, the Federal Bureau of Investigation and to U.S. Attorney's Offices.

Ms. Miller also spent eight years as a litigator for two premier defense firms, where she represented some of the nation's largest companies and individuals in matters including First Amendment issues, complex contract disputes, collective bargaining negotiations and arbitration, employment class actions and challenges to independent contractor classification. Her civil defense experience adds to Ms. Miller's deep and balanced litigation skillset.

Since 2001, Ms. Miller has served as an Adjunct Professor at Georgetown Law School, where she teaches seminars on negotiation and mediation strategy. She also holds a certificate in leadership coaching from Georgetown University and is a Member of the International Coach Federation (ICF).

Ms. Miller's recent representations include:



- **Opioids Crisis Litigation & Investigation:** Representing New Jersey in its consumer protection, Medicaid fraud, and nuisance lawsuit against Purdue Pharma; representing Indiana in its investigation of all actors contributing to the opioid crisis, including pharmaceutical manufacturers and opioid distributors.
- **Moody's Litigation:** Represented the co-lead state (Mississippi) and New Jersey in the \$864 million consumer fraud settlement achieved in January 2017 by 22 states and the U.S. Department of Justice with Moody's Corporation, Moody's Investors Service, Inc. and Moody's Analytics, Inc.
- **S&P Litigation:** Represented co-lead state (Mississippi) in the \$1.375 billion-dollar consumer fraud settlement achieved in 2015 by 20 states and the U.S. Department of Justice with Standard & Poor's. Together with the Moody's settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and Great Recession.

Ms. Miller's investigation and litigation successes include matters in the financial, health care and employment law sectors. Examples include:

- Representing the states of Arizona and Nevada in litigation against Bank of America for deceptive conduct in connection with servicing approximately 500,000 mortgages; resulting in financial payments to consumers and the states, commitments to mortgage modifications and other equitable relief valued at nearly \$1 billion.
- Representing the state of Montana in an investigation of a Fortune 100 company regarding alleged misclassification of employees as independent contractors; resulting in a multi-million dollar resolution for the state.
- Representing other state attorneys general and municipalities in numerous confidential investigations and settlements.
- Earlier in her career, Ms. Miller was a full-time mediator and negotiation consultant. She was engaged by the Kennedy School of Government to evaluate mediation and arbitration programs across Central America, after which she contributed to a book on the same subject.

In addition to serving as an Adjunct Professor at Georgetown Law School, Ms. Miller has taught intensive negotiation courses at Harvard Law School's Negotiation Institute (formerly Harvard's Program of Instruction for Lawyers), and has provided negotiation skills training for a wide variety of federal and state government agencies, law firms, corporations and non-profit organizations.

Ms. Miller has authored several articles, including her most recent publication, "Untapped Potential: Creating a Systematic Model for Mediation Preparation," which appears as Chapter 13 in the AAA Handbook on Mediation – Third Edition (2016).

Ms. Miller received her undergraduate degree in Comparative Literature from Dartmouth College, graduating magna cum laude and Phi Beta Kappa, and earned her law degree from Harvard Law School, where she was an editor on the Harvard Human Rights Journal and the Harvard Latino Law Review. She is the recipient of Harvard Law School's post-graduate Heyman Fellowship for government service and academic excellence and Harvard Law School's Kaufman Fellowship for public service. Following law school, she clerked for the Honorable Thomas Penfield Jackson in the U.S. District Court for the District of Columbia. In 2017, Ms. Miller received her Certificate in Leadership Coaching from Georgetown University's Institute for Transformational Leadership (ITL).

Ms. Kroeger graduated with high honors from the University of Tennessee at Knoxville, and obtained her law degree from the Cumberland School of Law, Samford University. Following law school, she served in a trial clerkship in Miami.

### **Victoria S. Nugent**

Victoria S. Nugent is a Partner at Cohen Milstein and Co-Chair of the Public Client practice group. She has been with Cohen Milstein since 2000, and her work has focused on consumer protection and public health and safety.

Since joining Cohen Milstein's Public Client practice group in 2011, Ms. Nugent has represented state Attorneys General, counties, and cities in civil law enforcement investigations and litigation involving consumer protection, Medicaid fraud, and other areas of enforcement that protect government interests and vulnerable communities.

Ms. Nugent's recent representations include:

- Opioids Crisis Litigation and Investigation: Representing New Jersey in its consumer protection, Medicaid fraud, and nuisance lawsuit against Purdue Pharma; representing Indiana in its investigation of all actors contributing to the opioid crisis, including pharmaceutical manufacturers and opioid distributors.
- Nursing Homes: Representing the State of New Mexico in litigation related to Medicaid fraud and deceptive marketing by skilled nursing facilities that promised, but failed to provide, basic care to their elderly residents.

Ms. Nugent has represented public clients on other matters involving consumer and financial fraud. Some of her successes include:

- Representing the states of Arizona and Nevada in litigation against Bank of America for deceptive conduct in connection with servicing approximately 500,000 mortgages, resulting in financial payments to consumers and the states, commitments to mortgage modifications and other equitable relief valued at nearly \$1 billion.
- Representing the state of Nevada in investigations into the conduct of Deutsche Bank and the Royal Bank of Scotland, two of the investment banks that encouraged and enabled the predatory lending practices of retail lenders. Ms. Nugent helped develop the State's legal theories and claims and handled numerous aspects of these investigations.

Ms. Nugent began her career at Cohen Milstein in the Firm's Consumer Protection & Unsafe Products practice, where she focused on consumer protection and public health litigation. Past cases include *In re StarLink Product Liability Litigation*, in which she represented farmers suing Aventis CropScience after an unapproved variety of genetically modified corn was detected in the U.S. corn supply and drove down prices for all U.S. corn exports. More than \$100 million was recovered for the class in a landmark settlement. In 2009 and 2010, Ms. Nugent filed suit on behalf of consumers challenging the post-transaction marketing practices (also sometimes called "negative option marketing") and in two significant rulings persuaded federal courts in California and Washington that these practices run afoul of state consumer protection laws. Ms. Nugent has argued cases before the high courts of Georgia, Nebraska, and the District of Columbia, as well as the federal D.C. Circuit Court of Appeals.

Prior to joining the Cohen Milstein, Ms. Nugent worked for seven years at Public Citizen, a national consumer advocacy organization. There, she worked on many legislative and regulatory campaigns addressing issues that ranged from automobile safety to international trade policy. After graduating from law school in 1998, Ms. Nugent received a two-year fellowship sponsored by the National Association for Public Interest Law (NAPIL). As a NAPIL Fellow, she worked at Trial Lawyers for Public Justice, where she helped develop and prosecute impact litigation in the areas of arbitration, banking, credit, and insurance.

Ms. Nugent has served on the D.C. Bar Committee on the Rules of Professional Conduct since 2012.

#### **Kit A. Pierson**

Kit A. Pierson is a Partner at Cohen Milstein and a member of the firm's Antitrust practice group. Mr. Pierson has also had the honor of serving as Co-Chair of the Antitrust practice (2010-2017). Under his leadership, the Legal 500 recognized Cohen Milstein as a Leading Plaintiff Class Action Firm for seven years in a row and Law360 selected the Antitrust practice group as a Competition Law Practice Group of the Year in 2013 and 2014.

Mr. Pierson has served as lead or co-lead counsel in many antitrust cases on behalf of the victims of corporations engaged in price-fixing, market monopolization and other unlawful conduct. Prior to joining Cohen Milstein in 2009, Mr. Pierson

spent more than 20 years primarily representing defendants in a broad range of complex matters. Some of the companies he represented included Microsoft Corp., 3M Corp. and other major corporations, national associations and individuals in class actions and other antitrust litigation. As a result of his experience as a defense lawyer, Mr. Pierson possesses deep insight into defense strategies, understands the dynamics of the other side and is someone who has earned the respect and credibility of opposing counsel.

Mr. Pierson is a hands-on litigator who has litigated and tried antitrust lawsuits and other complex civil cases in many jurisdictions, helping to win settlements and judgments cumulatively totaling more than \$1.8 billion in the past several years. Currently, he is lead or co-lead counsel in many antitrust cases at the firm. Some of Mr. Pierson's recent successes include:

- **Domestic Drywall Litigation:** Cohen Milstein was co-lead counsel in an antitrust litigation alleging that the seven major U.S. manufacturers of drywall conspired to manipulate prices. Mr. Pierson ran the case for Cohen Milstein and in 2015 took the lead for the direct purchaser plaintiffs in arguing against the defendants' summary judgment motions (which were denied by the Court for four of the five defendants). The Court granted final approval to settlements totaling \$190 million.
- **Ductile Iron Pipe Fittings Litigation:** Cohen Milstein, as co-lead counsel, represented direct purchasers in a price-fixing class action against the three largest manufacturers of ductile iron pipe fittings—McWane Inc., Sigma Corporation and Star Pipe Products—and a monopolization case against McWane for excluding significant competition in the domestic ductile iron pipe fittings market. In May 2018 the Court granted final approval to final, outstanding settlement ending the litigating and bringing the total recovery to more than \$17.3 million.
- **Cast Iron Soil Pipe & Fittings Litigation:** Cohen Milstein, as co-lead counsel, represented direct purchasers against the two largest soil pipe and fittings manufacturers in the country (McWane Inc. and Charlotte Pipe & Foundry) and the trade association they control (Cast Iron Soil Pipe Institute) in a class action alleging that the defendants engaged in a nationwide price-fixing conspiracy and other anticompetitive actions. Mr. Pierson directed the litigation team. In May 2017, the Court granted final approval of a \$30 million settlement.
- **Urethanes (Polyether Polyols) Antitrust Litigation:** Cohen Milstein was co-lead counsel for direct purchaser plaintiffs in an antitrust class action alleging a nationwide conspiracy to fix the prices of chemicals used to make polyurethane foam. Four defendants—Bayer, BASF, Huntsman and Lyondell—settled for a total of \$139.5 million, while the case against the fifth manufacturer, Dow Chemical, went to trial. After a four-week jury trial, in which Mr. Pierson was one of the trial lawyers for the class, the jury returned a \$400 million verdict for the plaintiffs, which was trebled under federal antitrust law to more than \$1 billion, the largest verdict in the country in 2013, as reported by The National Law Journal. The U.S. Court of Appeals for the Tenth Circuit affirmed the judgment, and the case against Dow Chemical was settled for \$835 while the matter was pending before the United States Supreme Court (resulting in a total recovery of \$974.5 million in the case).
- **Community Health Care System Litigation:** Cohen Milstein was co-counsel representing an emergency room doctor and nurse who brought claims against Community Health Care System under the False Claims Act for allegedly defrauding the federal government in connection with health care bills. Mr. Pierson led Cohen Milstein's team in the case which was resolved for \$94 million.
- **Electronic Books Antitrust Litigation:** Cohen Milstein was co-lead counsel in a class action lawsuit alleging that Apple and five of the leading U.S. publishers conspired to raise the retail prices of e-books. Mr. Pierson led the Cohen Milstein team, which secured class certification, defeated motions to exclude the class expert, and successfully moved for exclusion of most of Apple's expert testimony. The five publishing defendants settled for \$166 million and a settlement was reached with Apple shortly before trial for an additional \$450 million.
- **Guantanamo Litigation:** Mr. Pierson represented Alla Ali Bin Ali Ahmed, a young man who had been arrested with many others while residing in a house in Pakistan and was then incarcerated in Guantanamo without a judicial hearing for more than seven years. After filing a habeas corpus petition, Mr. Pierson represented Mr. Ahmed at a multi-day evidentiary hearing before a United States District Court judge. At the conclusion of the hearing, the District Court ruled that the evidentiary record did not support Mr. Ahmed's detention and ordered that he be released from Guantanamo and returned to his home country.

Mr. Pierson was named one of the 500 leading lawyers in the United States in 2013, 2014 and 2016 by LawDragon 500 and was one of six lawyers selected by Law360 in 2014 as an MVP in the field of competition law. In 2017, 2018 and 2019, he was recognized by Legal 500 as a Leading Lawyer in the area of Antitrust Class Actions.

A champion for civil rights, he is a member of the Board of Trustees for the Lawyers' Committee for Civil Rights Under the Law, a national organization, and a Member of the ACLU of Maryland's Committee on Litigation and Legal Priorities. Mr. Pierson is also a Board member of the Washington Urban Debate League.

Mr. Pierson has taught Complex Litigation as an Adjunct Professor at Georgetown University Law School, a class that focused primarily on legal, ethical and strategic issues presented by class action litigation.

Mr. Pierson attended Macalester College, earning a B.A., magna cum laude, in Economics and Political Science, and graduated from the University of Michigan Law School, magna cum laude, where he was a Note Editor of the Michigan Law Review and a member of the Order of the Coif. Following law school, he served as a Law Clerk for the Honorable Harry T. Edwards, United States Court of Appeals for the District of Columbia Circuit, from 1983-1984 and as a law clerk for the Honorable Chief Judge John Feikens, United States District Court for the Eastern District of Michigan, from 1984-1985.

#### **Laura H. Posner**

Laura H. Posner is a Partner at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection and Ethics & Fiduciary Counseling practice groups.

Prior to joining the firm, Ms. Posner was appointed by the New Jersey Attorney General to serve as the Bureau Chief for the New Jersey Bureau of Securities – the top Securities Regulator in New Jersey. In that capacity, Ms. Posner was responsible for administering and enforcing the New Jersey Uniform Securities Law and regulations thereunder, as well as managing and overseeing the employees who staff the Bureau of Securities. Cases prosecuted under Ms. Posner's direction as Bureau Chief resulted in hundreds of millions of dollars in recoveries for New Jersey residents, as well as more than 20 criminal convictions.

Ms. Posner is currently involved in the following notable matters:

- New York State Common Retirement Fund, et al. v. Stephen A. Wynn, et al.: A derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd. for their failure to hold Mr. Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of Wynn employees.
- Mylan N.V. Securities Litigation: A putative securities class action against Mylan N.V. and certain of its officers, alleging that Mylan engaged in a years-long pattern of deceiving shareholders about the true nature of its EpiPen and generic drugs businesses.
- Miller Energy/KPMG: A putative securities class action alleging that KPMG conducted sham audits of Miller Energy Resources, Inc., grossly inflating the value of Miller Energy's oil & gas assets, and enabling Miller Energy to perpetuate a years-long fraud that ultimately resulted in Miller Energy's bankruptcy, as well as SEC charges.

Ms. Posner has recovered billions on behalf of defrauded investors. Her notable successes include 5 of the top 100 securities fraud class action settlements of all time, including:

- In re Schering-Plough Corp./ENHANCE Securities Litigation and In re Merck & Co., Inc. Vytorin/Zetia Securities Litigation: Obtained \$688 million for investors on the eve of trial, the third largest recovery ever achieved in the Third Circuit and District of New Jersey, the second largest securities fraud settlement ever against a pharmaceutical company and among the top 25 securities fraud settlements of all time.
- In re The Mills Corporation Securities Litigation: Obtained \$202.75 million for investors, the largest recovery ever achieved in a securities class action in Virginia, and the second largest recovery ever in the Fourth Circuit.

- In re WellCare Health Plans, Inc. Securities Litigation: Obtained \$200 million for investors, the largest recovery ever achieved in a securities class action in Florida, and the second largest recovery in the Eleventh Circuit.

Ms. Posner has also been involved in several derivative cases, including the In re Walt Disney Co. Derivative Litigation, which redefined the fiduciary duties of corporate directors and officers.

Ms. Posner is the former Chairwoman of the North American Securities Administrators Association (NASAA) Enforcement Section Committee, and previously served on NASAA's Multi-Jurisdictional Action Committee, Technology Committee and State Legislation Committee. She also has served as a member of multiple committees of the Association of the Bar of the City of New York, including currently serving as a member of the Securities Litigation Committee, and previously serving as a member of the Securities Regulation and Consumer Affairs Committees.

Ms. Posner has regularly been named by Super Lawyers as a Rising Star and a Top Woman Attorney, was named to Benchmark Litigation's 2018 40 & Under Hot List, and received NASAA's 2017 Outstanding Service Award.

Ms. Posner frequently speaks at conferences throughout the country, including for events sponsored by PIABA, FINRA, SIFMA, NASAA, SEC, the New York, New Jersey and Philadelphia Bar Associations and the ABA. Ms. Posner has been quoted in The New York Times, The Wall Street Journal, the Star-Ledger, NewJersey.com, Asbury Park Press, the New Jersey Herald, and The Record, and interviews with her appear on various cable news channels and in various publications.

Ms. Posner is also a prolific writer. Some of her recent publications include: "Report on the Possible Impact of Halliburton II on Securities Class Action Litigation," New York City Bar Association's Committee on Securities Litigation's Fraud-on-the-Market Subcommittee (2017); and "'Novel Issues' or a Return to Core Principles? Analyzing the Common Link Between the Chancery Court's Recent Rulings in Option Backdating and Transactional Cases," NYU Journal of Law & Business (Spring 2008).

Ms. Posner graduated with a B.A. in Political Science, magna cum laude, from the University of California, Los Angeles in 2001. She received her law degree at Harvard Law School in 2004, where she served on the Executive Editorial Committee for the Harvard Women's Law Journal.

#### **Julie Goldsmith Reiser**

Julie Goldsmith Reiser is a Partner at Cohen Milstein, and a member of the Securities Litigation & Investor Protection and Employee Benefits/ERISA Practice Groups. Ms. Reiser focuses on public pension plans, institutional investors, retirees and plan participants, representing them in high-stakes, complex litigation, including securities, ERISA, and antitrust and competition litigation.

Ms. Reiser is recognized as one of the top 25 Influential Women in Securities Law (Law360). She is highly regarded by clients and co-counsel alike for her tenacious advocacy, shrewd understanding of complex financial and economic issues, meticulous preparation, and dynamic leadership.

Ms. Reiser has led litigation teams in several of the country's most complex class actions and landmark settlements, including a \$500 million settlement related to Countrywide's issuance of mortgage-backed securities ("MBS") and the Fifth Circuit affirmation of an investor class in the BP securities fraud litigation stemming from the 2010 Deepwater Horizon oil spill, which settled for \$175 million.

Ms. Reiser has generated remarkable results for the classes she represents.

Currently, Ms. Reiser is litigating the following notable matters:

- Bank of America Corp. Stock Lending Markets Antitrust Lawsuit: Ms. Reiser represents Iowa PERS, Los Angeles County Employees Retirement Association, Orange County Employees Retirement System and Sonoma County Employees' Retirement Association in this ground-breaking lawsuit, in which plaintiffs allege collusion among six of the world's largest investment banks to prevent modernization of the securities lending market, a critical component of a strong economy that enables trading activities like short selling and hedging while also ensuring that financial systems operate efficiently.
- Public School Teacher' Pension and Retirement Fund of Chicago v. Bank of America Corporation, et al.: On August 3, 2016, Cohen Milstein Sellers & Toll PLLC was appointed co-lead counsel in a lawsuit charging a number of the world's largest investment banks with conspiring to engineer and maintain a collusive and anti-competitive stranglehold over the market for interest rate swaps (IRS) in violation of federal antitrust laws – an action that harms investors in one of the world's biggest financial markets. Ms. Reiser represents the Los Angeles County Employees Retirement Association and is a key member of the leadership team.
- New York State Common Retirement Fund, et al. v. Stephen A. Wynn, et al.: Ms. Reiser represents the New York State Common Retirement Fund and the New York City Pension Funds, plaintiffs in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd. in light of their failure to hold Mr. Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of Company employees. The lawsuit seeks to preserve stockholder value in Wynn Resorts, Ltd. by strengthening procedures for responding to claims of harassment and creating stronger governance and risk management controls at the Board level.
- In re American Realty Capital Properties Inc. Litigation: Ms. Reiser represents the New York City Employees Retirement Systems, a class representative, in this securities class action. Plaintiffs allege ARCP, a real estate investment trust now known as VEREIT, Inc., misrepresented its financials, including manipulating its adjusted funds from operations, a key measure of performance. Beyond the class action, criminal charges led to a guilty plea from ARCP's former chief accounting officer and a June 2017 conviction of its former chief financial officer.
- In re Valeant Pharmaceuticals International, Inc. Third-Party Payor Litigation: Ms. Reiser represents a putative class of third-party payors arising from an alleged Racketeer Influenced and Corrupt Organization Act scheme perpetrated by Valeant, its top executives, and co-conspirators at affiliated specialty pharmacies to shield the company's drugs from competition, fraudulently inflate the prices of its products, and artificially boost sales at the expense of third party payors.
- NovaStar Mortgage Backed Securities Litigation: Cohen Milstein is lead counsel in this certified MBS class action. Ms. Reiser represents Iowa PERS, one of the class representatives. In March 2017, the U.S. District Court for the Southern District of New York preliminarily approved a \$165 million all-cash settlement, bringing this lawsuit, the last of 11 MBS class actions Cohen Milstein successfully handled, to conclusion. Final approval of the settlement is pending.

Ms. Reiser's successes include:

- In re BP Securities Litigation: Ms. Reiser represented the New York State Common Retirement Fund as co-lead plaintiff in a securities class action filed in 2010, alleging that BP injured investors by intentionally downplaying the severity of the Deepwater Horizon oil spill and preventing investors from learning the magnitude of the disaster. Ms. Reiser took the lead in all aspects of this litigation: case development, motion practice, oversight and implementation of discovery strategies, depositions, expert discovery and argument. After successfully arguing for class certification to the district court, Ms. Reiser presented plaintiffs' defense of that court's decision to the Fifth Circuit U.S. Court of Appeals, which affirmed the class. The case settled for \$175 million a few weeks before trial was set to begin.
- Countrywide Mortgage Backed Securities Litigation: Ms. Reiser represented the Iowa, Oregon and Orange County public retirement systems in class action litigation related to Countrywide's issuance of mortgage-backed securities, which culminated in a landmark \$500 million settlement. Over the course of the litigation, Ms. Reiser argued on investors' behalf at the motion to dismiss stage. She also handled various arguments related to discovery disputes, and oversaw merits and expert discovery. She took a majority of the fact depositions and was

recognized for having teased a number of salient points from witnesses during the depositions. Ms. Reiser also took the lead in working with experts to maximize damages.

- *Policemen's Annuity and Benefit Fund of the City of Chicago, et al. v. Bank of America, NA, et al.*: Ms. Reiser developed and litigated this novel class action, challenging trustee inaction in preventing investor losses. She represented the Arkansas Public Employees Retirement System, IPERS and Chicago Laborers in the case, which settled for \$69 million. Ms. Reiser worked with plaintiffs' statistician to develop a sampling methodology for testing whether mortgages were underwritten properly and with plaintiffs' economist in the bid for class certification and approach to damages. At the final hearing, Judge Katherine B. Forrest commended the investors' legal team: "This is a very, very good result for the plaintiffs ... [and] is something of which plaintiff counsel can be proud."
- *In re: Wheaton Franciscan ERISA Litigation*: Cohen Milstein represented a class of defined benefit plan participants, who alleged that Ascension and Wheaton Franciscan wrongfully claimed the retirement plan was exempt from ERISA as a "church plan." On January 16, 2018 the court granted final approval of the \$29.5 million settlement.
- *ERIC v. Read*: Oregon became the first state in the nation to implement a defined contribution savings program for private sector employees who either work for companies that don't offer a retirement plan or aren't eligible to participate in their employer's retirement plan, called OregonSaves. In October 2017, the ERISA Industry Committee, a national group representing large businesses filed a lawsuit, arguing that the program is preempted by ERISA. Ms. Reiser, retained as outside counsel, successfully defended OregonSaves from ERISA challenges, resulting in a settlement on March 28, 2018.

In addition, Ms. Reiser has represented plaintiffs in employment cases. In *Wade v. Kroger* (W.D. Ky.), she represented African American employees who received a \$16 million settlement to resolve claims that the retailer Kroger had discriminated against them in pay and promotions. She was also involved in *Beck v. The Boeing Co.* (W. D. Wash.), a case alleging sex discrimination in compensation and promotions that settled for \$72.5 million.

Ms. Reiser has the unique distinction of being named among the Lawdragon 500 (2018), recognizing the leading lawyers in America.

Ms. Reiser is a noted speaker, often called on to discuss important issues such as arbitration clauses and the class standing doctrine.

Ms. Reiser is the author of "Pre-Dispute Arbitration Clauses: Taking the Alternative Out of Dispute Resolution," Bloomberg BNA, Class Action Litigation Report, December 11, 2015. Ms. Reiser was named a 2016 winner of the Burton Awards, placing her among the "finest law firm writers" in the nation. After its publication, Paul Bland, Executive Director of Public Justice wrote: "This is invaluable advocacy that takes industry-side advocacy and exposes its flaws and failings. I'm very glad to see this kind of very high quality advocacy and critical thinking."

Ms. Reiser also is the co-author of "Trends in ERISA Litigation in 2017," Law360, December 17, 2017; "Carefully Tailored ERISA Claims After *Amgen V. Harris*," Law360, January 25, 2017; "Omnicare: Negligence is the New Strict Liability When Pleading Omissions Under the Securities Act," Bloomberg BNA, Corporate Law & Accountability Report, April 10, 2015; the author of "Dodd Frank's Protections for Senior Citizens: An Important, Yet Insufficient Step," University of Cincinnati Law Review, Volume 81, Issue 2, May 30, 2013; "Why Courts Should Favor Certification of MBS Actions," ABA Securities Litigation Journal, Volume 22, Number 1, Fall 2011; and the co-author of "The Misapplication of American Pipe Tolling Principles," ABA Securities Litigation Journal, Volume 21, Number 2, Winter 2011. She also co-authored Opt-Outs: Making Private Enforcement of the Securities Laws Even Better, featured in the Winter/Spring 2008 edition of the ABA's Class Action and Derivative Suit Committee Newsletter and "Companies in the Cross Hairs: When Plaintiffs Lawyers Choose Their Targets, They Look for These Employment Practices," The Legal Times, February 21, 2005.

Ms. Reiser attended Vassar College, graduating with honors, and earned her J.D. at the University of Virginia School of Law. She has served as a board member at Seattle Works and the Pacific Northwest Ballet.

## **J. Douglas Richards**

J. Douglas Richards is a leading lawyer whose extensive experience litigating both Commodity Exchange Act and Sherman Act claims and expertise in the antitrust class action field is widely recognized.

Mr. Richards was named one of twenty-two antitrust "Litigation Stars" nationally, as one of the world's leading competition lawyers by The International Who's Who of Competition Lawyers and Economists (2014), and has received the highest available peer ranking for many years from Martindale-Hubbell. Mr. Richards has been appointed co-lead counsel in numerous large antitrust class actions in the Southern District of New York (SDNY) and nationally. Mr. Richards has argued dozens of appeals, among them a number of antitrust matters that have helped shape the landscape of antitrust law, including *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007) before both the Second Circuit and the United States Supreme Court, and Second Circuit cases like *In re Tamoxifen Citrate Antitrust Litig.*, 429 F.3d 370 (2d Cir. 2005), cert. denied, 127 S.Ct. 3001 (2007), and *Kruman v. Christie's Int'l PLC*, 284 F.3d 384 (2d Cir. 2002). Mr. Richards has unique expertise germane to a number of recent large class action cases involving antitrust claims concerning futures exchange trading, and has recently withdrawn from various other antitrust cases to enable him to focus more fully on exchange-trading cases.

Mr. Richards, who served as Deputy General Counsel of the Commodity Futures Trading Commission ("CFTC") from 1997 to 2000, and possesses extensive experience in the Commodity Exchange Act field, is focusing on a number of recent large, ground-breaking class action cases involving antitrust claims concerning futures exchange trading, including:

- *In re Interest Rate Swaps Market Manipulation Litigation*, Case No. 1:16-md-02704-PAE, S.D.N.Y.: On August 3, 2016, Cohen Milstein was appointed Co-Lead Counsel in this groundbreaking putative class action, charging 12 Wall Street banks with conspiring to engineer and maintain a collusive and anti-competitive stranglehold over the interest rate swaps market – one of the world's biggest financial markets. The case is past the motion to dismiss stage and in active discovery.
- *In re Treasuries Market Manipulation Litigation*, Case No. 1:15-md-02673-PGG, S.D.N.Y.: On August 23, 2017, Cohen Milstein was appointed Co-Lead Counsel in this groundbreaking putative antitrust securities class action, alleging two dozen financial institutions with an inside role at the auction for U.S. Treasuries, conspired to manipulate yields and prices to their own benefit.

During his tenure at the CFTC, Mr. Richards assumed responsibility for all litigation by and against the CFTC (including personally arguing numerous appeals on behalf of the CFTC), and for two of those years simultaneously managed the CFTC's adjudicatory functions. In 1999, the Commission awarded Mr. Richards a Special Service Award for performing those two roles at the same time and successfully eliminating a long-standing backlog of Commission adjudicatory matters.

Prior to joining Cohen Milstein, Mr. Richards served as head of the antitrust class action group at two major plaintiffs firms, as a government regulator in his role Deputy General Counsel of the CFTC, and a partner at a boutique defense-side firm. This experience from various sides of the litigation table gives Mr. Richards a three hundred and sixty degree view of cases that is particularly valuable for his clients. Mr. Richards began his career as an associate at Cahill Gordon & Reindel after earning his JD from Harvard Law School and graduating, with honors, from the University of Chicago where he majored in economics. He is a noted speaker at professional conferences, discussing the trends in commodities and pharmaceuticals antitrust and class action law and written extensively about antitrust laws, including chapters for books edited by the American Antitrust Institute covering issues of class action practice, law reviews, and other scholarly publications.

## **Sharon K. Robertson**

Sharon Robertson is a Partner at Cohen Milstein and a member of the Antitrust practice group.



Ms. Robertson has been repeatedly recognized for her success in leading complex, multi-district antitrust litigation. In 2019, The National Law Journal named her as one of nine “Elite Women of the Plaintiffs Bar,” an award that recognizes female lawyers who “have consistently excelled in high-stakes matters on behalf of plaintiffs over the course of their careers.” In 2018, the American Antitrust Institute honored her with its prestigious “Outstanding Antitrust Litigation Achievement by a Young Lawyer” award for her role in securing one of the largest recoveries on behalf of end-payors in a federal generic suppression case in over a decade. Similarly, for three consecutive years, The Legal 500 has selected her as a “Next Generation Lawyer” (2017 -2019), an honor bestowed upon only 10 lawyers under 40 years old across the country, who are positioned to become leaders in their respective fields. Likewise, The New York Law Journal recognized her as a Rising Star (2018) – one of only twenty individuals selected to receive this honor. In addition, Benchmark Litigation selected Ms. Robertson for inclusion on its “40 & Under Hot List” (2018) and Law360 named her as one of five “Rising Stars” (2018) in the field of competition law whose “professional accomplishments belie their age,” as did Super Lawyers (2014-2016). Ms. Robertson has also been recognized by Law360 as one of a few female litigators to secure leadership roles in high-profile MDLs, such as *In re Lidoderm Antitrust Litigation* (March 16, 2017).

Ms. Robertson is spearheading the firm’s efforts in cutting-edge and industry-defining pay-for-delay pharmaceutical antitrust lawsuits, which allege that the defendant brand manufacturer entered into non-competition agreements with generic manufacturers in order to delay entry of lower-priced generic products. Ms. Robertson also heads up the firm’s generic price-fixing cases, which allege that certain generic drug manufacturers conspired to inflate the prices of generic drug products. These cases come on the heels of a government investigation led by the U.S. Department of Justice alleging similar conduct, which, while ongoing, has already resulted in indictments and guilty pleas.

In addition to leading complex MDLs, Ms. Robertson is an accomplished trial lawyer. She served as a trial team member in two of the largest antitrust cases tried to verdict, including *In re Urethanes Antitrust Litigation*, where the jury returned a \$400 million verdict, which was trebled by the Court, as required by antitrust law, to \$1.06 billion, resulting in the largest price-fixing verdict in U.S. history, as well as *In re Nexium Antitrust Litigation*, the first pharmaceutical antitrust case to go to trial following the Supreme Court’s landmark decision in *FTC v. Actavis*, 570 U.S. 756 (2013).

Ms. Robertson represents End-Payor Plaintiffs in the following pay-for-delay pharmaceutical antitrust cases in which the firm serves as Co-Lead Counsel:

- *In re Lipitor Antitrust Litigation* (D.N.J.): Plaintiffs allege that Pfizer, the manufacturer of the cholesterol drug Lipitor, the best-selling drug in pharmaceutical history, conspired with Ranbaxy, the generic manufacturer, to delay its introduction of a generic Lipitor product. On August 21, 2017, the Third Circuit handed a sweeping victory to Plaintiffs, reviving their antitrust claims. This case was ranked by Law360 as “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).
- *In re Loestrin Antitrust Litigation* (D.R.I.): Plaintiffs allege that Warner Chilcott PLC and three others entered into an agreement to delay the introduction of a generic version of the contraceptive drug Loestrin. Following the First Circuit’s remand of the case for further proceedings, on August 21, 2017, the District Court, in an unsealed opinion, stated that Defendants must face multidistrict litigation. Discovery is currently ongoing.
- In addition, Ms. Robertson serves as a member of the executive committee in similar pay-for-delay cases in which Cohen Milstein plays a significant role in coordinating discovery, including: *In re Niaspan Antitrust Litigation* (E.D. Pa.) and *In re ACTOS Antitrust Litigation* (S.D.N.Y.). Ms. Robertson also represents direct purchaser plaintiffs in *In re Intuniv Antitrust Litigation* (D. Mass.) and *In re Ranbaxy Fraud Antitrust Litigation* (D. Mass.).

Ms. Robertson has successfully litigated the following notable matters:

- *Urethanes (Polyether Polyols) Antitrust Litigation*: Cohen Milstein was Co-Lead Counsel in an antitrust class action alleging a nationwide conspiracy to fix the prices of polyether polyols. Ms. Robertson played a leading role in helping obtain settlements with several defendants for \$139 million and was a member of the trial team that obtained a \$400 million jury verdict (trebled to more than \$1 billion), which was affirmed on appeal by the 10th Circuit. The case against Dow ultimately settled for \$835 million while Dow’s petition for certiorari was pending

before the Supreme Court, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.

- In re Lidoderm Antitrust Litigation (N.D. Cal.): Plaintiffs allege that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, Plaintiffs obtained final approval of a \$104.75 million settlement— more than 40% of Plaintiffs’ best-case damages estimate. This case was ranked by Law360 as “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).
- In re Solodyn Antitrust Litigation: Cohen Milstein served as a member of the executive committee and Ms. Robertson played a significant role in coordinating discovery on behalf of the End-Payor Plaintiffs. The case, which settled mid-trial, resulted in a \$43 million recovery for the Class.
- In re Blood Reagents Antitrust Litigation: Plaintiffs alleged that the two leading producers of blood reagents, Ortho—Clinical Diagnostics, Inc. and Immucor, Inc., conspired to raise prices on traditional blood reagents (TBRs). In September 2012, Immucor reached a settlement with Plaintiffs. On July 19, 2017 the Court denied in part Ortho’s Motion for Summary Judgement. Ms. Robertson was slated to serve as one of four lead trial counsel in the case, which was set for trial in June of 2018 but ultimately settled.
- Albany and Detroit Nurses Litigation: Cohen Milstein represented registered nurses employed by hospitals in Albany and Detroit in class actions alleging a wage-fixing conspiracy. Ms. Robertson obtained settlements with five Albany Defendants totaling over \$14 million. In the Detroit case, Ms. Robertson helped obtain \$98 million in settlements with eight Defendants.
- Indonesian Villagers Litigation: Ms. Robertson represented Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the Defendant’s security forces (a unit of the Indonesian military).

Ms. Robertson co-chairs the firm’s Professional Development and Mentoring Committee and serves on the firm’s Diversity Committee. She is also an active member of the Executive Committee for the Antitrust Section of the New York State Bar Association.

While attending law school, Ms. Robertson was an intern in the Litigation Bureau of the Office of the New York State Attorney General and the United States Court of Appeals for the Second Circuit. Additionally, while in law school, Ms. Robertson was selected as an Alexander Fellow and spent a semester serving as a full-time Judicial Intern to the Hon. Shira A. Scheindlin, U.S. District Court for the Southern District of New York.

Ms. Robertson graduated from State University of New York at Binghamton, magna cum laude with a B.A. in Philosophy, Politics and Law. She earned her J.D. from the Benjamin N. Cardozo School of Law, where she served as Notes Editor of the Cardozo Public Law, Policy and Ethics Journal.

Prior to attending law school, Ms. Robertson worked on the campaign committee of Councilman John Liu, the first Asian American to be elected to New York City’s City Council.

#### **Daniel Silverman**

Daniel H. Silverman is a Partner and a member of the Antitrust Practice Group at Cohen Milstein, having joined the firm in 2012. Mr. Silverman has prosecuted class actions on behalf of both consumers and employees in a variety of industries in courts around the country. Among his successes, Mr. Silverman has helped litigate the following matters:

- Domestic Drywall Antitrust Litigation: Cohen Milstein was co-lead counsel in an antitrust litigation alleging that the seven major U.S. manufacturers of drywall conspired to manipulate prices. The Court granted final approval of settlements that totaled more than \$190 million.
- VFX/Animation Workers: In In re Animation Workers Antitrust Litigation (N.D. Cal.), Mr. Silverman represented a class of animation and visual effects workers in a lawsuit alleging that the defendants, who include Pixar, Lucasfilm

- Ltd. and DreamWorks Animation, secretly agreed not to solicit class members and to coordinate on compensation. The Court approved settlements with all of the defendants for a total of \$168.5 million.
- Plasma-Derivative Protein Therapies Antitrust Litigation: Cohen Milstein was co-lead counsel for plaintiffs alleging a conspiracy to reduce the supply and increase prices of IVIG and Albumin—life-saving therapies derived from blood plasma. The lawsuit was resolved for \$128 million to compensate customers who were overcharged for these vital therapies.

Mr. Silverman is currently involved in litigating the following notable matters:

- Interest Rate Swaps Antitrust Litigation: Cohen Milstein is co-lead counsel in a class action against several of the world's largest investment banks that are alleged to have colluded with one another to crush competition in the trillion-dollar market for interest rate swaps, a type of financial derivative. The case is in active discovery.
- Mixed Martial Arts (MMA) Antitrust Litigation: Cohen Milstein is co-lead counsel in a class action on behalf of MMA fighters alleging that Zuffa LLC – commonly known as the Ultimate Fighting Championship or “UFC” – has unlawfully monopolized the markets for promoting live professional MMA bouts and for purchasing the services of professional MMA fighters.
- Rotavirus Vaccines Antitrust Litigation: Cohen Milstein developed and filed a proprietary case against Merck & Co., Inc. on behalf of a class of direct purchasers, alleging that Merck engaged in an anticompetitive bundled discount scheme to maintain its monopoly power in the rotavirus vaccines market after entry by GlaxoSmithKline plc (GSK).
- Prior to joining the firm, Mr. Silverman served as the Executive Director of Legal Economics, LLC, a Cambridge, Massachusetts-based firm specializing in the analysis of complex economic issues related to legal issues. At Legal Economics, he supported expert economic testimony in a variety of antitrust matters involving horizontal price-fixing, mergers, and loyalty discounts in industries ranging from health care and computer hardware to live music promotion. His experience at Legal Economics provides him with unique insight into the inner workings of expert testimony in antitrust matters. In addition, Mr. Silverman has represented public sector clients before the Federal Energy Regulatory Commission, state public utility commissions, and federal appellate courts.

Mr. Silverman is a magna cum laude graduate of Brown University, with a B.S. in Physics, where he was elected to Phi Beta Kappa. He earned a J.D., magna cum laude, from Harvard Law School. In law school, he served as a Managing Editor of the Harvard Environmental Law Review. Mr. Silverman also served as a summer associate at the U.S. Department of Justice in the Environment and Natural Resources Division, Law and Policy Section.

#### **Christine E. Webber**

Christine E. Webber is a Partner at Cohen Milstein, and a member of the Civil Rights & Employment practice group. In that role, Ms. Webber represents victims of discrimination and other illegal employment practices in class and collective actions. She has participated during her career in litigating groundbreaking sex discrimination lawsuits. Ms. Webber is a hands-on litigator, known for her ability to work closely with economic and statistical expert witnesses and to identify the types of sophisticated statistical analyses that will be most helpful to her clients' claims.

Ms. Webber is a tenacious and resourceful litigator with a fierce commitment to fighting discrimination and protecting workers. In the face of adversity she continues to find new ways to protect her clients' rights. Following the Supreme Court's ruling decertifying the class in *Dukes v. Wal-Mart*—a case brought on behalf of a nationwide class of women suing Wal-Mart for sex discrimination in pay and promotion—Ms. Webber has been counsel in several regional class cases pursuing these claims for former *Dukes* class members. Ms. Webber was co-lead counsel in *Rindfleisch v. Gentiva Health Services* (N.D. Ga.) in which nurses and other home health care providers were held to be non-exempt because they were not paid on a bona fide salaried or fee basis. Following this successful summary judgment ruling, the case was decertified, and Ms. Webber continues to represent individuals seeking their unpaid overtime. In *Tomkins v. Amedisys, Inc.*, a lawsuit challenging similar practices as the *Gentiva* litigation, Ms. Webber represented approximately 2,000 nurses, physical

therapists and occupational therapists pursuing wage and hour claims against Amedisys; the case settled recently for \$8 million.

Ms. Webber's past successes include *In re Tyson Foods FLSA MDL (M.D. Ga.)*, a collective action involving Fair Labor Standards Act (FLSA) claims at over 40 Tyson chicken processing plants, which ultimately resolved the claims of 17,000 chicken processing workers who had been denied compensation for donning and doffing required safety and sanitary equipment. In *Hnot v. Willis Group Insurance (S.D.N.Y.)*, Ms. Webber represented a class of women vice presidents in Willis' Northeast region, who complained of discrimination with respect to their salary and bonuses. This "glass ceiling" case settled in 2007 for \$8.5 million plus attorneys' fees, an average payment of \$50,000 per woman. A subsequent case, *Cronas v. Willis Group*, pursued similar claims for a later time period with similar success. Ms. Webber was also counsel to the plaintiff class in *Keepseagle v. Vilsack*, a historic settlement between Native American farmers and the United States Department of Agriculture (USDA). The *Keepseagle* settlement agreement required the USDA to pay \$680 million in damages to thousands of Native Americans, to forgive up to \$80 million in outstanding farm loan debt and to improve the farm loan services the USDA provides to Native Americans. Ms. Webber was part of the team recognized by Public Justice as finalists for their Trial Lawyer of the Year award in 2011 for the work done in *Keepseagle*.

Prior to joining Cohen Milstein in 1997, Ms. Webber received a Women's Law and Public Policy fellowship which funded the first of her four years at the Washington Lawyers' Committee for Civil Rights and Urban Affairs in their Equal Employment Opportunity Project. There, she worked on employment discrimination cases, focusing in particular on the sexual harassment class action *Neal v. Director, D.C. Department of Corrections, et al.* Ms. Webber participated in the trial of this groundbreaking sexual harassment class action in 1995. Ms. Webber also tried the race discrimination case *Cooper v. Paychex (E.D. Va.)*, and successfully defended the plaintiffs' verdict before the Fourth Circuit.

Ms. Webber is co-chair of the National Employment Lawyers' Association's Class Action Committee, a position she has held since 1999. She speaks and writes frequently on employment discrimination, wage and hour issues, and class actions.

Ms. Webber attended Harvard University, graduating *magna cum laude*, with an A.B. in Government, and earned her J.D., *magna cum laude*, Order of the Coif, at the University of Michigan Law School. Following law school, she clerked for the Honorable Hubert L. Will, United States District Judge for the Northern District of Illinois.

#### **Michelle C. Yau**

Michelle C. Yau is a Partner at Cohen Milstein, and a member of the Firm's Employee Benefits (ERISA) Practice Group. In her role, Ms. Yau represents the interests of employees, retirees, plan participants or beneficiaries in ERISA cases. Her practice specializes in ERISA cases involving complex financial transactions or actuarial issues. Ms. Yau brings to her practice government experience enforcing labor statutes and a grasp of complex financial instruments gained from her training as a financial analyst. Drawing on those experiences, she is able to fulfill her passion for protecting pension plan participants.

Ms. Yau litigated some of the most significant ERISA lawsuits to emerge from the Madoff Ponzi scheme. In *re Beacon Assoc. Litig.*, she represented a multi-plan class of participants, beneficiaries and fiduciaries, which settled along with other consolidated cases for \$219 million in 2013, representing 70% of the Class members' out-of-pocket losses. The judge praised the settlement, describing the outcome as "extraordinary" and the praising the "hard work" done by plaintiffs' counsel, including Cohen Milstein. In *re Austin Capital Mgmt. Litig.*, which was settled by the Department of Labor on the ERISA class on very favorable terms, Ms. Yau alleged that Madoff's returns, based on his advertised investment strategy, were mathematically impossible, a fact Austin Capital ought to have recognized well before the fraud was revealed.

Prior to joining Cohen Milstein in 2007, Ms. Yau was an Honors Program Attorney at the Department of Labor where she enforced and administered a variety of labor statutes. Before law school, she worked as a financial analyst at Goldman, Sachs & Co. in the Financial Institutions Group of the Investment Banking Division.

Ms. Yau is presently litigating a series of church plan lawsuits alleging that health care systems wrongfully claim their benefit plans are exempt from ERISA's protection. She oversees the day-to-day management of these cases, including coordinating all the aspects of the litigation.

Currently, Ms. Yau is representing clients in the following notable matters:

- St. Peter's Health Care System Church Plan Litigation: Cohen Milstein is counsel to a class of defined benefit participants in Kaplan v. St. Peter's Healthcare System, which allege that the hospital's plan is not a church plan and thus the class is entitled to ERISA's protections. In district court, Cohen Milstein succeeded in showing that only a church may establish a church plan and thus St. Peter's Healthcare System is not entitled to exemption from ERISA. Cohen Milstein then prevailed in the Third Circuit, which affirmed the district court's holdings.
- St. Anthony Medical Center Church Plan Litigation: Cohen Milstein is counsel to a class of defined benefit participants in Owens et al. v. St. Anthony Medical Center et al., which allege that the Medical Center violated numerous provisions of ERISA by improperly operating the plan as exempt from ERISA's protections. As a result the class of participants suffered cutbacks as much as 40% of their promised benefits.
- Trinity Church Plan Litigation: Cohen Milstein is counsel to a class of defined benefit participants in Lann et al. v. Trinity Health, which allege that the hospital's plan is not a church plan and thus the class is entitled to ERISA's protections,
- Advocate Health Care Church Plan Litigation: Cohen Milstein, along with Keller Rohrback, is counsel to a class of defined benefit participants in Stapleton et al. v. Advocate Health Care Network and Facilities et al., which allege that the hospital's plan is not a church plan and thus the class is entitled to ERISA's protections. In district court, counsel succeeded in showing that only a church may establish a church plan and thus Advocate is not entitled to exemption from ERISA. Plaintiffs then prevailed in the Seventh Circuit, which affirmed the district court's holdings.
- U.S. Bancorp Pension Plan Litigation: Cohen Milstein is counsel to a class of pension plan participants alleging that the plan's managers engaged in a risky, imprudent investment strategy by investing 100% of its assets in stocks, thus causing the plan to lose more than \$1 billion during the collapse of the equities market in 2008. Ms. Yau developed the litigation and is overseeing all aspects of the litigation.

Ms. Yau has litigated the following case successfully:

- Merrill Lynch ERISA Litigation: Cohen Milstein served as interim co-lead counsel in a class action alleging that fiduciaries of the Merrill Lynch retirement plans imprudently purchased and held inflated Merrill employer stock for the retirement accounts of the Companies' employees. The litigation was resolved for \$75 million. Ms. Yau was engaged in all aspects of the litigation.
- Madoff Ponzi Scheme Litigation: Cohen Milstein represented a multi-plan class of participants, beneficiaries and fiduciaries in re Beacon Assoc. Litig. The \$219 million settlement in 2013 represented 70% of the Class members' out-of-pocket losses. Ms. Yau was engaged in all aspects of the litigation.
- Weyerhaeuser Pension Plan Litigation: Cohen Milstein was lead counsel in a lawsuit alleging that the Weyerhaeuser Company caused its Defined Benefit Retirement Plans to engage in a risky investment strategy involving alternative investments and derivatives, causing the Plans' master trust to become underfunded. A settlement was reached for injunctive relief on behalf of Plans' participants and beneficiaries. Ms. Yau was engaged in all aspects of the litigation.

Ms. Yau received her law degree from Harvard Law School in 2003, where she was awarded several public interest fellowships, including the Heyman Fellowship for academic excellence and a demonstrated commitment to federal public service. Ms. Yau graduated Phi Beta Kappa with a B.A. in Mathematics from the University of Virginia. Ms. Yau was also selected as an Echols Scholar and awarded the Student Council Scholarship for leadership, academic achievement and community service. Law360 named Ms. Yau a Rising Star Under 40.

## **Attorney Profiles – Of Counsel & Associates**

### **Roberto Anguizola**

Roberto Anguizola is an Of Counsel at Cohen Milstein and a member of the firm's Public Client practice.

Prior to joining Cohen Milstein, Mr. Anguizola was a senior litigator at the Federal Trade Commission (FTC), where, for more than a decade, he played several key roles at the FTC's Bureau of Consumer Protection, Division of Marketing Practices, including leading FTC consumer protection investigations and litigation in federal court and providing strategic advice and overseeing consumer protection litigation arising under the FTC Act and the Telemarketing Sales Rule.

During his tenure at the FTC, Mr. Anguizola received several awards and commendations, including the 2018 FTC Louis D. Brandeis Award for excellence in litigation and "significant and sustained contributions to the FTC's anti-fraud program;" the Partnership for Public Service's 2015 Basics Award for Ingenuity and Results for his leadership in curbing illegal robocalls; as well as a 2010 FTC Bureau of Consumer Protection Director's Award for his leadership role in *FTC v. Grant Connect LLC et al.* (D. Nev.), addressing deceptive marketing in violation of the FTC Act and the Electronic Fund Transfer Act.

Prior to his government service, Mr. Anguizola was in private practice and served as a litigator at several formidable defense firms.

Mr. Anguizola earned his B.A. from Northwestern University, and he received his J.D. from Northwestern University School of Law, where he was an Associate Note and Comment Editor for the Northwestern University Law Review.

Mr. Anguizola is admitted only in Illinois, Minnesota (inactive), and Florida. He has applied for admission to the District of Columbia Bar and is currently working under the close supervision of the partners of the firm who are admitted to practice in the District of Columbia.

### **Christopher Bateman**

Christopher Bateman is an Associate at Cohen Milstein, and a member of the firm's Antitrust practice group. In this role, Mr. Bateman represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Mr. Bateman is currently working on the following high-profile matters:

- In re Interest Rate Swaps Litigation: Cohen Milstein serves as co-lead counsel and represents the Public School Teachers' Pension and Retirement Fund of Chicago and other proposed buy-side investor class members in this ground breaking putative antitrust class action against numerous Wall Street investment banks. Plaintiffs allege that the defendants conspired to prevent class members from trading IRS on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads.
- Stock Lending Litigation: Cohen Milstein and co-counsel filed a putative class action on August 17, 2017 in the Southern District of New York on behalf of Iowa Public Employees Retirement System and other investors, alleging collusion among six of the world's largest investment banks to prevent modernization of the \$1.7 trillion stock loan market. Plaintiffs allege that Bank of America, Credit Suisse, Goldman Sachs, JP Morgan, Morgan Stanley, and UBS conspired to overcharge investors and maintain the power they hold over the stock loan market, obstructing multiple efforts to create competitive electronic exchanges and enhance price transparency that would benefit both stock lenders and borrowers.
- In re Lipitor Antitrust Litigation: Plaintiffs allege that Pfizer, the manufacturer of the cholesterol drug Lipitor, the best-selling drug in pharmaceutical history, conspired with Ranbaxy, the generic manufacturer, to delay its

introduction of a generic Lipitor product. On August 21, 2017, the Third Circuit handed a sweeping victory to Plaintiffs, reviving their antitrust claims. This case was ranked by Law360 as “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).

Before joining Cohen Milstein, Mr. Bateman was a law clerk for the Honorable Naomi Reice Buchwald, U.S. District Court for the Southern District of New York. Before that, he was a litigation attorney at a distinguished global law firm, where he worked with clients in the financial services and energy sectors.

Mr. Bateman received his B.A., cum laude, High Honors, from Dartmouth College, where he was a Rufus Choate Scholar. He received his J.D., cum laude, from Harvard Law School, where he received Dean’s Scholar awards in Civil Procedure and in Federal Courts and the Federal System. While in law school, Mr. Bateman was an Article Selection Editor for the Harvard Civil Rights-Civil Liberties Law Review. He is the co-author of “Toward Greener FERC Regulation of the Power Industry,” 38 Harvard Environmental Law Review 275 (2014).

While attending law school, Mr. Bateman was a legal intern at the Environmental Defense Fund.

Before law school, Mr. Bateman was an editorial associate at Vanity Fair for several years, where he wrote about politics, civil rights, culture, and environmental issues, and edited feature articles.

### **Eric Berelovich**

Eric Berelovich is an Associate at Cohen Milstein and a member of the Securities Litigation & Investor Protection practice group, where he represents institutional investors, individuals, businesses, and public entities in securities fraud cases, RICO cases, shareholder derivative and corporate governance disputes, and other complex commercial cases.

Mr. Berelovich is currently involved in the following notable matters:

- New York State Common Retirement Fund, et al. v. Stephen A. Wynn, et al.: A derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd. for their failure to hold Mr. Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of Wynn employees.
- In re Credit Suisse Group AG Securities Litigation: Cohen Milstein is co-lead counsel in this putative securities fraud class action against Credit Suisse Group AG and certain of its executives for making material misrepresentations regarding Credit Suisse’s trading and risk limits, and subsequent accumulation of billions of dollars in extremely risky, highly illiquid distressed debt and collateralized loan obligations.
- Democratic National Committee v. The Russian Federation, et al.: Cohen Milstein represents the Democratic National Committee (DNC) in a civil lawsuit against the Russian Federation, Donald J. Trump for President, Inc., and others for conspiring to hack into the DNC’s computers and steal Democratic materials in advance of the 2016 election.
- Prior to joining Cohen Milstein, Mr. Berelovich was a law clerk to the Honorable William S. Duffey, Jr., United States District Court for the Northern District of Georgia. Prior to that, Mr. Berelovich was a litigation associate at a prestigious global defense law firm, where he focused on securities litigation and patent infringement matters.

Mr. Berelovich received his B.A., with distinction, from the University of Virginia. He received his J.D., with honors, from The University of Texas School of Law. While in law school, Mr. Berelovich was a member of the Texas Law Review and the Texas Journal on Civil Liberties and Civil Rights. He also assisted asylum seekers through the law school’s Immigration Clinic.

Mr. Berelovich is proficient in Russian

## **Luke Bierman**

Luke Bierman is Of Counsel to Cohen Milstein, and adviser to the Firm's Ethics and Fiduciary Counseling and Securities Litigation & Investor Protection practice groups. Mr. Bierman's role is to counsel pension funds and public entities on fiduciary, ethics, governance and compliance issues. He joined Cohen Milstein in 2011, bringing with him a singular perspective and substantive experience as in-house counsel to one of the leading pension funds in the country, appointments to state task forces to review the state code of judicial ethics and professionalism, and a scholarly and academic background as the Dean and Professor of Law at a rising law school that President Bill Clinton has called "interesting and innovative." His experience provides him with a unique context for assisting public pension funds at critical and challenging times for those funds, and to offer collaborative and creative solutions.

Mr. Bierman served from 2007 to 2010 as General Counsel for the Office of the New York State Comptroller, the sole trustee of the state's then \$150 billion pension fund and the state's chief fiscal officer for the state of New York's then \$130 billion budget. This was during the period when the Office of the Comptroller faced unprecedented challenges including an international placement agent scandal and the Great Financial Crisis, and Mr. Bierman led the review of policies and procedures in the Office. In this role, Mr. Bierman managed a legal staff that included 55 attorneys, and was responsible for legal advice and counsel on all matters relating to the comptroller's constitutional and statutory responsibilities, including fiduciary, governance, ethics, litigation, investment, pension benefits, state and municipal finance and legislative matters. He also managed the 35 outside law firms that represented the Comptroller in litigation and transactional matters.

Mr. Bierman is a noted expert on legal ethics and professionalism, who has spoken and written widely about state courts and judicial conduct. He currently serves as a member of the North Carolina Commission on Administration of Law and Justice and on the North Carolina Chief Justice's Commission on Professionalism. He was a member of the Massachusetts Supreme Judicial Court's Task Force on the Code of Judicial Conduct, which was assigned to review and suggest updates to the Court. He served on the ABA Presidential Task Force on Financing Legal Education and the ABA Presidential Task Force on Legal Access JobCorps. While working at the American Bar Association, Mr. Bierman initiated the project that resulted in revisions to the Model Code of Judicial Conduct (2007), which many states have since adopted.

Mr. Bierman is the Dean and Professor of Law at Elon University School of Law in Greensboro, North Carolina, an innovative law school that blends the most important traditional elements of legal education with highly experiential learning in the nation's first 2½ year JD program. Previously, Mr. Bierman was the Associate Dean for Experiential Education and Distinguished Professor of Practice of Law at Northeastern University School of Law in Boston, where he was responsible for Northeastern's Cooperative Legal Education Program.

Earlier in his career, Mr. Bierman served as a Fellow in Government Law and Policy at Albany Law School. He also has served as Director of the Institute for Emerging Issues at North Carolina State University, where he held the rank of Associate Professor of Political Science; as Founding Director of the Justice Center and Special Assistant to the President of the American Bar Association; as Visiting Specialist in Constitutional Law with the rank of Associate Professor at The Richard Stockton College of New Jersey; and as law clerk to the Presiding Justice and an Associate Justice as well as Chief Attorney of the New York Supreme Court, Appellate Division, Third Department. Mr. Bierman also has taught at Northwestern University School of Law, the University at Albany and Trinity College in Hartford.

Mr. Bierman is widely published for his legal analysis and is a frequent lecturer and commentator about corporate governance reform, fiduciary responsibility and ethics and justice reform. He was a member of the board of directors of the Council of Institutional Investors, where he co-chaired the policies committee.

Mr. Bierman earned his Ph.D. and M.A. in Political Science from the University at Albany; his J.D. from the Marshall Wythe School of Law of the College of William and Mary, where he was a member of the Law Review; and his B.A. in American



Political History magna cum laude with High Honors from Colgate University, where he was elected to Phi Beta Kappa. He is an elected member of the American Law Institute.

### **Mary J. Bortscheller**

Mary J. Bortscheller is an Associate at Cohen Milstein, and a member of the Firm's Employee Benefits Practice Group. In that role, Ms. Bortscheller represents the interests of employees, retirees, and plan participants and beneficiaries in ERISA cases in the district court and on appeal. Ms. Bortscheller is a strong, hands-on, strategic litigator, thoroughly versed in the complexities of ERISA law.

At present, Ms. Bortscheller is engaged in litigating a number of so-called "church plan" lawsuits. These cutting-edge legal cases assert that many non-profit health care systems in the United States wrongfully claim their benefit plans are exempt from ERISA regulation under the church plan exemption. Currently, Cohen Milstein serves as lead or co-lead counsel in 12 separate cases in various jurisdictions throughout the U.S.

Ms. Bortscheller is currently litigating the following matters:

- **Trinity Health Corporation Church Plan Litigation:** Cohen Milstein is co-lead counsel in *Lann v. Trinity Health Corp.*, a lawsuit alleging that Trinity is violating numerous provisions of ERISA while wrongfully claiming that its defined benefit pension plan is exempt from ERISA because it is a church plan. Ms. Bortscheller is Lead Associate in the case, engaged in all aspects of the litigation including motions practice, discovery, the mediation process and finalizing the settlement. The case is ongoing.
- **Catholic Health East Church Plan Litigation:** Cohen Milstein is co-counsel in *Chavies v. Catholic Health East*, alleging that the health care system wrongfully claims its defined benefit pension plan is exempt from ERISA as a church plan. As the Lead Associate on this case, Ms. Bortscheller works on all aspects of the lawsuit, including fact and expert discovery, the mediation process and in finalizing the settlement. The case is ongoing.
- **U.S. Bancorp Pension Plan Litigation:** Cohen Milstein is co-lead counsel to an interim class of pension plan participants alleging that the plan's managers engaged in a risky, imprudent investment strategy by investing almost 100% of its assets in stocks, thus causing the plan to lose more than \$1 billion during the collapse of the equities market in 2008. As Lead Associate on the case, Ms. Bortscheller is involved in all aspects of the litigation, including the initial case investigation and drafting of the complaint, motions practice, discovery and the appellate process. The case is ongoing.

In addition to her ERISA case work, Ms. Bortscheller represents, pro bono, unaccompanied minor clients in immigration proceedings. Prior to joining Cohen Milstein in 2013, Ms. Bortscheller practiced at a boutique commercial litigation firm based in Chicago, where she represented plaintiffs in antitrust and qui tam matters, as well as defendants in general commercial litigation.

Ms. Bortscheller graduated from Gustavus Adolphus College with a B.A., cum laude, in Political Science, and received her J.D., cum laude, from American University, Washington College of Law. During law school, she served as Features Editor and Senior Editor of Sustainable Development Law & Policy and was a staff member of the American University International Law Review. Ms. Bortscheller served as a judicial intern with the United States District Court for the District of Minnesota.

Before attending law school, Ms. Bortscheller served in the United States Peace Corps teaching English as a foreign language in Sichuan Province, China. Following law school, she was a volunteer for the Chicago Legal Clinic, Inc.'s Foreclosure Defense Project.

### **Brian E. Bowcut**

Brian E. Bowcut is Of Counsel at Cohen Milstein and a member of the firm's Public Client practice group. Mr. Bowcut represents state Attorneys General and other public-sector clients as outside counsel in investigations and lawsuits involving fraudulent and deceptive trade practices. Mr. Bowcut, who joined the firm in 2015, brings with him deep experience representing the federal government in complex litigation and in enforcement investigations. In his role as a senior lawyer in the Public Client group, he brings this experience to bear in false claims and consumer fraud enforcement at the state and local levels.

Mr. Bowcut's recent representations include:

- **Opioids Crisis Litigation & Investigation:** Representing New Jersey in its consumer protection, Medicaid fraud, and nuisance lawsuit against Purdue Pharma; representing Indiana in its investigation of all actors contributing to the opioid crisis, including pharmaceutical manufacturers and opioid distributors. Mr. Bowcut has been instrumental in formulating strategy, developing legal theories, and building the cases' factual underpinnings.
- **Nursing Homes:** Representing the State of New Mexico in litigation related to Medicaid fraud and deceptive marketing by skilled nursing facilities that promised, but failed to provide, basic care to their elderly residents. In 2016, Mr. Bowcut briefed and successfully argued the defendants' motion to dismiss the case.
- **Energy Drinks:** Representing the Hawaii Office of Consumer Protection in litigation against Living Essentials, Inc., the creator of 5-Hour ENERGY, for misrepresenting the benefits of its so-called "liquid energy shot." Mr. Bowcut is preparing this case for trial, which is set to begin in September 2018.

Mr. Bowcut formerly was a Trial Attorney and Senior Trial Counsel in the Civil Division of the U.S. Department of Justice for nine years. Most recently, as a member of the Fraud Section, he investigated and litigated fraud across an array of government programs, from Medicare fraud by nursing facilities, hospices and medical device makers to schemes involving federal mortgage, foreign aid, and TARP funds. Before that, as a member of the Environmental Torts Section, he defended the United States as lead counsel in large-scale tort litigation. Prior to joining DOJ, Mr. Bowcut practiced at a preeminent national law firm, where he specialized in pharmaceutical product liability, and commercial litigation. He has argued cases in numerous federal district courts, the U.S. Court of Appeals for the Fourth Circuit, and the District of Columbia Court of Appeals.

Mr. Bowcut attended Utah State University, graduating summa cum laude with a B.A. in Journalism and Political Science. He earned his J.D. from Duke Law School, graduating cum laude and Order of the Coif, and also earned an M.A. in Public Policy from Duke. During law school, Mr. Bowcut was an Articles Editor for the Duke Law Journal. After law school, he clerked for the Honorable Stanley S. Brotman of the United States District Court for the District of New Jersey.

### **Molly J. Bowen**

Molly J. Bowen is an Associate at Cohen Milstein and a member of the Securities Litigation & Investor Protection practice group, where she represents clients in securities class actions and shareholder derivative lawsuits.

Ms. Bowen brings extensive consumer fraud experience to her securities litigation work. While at Cohen Milstein, Ms. Bowen also worked closely with the Public Client practice, representing the interests of state Attorneys General and other public-sector clients in protecting consumers from health care and consumer fraud. Prior to joining Cohen Milstein, Ms. Bowen was a litigator at a prominent national law firm in Miami, where she focused on antitrust and securities class actions, and False Claims Act and legal malpractice claims.

Some of her current representative matters include:

- **In Re General Electric Securities Litigation (S.D.N.Y.):** Cohen Milstein is Lead Counsel and represents Teachers' Retirement System of Oklahoma in a putative securities class action against GE for alleged omissions and

misstatements related to, namely, its failure to timely impair tens of billions of dollars in goodwill and the quality and performance of its H-class gas turbines.

- *Chew v. MoneyGram International, Inc.* (N.D. Ill.): Cohen Milstein is Co-Lead Counsel in a putative securities class action, in which plaintiffs allege that, despite years of assurances that MoneyGram was building a successful anti-fraud compliance program, it failed to meet its obligations with a 2009 Federal Trade Commission order or a 2012 U.S. Department of Justice deferred prosecution agreement, in which it admitted to criminally aiding and abetting wire fraud and failing to maintain an effective anti-money laundering program.
- *LR Trust, et. al. v. Larry Page, et al.* (Sup. Ct. Cal., Santa Clara Cnty.): Cohen Milstein is Co-Lead Counsel and represents Northern California Pipe Trades Pension Plan and Teamsters Local 272 Labor Management Pension Fund in a putative shareholder derivative class action against the Board of Directors of Alphabet, Inc. Shareholders allege that the tech giant violated state and federal law through its secretive practices regarding workplace sexual harassment issues and a serious data breach. Plaintiffs want to enforce their right, as shareholders of Alphabet, to bring about corporate governance changes.

Prior to pursuing private practice, Ms. Bowen was a law clerk to the Honorable Karen Nelson Moore of the United States Court of Appeals for the Sixth Circuit.

Ms. Bowen also maintains an active pro bono practice involving notable matters, such as:

- *Vivian Englund v. World Pawn Exchange, LLC*: Cohen Milstein successfully represented the estate of a Kirsten Englund in a wrongful death case of first impression in Oregon state court and nationally, addressing the legal liability for federally licensed firearms dealers involved in online straw sales. The landmark settlement establishes important legal precedent at the state and federal levels regarding gun dealer responsibility for online sales of firearms.

Ms. Bowen graduated magna cum laude from Macalester College with a B.A. in Geography in 2007. She earned her J.D., summa cum laude, graduating first in her class, from Washington University School of Law in 2013, where she was a member of the Appellate Clinic and served as the Articles Editor for the Washington University Law Review. Additionally, during law school, Ms. Bowen externed at the Service Employees International Union (SEIU) legal department and at the American Civil Liberties Union of Eastern Missouri.

### **Jamie Bowers**

Jamie Bowers is an Associate at Cohen Milstein and a member of the firm's Employee Benefits Practice Group. In her role, Ms. Bowers represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases across the country.

Ms. Bowers is involved in the following high-profile matters:

- *Atrium Health Governmental Plans Litigation* (W.D.N.C.): Cohen Milstein is litigating a case against Atrium Health, where plaintiffs allege that Atrium is violating numerous provisions of ERISA by wrongfully claiming that its retirement and health plans are exempt from ERISA because it is a governmental entity. Ms. Bowers is actively involved in all aspects of the litigation.
- *T. Rowe Price 401(k) Plan Litigation* (D. Md.): Cohen Milstein is litigating a case against T. Rowe Price, where plaintiffs allege that T. Rowe Price included their proprietary funds in their plan that charged higher fees than other competitor funds and also underperformed those funds, to the detriment of participants. Ms. Bowers is actively involved in all aspects of the litigation.
- *St. Anthony's Medical Center Church Plan Litigation* (N.D. Ill.): Cohen Milstein is co-lead counsel in a case against St. Anthony's Medical Center. The plaintiffs allege that St. Anthony's is violating numerous provisions of ERISA by

wrongfully claiming that its defined benefit pension plan is exempt from ERISA because it is a church plan. Ms. Bowers is actively involved in all aspects of the litigation.

- Cape Fear River Contaminated Water Litigation (E.D.N.C.): Cohen Milstein serves as Interim Co-Lead Counsel in this litigation, overseeing a series of five putative toxic tort class actions filed against E.I. DuPont de Nemours Company and The Chemours Company.

In addition to her ERISA case work, Ms. Bowers has represented clients in disability and immigration proceedings pro bono.

Prior to joining Cohen Milstein, Ms. Bowers served as a judicial law clerk for the Honorable Gary R. Jones at the United States District Court for the Northern District of Florida, Gainesville Division. In this role she dealt with a variety of issues arising under federal law, including initial criminal appearances, plea changes, writs of habeas corpus, prisoner litigation, employment litigation, personal injury litigation, civil rights litigation, mass torts litigation, social security disability, and various matters under the Federal Rules of Civil and Criminal Procedure.

Ms. Bowers attended Duke University, graduating with a B.A. in Environmental Science in 2011. She earned her J.D. from Georgetown University Law Center in 2014. During law school, Ms. Bowers served on the Executive Board as the Administrative Editor of the Georgetown Environmental Law Review.

#### **Robert A. Braun**

Robert A. Braun is an Associate at Cohen Milstein and a member of the firm's Antitrust practice group.

Mr. Braun focuses on representing businesses and individuals in class actions and antitrust litigation. He is also experienced in international claims litigation, including representing the victims of state-sponsored terrorism in suits amounting to nearly \$1 billion in judgments.

Currently, Mr. Braun is litigating the following notable matters:

- Resistors Antitrust Litigation: Cohen Milstein serves as Interim Co-Lead Counsel in a proposed direct purchaser class action accusing the world's largest manufacturers of resistors of fixing prices. Mr. Braun was a primary drafter of the class's briefs successfully opposing dismissal and has taken a leading role in deposition and document discovery.
- Iran Beirut Bombing Litigation: Cohen Milstein is representing the victims and family members of victims in the 1983 Beirut Marine Barracks bombing, the deadliest act of terrorism against Americans prior to September 11, 2001. Mr. Braun manages all aspects of this litigation, which has resulted in judgments amounting to more than \$942 million against the government of Iran.
- LIBOR (Exchange-Traded Class): Cohen Milstein represents investors of Eurodollar futures injured by manipulation of LIBOR by the world's largest banks in a class action under the Commodity Exchange Act and antitrust laws.
- Cast Iron Soil Pipe & Fittings Antitrust Litigation: Cohen Milstein, as Co-Lead Counsel, represents a putative class of direct purchaser plaintiffs against the two largest soil pipe and fittings manufacturers in the country and the trade association they control in a lawsuit alleging that the defendants engaged in a nationwide price-fixing conspiracy. Following the completion of extensive fact discovery, Mr. Braun and his colleagues obtained a \$30 million settlement, which was approved in 2017.
- Ductile Iron Pipe Fittings Antitrust Litigation: Cohen Milstein, as Co-Lead Counsel, represents a class of direct purchaser plaintiffs in a price-fixing case against the three largest manufacturers of ductile iron pipe fittings and a monopolization case against the largest (McWane) for excluding competition in the domestic ductile iron pipe fittings market. Settlements of greater than \$17 million have been reached with all defendants.
- Iraq Hostage Spouses Litigation: Cohen Milstein is representing the spouses of 30 Americans held hostage by former Iraq President Saddam Hussein during the Gulf War in 1990. After toppling Saddam Hussein's regime, the United States settled the hostage spouses' legal claims with Iraq, but has refused to compensate the hostage

spouses out of the resulting settlement fund. Cohen Milstein alleges that these actions by the United States are a taking without just compensation in violation of the Fifth Amendment of the U.S. Constitution.

- **Inmate Calling Services Provider Litigation:** Cohen Milstein is on the Executive Committee in several nationwide class action lawsuits alleging that the providers of inmate calling services have charged inmates and their families unjust and unreasonable rates in violation of the Federal Communications Act and various state laws.

Mr. Braun also maintains an active pro bono practice. He is currently a member of the legal teams in *Citizens for Responsibility & Ethics in Washington v. Trump* and *District of Columbia v. Trump*, which seek to enjoin President Trump's unconstitutional receipt of emoluments on behalf of restaurant and hotel plaintiffs and the Attorneys General of Maryland and the District of Columbia.

Prior to joining Cohen Milstein, Mr. Braun served as a law clerk for the Honorable Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit from 2013-2014, and for the Honorable Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas. He was also an Arthur Liman Fellow at Southeast Louisiana Legal Services, where he worked on public interest housing litigation.

Mr. Braun earned his J.D. at Yale Law School and attended Princeton University, graduating summa cum laude. During law school, Mr. Braun was an editor of the *Yale Journal of International Law* and a member of the mock trial team.

#### **Alice Buttrick**

Alice Buttrick is an Associate at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection practice group.

Prior to joining Cohen Milstein in 2018, Ms. Buttrick clerked for the Honorable Gerard E. Lynch of the United States Court of Appeals for the Second Circuit, as well as the Honorable Stefan R. Underhill of the United States District Court for the District of Connecticut.

Ms. Buttrick attended Yale University and earned her B.A., cum laude. She earned her J.D., magna cum laude, from Harvard Law School. While a law student, Ms. Buttrick served on the Board of Student Advisers and as President of the Harvard Law Students for Reproductive Justice. She also assisted low-income borrowers through the law school's Consumer Protection and Predatory Lending clinic and co-founded the Harvard Law School Feminist Collective.

Prior to law school, Ms. Buttrick worked for a law firm in London.

#### **Stacy N. Cammarano**

Stacy N. Cammarano is an Associate at Cohen Milstein and a member of the firm's Civil Rights & Employment practice group. Ms. Cammarano's practice focuses on representing employees in Title VII, Fair Labor Standards Act (FLSA) and other discrimination and retaliation claims.

Prior to joining Cohen Milstein in 2018, Ms. Cammarano was an employment litigation associate at a well-regarded Washington, D.C.-based whistleblower and employment litigation boutique. Prior to that she was a law clerk for Senior Judge David Briones of the U.S. District Court for the Western District of Texas.

Immediately following law school, Ms. Cammarano was a legal researcher for the Open Society Justice Initiative and later the Managing Director for the Center for Human Rights and Global Justice.

Ms. Cammarano has authored and co-authored several articles, including "No Justice for Those Harassed by Judges," *The Washington Post*, May 9, 2018, "Whose Right and Who's Right? The US Supreme Court v. The European Court of Human Rights on Corporate Exercise of Religion," *Boston University International Law Journal*, Vol. 34, Pg. 1 (2016) (with Ioana

Cismas), and "I Beg Your Pardon: Maintaining the Absolute Ban on Torture through the Presidential Pardon," National Lawyers Guild Review, Vol. 69, Pg. 197 (2012).

Ms. Cammarano received her B.A., with High Distinction, from the University of Michigan. She received the Sidney J. and Irene Shipman Scholarship and the William J. Branstrom Freshman Prize for academic achievement. She received her J.D. from the University of Texas Law, where she was Staff Editor and Submissions Director of the Texas Journal of Women and the Law. She was a Rapoport Center Human Rights Scholar and the recipient of the University of Texas School of Law Dean's Scholarship.

### **Jay Chaudhuri**

Mr. Chaudhuri has spent his career fighting for and working on behalf of the people of North Carolina. Prior to joining Cohen Milstein, Mr. Chaudhuri served as General Counsel & Senior Policy Advisor at the North Carolina Department of State Treasurer, the sole trustee of the state's \$90 billion pension fund and administrator of the \$8 billion defined contribution plan.

Mr. Chaudhuri oversaw all legal and corporate governance matters. In his role, he recovered more than \$100 million for the pension and unclaimed property funds, including settlements with a real estate investment manager and custodian bank. He played a key role in uncovering alleged wrongdoing that led to eight investment managers paying the pension fund back \$15 million and tougher, cutting-edge ethical standards for these managers.

Mr. Chaudhuri also helped organize a coalition of 11 public pension funds against Massey Energy's Board of Directors and Chairman, after a coal-mining explosion resulted in the death of 29 workers. That engagement resulted in key corporate governance changes and the Chairman's resignation. Today, the coalition's engagement is cited as a model of collaboration among shareholder rights advocates. In addition, Mr. Chaudhuri worked closely with the Harvard Shareholder Rights Project where the Department helped declassify twenty corporate boards, including Stanley Black & Decker, Hess, Lexmark, Foot Locker, and Jarden Corporation. Mr. Chaudhuri served as Chair of the Council of Institutional Investors, an association of the pension funds with combined assets of more than \$3 trillion which serves as the leading voice for effective corporate governance and strong shareholder rights. As Chair, he led the development and adoption of the organization's long-term strategic plan.

Before joining the Department of State Treasurer, Mr. Chaudhuri served as Special Counsel at the North Carolina Department of Justice, where he lead an investigation by all 50 Attorneys General that resulted in a landmark agreement with two leading social networking sites to better protect children from Internet predators. For his efforts, the National Association of Attorneys General honored him with the Marvin Award, given to an individual who furthers that association's goals.

The North Carolina Bar Association has awarded Mr. Chaudhuri its Citizen Lawyers Award, given to lawyers who provide exemplary service to the communities. Lawyers Weekly has also honored him with its Leader in the Law award. In addition, he has been awarded the William C. Friday Fellowship, Henry Toll Fellowship, and American Marshall Memorial Fellowship.

Mr. Chaudhuri currently serves in the North Carolina State Senate representing parts of Raleigh, Cary, and Morrisville. As one of the newest state senators, he serves on the Commerce, Pension & Retirements and Aging, Judiciary II, State and Local Government, and Appropriations on General Government committees. Mr. Chaudhuri has co-sponsored a bill to repeal House Bill 2, a bill critics have referred to as the most anti-LGBT legislation in the country. He is the first South Asian American to serve in the North Carolina General Assembly.

Mr. Chaudhuri graduated from Davidson College, Columbia University School of International and Public Affairs, and North Carolina Central University School of Law (cum laude), where he was executive editor of the Law Journal.

## **Robert W. Cobbs**

Robert W. Cobbs is an Associate at Cohen Milstein, and a member of the Antitrust practice group.

Currently, Mr. Cobbs is litigating the following notable matters:

- **Anadarko Basin Oil and Gas Lease Antitrust Litigation:** Co-lead counsel for plaintiffs in class actions alleging that Chesapeake Energy, SandRidge Energy and a former executive of both companies conspired to rig bids for leases of land held by private landowners in parts of Oklahoma and Kansas. This litigation follows the U.S. Department of Justice's early 2016 indictment of a co-founder and former CEO of Chesapeake Energy for allegedly participating in this bid-rigging conspiracy. Plaintiffs allege that Defendants illegally conspired to stabilize and depress the price of royalty and bonus payments paid to landowners in the Anadarko Basin oil and gas province — a massive geological formation holding natural gas and oil deposits that includes large parts of Oklahoma and Kansas. Pursuant to this conspiracy, Plaintiffs allege that Defendants communicated about and agreed on prices, allocated particular geographic areas between themselves, and rigged bids for leases of land, lowering acquisition prices across the region and thereby harming the proposed class of landowners. A motion for the preliminary approval of a \$6.95 million settlement is pending before the court.
- **Interest Rate Swaps Antitrust Litigation:** Cohen Milstein serves as co-lead counsel in a groundbreaking antitrust class action representing the Public School Teachers' Pension and Retirement Fund of Chicago and a proposed buy-side investor class against numerous Wall Street investment banks. The class alleges that the defendants conspired to prevent class members from trading IRS on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads.
- **Stock Lending Antitrust Litigation:** Cohen Milstein serves as co-counsel in a groundbreaking antitrust class action alleging that major investment banks conspired to prevent the stock lending market from evolving by boycotting and interfering with various platforms and services designed to increase transparency and reduce costs in the stock lending market. On September 27, 2018, the court declined to grant Defendants' motion to dismiss and ruled that investors may proceed with their class action.

Prior to joining Cohen Milstein, Mr. Cobbs clerked for the Hon. Pierre N. Leval, United States Court of Appeals for the Second Circuit; and for the Hon. J. Rodney Gilstrap, United States District Court for the Eastern District of Texas.

Mr. Cobbs graduated from Amherst College with a B.A. in English and Russian, magna cum laude with distinction, and received his J.D. from Yale Law School. During law school, he served as a Notes Editor of the Yale Law Journal and as a Submissions Editor of the Yale Journal on Regulation.

## **Shaylyn Cochran**

Shaylyn Cochran is an Associate at Cohen Milstein and a member of the firm's Civil Rights & Employment Litigation practice. Prior to joining Cohen Milstein, Ms. Cochran was a Relman Civil Rights Fellow, litigating federal fair housing and employment discrimination matters.

Ms. Cochran focuses on employment and civil right class actions involving discrimination claims, including age, gender, race, and/or disability discrimination.

Ms. Cochran's current cases include:

- **Jock, et al. v. Sterling Jewelers Inc. (A.A.A.; S.D.N.Y.):** Cohen Milstein represents a putative class of more than 69,000 female employees of Sterling Jewelers, one of the nation's largest jewelry chains, in a nationwide Title VII gender discrimination and Equal Pay Act case. Plaintiffs claim they were subjected to a pattern of pay and promotions discrimination.

- **Estle, et al. v. IBM (S.D.N.Y.):** Cohen Milstein represents former employees of IBM Corporation in a putative age discrimination class action against the tech giant. Plaintiffs were terminated by IBM beginning in 2016 via systematic layoffs. All the plaintiffs were over the age of 40 at the time.
- **National Association of the Deaf Litigation v. Harvard and MIT (D. Mass.):** Cohen Milstein represents hearing impaired individuals in putative disability discrimination class actions against Harvard University and Massachusetts Institute of Technology. Plaintiffs allege that the schools' expansive online content do not included closed captioning and are not readily accessible to hearing-impaired individuals.
- **Temporary Employment Staffing Agency Litigation (N.D. Ill.):** Cohen Milstein is involved in a series of race-based discrimination class actions in Chicago, representing African-American laborers who allege that their temporary staffing agencies and their factory-clients engaged in a repeated and collusive practice of excluding African Americans from temporary laborer positions.

Ms. Cochran's recent successes include:

- **Stanley, et al. v. BarBri, Inc. (N.D. Tex.):** In January 2018, Cohen Milstein clients, blind law students, successfully settled a disability discrimination class action against BarBri, Inc. – host of the country's largest attorney bar exam prep course. Plaintiffs alleged that BarBri's test prep offerings, including its mobile application, website and course materials, were inaccessible to visually impaired students in violation of the Americans with Disability Act and a similar Texas state law.
- **Equal Rights Center v. Equity Residential (D. Md.):** In March 2016, the Court ruled in favor of the Equal Rights Center, the Plaintiff, on the parties' cross summary judgment motions in a Fair Housing Act design-and-construction case involving more than 300 multi-family housing properties across the United States developed by Equity Residential. In November 2014, the U. S. Department of Justice filed a Statement of Interest in support of the Equal Rights Center.

As a result of her work, Ms. Cochran was named by Legal 500 as a Rising Star (2019) and named a Super Lawyers Rising Star (2017-2019).

Ms. Cochran earned her B.S. and B.A. from Ohio University, graduating summa cum laude, Phi Beta Kappa, and Valedictorian, and her J.D. from Harvard Law School, where she received the Dean's Award for Community Leadership. While a law student, Ms. Cochran served as a litigation intern at the NAACP Legal Defense and Education Fund, and the Disability Rights Section at the U.S. Department of Justice, Civil Rights Division. For two years during law school, Ms. Cochran also was a student attorney at the Harvard Legal Aid Bureau, where she represented indigent clients on family law matters. She also served as president of the Harvard Black Law Students Association.

#### **Arthur E. Coia**

Arthur E. Coia is Of Counsel at Cohen Milstein and is a member of the Securities Fraud/Investor Protection Practice Group. In that role, Mr. Coia works to keep clients, many of which are Taft-Hartley pension plans, informed of potential fraud and corporate governance issues within their investments so they are able to consider appropriate action in a timely manner.

Prior to joining the Firm in 2013, Mr. Coia spent more than 20 years in the investment advisory business. He was President of an asset management company for 10 years, where he oversaw the management of more than \$4 billion in assets. Earlier in his career, Mr. Coia worked as a Portfolio Manager and Securities Analyst for a well-respected trust company and other independent "buy side" advisors. Because of his prior role as a fiduciary in managing benefit fund assets, Mr. Coia understands how important it is for such funds to recover all assets to which they are legally entitled, and to take timely corporate governance actions where appropriate. Mr. Coia uses his unique combination of investment experience and legal knowledge to raise client awareness of instances where they have been defrauded of assets and helps them with the recovery process.



Mr. Coia earned a B.S. in Finance from Georgetown University McDonough School of Business, and received his J.D. from Georgetown University Law Center.

### **Brian Corman**

Brian Corman is an Associate at Cohen Milstein and a member of the Civil Rights & Employment practice group. Mr. Corman's practice focuses on litigating federal fair housing and employment class actions, as well as wage and hour cases under the federal Fair Labor Standards Act (FLSA).

Prior to joining Cohen Milstein in 2015, Mr. Corman was a Litigation Associate at a top-tier defense firm. There, he focused on Foreign Corrupt Practices Act internal investigations for Fortune 500 clients, as well as pro bono cases in federal district court and before the Supreme Court.

Mr. Corman's current cases include:

- Long Island Housing Services, Inc., et al. v. NPS Holiday Square LLC, et al. (E.D.N.Y.): Cohen Milstein is representing Long Island Housing Services (LIHS), Suffolk Independent Living Organization (SILO) and Suffolk County residents in a Fair Housing Act race and disability discrimination class action against a prominent Long Island-area property management company.
- Lopez, et al. v. Ham Farms, LLC, et al. (E.D.N.C.): Cohen Milstein represents migrant seasonal and H-2A farm labor workers in a wage and hour dispute under the FLSA, the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), and the North Carolina Wage & Hour Act.
- Castillo v. Western Range Association (D. Nev.): Cohen Milstein represents H-2A shepherds in a class action against Western Range Association in a wage and hour dispute.
- Sutton v. McCoy (N.D. Ga.): Cohen Milstein and the ACLU are representing a plaintiff in a race-based Fair Housing Act discrimination lawsuit, where the plaintiff claims she was unjustly evicted for inviting an African-American family to her home.
- Arroyo v. CoreLogic Rental Property Solutions (D. Conn.): Cohen Milstein, Connecticut Fair Housing Center and the National Housing Law Project are representing an individual plaintiff against CoreLogic, a tenant-screening company, for race-based discrimination in violation of the Fair Housing Act related to its criminal record check.
- Walmart: Cohen Milstein represents female Walmart workers in multiple federal district and appellate court cases alleging gender-based discriminatory pay and promotions practices in violation of Title VII of the Civil Rights Act. These individual actions stem from *Dukes v. Walmart*, a seminal class action that went before the Supreme Court.

Recent notable litigation successes include:

- Gentiva Health Services (N.D. Ga.): Cohen Milstein represented hundreds of health care workers in a nationwide class action against Gentiva, one of the country's largest home health care service providers. Plaintiffs sought unpaid overtime wages under FLSA. In June 2017, the court granted final approval of a confidential settlement.
- Long Island Housing Services, Inc., et al. v. Village of Mastic Beach (E.D.N.Y.): Cohen Milstein represented LIHS and African American tenants in a Fair Housing Act and race discrimination case. The case settled in August 2017 for \$387,500.
- Following law school, Mr. Corman clerked for the Honorable Harry Pregerson of the Ninth Circuit Court of Appeals. He then participated in a D.C. Bar Association Pro Bono Fellowship at the Lawyers' Committee for Civil Rights Under Law, working on education, voting rights and fair housing cases.

Mr. Corman earned his law degree from the University of California, Berkeley, School of Law, where he was an editor of the California Law Review, a member of the Jessup International Law Moot Court Team, co-chaired the Berkeley Law Expulsion Clinic, and externed for the Honorable William Alsup of the U.S. District Court for the Northern District of California. Mr. Corman received his B.A., summa cum laude, Phi Beta Kappa, in Political Science from Columbia University School of General Studies.

Mr. Corman was a professional ballet dancer for eight years, performing with the Houston Ballet and Washington Ballet, among other companies.

#### **Zoya E. Davis**

Zoya Davis is Discovery Counsel at Cohen Milstein and a member of the firm's Public Client practice. In her role, Ms. Davis manages factual and legal research in litigation and confidential investigations, including overseeing discovery issues and supervising contract attorneys.

Prior to joining Cohen Milstein, Ms. Davis was a Staff Attorney at several of the country's leading global defense firms, where she led and was an integral member of discovery teams working on high profile congressional, regulatory, and litigation-related investigations involving the U.S. Department of Justice, Federal Trade Commission, Securities and Exchange Commission, Commodity Futures Trading Commission, and other state and federal government entities.

She is a member of the D.C. Chapter of Women in E-Discovery (WiE) and she served as Secretary on the WiE Executive Board in 2017-2018.

Ms. Davis received her B.S. in Environmental & Marine Science from Hampton University and her J.D. from Temple University, James E. Beasley School of Law, where she was the Associate Editor of the Temple University International & Comparative Law Journal. She received her LL.M. in International Legal Studies from American University, Washington College of Law.

#### **Alison Deich**

Alison Deich is an Associate at Cohen Milstein and a member of the firm's Antitrust practice group. In this role, Ms. Deich represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Ms. Deich is working on the following high-profile antitrust matters:

- In re Treasuries Market Manipulation Litigation (S.D.N.Y.): Cohen Milstein is Co-Lead Counsel in a putative antitrust securities class action, alleging that several of the nation's biggest banks rigged the \$13 trillion market for securities sold by the United States Department of the Treasury.
- In re Broiler Chicken Antitrust Litigation (N.D. Ill.): Cohen Milstein represents a putative class of broiler chicken consumers in a suit alleging that the nation's largest chicken producers, including Perdue Farms and Tyson Foods, conspired to raise the price of chicken.
- Ms. Deich is also involved in several other high-profile matters on behalf of the firm, including:
  - Democratic National Committee v. The Russian Federation, et al. (S.D.N.Y.): Cohen Milstein represents the Democratic National Committee (DNC) in a civil lawsuit against the Russian Federation, Donald J. Trump for President, Inc., and others for conspiring to hack into the DNC's computers and steal Democratic materials in advance of the 2016 election.
  - Cape Fear River Contaminated Water Litigation (E.D.N.C.): Cohen Milstein serves as Interim Co-Lead Class Counsel, overseeing a putative class action against E.I. DuPont de Nemours Company and The Chemours Company for discharging toxic chemicals into the Cape Fear River—a source of drinking water for five counties in North Carolina.

Prior to joining Cohen Milstein, Ms. Deich clerked for the Honorable Cornelia Pillard of the United States Court of Appeals for the D.C. Circuit. She also clerked for the Honorable Katherine Polk Failla of the U.S. District Court for the Southern District of New York, as well as the Honorable Goodwin Liu of the California Supreme Court.

Ms. Deich received her B.A. from the University of Virginia, where she graduated with highest distinction, Phi Beta Kappa, and received several honors, including the Lewis M. Hammond Award. Ms. Deich received her J.D. from Harvard Law School, where she graduated magna cum laude and won the Ames moot court competition.

Prior to law school, Ms. Deich helped draft research papers for various non-profit organizations.

### **Michael Dolce**

Michael Dolce is Of Counsel at Cohen Milstein, a member of the firm's Complex Tort Litigation practice, and leads the firm's Sexual Abuse, Sex Trafficking, and Domestic Abuse team.

A highly regarded trial lawyer and political activist, Mr. Dolce's practice is dedicated to representing survivors of sexual crimes, including child and adult victims, and adult survivors of child sexual abuse. His team represents clients from initial disclosure to law enforcement, to police investigations, criminal prosecutions, injunction proceedings and civil lawsuits against individual criminals and any institution that gave them safe harbor to commit their crimes. Mr. Dolce brings to his work the insight and commitment of a survivor, having himself been the victim of sexual abuse as a young boy at the hands of a sadistic predator.

In litigation, he has achieved multiple multi-million-dollar trial verdicts for his clients, as well as numerous substantial settlements. Among many awards that he has received for his work is his selection by his peers to be included in The Best Lawyers in America.

His expertise and accomplishments in sex crime victim rights is nationally recognized. CNN relied on him as an expert for an investigative report into mishandling of sex crime investigations. He has been quoted and has published editorials in the nation's top news outlets and law journals, including: The Associated Press, Newsweek, USA Today, The Guardian, The Hill, The New York Times, New York Daily News, The Washington Post, The Christian Science Monitor, Law360, The Daily Business Review, The Epoch Times, The Herald (Sharon), The Palm Beach Post, PENN Live, Politico, Salon.com, SunSentinel (Ft. Lauderdale), Tampa Bay Times, among others. He also appears as an expert in the award-winning documentary film, Pursuit of Truth: Adult Survivors of Child Sexual Abuse Seeking Justice.

In 2004, he broke his decades-long public silence about his status as a child sex abuse survivor in order to help other survivors. That year, he testified about his past before the Florida Senate Criminal Justice Committee, starting what became a six-year crusade to repeal all statutes of limitation for civil and criminal prosecution of child sexual battery. Supported by a grassroots organization of some 200 survivors that he led as the chair of the political committee, Protect Our Kids First, Inc., his precedent-setting strategy worked to compel the Florida Legislature to ensure that never again would a child in Florida be turned away from any court due to the passage of time.

Mr. Dolce has achieved significant victories for his clients in civil and criminal courts. He has assisted prosecutors in securing convictions against multiple sex criminals. He has represented clients in "impact litigation" against institutions, from schools to group homes, which have changed their policies and practices as a result to improve child safety. He has also recovered millions of dollars in damages for clients, including a \$19.2 million jury verdict in 2009, which was ranked by The National Law Journal's "Verdict Search" as one of the top 100 verdicts nationwide for the year.

Currently, Mr. Dolce is litigating the following notable matters:

- **Garrett v. University of South Florida Board of Trustees:** Mr. Dolce represents a University of South Florida doctoral candidate, who alleges she is the victim of rape by a fellow student and that the university failed to protect her against her assailant after she disclosed the rape to university authorities, while actively empowering her assailant. After originally not wanting to draw attention to her victimization, Ms. Garrett courageously chose to share her story with the regional media, including Tampa Bay Times, as a means to help other victims.

Mr. Dolce's recent successes include:

- **Trahan v. Mulholland:** In August 2018, after a week-long trial, a jury awarded Ms. Trahan, an adult survivor of childhood sexual abuse, \$4.6 million in damages for more than a decade of sexual abuse perpetrated by her father, a prominent Central Florida businessman. The jury also found her mother negligent in failing to use reasonable care to protect her from the abuse.
- **Doe v. Unnamed Institution:** In November 2017, Mr. Dolce successfully settled a matter on behalf of a client who survived a sexual assault in a medical setting. The \$880,000 settlement and outcome for his client was life-altering and life-sustaining, as she had profoundly struggled with suicidal behaviors and needed expensive residential treatment due to her trauma.
- **Jane Doe v. Seagate Hotel and Spa:** Mr. Dolce successfully represented an adult against a resort hotel for negligence, asserting that she was sexually assaulted by a massage therapist, who had been discharged just two months earlier by his prior employer for sexually assaulting a guest.
- **Doe v. Doe:** In October 2017, Mr. Dolce successfully settled a survivor of child sexual abuse lawsuit in Virginia – more than 40 years after the abuse occurred – on behalf of a 49-year-old south Florida resident, whose repressed memories of traumatic sexual abuse began to surface two years earlier, causing him to relive the painful experiences.
- **Jane Doe v. Florida Sheriffs Youth Ranches:** Mr. Dolce represented a teenaged sex abuse victim who was abused in a residential childcare facility by an adult resident of the facility. This civil suit against the facility follows a successful criminal prosecution of the abuser, asserting that the facility failed to maintain proper child safety procedures and policies.
- **Rose, Fitzsimons and Davis v. The Devereux Foundation, Inc.:** Mr. Dolce represented adult survivors in three related lawsuits, asserting child physical and sexual abuse at a licensed therapeutic group home perpetrated by several staff members.
- **Hollins v. Watchtower Bible and Tract Society of New York, Inc.:** Mr. Dolce represented an adult survivor of child sexual abuse against his former church (Jehovah's Witnesses), resulting in a confidential settlement.
- **A.S.W. v. Happy House, Inc.:** Mr. Dolce represented a pre-school child against a day care center in a child-on-child sex abuse case, resulting in a confidential settlement.
- **Jane Doe v. James Byrne and Linda Byrne:** Mr. Dolce represented a mentally disabled child in an action against a neighbor who sexually abused her over a two-year period and against the abuser's wife, on a theory that she failed to protect the child after finding evidence of ongoing abuse. The jury awarded damages of \$3.5 million, ordering both defendants to pay.

Mr. Dolce's work has been cited across the nation by law professors and state Supreme Court judges, garnering him national recognition and awards from both attorneys and crime victim advocates, including the National Center for Victims of Crime, the Florida Council Against Sexual Violence, the Florida Justice Association, The Best Lawyers in America for Personal Injury Litigation.

He presently serves on the board of directors of the Florida Council Against Sexual Violence.

Mr. Dolce graduated with a Bachelor of Arts, summa cum laude, from Lynn University and received his J.D. from Stetson University, which awarded him at graduation the Walter Mann Award for leadership in the legal profession and the Victor O. Wehle Award for outstanding trial advocacy.

#### **Allen Dreschel**

Allen Dreschel is an Associate at Cohen Milstein and a member of the Securities Litigation & Investor Protection practice group.

Prior to joining the firm as an Associate, Mr. Dreschel completed a one-year fellowship at Cohen Milstein, where he worked with the firm's civil rights and employment litigation, human rights, antitrust, consumer protection, and securities practice groups.

Prior to joining Cohen Milstein, Mr. Dreschel was as a law clerk to the Honorable Kathleen Cardone, United States District Court for the Western District of Texas. Mr. Dreschel also worked as an attorney at Better Markets, a non-profit organization that advocates for financial reform.

Mr. Dreschel earned his J.D. at the University of California, Hastings College of the Law. As a law student, Mr. Dreschel worked for the U.S. Department of Justice, the Federal Trade Commission, the Office of the Comptroller of the Currency, and represented a death-row inmate in his federal appeals. Mr. Dreschel earned his B.A. at Georgia Tech, where he was a Reginald S. Fleet President's Scholar.

Before attending law school, Mr. Dreschel worked as a management consultant and as a policy analyst at a D.C. think tank.

Mr. Dreschel is the co-author of the New York Times Op-Ed, "The Quiet War on Corporate Accountability," published on April 26, 2016.

### **Suzanne Dugan**

Suzanne M. Dugan is Special Counsel to Cohen Milstein and leads the firm's Ethics & Fiduciary Counseling practice, a practice she helped found within the Securities Litigation & Investor Protection practice group.

Ms. Dugan joined Cohen Milstein after more than 20 years of service in government, including as Special Counsel for Ethics for the Office of the New York State Comptroller, and as counsel to and acting director of the New York State Ethics Commission. Her service and experience in government offer the broad and unique perspective of a regulator and the understanding of an in-house counsel.

Ms. Dugan brings her experience gained from having served as ethics counsel to the third largest public pension fund in the country to advise and counsel pension fund trustees and senior managers on issues and challenges, providing collaborative and creative solutions for pension funds as they navigate changing economic challenges and organizational requirements.

From this unique vantage, Ms. Dugan counsels pension funds on fiduciary responsibility, ethical duties, strategic governance and compliance issues. She consults with governmental entities and other clients on design, implementation, management and assessment of comprehensive ethics programs. She also assists in conducting investigations and structuring recommendations, and provides expert legal and consulting services to law firms retained to conduct special reviews, providing an additional layer of oversight and accountability.

Ms. Dugan has worked with public pension fund and municipal government clients in the following capacities:

- Service as Fiduciary Counsel, Ethics Counsel, and Compliance Counsel to public pension plans from coast to coast, including some of the largest institutional investors in the country.
- Providing ethics and fiduciary training to boards of trustees, designing and delivering educational programs for sophisticated public pension plans and government entities.
- Outside Ethics Officer to municipalities across the country, evaluating and investigating complaints of unethical conduct, providing objective and independent guidance, and working to ensure a culture of ethical leadership.
- Ms. Dugan serves on the Fiduciary and Plan Governance Steering Committee of the National Association of Public Pension Attorneys, a professional organization dedicated to providing legal educational opportunities and informational resources to its member attorneys. Ms. Dugan also is an active member of the Council on

Government Ethics Laws, an international organization dedicated to issues involving governmental ethics, elections, campaign finance, lobby laws and freedom of information. She is a member of the Hearing Officer panel for the New York State Joint Commission on Public Ethics.

Ms. Dugan is a frequent lecturer at conferences and forums addressing ethics and fiduciary issues in the public and nonprofit sectors, including pension funds, bringing with her an understanding of ethical issues born out of practical experience as well as scholarly pursuits. She has served as an adjunct professor, teaching a course on Government Ethics, and writes frequently on ethics, fiduciary responsibilities of pension trustees and the role of pension fund attorneys. In 2014, Ms. Dugan won the Burton Award, the country's most prestigious legal writing award run in association with the Library of Congress, for her Bloomberg BNA article, "Ethics and Fiduciary Issues for Public Pension Plans: Lessons Learned".

Ms. Dugan is also an active member of her community. She is currently an elected Trustee of her local public library. In addition, she serves as a member of the Governance Committee of a Planned Parenthood affiliate, following many years of service on the Board of Directors. She also previously served as the pro bono legal director of a not-for-profit in the Albany area.

Ms. Dugan is an elected member of the American Law Institute, where she is a member of the Consultative Group on Government Ethics.

Ms. Dugan began her career as a judicial clerk with the Appellate Division, Third Department, of the New York State Supreme Court. She graduated magna cum laude from Siena College and earned her J.D. cum laude from Albany Law School of Union University.

#### **Donna M. Evans**

Donna M. Evans is Of Counsel at Cohen Milstein and a member of the firm's Antitrust practice group.

Ms. Evans has thirty years of experience as a trial lawyer in complex civil litigation that includes antitrust pharmaceutical class action litigation and sophisticated business litigation involving emerging technologies, biomedical devices and healthcare, fiduciary and business disputes, and First Amendment/media litigation. She has substantial jury trial experience, as well as mediation, arbitration and appellate experience.

Currently, Ms. Evans is focused on cutting-edge pay-for-delay pharmaceutical antitrust litigation, which addresses collusive, non-competition agreements between brand and generic drug manufacturers in order to delay entry of lower-priced generic drug products. She is also involved in the litigation of generic drug price-fixing cases, which come on the heels of a government investigation led by the U.S. Department of Justice alleging similar conduct, which, while ongoing, has already resulted in indictments and guilty pleas.

Ms. Evans is representing class purchasers in several high-profile antitrust cases including:

- In re Lipitor Antitrust Litigation (D.N.J.): Plaintiffs allege that Pfizer, the manufacturer of the cholesterol drug Lipitor, the best-selling drug in pharmaceutical history, conspired with Ranbaxy, the generic manufacturer, to delay its introduction of a generic Lipitor product. On August 21, 2017, the Third Circuit handed a sweeping victory to Plaintiffs, reviving their antitrust claims. This case was ranked by Law360 as one of "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).
- In re Loestrin Antitrust Litigation (D.R.I.): Plaintiffs allege that Warner Chilcott PLC and three others entered into an agreement to delay the introduction of a generic version of the contraceptive drug Loestrin. Following the First Circuit's remand of the case for further proceedings, on August 21, 2017, the District Court, in an unsealed opinion, stated that Defendants must face multidistrict litigation. Discovery is currently ongoing.
- Ms. Evans' recent, successfully concluded matters include:

- In re Lidoderm Antitrust Litigation (N.D. Cal.): Plaintiffs alleged that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, Plaintiffs obtained final approval of a \$104.75 million settlement— more than 40% of Plaintiffs’ best-case damages estimate. This case was ranked by Law360 as one of “The Biggest Competition Cases Of 2017 So Far” (July 7, 2017).
- In re Solodyn Antitrust Litigation (D. Mass.): Cohen Milstein served as a member of the executive committee and Ms. Evans played a significant role in coordinating discovery on behalf of the End-Payor Plaintiffs. The case, which settled mid-trial, resulted in a \$43 million recovery for the Class.

Prior to joining Cohen Milstein in 2015, Ms. Evans was a litigation partner at two global defense firms, where she addressed antitrust, fraud, and RICO disputes, as well as commercial, intellectual property litigation, including patent and First Amendment-related disputes. Ms. Evans’ jury trial experience includes obtaining one of the largest plaintiff jury verdicts before the Massachusetts Superior Court.

Ms. Evans has written articles on topics including the federal mail fraud statute and construction pay-when-paid contract clauses, and she authored a chapter in *Inside the Minds*, addressing best practices in client relationships. She taught legal writing at Boston University Law School for six years, has guest lectured at Duke University and the University of North Carolina law schools, and – prior to practicing law – she taught English at the University of North Carolina and was a Visiting Lecturer in English at North Carolina State University.

Throughout her career, Ms. Evans has been deeply involved in the issue of equality. She served on the Honorable U.S. District Court Judge Nancy Gertner’s Equality Commission, the Boston Bar Association’s Diversity and Attorney Attrition Standing Committee, and the BBA’s Task Force on Professional Challenges and Family Needs. Ms. Evans participated in writing a ground-breaking BBA report addressing the costs of attorney attrition, *Facing the Grail: Confronting the Cost of Work-Family Imbalance*, as well as implementing the report’s recommendations in Boston law firms. Ms. Evans has also served on the Board of Directors of Greater Boston Legal Services and the Advisory Board of The Commonwealth Institute, an organization providing professional support to businesswomen, and has been active in pro bono representation, including fair housing issues.

Ms. Evans currently serves as a member of Cohen Milstein’s Professional Development Mentoring Committee and co-lead the firm’s two-day young associate training program in 2017.

Ms. Evans graduated from the University of North Carolina at Chapel Hill with a B.A. in English and Political Science, and an M.A. in English. She received a J.D., cum laude, from the University of North Carolina at Chapel Hill Law School, where she served as a Note and Comment Editor on the Board of the North Carolina Law Review.

#### **Adam Farra**

Adam Farra is an Associate at Cohen Milstein and a member of the Securities Litigation & Investor Protection practice group, where he represents institutional investors, individuals, businesses, and public entities in securities fraud cases, RICO cases, antitrust cases, shareholder derivative and corporate governance disputes, and other complex commercial cases.

Mr. Farra is currently litigating the following notable cases:

- In re Interest Rate Swaps Antitrust Litigation: Cohen Milstein is co-lead counsel in this putative class action against 11 Wall Street banks that are alleged to have colluded with one another to crush competition in the trillion-dollar market for interest rate swaps, a type of financial derivative. The case is in active discovery.
- In re Credit Suisse Group AG Securities Litigation: Cohen Milstein is co-lead counsel in this putative securities fraud class action against Credit Suisse Group AG and certain of its executives for making material

misrepresentations regarding Credit Suisse's trading and risk limits, and subsequent accumulation of billions of dollars in extremely risky, highly illiquid distressed debt and collateralized loan obligations.

- *Nieves v. Performance Sports Group Ltd., et al.*: Cohen Milstein is lead counsel in this putative securities fraud class action involving PSG's failure to disclose that its growth was driven by the Company's manipulative and coercive sales practices, which included pulling orders forward from future quarters to meet business targets and forcing customers to increase their orders without regard for market demand. The SEC and Canadian authorities subsequently initiated investigations, and PSG has since filed for bankruptcy.

Some of Mr. Farra's successes include the following:

- *Tradex Global v. McGladrey & Pullen LLP, et al.*: Cohen Milstein represents investors in a putative class action lawsuit against a major accounting firm for its alleged fraud and negligence arising out of a Ponzi scheme perpetrated by Thomas Petters and his co-conspirators, one of the largest Ponzi schemes in U.S. history. The \$27.5 million settlement was preliminarily approved by the court in April 2018.

Mr. Farra maintains an active pro bono practice, and has served as lead appellate counsel in several precedent-setting pro bono cases. His cases include the following:

- *Brennan M. Gilmore v. Alexander E. Jones, et al.*: Representing a national group of 14 law professors, Mr. Farra authored an amicus curiae brief in support of plaintiff Brennan Gilmore in a high-profile defamation lawsuit in federal court in Virginia against Alex Jones, his company and YouTube show Infowars, and other defendants. In preparing the brief, Mr. Farra and Cohen Milstein worked with Gilmore's counsel, the Georgetown Civil Rights Clinic and the Constitutional Accountability Center.
- *Scinto v. Stansberry, et al.*, 841 F.3d 219 (4th Cir. 2016): Mr. Farra successfully argued before a federal appeals court that there was adequate evidence that federal prison officials violated the Eighth Amendment's prohibition on cruel and unusual punishment when they denied his client, a former inmate, certain medical care.
- *Fontanez v. O'Brien*, 80 F.3d 84 (4th Cir. 2015): Mr. Farra persuaded a federal appeals court to reverse the dismissal of his client's habeas petition, creating a new jurisdictional precedent in the Fourth Circuit for inmates challenging the conditions of their confinement.

Mr. Farra also has an appointment as an adjunct professor at the University of Maryland School of Law, where he teaches a seminar in constitutional law. Mr. Farra writes and comments on the topics of securities and class action litigation, constitutional issues, as well as appellate matters. Recent articles include, "Trump, Pro-Gun Groups Headed for SCOTUS Duel?", Bloomberg BNA, August 9, 2017; "Enter Judge Pamela Harris," Maryland Appellate Blog, February 2017; and "Apollo Settlement Highlights Vulnerabilities Faced by Private Equity Investors," Shareholder Advocate, November 2016.

Mr. Farra received his J.D. from the University of Maryland School of Law, from which he graduated magna cum laude and Order of the Coif. He clerked for Judge Peter J. Messitte on the U.S. District Court for the District of Maryland, and for Judge Andre M. Davis on the U.S. Court of Appeals for the Fourth Circuit.

#### **Susan M. Greenwood**

As an attorney in the New York office, Susan M. Greenwood is a member of Cohen Milstein's Securities Litigation & Investor Protection Practice Group. With extensive experience in the area of securities law and class action litigation, Ms. Greenwood analyzes and evaluates securities litigation case opportunities.

Prior to joining Cohen Milstein, Ms. Greenwood was a Securities Law Specialist at Bloomberg Law, providing analysis of trends and developments in securities litigation, regulation and enforcement and serving as the editor of the Bloomberg Law Securities Litigation and Enforcement Report. She also has served as counsel at a prominent insurance company and two large litigation firms.



Ms. Greenwood attended Cornell University, graduating cum laude with Distinction, and earned her J.D. at the University of Pennsylvania School of Law.

#### **D. Michael Hancock**

D. Michael Hancock is Of Counsel at Cohen Milstein and a member of the firm's Civil Rights & Employment practice group.

Mr. Hancock is the former Assistant Administrator for the U.S. Department of Labor's (DOL) Wage and Hour Division. As a senior DOL employee for 20 years, conducting policy-related work, including policy interpretation and enforcement, he helped enforce a wide range of workplace protections, from minimum wage, overtime, child labor and the Family Medical Leave Act, to guest worker and other employment-based immigration programs. Most recently, as Acting Director, DOL's Division of Interpretation and Regulatory Analysis, and as Assistant Administrator for Policy, Mr. Hancock managed a team of 40 senior managers and analysts and worked with, among others, the Solicitor of Labor, the Secretary of Labor, the Office of Management and Budget, and the White House.

At the DOL, Mr. Hancock also served as Branch Chief, Wage and Hour Division, Division of Interpretations and Regulatory Analysis, and as National Farm Labor Coordinator, Wage and Hour Division. While on detail from the DOL, he served as Senior Labor Advisor to the U.S. Agency for International Development (USAID), where he provided guidance to the Bureau of Democracy, Conflict and Humanitarian Assistance, Office of Democracy and Governance, on a broad range of labor, civil society, democracy and development programs funded and administrated by USAID.

Prior to joining the DOL in 1995, Mr. Hancock was the Executive Director of Farmworker Justice, where he helped provide policy support to farmworker organizations, labor unions, migrant legal services programs, administrative and legislative bodies, and other organizations. Before that, he was General Counsel of the National Coalition to Ban Handguns and President of the Foundation for Handgun Education. He also served as Executive Director of the Aviation Consumer Action Project.

Mr. Hancock was awarded a fellowship from Howard University — the Reginald Heber Smith Community Lawyer Fellowship, Ozark Legal Services, Fayetteville, Arkansas — to practice poverty law in rural Arkansas, and was a law clerk at Ozark Legal Services. He also worked as an administrator and social worker with the Arkansas Department of Human Services.

Mr. Hancock received his B.S. from Oklahoma State University, and his J.D., with honors, from the University of Arkansas, where he was appointed to the Arkansas Law Review.

#### **Elizabeth C. Guarnieri**

Elizabeth C. Guarnieri is a Senior Attorney in Cohen Milstein's Securities Litigation & Investor Protection practice group, and a member of the Ethics and Fiduciary Counseling Practice. Ms. Guarnieri serves as the firm's Director of Investor Services. In this role, she leads the firm's portfolio monitoring and damage calculation process and oversees client reports. She is an integral member of the Securities Case Evaluation Team, which analyzes new and potential securities actions.

In addition, Ms. Guarnieri led the Cohen Milstein team in developing the firm's proprietary portfolio monitoring and damage calculation system, COMPAS (Cohen Milstein Portfolio Assessment System). She also oversaw the rollout of the COMPAS client self-service portal which provides clients with web access to monitoring information as well as historical portfolio monitoring reports.

Prior to joining Cohen Milstein, Ms. Guarnieri spent nearly 10 years as a securities and antitrust litigator. Working at two prominent plaintiffs' class action law firms in San Francisco, she represented individual and institutional investor clients in individual, class action and shareholder derivative securities litigation. Her decade of working on behalf of institutional investors has provided her with an experience and insight that she brings to her role as Director and in her fiduciary and

ethics counseling practice. Working with clients who have hired Cohen Milstein for fiduciary or ethics counseling, Ms. Guarnieri has undertaken a variety of projects — from researching and preparing presentations on fiduciary and ethics issues to assisting with the revision of an ethics code for a large county client.

In addition to her litigation experience, Ms. Guarnieri also worked as a legal analyst with Bloomberg L.P., regularly contributing articles to Bloomberg's Antitrust and Trade Law Reporter. She is the co-author of *The Misapplication of American Pipe Tolling Principles*, ABA Securities Litigation Journal, (Volume 21, Number 2, Winter 2011).

In her pro bono work, Ms. Guarnieri was one of a coalition of counsel that represented plaintiffs who sued Chevron for egregious injuries related to the company's oil production in Nigeria. She also served on the Board at the Meiklejohn Institute for Civil Liberties, an organization dedicated to developing innovative ways of using human rights law to promote equality and protect the disadvantaged.

Ms. Guarnieri attended Rider University, graduating magna cum laude with a B.A. in Political Science, and earned her J.D. at Rutgers School of Law.

### **Johanna M. Hickman**

Johanna M. Hickman is an Of Counsel at the Cohen Milstein and a member of the Public Client practice group. In this position, Ms. Hickman represents state Attorneys General and other public-sector clients in investigations and lawsuits involving health care fraud and other fraudulent and deceptive trade practices. Previously, she assisted in litigation by a state attorney general regarding the robo-signing of mortgage foreclosure documents. In addition, she has worked on a number of confidential investigations.

Currently Ms. Hickman is representing public clients in the following high-profile matters:

- **Nursing Homes:** Representing attorneys general in investigations and litigation related to deceptive marketing by several nursing home chains that promised, but failed to provide, basic care to their elderly residents. She is involved in all aspects of the investigations and litigation, including conducting and analyzing the results of investigations, developing legal theories, conducting fact and expert discovery and writing briefs.

Ms. Hickman serves on the adjunct faculty of the Georgetown University Law Center, where she teaches a course in advanced legal writing and practice. Prior to joining Cohen Milstein in 2013, Ms. Hickman practiced at a leading defendants' firm, where she advised clients regarding environmental and toxic tort liability, negotiated the environmental aspects of corporate transactions, and represented clients in complex insurance coverage litigation. Prior to that, Ms. Hickman clerked for two years for the Honorable James I. Cohn of the United States District Court for the Southern District of Florida.

Ms. Hickman graduated with Highest Honors from the University of North Carolina at Chapel Hill with a B.A. in Journalism and Mass Communication. Ms. Hickman earned her J.D., cum laude, from the Georgetown University Law Center. She served as a Law Fellow, a Global Teaching Fellow, and a Staff Member and Symposium Editor of the Georgetown Journal of Legal Ethics. As a member of Georgetown's Barristers' Council, she was a finalist in Georgetown's 35th Annual Leahy Moot Court Competition, and her team won the Award for Best Brief Overall at the 2005 Pace National Environmental Law Moot Court Competition.

### **Anita F. Hill**

Anita F. Hill is Of Counsel at Cohen Milstein, and a member of the Firm's Civil Rights & Employment Practice Group. In that role, she advises on class action workplace discrimination cases. Ms. Hill, who joined the Firm in 2011, has played a leading role in furthering equal opportunity and ending discrimination in the United States, and brings with her more than three

decades of legal, governmental, policymaking and academic experience to the Civil Rights Practice. She is a noted speaker, thinker, commentator and author who has contributed to a broad range of important civil rights and social issues, including race, gender discrimination, media and the law. She has appeared on numerous television and news programs, and her writings and opinions regularly are published in leading newspapers and magazines in the United States and the world.

Ms. Hill began her career as an associate with a boutique defendants' firm based in Washington, D.C., which specialized in antitrust, federal agency and environmental work for corporate clients; in that role, she researched and wrote appellate and agency briefs on questions concerning environmental, corporate, antitrust and administrative law. She then served as special counsel to the assistant secretary of the Department of Education's Office for Civil Rights, where she advised on legal and policy matters related to individual and systemic claims of educational discrimination, reviewed legal and policy positions for government-wide enforcement efforts and wrote position papers on various civil rights education issues including race and gender discrimination claims and with a specific focus on issues facing historically black colleges and universities.

Later, Ms. Hill became adviser to the Chairman of the Equal Employment Opportunity Commission (EEOC), reviewing and analyzing Commission policy, writing legal policy and position papers for the Chairman and advising him on the effectiveness of the program and the functions of the Commission.

For more than three decades, Ms. Hill has taught law and public policy. She began her teaching career as an assistant professor at Oral Roberts University and later joined the faculty at the University of Oklahoma College of Law. In 1989, Ms. Hill became the first African American to be tenured at the University of Oklahoma, College of Law, where she taught contracts and commercial law. Since 1999, Ms. Hill has been on the faculty of Brandeis University where she holds the title of University Professor, the highest academic rank awarded by Brandeis. Hill is one of only seven University Professors in the school's history. She teaches in the areas of civil rights, legal history and race and gender law and policy.

Ms. Hill is the author of numerous academic articles on international commercial law, contracts, bankruptcy and civil rights—all areas in which she has taught. She has given presentations on commercial law as well as race and gender equality to hundreds of business, professional, academic and civic organizations in the United States and abroad. In addition, she has appeared on several television programs, such as Face the Nation and Meet the Press, and has written for leading newspapers and magazines including Newsweek, The New York Times and Boston Globe and Time.com. Ms. Hill is the author of Speaking Truth to Power and served as the co-editor of Race, Gender, and Power in America: The Legacy of the Hill-Thomas Hearings. Her latest book is Reimagining Equality: Stories of Gender, Race and Finding Home (Beacon Press, 2011), an analysis of the housing market collapse of 2008 and its impact on gender and racial equality.

She is the recipient of numerous awards, grants and honorary degrees. Hill's professional and civic contributions include chairing the Human Rights Law Committee of the International Bar Association, and membership on the Board of Governors of the Tufts Medical Center and the Board of Directors of the National Women's Law Center and the Boston Area Lawyers Committee for Civil Rights. Ms. Hill was the subject of the documentary, Anita: Speaking Truth to Power, which premiered at the Sundance Film festival in January 2013.

Ms. Hill attended Oklahoma State University, where she majored in Psychology, and earned her J.D. at Yale University Law School.

#### **Julia Horwitz**

Julia Horwitz is an Associate at Cohen Milstein and a member of the Firm's Employee Benefits Practice Group. In her role, Ms. Horwitz represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases across the country.

Prior to joining Cohen Milstein, Ms. Horwitz served as a law clerk for the Honorable Mary Ellen Coster Williams at the United States Court of Federal Claims. She worked at the Electronic Privacy Information Center in DC from 2012-2015, first

as an Open Government Coordinator and Counsel, and then as the Director of the Consumer Privacy Project. Ms. Horwitz also was an Adjunct Professor at Georgetown Law School for a semester in 2013.

Ms. Horwitz attended Brown University, graduating with a B.A. in English, magna cum laude, in 2008. She earned her J.D. from the University of Chicago Law School in 2012. During law school, Ms. Horwitz was a staff member on the Edwin F. Mandel Legal Aid Clinic Employment Discrimination Project.

### **Nicholas C. Johnson**

Nicholas C. Johnson is an Associate at Cohen Milstein and a member of the firm's Complex Tort Litigation practice group. In that role, Mr. Johnson's practice focuses on catastrophic injury and wrongful death, medical malpractice, nursing home abuse, and personal injury cases.

Prior to joining Cohen Milstein in 2014, Mr. Johnson worked for two South Florida defense firms, gaining valuable experience representing Fortune 500 insurance companies in the defense of claims and lawsuits. Earlier in his career, Mr. Johnson practiced as an Assistant Public Defender in Palm Beach County, where he represented indigent clients charged with misdemeanors and felonies, ranging from DUI to crimes punishable by life in prison. He was awarded the Best Advocate Award at the Florida Public Defender College in November 2008. Mr. Johnson tried approximately 30 jury trials to verdict as an Assistant Public Defender. Eager to resume his representation of individuals, Mr. Johnson joined Cohen Milstein.

Mr. Johnson is currently litigating the following notable matters:

- **Doe. v. JFK Medical Center:** On December 01, 2016, Cohen Milstein filed a medical malpractice lawsuit against JFK Medical Center on behalf of a client who had a documented seizure disorder, for which he was prescribed twice daily anticonvulsant medication. During a medical evaluation, one of the doctors employed by JFK Medical Center withheld our client's anticonvulsant medication, causing him to suffer a severe and debilitating seizure. The seizure resulted in comminuted shoulder fractures, a reverse total shoulder replacement surgery, and severe permanent functional impairment to both shoulders.

Some of his past successes include:

- **Skiles v. Boca Raton Regional Hospital:** In October 2018, Cohen Milstein settled a medical malpractice, wrongful death case, arising from the defendant's failure to perform an x-ray to rule-out a potential bowel perforation or "Free Air" following a colonoscopy procedure, even though the hospital was obligated to under Medicare rules, regardless of a patient's insurance coverage, because it was an emergency request. The x-ray was never performed, and Mr. Skiles was sent home. Later that day, his wife rushed him to the hospital due to severe abdominal pain, whereupon a perforated bowel was diagnosed, ultimately leading to bowel resection surgery. Although Mr. Skiles initially survived his surgery, he later died due to complications of sepsis.
- **Fearon v. Orlando Health, Inc.:** In August 2018, Cohen Milstein settled a wrongful death and medical negligence case against Orlando Health, the parent company of Orlando Regional Medical Center, on behalf of the decedent's widow and children. Mr. Fearon, the decedent, was experiencing intermittent chest pain, shortness of breath, and calf pain which became so severe that he went to Orlando Regional Medical Center's Emergency Room. He was evaluated for cardiac related issues and subsequently discharged. Moments later, Mr. Fearon died. The medical staff allegedly failed to recognize the symptoms of pulmonary embolism and failed to accordingly provide lifesaving treatment.
- **Sears v. Florida Hospital:** In May 2018, after extensive litigation including over 40 depositions, Cohen Milstein successfully settled a catastrophic injury medical negligence for a client who was not secured to his surgery gurney and dropped on his head during surgery, resulting in traumatic brain injury with debilitating consequences.

- **Hilton v. Sebring Hospital, et al.:** Cohen Milstein represented a former emergency room patient who was never notified by the hospital of the results of a “critical” blood culture, ultimately leading to irreversible spinal cord damage and paraplegia.
- **Pavlov v. PBSO:** Cohen Milstein represented the mother of a 28-year-old mentally disturbed man who was shot and killed by a Deputy Sheriff of the Palm Beach County Sheriff’s Office. Mr. Johnson was instrumental in litigating this case, which at that time, resulted in the largest settlement paid out by the Palm Beach County Sheriff’s Office.
- **Negligent Security Matter:** Cohen Milstein represented the mother of a 20-year-old man who was shot and killed in the parking lot of a West Palm Beach nightclub, which had been plagued with violent crimes over the years. The complaint alleged that the nightclub failed to provide adequate security that led to this tragic incident. On October 6, 2017, the parties entered into a confidential settlement.
- **Patient v. Confidential Defendant:** On March 17, 2016, Cohen Milstein successfully negotiated a confidential settlement on behalf of their client who had suffered permanent bodily damage at the hands of a Florida Cardiologist. Mr. Johnson exposed the Defendant’s misconduct and medically negligent treatment when using a stent inappropriately.
- **Nursing Home Neglect Litigation:** Cohen Milstein represented the spouse of an 85-year-old man who experienced a series of falls in a nursing home before finally fracturing his hip, which required hip replacement surgery. Mr. Johnson was instrumental in reaching a confidential settlement in this case that alleged neglect on the part of the nursing home.

Mr. Johnson was recently selected by National Trial Lawyers as a Top 100 Plaintiff Civil Trial Lawyer in the State of Florida. He has been named a “Rising Star” by Florida Super Lawyers and a “Legal Elite Up and Comer” by Florida Trend magazine.

In June 2019, Mr. Johnson was appointed to serve on the Florida Justice Association’s (FJA) Board of Directors. He is also a member of its Diversity Committee.

Mr. Johnson is Past President of the prestigious F. Malcolm Cunningham, Sr. Bar Association. He has been a member since 2014 and has served on the Executive Board since 2015.

Mr. Johnson served as an appointed member of the Palm Beach County Bar Association’s Judicial Campaign Practices Commission in 2018. In addition, he was reappointed to the North County Section’s Board of Directors in 2017, to serve until 2019. He is an alumnus of The Florida Bar’s Wm. Reece Smith, Jr. Leadership Academy 2015-2016 class, and continues to serve the program through the Florida Bar’s Leadership Academy Committee.

Mr. Johnson is also an active member of the American Association for Justice (AAJ). He is involved in several AAJ committees, including the Minority Caucus, the Voter Protection Committee, and the Public Education Committee. In June 2019, Mr. Johnson was appointed to serve on AAJ’s Board of Directors by FJA as the minority state delegate. Mr. Johnson is an alumnus of AAJ’s Leadership Academy (2016-2017).

Mr. Johnson is a community advocate and mentor and was recently appointed to the Board of Scholar Career Coaching in June 2018.

Mr. Johnson is also a prolific writer, and his articles have been published in Florida Justice Association Journal and AAJ’s Trial magazine.

Mr. Johnson was born and raised in Kingston, Jamaica, and graduated from Boston University with a B.A. in Economics and completed his Master’s in Sports Management at the University of Florida. He graduated cum laude from St. Thomas University School of Law in 2007.

#### **Eric A. Kafka**

Eric A. Kafka is an Associate at Cohen Milstein and a member of the firm's Consumer Protection practice group.

Mr. Kafka is a tireless advocate for consumers. Since joining Cohen Milstein in 2015, Mr. Kafka has represented plaintiffs in a wide range of consumer class actions, including product liability, false advertising, and data breach class actions.

Mr. Kafka is also an active member of the Plaintiffs' Bar. He is a member of both the American Association for Justice (AAJ) and Public Justice.

Currently, Mr. Kafka is litigating the following notable matters:

- *LLE One, LLC v. Facebook* (N.D. Cal.): Cohen Milstein represents a putative class of advertising purchasers, who claim that Facebook intentionally inflated key metrics regarding their paid video advertisements' performance. Plaintiffs allege that the inflated metrics caused them to buy more video advertisements and to pay a higher price than they otherwise would have paid.
- *Johnannessohn, et al. v. Polaris* (D. Minn.): Cohen Milstein represents a putative class of purchasers of Polaris Sportsman four-wheel all-terrain vehicles (ATVs) who allege that their Sportsman ATV's have a defect where it emits excess exhaust heat, which can burn riders and melt ATV components. Plaintiffs allege that Polaris violated state consumer protection laws by failing to disclose the exhaust heat defect.
- *In re: Marriott International Inc. Customer Data Security Breach Litigation* (D. Md.): In April 2019, the Court appointed Cohen Milstein the Consumer Plaintiffs' Co-Lead Counsel to oversee a class action related to the data breach that compromised the personal data of nearly 400 million customers, making it one of the largest data breaches in U.S. history.

Mr. Kafka was actively involved in the following concluded matters:

- *In re Anthem, Inc. Data Breach Litigation* (N.D. Cal.): Cohen Milstein was Co-Lead Counsel on behalf of a putative class of 78.8 million insureds, whose personal data and health information was stolen as a result of a massive data breach of Anthem, Inc., one of the nation's largest for-profit health care companies. In August 2018, the Court granted final approval of a \$115 million settlement – the largest data breach settlement in history.
- *HCA Litigation* (M.D. Fla.): Cohen Milstein was Lead Counsel in a class action, alleging that emergency room patients were billed unreasonably high fees for emergency radiology services, in excess of the amount allowed by their mandatory Florida Personal Injury Protection (PIP) insurance. In December 2018, the Court granted final approval of a \$220 million injunctive relief settlement.

Prior to attending law school, Mr. Kafka worked on multiple political campaigns, including President Obama's 2008 presidential campaign.

Mr. Kafka earned his J.D. from Columbia Law School, where he was a Harlan Fiske Stone Scholar. He received his B.A. from Yale University.

#### **Peter Ketcham-Colwill**

Peter Ketcham-Colwill is an Associate at Cohen Milstein and a member of the firm's Public Client practice group. Mr. Ketcham-Colwill's practice focuses on the representation of state Attorneys General and other public-sector clients in investigations and lawsuits involving false claims and fraudulent and deceptive trade practices.

Prior to joining Cohen Milstein in 2018, Mr. Ketcham-Colwill practiced as a litigation associate at an international disputes and transactions law firm in Washington, D.C.

Mr. Ketcham-Colwill most recently served as the Voter Protection Director for the Democratic Party of Virginia's 2018 Coordinated Campaign. He also worked as a Regional Voter Protection Director for the Ohio Democratic Party's 2016 Coordinated Campaign.

Following law school, Mr. Ketcham-Colwill served as a Law Clerk for the Honorable David Ezra, U.S. District Court for the Western District of Texas.

Mr. Ketcham-Colwill graduated from Princeton University with an A.B. in the Woodrow Wilson School of Public and International Affairs. He earned his J.D. with Highest Honors from The George Washington University Law School, where he was the Senior Executive Editor of The George Washington Law Review.

Prior to law school, Mr. Ketcham-Colwill worked for the U.S. House of Representatives Committee on Energy and Commerce, where he organized investigative hearings and drafted legislation related to consumer protection and the environment.

Mr. Ketcham-Colwill is admitted to practice in the State of Virginia. He is not currently admitted to the Bar of the District of Columbia. He practices under the supervision of Partners of the firm.

#### **Jessica Kim**

Jessica (Ji Eun) Kim is an Associate at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection practice group.

Prior to joining Cohen Milstein, Ms. Kim was a litigation associate at a prestigious global defense firm, where she focused on white collar criminal matters, internal investigations, and regulatory enforcement involving the U.S. Securities and Exchange Commission, and related litigation.

Ms. Kim received a dual B.B.A. and B.A. from Korea University and her J.D. from Harvard Law School.

While attending law school, Ms. Kim was an Executive Technical Editor for the Harvard Civil-Rights Civil-Liberties Law Review, and Co-President of the Harvard Mediation Program. She was also a member of the Harvard Criminal Justice Institute, where she represented clients charged with misdemeanors and felonies in the Roxbury and Dorchester Divisions of the Boston Municipal Court Department.

#### **Adam J. Langino**

Adam J. Langino is Of Counsel at Cohen Milstein and a member of the firm's Complex Tort Litigation practice group, focusing on products liability, catastrophic injury and wrongful death, and managed care abuse litigation.

Mr. Langino is an experienced, hands-on trial attorney, who has tried more than 20 jury trial cases in his career. Mr. Langino represents clients who have been seriously or catastrophically injured by holding accountable the corporations or persons that have caused them harm.

Prior to joining Cohen Milstein, Mr. Langino served for three years as an Assistant Public Defender in West Palm Beach, Florida. As an Assistant Public Defender, Mr. Langino handled complex felony criminal cases, including first-degree felonies and crimes punishable by life in prison. He gained valuable trial experience and secured freedom for the wrongly accused. Before his service as an Assistant Public Defender, Mr. Langino clerked for the Federal Public Defender in Minneapolis, Minnesota.

Currently, Mr. Langino is litigating the following notable matters:

- Paz-Orjales v. Ford Motor Company: Cohen Milstein represents Paz-Orjales against Defendants Ford Motor Company for the catastrophic injuries resulting in his quadriplegia. The complaint alleges that due to a defective design, the Ford truck's roof collapsed and crushed Mr. Orjales during an accident in which the Ford rolled over.
- Pelico v. Yorktown Association Inc.: Cohen Milstein represents Pelico in a wrongful death lawsuit against the property management company that maintains the swimming pool in which his daughter drowned. The father contends that Heritage had a duty to make sure that the pool was reasonably safe, including controlling access to the pool by minors.
- Staton v. Elite Auto Logistics, Inc.: Cohen Milstein represents Lowell Staton in a catastrophic injury lawsuit for negligently causing a truck crash that caused his disabling injuries. The matter is presently set for trial in September 2018.

Some of his past successes include:

- Mincey v. Takata: Cohen Milstein was lead counsel in a lawsuit brought on behalf of Patricia Mincey and her family. Ms. Mincey sustained catastrophic injuries that rendered her paralyzed from the neck down in 2014 when the driver's side airbag deployed too aggressively during a vehicle collision. She passed away in early 2016 due to complications from the quadriplegia caused by the problematic airbag. The suit charged that the Takata Corporation, the manufacturer of the airbag system, knew of the airbag defect and hid the problem from consumers. Evidence uncovered by the firm showed that Takata concealed the defective nature of the airbag system for more than a decade. The case was resolved in July 2016. Mr. Langino was involved in all aspects of the litigation, including discovery, taking depositions and directing motions.
- Fuse v. Palm Tran: Cohen Milstein represented the family of a 5-year-old disabled child in a catastrophic injury case alleging that the disabled child suffered permanent brain damage during transport on the Palm Tran Connection service, a transportation service for elderly and disabled patrons, when the vehicle's driver ignored her calls for help, failed to provide first aid, and delayed access to emergency medical aid. The case was resolved in a settlement in excess of \$1 million.
- Hauser v. Rice Insulation: Cohen Milstein represented the Hauser family in a product liability lawsuit alleging that Rice Insulation, an insulation contractor, installed foam insulation incorrectly in the plaintiff's house, resulting in the house burning to the ground. The lawsuit included the contractor as well as the manufacturer for not providing sufficient warnings that the product might ignite under certain conditions. The matter was resolved confidentially. Mr. Langino managed all aspects of the litigation.
- Palmer v. Baylines Inc.: Cohen Milstein represented the Palmer family in catastrophic injury and product safety lawsuit in which a truck driver fell asleep at the wheel and crashed into a vehicle carrying the Palmers, resulting in the death of Mrs. Palmer. Mr. Langino brought a catastrophic injury case against the trucking company Baylines Inc., and a product safety case against the carmaker of the vehicle that the Palmers were driving alleging that the airbags did not deploy properly, leading to Mrs. Palmer's death. The case was resolved in a confidential settlement. Mr. Langino managed all aspects of the litigation, including expert witnesses.

Mr. Langino presently serves as the Newsletter Chair for the Product Liability Section of the American Association for Justice. He was selected to the 2015 class of the American Association for Justice Leadership Academy, which is comprised of a select group of plaintiff trial lawyers chosen from across the country for national leadership training. Mr. Langino has been consistently recognized by The National Trial Lawyers as one of Florida's "Top 40 Under 40" and a "Top 100 Trial Lawyer," Florida Super Lawyers "Rising Stars," Florida Trend "Up and Comer," and is Martindale-Hubbell AV rated.

Mr. Langino attended the University of Maryland, graduating magna cum laude with Honors in Government and Politics, and earned his J.D., cum laude, from the University of Minnesota School of Law, where he received an award for Best Oral Argument and participated in the Wagner Labor Law Moot Court program.

A former amateur boxer, Mr. Langino has volunteered as boxing coach for at risk youths for the Police Athletic League located in Palm Beach Gardens, FL. He is the Past-President of Club 100 Charities and a past-board member of Cops Helping Kids, charities that are dedicated to improving Palm Beach County by focusing on the needs of the youth and elderly.



### **Joel P. Laitman**

Joel P. Laitman is Of Counsel at Cohen Milstein and a member of the Securities Litigation & Investor Protection Practice Group. Mr. Laitman has served as lead counsel in five of the firm's major mortgage-backed securities class actions brought on behalf of pension funds and other institutional investors against major investment banks. These cases alleged that the underlying mortgages failed to comply with the underwriting standards described in the Offering Documents.

Besides initiating these cases and directing and leading discovery with his colleague Chris Lometti, Mr. Laitman argued all motions and conducted all hearings both before the District Court and the Second Circuit. In just three of these cases that have settled to date, recoveries totaling \$720 million were achieved for the benefit of injured investors: \$335 million in the RALI MBS case brought against Goldman Sachs, UBS and Citigroup; \$275 million in the Harborview MBS case brought against RBS; and \$110 million in the HEMT MBS case brought against Credit Suisse.

The settlements achieved in these cases have been commended by Courts and by legal publications. Commenting on the Harborview litigation, Judge Loretta A. Preska, of the U.S. District Court, Southern District of New York, noted that the case brought on behalf of the plaintiffs was "interesting and different" and that settlement on their behalf "was a job well done." Judge Fallia, in approving the RALI Settlement, commended the firm for prosecuting the case for seven years and "never giving up" despite substantial obstacles.

The litigations and settlements have garnered awards from the leading legal publications. In 2014 and 2015, the National Law Journal cited the Harborview and RALI MBS in designating the firm an Elite Trial Law Firm and placing the firm on the Hot List; Law360 cited the RALI and Harborview cases in designating the firm one of "The Most Feared Plaintiffs Firms" in 2015, the third year in a row that Cohen Milstein received the designation; and in 2015, Law360 selected Cohen Milstein as the sole plaintiff firm to be chosen in two "Practice Groups of the Year" categories and one of only five class action law firms to be recognized, singling out the RALI and Harborview cases in the award.

In addition, Mr. Laitman has argued a number of seminal cases before the Second Circuit in the securities field including: *Teamsters Local 445 Freight Div. Pension Fund v. Dynex Capital, Inc.*, 531 F.3d 190 (2d Cir. 2008) (addressing corporate scienter under Section 10 (b)); *Teamsters Local 445 Freight Div. Pension Fund v. Bombardier, Inc.*, 546 F.3d 196 (2d Cir. 2008) (addressing standard for establishing market efficiency in certification of Section 10(b) claims); *N.J. Carpenters Health Fund v. Royal Bank of Scotland Group, PLC*, 709 F.3d 109 (2d Cir. 2013) ("NovaStar") (reversing dismissal of Securities Act claims); *Wyo. State Treasurer v. Moody's Investors Serv.* (In re Lehman Bros. Mortgage-Backed Sec. Litig.) ("Lehman"), 650 F.3d 167 (2d Cir. 2011) (addressing rating agency liability under the Securities Act); and *N.J. Carpenters Health Fund v. RALI Series 2006-QO1*, 477 Fed. Appx. 809 (2d Cir. 2012) ("Harborview/RALI", addressing class member knowledge as grounds for denial of class certification).

A member of Phi Beta Kappa, Mr. Laitman is a graduate of Columbia University, with a B.A., magna cum laude, and earned his law degree at Georgetown University Law Center.

### **Stephan A. LeClainche**

Stephan A. LeClainche is Of Counsel at Cohen Milstein, and head of the firm's Medical Malpractice group. In his role, Mr. LeClainche represents victims and the families of victims of all types of medical negligence. His practice specializes in medical malpractice, but also includes medical device litigation, automobile negligence, sexual abuse and other serious injury and wrongful death cases.

Mr. LeClainche is an experienced trial attorney, whose recent admission to the prestigious American College of Trial Lawyers attests to his reputation among peers as an outstanding trial lawyer. He understands, however, that legal skill in a courtroom is only a part of the qualifications that a good attorney brings to the practice in representing the victims of

negligence. Equally important is the empathy an attorney must possess in counseling and guiding these victims and their families. The best attorneys are advisers and advocates, compassionate yet aggressive—a partner to clients, making them part of the team. These are traits that Mr. LeClainche brings to each of his cases.

Prior to joining Cohen Milstein in 2015, Mr. LeClainche was a name partner in a boutique trial law firm based in West Palm Beach. A Florida Board-Certified Civil Trial Lawyer since 1996 with more than three decades of experience litigating civil lawsuits, Mr. LeClainche is both a veteran attorney and a seasoned investigator, investing the time necessary to unearth and analyze every potentially relevant facet of a case. Many of his cases represent the cutting edge of both medicine and law, and grow out of the evolution of medicine and its practice. The cases may be different, but the complexities, challenges and stakes are always high, requiring attention to detail – and dedication to a client’s needs and concerns.

Some of Mr. LeClainche’s litigation and trial successes include the following notable matters:

- A \$2.5 million settlement in the wrongful shooting and death of Seth Adams by the PBSO.
- A confidential settlement reached in a medical malpractice case against an interventional cardiologist regarding his controversial practice of using a stent in the mid-popliteal artery to treat arterial occlusion. The case involved the off-label use of a medical device and a surgeon acting outside the scope of his practice.
- A \$40 million verdict recovered for a child in a wrongful death case.
- A \$5 million settlement reached during trial in a medical malpractice case.
- Verdicts of \$1.7 million and \$10 million in two separate cases involving sexual abuse of minors.
- A \$2.3 million verdict for personal injuries suffered during a fall at an amusement park.
- A \$2.8 million verdict for a death and personal injuries suffered by husband and wife in a motor vehicle accident.
- Co-lead of the trial team of lawyers who, after years of costly litigation, successfully recovered \$27 million on behalf of 10 victims of child abuse in a case brought in Federal Court in New York.

Mr. LeClainche currently represents clients in a diverse variety of medical malpractice cases, including:

- Several lawsuits involving injuries arising from laparoscopic and open gall bladder surgery.
- A case involving a military reservist suffering from deep vein thrombosis (a clot in the veins of the leg), who was misdiagnosed and as a result suffered a pulmonary embolus and died just as he was being discharged from the hospital.
- A routine colonoscopy that resulted in a perforated colon and the subsequent death of the client.
- Misdiagnosis on colonoscopy resulting in the client being given a clean bill of health only to be subsequently diagnosed with Stage 4 colon cancer.

In addition to his recent admission to the American College of Trial Lawyers, Mr. LeClainche’s accomplishments over the years have enabled him to achieve an AV-Preeminent rating from Martindale-Hubbell, the highest rating available for ethics and legal ability from the nation’s oldest guide to lawyers and law firms.

Mr. LeClainche attended Florida International University, graduating magna cum laude with a B.A. in Political Science, and earned his J.D. from the University of Florida College of Law. Mr. LeClainche was born and raised in Kingston, Jamaica.

### **Scott Lempert**

Scott M. Lempert is Of Counsel at Cohen Milstein and a member of the firm's Employee Benefits (ERISA) Practice Group. He joined the firm in 2016 and represents the interests of employees, retirees, and plan participants and beneficiaries in ERISA cases in the district court and on appeal.

Mr. Lempert is currently engaged in litigating a number of so-called “church plan” lawsuits. These cutting-edge legal cases assert that many non-profit health care systems in the United States wrongfully claim their benefit plans are exempt from

ERISA regulation under the church plan exemption. Currently, Cohen Milstein serves as lead or co-lead counsel in 12 separate cases in various jurisdictions throughout the U.S.

Mr. Lempert has over 20 years of experience litigating complex commercial class actions on behalf of employees, retirees and consumers in retiree benefits, employment, consumer protection and antitrust matters. Prior to joining Cohen Milstein he worked on many high-profile matters, including:

- In re: Unisys Corp. Retiree Medical Benefits ERISA Litig. – a series of cases involving representation of thousands of retirees, both as class actions and individually, seeking restoration of lifetime retiree medical benefits unlawfully terminated after retirement. These cases successfully achieved multiple settlements and court judgments providing lifetime retiree medical benefits for some and a continuing stream of payments to pay for medical benefits for other retirees.
- Raetsch v. Lucent Technologies – 36 million dollar settlement involving unlawful transfer of excess defined benefit pension funds to an account to pay for retiree medical benefits.
- Mehling v. New York Life Insurance Co. -- 14 million dollar settlement challenging excessive fees charged to New York Life employees and the company's pension plan for Plan assets invested in New York Life owned mutual funds.
- Stagi v. National R.R. Passenger Corp. – Gender discrimination class action alleging unlawful disparate impact on female union employees resulting from enforcement of an Amtrak employee policy that blocked union employees from promotion to management. Settlement provided Amtrak employees compensation for denial of opportunities for promotion and the striking of the unlawful employment policy.

Mr. Lempert graduated Phi Beta Kappa from the University of Delaware with a B.A., magna cum laude, in Psychology, and received his J.D., from the University of Pennsylvania Law School. During law school, he served as Vice President of the Law School Government and was a Morris Fellow.

### **Christopher Lometti**

Christopher Lometti is Of Counsel in Cohen Milstein's Securities Litigation & Investor Protection practice group. In this role, Mr. Lometti has litigated some of the most significant mortgage-backed securities (MBS) class action lawsuits to emerge from the financial crisis.

Mr. Lometti, together with his colleague Joel Laitman, initiated the Bear Stearns, Harborview, RALI, Lehman and HEMT MBS litigation at their named firm prior to joining Cohen Milstein. The lawsuits were high-risk matters involving novel claims on behalf of their Taft-Hartley pension fund clients injured by the dramatic downgrades of their MBS holdings from AAA to junk status. The MBS litigations have earned Cohen Milstein's Securities Litigation Practice numerous accolades from the National Law Journal, Law360 and American Lawyer.

Mr. Lometti's successes include the following notable matters:

- Bear Stearns MBS Litigation: \$500 million settlement with JPMorgan Chase. Cohen Milstein was lead counsel in a class action lawsuit alleging Bear Stearns violated securities laws in selling toxic mortgage-backed securities that failed to meet the bank's own underwriting standards and that contained false and misleading information as to the appraised values of the underlying mortgages. Mr. Lometti was one of the key litigators in the case, developing strategy and conducting extensive fact discovery into the 22 offerings backed by approximately 71,000 largely Alt-A mortgages that Bear Stearns sold to investors from May 2006 to April 2007.
- RALI MBS Litigation: \$335 million settlement with Citigroup, Goldman Sachs and UBS. Cohen Milstein was lead counsel in a class action litigation alleging RALI and its affiliates sold shoddy MBS securities that did not meet the standards of their underwriters. Mr. Lometti was one of the senior litigators on the class action, conducting fact discovery, deposing economic experts and preparing witnesses.

- Harborview MBS Litigation: \$275 million settlement with Royal Bank of Scotland. Cohen Milstein was lead counsel in a complex case, in which presiding Judge Loretta A. Preska, of the U.S. District Court, Southern District of New York, commented on the “job well done” by the Cohen Milstein team of which Mr. Lometti was a senior litigator.
- HEMT MBS Litigation: \$110 million settlement with Credit Suisse. Cohen Milstein was lead counsel in a case alleging Credit Suisse and its affiliates sold toxic securities to pension fund investors. The suit, filed in 2008, was one of the first class action cases involving mortgage-backed securities to be filed.
- Lehman Litigation: \$40 million settlement. Cohen Milstein was lead counsel in a class action lawsuit against individuals affiliated with the bankrupt firm, the largest bankruptcy in U.S. history. Mr. Lometti was a senior litigator on the lawsuit, developing strategy.
- Dynex Litigation: \$7.5 million settlement. Cohen Milstein was lead counsel in a class action lawsuit involving the asset-backed securities. Mr. Lometti was a central member of the team to litigate this seminal lawsuit involving hybrid securities. In the litigation, the U.S. District judge issued one of the first decisions certifying an investor class pursuing fraud claims in connection with the sale of asset-backed securities. The Dynex litigation laid out a road map that could be followed in litigating an asset-backed security.
- Braskem Litigation: \$10 million settlement. Cohen Milstein represented shareholders in a class action suit alleging that the Brazilian petrochemical company lied to investors in its American Depository Receipts about its role in a bribery scheme involving Petrobras, Brazil’s giant oil producer.

Currently, Mr. Lometti is litigating the following matters:

- NovaStar MBS: Cohen Milstein is lead counsel in litigation alleging that RBS, Wells Fargo (formerly Wachovia) and Deutsche Bank sold toxic mortgage-backed securities to investors. The litigation is one of the last outstanding class action MBS lawsuits. The Second Circuit Court of Appeals reversed an earlier dismissal of the lawsuit, paving the way for prosecution of the case. In March 2017, the U.S. District Court, Southern District of New York preliminarily approved a \$165 million all-cash settlement. Final approval of the settlement is pending.

Prior to his arrival at Cohen Milstein, Mr. Lometti played a substantive role in litigating and settling the massive class action suit against WorldCom, one of the largest bankruptcies in history, representing significant stakeholders in the telecom’s bond offerings. The lawsuit resulted in a settlement of \$6.15 billion.

Mr. Lometti has been repeatedly recognized for his career accomplishments, including being named to the 2016 Lawdragon 500, one of the industry’s leading peer-reviewed surveys, as well as annually recognized by New York Super Lawyers (2011- 2018).

He has served as a non-industry arbitrator for the New York Stock Exchange and National Association of Securities Dealers helping to resolve disputes, and as a mediator for the New York State Court System.

Mr. Lometti received a Bachelor of Arts from Fordham College in 1983, and his J.D. from Fordham Law School in 1986.

#### **Diana L. Martin**

Diana L. Martin is Of Counsel at Cohen Milstein, and a member of the firm’s Catastrophic Injury & Wrongful Death, Consumer Protection, Managed Care Abuse, and Unsafe & Defective Products practice groups.

Ms. Martin’s practice focuses on appellate litigation involving complex product liability, consumer class, mass tort, and managed care litigation. She not only handles appeals in these areas of law, but also provides appellate support at the trial stage. In this role, she works as an integral part of the trial team by strategizing best practices, drafting and arguing complex and case dispositive motions, handling jury instruction charge conferences, and assisting trial counsel in preserving and protecting the record in the event of an appeal.

Ms. Martin is often involved in cases that involve complex issues or require the development of innovative strategies for novel or evolving theories of liability. These areas have included developing legal theories to avoid the application of legal immunity to workers' compensation carriers who deny or delay medical care to injured workers, and using Florida's Deceptive and Unfair Trade Practices Act to hold hospitals accountable for drastically overbilling patients on a uniform basis. Her experience spans various practice areas, such as constitutional and civil rights law, commercial litigation, mass tort and class action litigation, managed care litigation, products liability law, and catastrophic personal injury litigation.

Ms. Martin is on the litigation team for the following notable matters:

- United States of America, et al. v. AIDS Healthcare Foundation, Inc.: Cohen Milstein represents three former managers of the AHF in Federal and Florida State Whistleblower Act claims against the nation's largest provider of HIV/AIDS medical care for illegal patient referral kickbacks. Ms. Martin has been involved in all aspects of the litigation.
- HCA: Cohen Milstein is lead counsel in a class action lawsuit alleging that four Florida plaintiffs and others like them were billed inflated and exorbitant fees for emergency radiology services, in excess of the amount allowed by law, covered in part by their mandatory Florida Personal Injury Protection insurance. When the district court struck plaintiffs' class claims, Ms. Martin successfully petitioned the Eleventh Circuit Court of Appeals to accept immediate appellate review and obtained a reversal of the district court's order.
- Lindsay X-LITE Guardrail Litigation: Cohen Milstein represents more than five families of decedents and victims of catastrophic injuries in a series of individual products liability, wrongful death and catastrophic injury lawsuits in Tennessee and South Carolina state courts against the Lindsay Corporation and several related entities for designing, manufacturing, selling, and installing defective X-Lite guardrails on state roadways.
- Pulse Nightclub Shooting: Cohen Milstein is co-lead counsel, representing more than 90 survivors and relatives of victims of the Orlando Pulse Nightclub shooting. The wrongful death lawsuit against the shooter's former employer, G4S, alleges that it knew the shooter was mentally unstable and threatening violence, yet obtained his security license from the state with the use of a fraudulently signed psychological assessment, employed him as an armed guard, and repeatedly gave him weapons training.
- Saori Yamauchi, et al. v. Toyota Motor Corporation, et al.: Cohen Milstein and local New York co-counsel filed a product liability and personal injury complaint against Toyota Motor Corporation, Autoliv, and related entities on behalf of Saori Yamauchi, who sustained a catastrophic injury in an accident involving her Toyota Sienna and the vehicle's airbag system deploying in a dangerous manner. The case is being litigated in New York state court.

Ms. Martin has successfully litigated the following matters:

- Adams v. Palm Beach County Sheriff's Office: Cohen Milstein was lead counsel in an excessive force and wrongful death action against the Palm Beach County Sheriff's Office and one of its detectives, who shot and killed the unarmed Seth Adams while he was on family property. Having provided legal support throughout the district court proceedings, Ms. Martin successfully handled the appellate proceedings in which the officer had appealed to the Eleventh Circuit Court of Appeals the district court's denial of his motion for summary judgment based on qualified immunity. The case was settled in May 2017 for \$2.5 million, the largest settlement in the agency's history.
- In re: Caterpillar, Inc. Engine Products Liability Litigation: Cohen Milstein was co-lead counsel in a nationwide product liability class action lawsuit alleging Caterpillar sold diesel engines with defective exhaust emissions system that resulted in power losses and shutdowns. The case was settled in September 2016 for \$60 million.
- Hand et al., v. Scott et al.: Cohen Milstein and Fair Elections Legal Network, a national voting rights organization, achieved a major victory on behalf of former felons in Florida, who claimed their constitutional rights had been infringed by Florida's Clemency Board. U.S. District Court Judge Mark E. Walker ruled that the process by which Florida's Clemency Board grants or denies former felons' restoration of voting rights applications is unconstitutionally arbitrary and violates the U.S. Constitution's First Amendment right of free association and free expression, as well as the Fourteenth Amendment.
- Mincey v. Takata: Cohen Milstein was lead counsel in a lawsuit brought on behalf of Patricia Mincey and her family, a Florida woman who sustained catastrophic injuries that rendered her a quadriplegic in 2014 when the driver's

side airbag in her Honda Civic deployed too aggressively during a collision due to a product defect. Patricia Mincey passed away in early 2016 due to complications from her quadriplegia. The suit charged that Takata, the manufacturer of the airbag system, knew of the airbag defect and hid the problem from consumers. When the defendants removed Ms. Mincey's case to federal court in an attempt to have it bogged down in multi-district litigation, Ms. Martin successfully had the case remanded to Florida state court, where it was resolved in July 2016.

- **Wal-Mart Employment Discrimination Litigation:** Cohen Milstein represented individual female Walmart employees in a lawsuit alleging that the company discriminated against them on the basis of their sex. Ms. Martin worked as part of the trial and appellate teams until the parties reached a confidential settlement with the plaintiffs.

Ms. Martin currently serves as Audit Committee Chair of Families First of Palm Beach County. She is a past President of Florida Legal Services and served as a Board Member between 2007 and 2016. Ms. Martin was also a Board Member of the Florida Bar Foundation in 2015-2016. She has written numerous legal articles, which have been published in a variety of journals, including Trial Magazine, The Florida Bar Journal, and the Florida Justice Association Journal. Ms. Martin also co-authors Florida Insurance Law and Practice, an annual publication by Thomson/West.

Ms. Martin attended Flagler College, graduating summa cum laude with Departmental Honors in Philosophy/Religion. She earned her J.D. from the University of Florida Levin College of Law, graduating with High Honors and achieving admission to the Order of the Coif.

Ms. Martin clerked for three years between 2002 and 2005 for the Honorable Martha C. Warner in Florida's Fourth District Court of Appeal.

#### **David M. Maser**

David M. Maser is an Of Counsel at Cohen Milstein, and a member of the firm's Securities Litigation & Investor Protection practice group.

Prior to joining Cohen Milstein, Mr. Maser worked with a nationally recognized securities class action plaintiffs law firm for more than a decade, where he helped create the firm's securities monitoring program and cultivated important relationships with the firm's growing portfolio of institutional investor clients, nationally and globally.

As a result of his work, Mr. Maser successfully engaged over 25 public fund and union clients with well over \$200 billion in assets under management. Clients he has represented have been involved in more than 60 actions, generating more than \$4.6 billion in case recoveries.

Mr. Maser has worked extensively in both the public and private sectors and brings more than 25 years of experience and insight to pension funds and other institutional clients, specifically at the intersection of law, business and government.

Through his extensive experience in the public and private sectors, Mr. Maser has established bipartisan relationships in the political arena on the federal, state and local levels. His ability to see the big picture and create bipartisan collaborations has earned him a reputation as an exceptional diplomat and strategic consensus builder.

#### **Andrew Mendrala**

Andrew Mendrala is an Associate at Cohen Milstein and a member of the firm's Public Client practice. Mr. Mendrala's practice focuses on the representation of state Attorneys General and other public-sector clients in investigations and lawsuits involving false claims and fraudulent and deceptive trade practices.

Prior to joining Cohen Milstein, Mr. Mendrala was a Supervising Attorney and Teaching Fellow at the Georgetown University Law Center's Civil Rights Clinic. Prior to that he was a Senior Litigation Associate at a prestigious national defense law firm, where he focused primarily on criminal defense and regulatory enforcement matters involving state Attorneys General, local agencies, the Department of Justice and related entities, as well as internal investigations, and civil litigation at both the trial and appellate levels.

Mr. Mendrala clerked for The Honorable Deborah K. Chasanow of the United States District Court for the District of Maryland.

Mr. Mendrala earned his B.A., with honors, from Washington and Lee University, and he received his J.D., magna cum laude, from Howard University School of Law, where he was the recipient of several merit scholarships and a Senior Staff Editor of the Howard Law Journal. Mr. Mendrala earned his LLM in Advocacy from Georgetown University Law Center.

### **Amy Miller**

Amy Miller is Of Counsel at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection practice, where she represents institutional and individual shareholders in derivative lawsuits and securities class actions.

Prior to joining Cohen Milstein, Ms. Miller was a partner at a highly regarded national securities plaintiffs' class action law firm, where she led the firm's corporate governance practice and represented clients in derivative lawsuits, class actions, investigations, and appraisal proceedings.

Ms. Miller also worked at two other highly regarded plaintiffs' securities litigation boutiques during the last decade.

Prior to representing institutional investors in securities class actions, Ms. Miller started her career and worked as a litigation associate at one of the nation's top securities defense firms for over seven years.

Ms. Miller was an extern for the Honorable George B. Daniels of the U.S. District Court for the Southern District of New York.

Ms. Miller earned her B.A. from Boston University, magna cum laude, and she received her J.D. from New York Law School, summa cum laude. While attending law school, Ms. Miller was the Articles Editor for the New York Law School Law Review.

### **Casey M. Preston**

Casey M. Preston is Of Counsel at Cohen Milstein and a member of the firm's Whistleblower/False Claims Act practice group.

Mr. Preston focuses on representing whistleblowers across the country in qui tam actions brought under the False Claims Act against individuals and corporations that engage in fraudulent conduct that causes significant economic harm to federal and state government programs as well as taxpayers. He has significant experience in investigating, reporting, and prosecuting Medicare and Medicaid fraud schemes and also has substantial experience with other types of government fraud, including non-compliance with government contracts, Title IV federal student aid fraud, customs and tariff fraud, and sales of defective mortgages. He also represents individuals who report securities fraud, tax fraud, and customs fraud through federal whistleblower programs. In addition, Mr. Preston has significant experience handling complex commercial cases and securities litigation in courts across the U.S.

Some of Mr. Preston's current representations include:

- A sealed qui tam action against a drug manufacturer that allegedly induced physicians to prescribe its drugs by providing kickbacks in the form of free practice management and business advisory services.

- A sealed qui tam action against a drug company that is alleged to have violated the Anti-Kickback Statute by paying physicians to provide sham speaker programs to induce them to prescribe its drug.
- A sealed qui tam action alleging that a medical equipment supplier is selling unnecessary equipment and supplies to Medicare beneficiaries.
- A sealed action against a hospital system for overcharging Medicare for services furnished at its off-campus locations.
- A SEC whistleblower program case reporting that a biotech company is misleading investors about the status of a groundbreaking technology that it claims to be developing.

Mr. Preston has played a key role in a number of successful cases, including:

- United States ex rel. Kieff v. Wyeth: A qui tam action alleging that drug manufacturer Wyeth overcharged the state Medicaid programs by not providing them the statutorily required “best price” for a widely prescribed drug. This action resulted in a recovery of more than \$780 million by the government.
- United States ex rel. O’Connor v. National Spine and Pain Centers, LLC: A qui tam action alleging that pain management practices defrauded the government health care programs by (a) billing for services furnished by physician assistants and nurse practitioners as “incident to” a physician’s service when the services did not qualify as such, and (b) referring patients for unnecessary drug tests. The United States intervened in and settled this action for approximately \$3.3 million.
- United States ex rel. Davis v. Southern SNF Management, Inc.: A qui tam action against skilled nursing facilities that were involved in a multi-year scheme of increasing the facilities’ Medicare collections by assigning Medicare patients to levels of therapy far greater than medically appropriate and billing Medicare at the higher amounts associated with this unnecessary therapy. There was a \$10 million recovery by the government.
- United States ex rel. Saidiani v. NextCare, Inc.: A qui tam action against the NextCare chain of urgent care centers that allegedly billed the government for unnecessary medical tests and services performed on beneficiaries of the government health care programs. There was a \$10 million recovery by the government.
- United States ex rel. Rai v. Kool Smiles, P.C.: A qui tam action against the Kool Smiles pediatric dentistry chain for allegedly billing the state Medicaid programs for unnecessary dental procedures. There was a \$23.9 million recovery by the federal government and several states.
- [Sealed] v. [Sealed]: Successfully represented an investor in several commercial real estate LLCs in a fraud and breach of fiduciary duty action against the LLCs’ manager.
- In re Fleming Cos. Inc. Securities Litigation: Represented stock and bondholders in a class action against grocery chain and food distributor Fleming Companies and its outside auditor that resulted in a \$94 million recovery for investors.
- In re Carreker Corp. Securities Litigation: Represented stockholders in a securities class action against a software company that resulted in a \$5.25 million recovery for investors.
- Staro Asset Management v. Provell Inc.: Represented a hedge fund in a securities fraud action against a marketing company through which the hedge fund secured a \$4 million recovery.
- In re Cigna Corp. Securities Litigation.: Represented a state pension fund in a securities class action against health insurer Cigna that resulted in a \$93 million recovery for stockholders.

In addition, Mr. Preston has provided pro bono services to the Legal Clinic for the Disabled and the Brady Center to Prevent Gun Violence.

Mr. Preston served as law clerk for the Hon. William J. Nealon, U.S. District Court for the Middle District of Pennsylvania and the Hon. Terrence R. Nealon, Court of Common Pleas, Lackawanna County, Pennsylvania.

Mr. Preston received his B.S. from The Citadel and his J.D. from the Villanova University School of Law.



### **Karina G. Puttieva**

Karina G. Puttieva is an Associate at Cohen Milstein and a member of the firm's Consumer Protection practice. Ms. Puttieva's practice focuses on litigating class actions on behalf of consumers who have been misled, deceived or harmed by large corporations.

Prior to joining Cohen Milstein, Ms. Puttieva was a litigation associate at a highly regarded national defense firm, where she focused on consumer data privacy issues, government investigations and criminal litigation, and civil litigation in the areas of antitrust, consumer fraud, and the misappropriation of intellectual property.

Ms. Puttieva earned her B.A., magna cum laude, from Haverford College. She received her J.D. from University of California, Berkeley, School of Law, where she was the Submissions Editor and Associate Editor of the Berkeley Journal of Criminal Law.

While attending law school, Ms. Puttieva was a judicial extern for the Honorable Christina A. Snyder of United States District Court for the Central District of California and was a law clerk for the United States Attorney's Office for the Northern District of California.

Prior to law school, Ms. Puttieva worked as a victim/witness coordinator at the Family Violence/Sexual Assault Unit of the Philadelphia District Attorney's Office.

Ms. Puttieva is admitted only in California. She has applied for admission to the District of Columbia Bar and is currently working under the close supervision of the partners of the firm who are admitted to practice in the District of Columbia.

### **Poorad Razavi**

Poorad Razavi is an attorney at Cohen Milstein, and a member of the firm's Complex Tort Litigation practice group. Mr. Razavi's practice focuses on products liability, vehicle defects, roadway design and maintenance defects, trucking and car accidents, chemical exposure, negligent security, and multi-million dollar wrongful death and catastrophic injury suits.

Mr. Razavi represents clients in state and federal courts across the nation, including in Florida, California, Indiana, Ohio, Georgia, New York, Nevada, Michigan, Alabama, South Carolina, and Tennessee. He has litigated claims against all of the major insurance carriers, as well as automobile, tire, and component part manufacturers, including General Motors, Toyota, Honda, Chrysler, Takata, and Continental, as well as highway guardrail manufacturers, installers and other contractors. Mr. Razavi has also handled a broad range of non-traditional personal injury and wrongful death cases throughout the country, including claims involving chemical and pesticide exposure, chlorine gas exposure, mold exposure, construction defect, boating defect, negligent vehicle repairs, and negligent tractor-trailer operation.

What is particularly unique about Mr. Razavi's experience is his background as a former civil litigation defense attorney, which provides his clients the benefit of an advocate with a unique perspective into the mindset of insurance companies and corporate defendants, and with a distinct understanding about how to maximize the value of a claim in order to ensure that his clients receive maximum compensation for their injuries.

Mr. Razavi also has extensive experience in claims against the Department of Transportation across the country and other private state contractors for roadway design and defect claims, and has litigated multiple roadway design and maintenance defect claims resulting in multi-million dollar settlements and subsequent installation and remediation of guardrails, re-paving, curbing, and rehabilitation of roadways in multiple counties.

Currently, Mr. Razavi is litigating the following notable matters:

- Lindsay X-LITE Guardrail Litigation: Cohen Milstein represents more than five families of decedents and victims of catastrophic injuries in a series of individual products liability, wrongful death and catastrophic injury lawsuits in Tennessee and South Carolina state courts against the Lindsay Corporation and several related entities for designing, manufacturing, selling, and installing defective, X-Lite guardrails on state roadways.
- *Ratha, et al. v. Phatthana Seafood Co.*: Cohen Milstein is representing seven Cambodian plaintiffs in a cross-border human rights lawsuit, involving human trafficking, forced labor, involuntary servitude, and peonage by factories in Thailand that produce shrimp and seafood for export to the United States.
- *Saori Yamauchi, et al. v. Toyota Motor Corporation, et al.*: Cohen Milstein and local New York co-counsel filed a product liability and personal injury complaint against Toyota Motor Corporation, Autoliv, and related entities on behalf of Saori Yamauchi. Mrs. Yamauchi sustained a catastrophic injury during an accident in her Toyota Sienna because of the vehicle's airbag system deploying in a dangerous manner. The case is currently being litigated in the Supreme Court of the State of New York in Dutchess County.

Mr. Razavi has successfully litigated the following matters:

- *Hand, et al. v. Scott, et al.*: Cohen Milstein and Fair Elections Legal Network, a national voting rights organization, achieved a major victory on behalf of former felons in Florida, who claimed their constitutional rights had been infringed by Florida's Clemency Board. U.S. District Court Judge Mark E. Walker ruled that the process by which Florida's Clemency Board grants or denies former felons' restoration of voting rights applications is unconstitutionally arbitrary and violates the U.S. Constitution's First Amendment right of free association and free expression, as well as the Fourteenth Amendment.
- *Quinteros, et al. v. DynCorp, et al.*: Cohen Milstein represented over 2,000 Ecuadorian farmers and their families who suffered physical injuries and property damage as a result of aerial spraying of toxic herbicides on or near their land by DynCorp, a U.S. government contractor. A bellwether trial on behalf of the first six Ecuadorian clients concluded in April 2017, when the ten-person jury unanimously determined that DynCorp was responsible for the conduct of the pilots with whom it had subcontracted to conduct the chemical spraying after April 2003. This resolution allowed for a successful case settlement.

Additionally, Mr. Razavi initiated the investigation and discovery of a major nation-wide vehicle airbag defect resulting in the filing of a subsequent class action against the world's largest automobile manufacturers, in which he was selected to the class action discovery committee.

Mr. Razavi is repeatedly selected as "Rising Star" by Florida Super Lawyers and a "Legal Elite Up and Comer" by Florida Trend Magazine. Mr. Razavi is AV rated by Martindale-Hubbell.

Mr. Razavi is also a frequent writer and speaker. His articles have been published in Florida Justice Association's Journal and focus on preservation of evidence in fighting against the automobile industry, as well as defective guardrail and roadway design. Annually, Mr. Razavi is a speaker at Florida Justice Association seminars, including "Identifying and Developing Roadway and Guardrail Defect Claims" at FJA's Advanced Trial Skills seminars.

In addition to his private practice, Mr. Razavi proudly serves the legal and local community, holding several prominent Palm Beach County Bar Association roles, including being appointed Co-Chair for the Palm Beach County Bar Association's Annual Bench Bar Conference in 2016 and an elected Board Member for the Palm Beach County Justice Association from 2015 through present day 2019.

Mr. Razavi graduated from Indiana University with a B.S. in International Business and Business Economics. He received his J.D. from the University of Cincinnati College of Law and was a Merit Scholarship recipient.

### **Takisha D. Richardson**

Takisha D. Richardson is an Associate at Cohen Milstein, and a member of the firm's Complex Tort Litigation practice group, as well as the firm's Sexual Abuse, Sex Trafficking, and Domestic Violence team. Ms. Richardson focuses on representing child sexual abuse victims and adult survivors of sexual abuse.

Prior to joining Cohen Milstein, Ms. Richardson was an Assistant State Attorney and Chief of the Special Victims Unit of the State Attorney's Office for Palm Beach County. She brings more than a decade of experience both as an attorney and as a supervisor of a team responsible for the prosecution of crimes against children and the elderly, and sexually motivated offenses. Prior to that role, she prosecuted felony cases at all levels and was an Assistant Public Defender.

Ms. Richardson has vast trial experience. To date, she has tried over 100 jury and non-jury trials, most of which involved sexual abuse and/or homicide matters.

#### **Past Successes:**

- **Jimmy Dac Ho:** Ms. Richardson helped prosecute and incarcerate a former law enforcement officer for first-degree murder and kidnapping (with a firearm) of a 29 year old law school student, who worked as an escort.
- **Stephen Budd:** Ms. Richardson brought to trial a former fourth-grade teacher who was found guilty on five charges of sexual assault and sentenced to serve three consecutive life sentences on the first three charges and 15 years on each of the final two charges.
- **Carlos Soto:** Ms. Richardson successfully prosecuted the perpetrator involved in the sexual battery of a child. The bravery of the victim, who testified at trial, aided in the conviction. The perpetrator is now serving 45 years in prison.
- **Jorge Gonzalez:** Ms. Richardson prosecuted the perpetrator, who is now serving a life sentence in prison, for sexual battery of a seven year old child. The victim bravely told a family friend about the perpetrator's inappropriate sexual touching.

Ms. Richardson is a Fellow in the Florida Bar's Wm. Reece Smith, Jr. Leadership Academy 2019-2020 class, a program designed to assist a select group of lawyers from across the state in becoming better leaders within the Bar and legal community.

Ms. Richardson is a member of the national Sex Abuse Response Team (SART), a countrywide coalition responsible both for advocacy on behalf of victims of sexual abuse and for maintaining national Law Enforcement protocols.

Ms. Richardson attended Florida Agricultural & Mechanical University in Tallahassee Florida, where she received her B.S. in Political Science. She earned her J.D., from University of Florida's Frederic G. Levin College of Law, where she was the recipient of the Virgil Hawkins Scholarship.

While attending law school, Ms. Richardson was a member of the U.F. Trial Team where she earned the title Vice President of Intramural Competitions and a Final Four Trial Team Competitor. She served as Vice President of the U.F. Black Law Student's Association.

### **Matthew W. Ruan**

Matthew W. Ruan is Of Counsel at Cohen Milstein and a member of the firm's Antitrust practice group. In this role, Mr. Ruan represents a broad range of individuals, businesses, and unions in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Mr. Ruan is currently litigating the following matters:

- Wallach v. Eaton Corp., et al. (D. Del.) (represent putative class of direct purchasers of heavy duty truck transmissions alleging monopolization and conspiracy claims against Eaton Corp. and various truck manufacturers)
- In re Automotive Parts Antitrust Litigation (E.D. Mich.) (represent putative class of direct purchasers alleging price-fixing conspiracy against manufacturers of automotive bearings, windshield wiper systems, occupant safety systems, and various other automotive parts)

Prior to joining Cohen Milstein, Mr. Ruan was an associate attorney at Berman DeValerio. While there, he focused on antitrust, securities, and consumer class actions. He also was an associate at Heins Mills & Olson, PLC and also served as a judicial extern for the Hon. Blanch M. Manning of the U.S. District Court for the Northern District of Illinois.

Mr. Ruan graduated from the University of Chicago, with Honors, with an A.B. in Anthropology in 2000. He received his J.D. from the University of Michigan Law School in 2003. During law school, Mr. Ruan served as the Associate Editor of the Michigan Journal of International Law.

Mr. Ruan is not admitted in New York; his practice is under the supervision of partners of the firm.

#### **Christina Donato Saler**

Christina Donato Saler is an Of Counsel at Cohen Milstein, and a member of the firm's Securities Litigation & Investor Protection practice group.

Prior to joining Cohen Milstein in 2017, Ms. Saler was a securities class action litigator at a nationally recognized plaintiffs law firm, where she distinguished herself as a skilled litigator and trusted client counselor of public pension funds and other institutional investors.

Ms. Saler represents her clients in a broad range of securities, shareholder rights and derivative actions, as well as consumer class actions. Ms. Saler gained substantial trial experience prosecuting First Amendment cases involving individual plaintiffs against media defendants. She has been recognized by Law & Politics and the publishers of Philadelphia Magazine as a Rising Star, as listed in the Super Lawyer's publications (2011 – 2013).

Ms. Saler is currently involved in the following notable matters:

- Universal Health Services, Inc. Shareholder Derivative Litigation: Cohen Milstein represents Delaware County Employees' Retirement Fund and Chester County Employees' Retirement Fund in a shareholder derivative action alleging that nominal defendant Universal Health Services' directors and officers breached their fiduciary duties of care and loyalty for failures in overseeing Universal Health Services' operations and compliance with applicable laws and regulations pertaining to its billing practices for mental health patients, and breached their fiduciary duties of care and loyalty in connection with the federal securities disclosure violations. Ms. Saler is overseeing all aspects of the litigation before Delaware Chancery Court.
- In Re Liberty Tax, Inc. Securities Litigation: Cohen Milstein is representing IBEW Local 98 Pension Fund, as the Lead Plaintiff, and other purchasers of Liberty Tax stock, in a putative securities class action for violations of the Exchange Act related to the reckless use of the company by John Hewitt, co-founder and former CEO and Chairman, for his personal sexual exploits, thereby creating a hostile work environment and exposing the company to financial risk and liability. Ms. Saler is involved in all aspects of the litigation.
- Eric Weiner v. Tivity Health, Inc.: Cohen Milstein is representing Oklahoma Firefighters Pension and Retirement System, as the Lead Plaintiff, and other purchasers of Tivity Health stock, in a putative securities class actions for violations of the Exchange Act related to Tivity's misleading the public about its relationship with United Healthcare, Inc. Ms. Saler is involved in all aspects of the litigation.

Ms. Saler also works closely with clients to keep them apprised of regulatory trends and legal decisions that may impact the management of their funds. In this capacity, Ms. Saler is also the Editor of Cohen Milstein's Shareholder Advocate, a quarterly publication focused specifically on legal issues relevant to the public retirement systems and institutional investor community.

In 2017, Governor Tom Wolf of Pennsylvania appointed Ms. Saler to the Board of the Pennsylvania Humanities Council whose mission is to find ways of using the humanities to help people take action for positive change in their lives and communities, and demonstrate this effectiveness to leaders and organizations invested in making Pennsylvania a better place to live. Ms. Saler is a member of the Executive Committee and Co-Chairs the Government Advocacy Committee.

Ms. Saler is also a volunteer at Philadelphia Volunteer Indigence Program (VIP), where she represents individuals in jeopardy of losing their homes in the Philadelphia Common Pleas Court's Mortgage Foreclosure Program.

Ms. Saler received her B.A. from Fairfield University. She received her J.D., with honors, from Rutgers University Law School. In addition to other academic honors, Ms. Saler was selected for the Rutgers Law Journal and served as the Lead Articles Editor. She is also the author of "Pennsylvania Law Should No Longer Allow a Parent's Right to Testamentary Freedom to Outweigh the Dependent Child's 'Absolute Right to Child Support,'" 34 Rutgers Law Journal, 235 (Fall 2002).

Ms. Saler's professional career began in advertising. She was a Senior Account Executive with the Tierney Agency where she managed various advertising campaigns and Verizon's contractual relationship with its spokesperson James Earl Jones.

#### **Raymond M. Sarola**

Raymond M. Sarola is an Associate at Cohen Milstein and a member of the firm's Whistleblower/False Claims Act and the Ethics and Fiduciary Counseling practice groups.

Mr. Sarola represents whistleblowers in qui tam cases brought under the federal and state False Claims Act statutes in industries that conduct business with the government, including health care, defense, and financial services. As a member of the firm's Ethics and Fiduciary Counseling practice, Mr. Sarola calls on his experience as a trustee on the New York City pension fund boards in counseling public pension funds fiduciary issues.

Prior to joining Cohen Milstein, Mr. Sarola served as Senior Policy Advisor & Counsel in the Mayor's Office of the City of New York, where he represented the Mayor and Commissioner of Finance on the boards of the City's pension systems and deferred compensation plan and advised on legal issues regarding pension investments, benefit payments, securities litigation and corporate governance initiatives. Previously, Mr. Sarola was a litigation associate at a noted defendants' firm, where he focused on securities, antitrust, and other complex commercial litigation, and internal investigations.

Mr. Sarola's government service and corporate defense litigation experience has been invaluable to his role in counseling clients in their claims against the government and corporate entities.

Mr. Sarola has been involved in high-profile whistleblower cases including:

- United States et al., ex rel. Lauren Kieff, v. Wyeth: Mr. Sarola assisted in this qui tam action against the pharmaceutical company Wyeth, resulting in a \$784.6 million settlement, the seventh-largest False Claims Act recovery on record.
- United States ex rel. Davis, et al. v. Southern SNF Management, Inc. et al.: Mr. Sarola was actively involved in this qui tam case in which the whistleblowers alleged the skilled nursing facilities in which they worked were involved in a multi-year scheme to increase the facilities' Medicare reimbursement by assigning Medicare patients to levels of therapy far greater than medically appropriate and billing Medicare at the higher amounts associated with this unnecessary therapy. The government recovered \$10 million from the defendants.

Some of Mr. Sarola's current representations include:

- A sealed qui tam action against a healthcare company alleging that it performed medically unnecessary procedures on patients covered by Medicare and Medicaid.
- A sealed qui tam action against a government contractor alleging that it inflated the rates it charged under a federal housing program.
- A sealed qui tam action against a national bank alleging fraudulent conduct involving the origination of mortgage loans that were insured by or sold to the government.
- A sealed qui tam action against a healthcare company for allegedly defrauding the government's Electronic Health Record Incentive Programs.
- Sealed qui tam actions against pharmaceutical companies alleging that they overcharged the government healthcare programs for brand-name drugs.

Submissions under the Securities and Exchange Commission Whistleblower Program and the Internal Revenue Service Whistleblower Program alleging securities and tax fraud against major financial services companies and other entities. Mr. Sarola has published articles on whistleblower issues, including the use of statistical sampling to prove large fraud cases. He has also published and spoken at conferences on pension fund fiduciary issues, in particular the SEC's pay-to-play rule. He is a member of Taxpayers Against Fraud, a nonprofit, public interest organization dedicated to combating fraud against the Federal Government through the promotion and use of the False Claims Act.

In addition, Mr. Sarola currently represents the plaintiff in a pro bono matter, along with the Brady Center to Prevent Gun Violence, that was brought against two firearms dealers and the mother of a man who shot and killed an innocent woman, and which alleges that the firearms involved were acquired through illegal straw sales.

Mr. Sarola received his B.A. from the University of North Carolina at Chapel Hill, and earned his J.D. from the University of Pennsylvania Law School, where he also earned a Certificate of Study in Business and Public Policy from the Wharton School. While in law school, he was a Summer Intern for the Honorable Clarence Newcomer, United States District Court for the Eastern District of Pennsylvania.

#### **Aniko R. Schwarcz**

Aniko R. Schwarcz is an attorney in the Civil Rights and Employment Practice group. She also serves as Director of Civil Rights and Employment Case Development. In that capacity she investigates and develops new cases, and works with other members of the Practice Group to advance litigation. Ms. Schwarcz is often the first point of professional contact for prospective clients and other referral sources, and she has extensive experience working with current and prospective class members.

At present, Ms. Schwarcz is working on cases involving claims of sex discrimination within municipal agencies, access to health care for LGBT Federal employees, Equal Pay Act claims, and others. In her recent work on *Jock et al v. Sterling Jewelers Inc.*, a nationwide Title VII gender discrimination and Equal Pay Act case currently in arbitration, Ms. Schwarcz played a key role interviewing and collecting affidavits from prospective class members, which were produced in support of the successful motion for class certification. Prior to that, Ms. Schwarcz interviewed and filed hundreds of EEOC charges on behalf of former class members in the *Dukes v. Wal-Mart Stores, Inc.* case.

Ms. Schwarcz attended Vanderbilt University, graduating cum laude with a B.A. in Social Policy, and received her J.D. from the University of Maryland School of Law. Ms. Schwarcz, a practicing attorney, also holds an M.S.W. from the University of Maryland School of Social Work. Her social work training provides her with deeper insight and a broadened capacity for understanding both the social and economic effects of workplace discrimination on the firm's clients.

### **Julie S. Selesnick**

Julie S. Selesnick is Of Counsel at Cohen Milstein and a member of the firm's Employee Benefits/ERISA practice group, where she represents the interests of employees, retirees, and plan participants and beneficiaries in ERISA cases in the district court and on appeal.

Prior to joining Cohen Milstein in 2017, Ms. Selesnick was a trial attorney and partner at two distinguished national defense firms. Over the course of her career, Ms. Selesnick has represented clients in a variety of disputes before juries, federal and state courts, arbitrators, and mediators throughout the country.

Ms. Selesnick is involved in the following high-profile disputes:

- St. Anthony Medical Center, Inc. Church Plan Litigation (N.D. Ill.): Cohen Milstein is representing St. Anthony Medical Center Retirement Plan participants and beneficiaries, who allege that defendants wrongfully claimed that the retirement plan was exempt from ERISA's protections because it is a "Church Plan," and, as such, does not comply with many of the protections afforded to plan participants under ERISA.
- National Association for the Advancement of Colored People (NAACP) DACA Litigation (D.D.C.): Cohen Milstein is representing The NAACP in a race-based discrimination lawsuit against United States President, the U.S. Department of Justice, the Department of Homeland Security, and Immigration and Customs Enforcement for rescinding the Deferred Action for Childhood Arrivals (DACA) and adversely impacting the lives of millions of undocumented immigrants of color who are eligible to participate in DACA.
- BlackRock 401(k) Retirement Plan Litigation (N.D. Cal.): Cohen Milstein is representing BlackRock 401(k) Plan participants and beneficiaries, who allege that the Plan fiduciaries violated their duties under ERISA by investing employees' 401(k) savings almost exclusively in BlackRock proprietary funds and by using BlackRock subsidiaries to broker securities lending deals using the Plan's assets.

Ms. Selesnick is an accomplished writer and has written numerous legal and non-legal articles and blog posts.

Ms. Selesnick graduated Phi Beta Kappa and Pi Sigma Alpha from the San Diego State University with a B.A., cum laude, and received her J.D., from the George Washington University School of Law, Order of the Coif.

### **Maya Sequeira**

Maya Sequeira is an Associate at Cohen Milstein and a member of the Public Client practice group. Ms. Sequeira's practice focuses on the representation of state Attorneys General and other public-sector clients in investigations and lawsuits involving health care fraud and other fraudulent and deceptive trade practices.

Ms. Sequeira's recent representations include:

- Opioids Crisis Litigation & Investigation: Representing New Jersey in its consumer protection, Medicaid fraud, and nuisance lawsuit against Purdue Pharma; representing Indiana in its investigation of all actors contributing to the opioid crisis, including pharmaceutical manufacturers and opioid distributors.

Prior to joining Cohen Milstein, Ms. Sequeira practiced at Kaplan & Company, LLP and Sanford Heisler, LLP. Her work focused on representing women in cases of gender and pregnancy discrimination and employees in cases of race discrimination. While at Sanford Heisler, Ms. Sequeira co-authored an amicus brief to the United States Supreme Court in support of reasonable accommodations for working pregnant women.

Ms. Sequeira served as Regional Voter Protection Director for Hillary For America and the Ohio Democratic Party during the 2016 presidential campaign.

Ms. Sequeira graduated from Columbia University with a B.A. in Political Science in 2005. She completed her Post Baccalaureate in Pre-Medical Studies in 2007, and earned her J.D. from the University of Michigan Law School in 2013. During law school, Ms. Sequeira was a law clerk for the California Department of Justice, Corporate Fraud Division, and a legal intern with the San Diego County Public Defender. She also served as a Student Attorney for the Pediatric Advocacy Clinic and Class Representative on the Law School Senate.

#### **Richard A. Speirs**

Richard A. Speirs is Of Counsel at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection practice group. He has worked on many of the mortgage-backed securities fraud cases that were successfully litigated by the firm. Currently, in addition to litigating securities fraud cases, Mr. Speirs is principally responsible for developing and litigating the firm's derivative and merger-related lawsuits.

Since joining the firm, Mr. Speirs has litigated the following notable matters:

- Bear Stearns Mortgage Pass-Through Certificates Litigation: \$505 million settlement by JPMorgan Chase & Co. to settle a class action litigation arising from Bear Stearns' sale of \$27.2 billion of mortgage-backed securities that proved defective during the U.S. housing and financial crises.
- RALI MBS Litigation: \$335 million settlement with Citigroup, Goldman Sachs and UBS. Cohen Milstein was lead counsel in a class action litigation alleging RALI and its affiliates sold shoddy MBS securities that did not meet the standards of their underwriters. Mr. Speirs was a critical member of the team of litigators, conducting fact discovery, deposing economic experts and preparing witnesses.
- Harborview MBS Litigation: \$275 million settlement with Royal Bank of Scotland. Cohen Milstein was lead counsel in a complex case, in which presiding Judge Loretta A. Preska, of the U.S. District Court, Southern District of New York, commented on the "job well done" by the Cohen Milstein team.
- NovaStar Mortgage Backed Securities Litigation: \$165 million settlement on behalf of investors in a Securities Act litigation involving billions of dollars of mortgage-backed securities underwritten by the Royal Bank of Scotland, Wachovia and Deutsche Bank.
- HEMT MBS Litigation: \$110 million settlement on behalf of investors in mortgage-backed securities issued and underwritten by Credit Suisse after more than seven years of litigation, which included the first written decision certifying a Securities Act class of mortgage-backed securities in the country.
- Sino-Forest Corp. Securities Litigation: Cohen Milstein served as lead counsel for U.S. investors in securities fraud class action brought on behalf of investors in Sino-Forest Corp., a Canadian corporation, which achieved \$150 million in settlements from numerous defendants.
- Intuitive Surgical Inc. Derivative Litigation: Cohen Milstein was co-lead counsel in a now settled derivative action against the company's directors and officers, asserting breaches of fiduciary duties and insider trading claims in connection with concealing regulatory compliance problems and safety defects in the company's flagship product, the da Vinci robotic surgery system.
- Ocwen Financial Corp. Derivative Litigation: Cohen Milstein was co-lead counsel in a derivative action alleging that Ocwen's board of directors breached their fiduciary duties by permitting a pervasive scheme of wrongdoing in violation of applicable federal and state consumer financial protection laws. The defendants had exposed Ocwen to substantial harm by concealing failures with respect to the Company's compliance with regulations governing the servicing of mortgage loans, failing to establish adequate internal controls, permitting former Chairman and Chief Executive Officer to be involved in a series of improper self-dealing transactions and allowing insiders to trade on material adverse information. The litigation resulted in a settlement involving the adoption of significant corporate governance measures.

Mr. Speirs' current notable matters include:

- Tower Research Capital: Representing Korean traders in a Commodity Exchange Act class action against a high frequency trading firm alleging manipulation of the market for KOSPI 200 futures contracts (the representative



stock market index of South Korea and one of the most widely traded futures in the world) using spoofing or faked trades.

- New York State Common Retirement Fund, et al. v. Stephen A. Wynn, et al.: Representing the New York State Common Retirement Fund and the New York City Pension Funds in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd. in light of their failure to hold Mr. Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of Company employees. The lawsuit seeks to preserve stockholder value in Wynn Resorts, Ltd. by strengthening procedures for responding to claims of harassment and creating stronger governance and risk management controls at the Board level.
- Mr. Speirs is also actively involved in several matters involving derivative claims and related books and records demands under Delaware or other relevant state laws.

In a career spanning more than 30 years, Mr. Speirs has been lead or co-lead attorney in a number of securities class actions where the court has issued an important decision under the federal securities laws. Among the issues decided were: the improper grouping of unaffiliated investors in a lead plaintiff motion (*In re Telxon Corp. Securities Litigation*, No. 5:98-cv-02876-KMO, 67 F. Supp. 2d 803 (N.D. Ohio 1999)); recommendation of default sanction against auditing firm for discovery misconduct involving electronic audit work papers (*Hayman v. PriceWaterhouseCoopers*, No. 1:01-CV-1078, 2004 U.S. Dist. LEXIS 27295 (N.D. Ohio July 2, 2004)); and liability under Section 10(b) of a non-issuer for disclosures made by the issuer (*In re BP Prudhoe Bay Royalty Trust Securities Litigation*, No. 2:06-cv-01505-MJP, 2007 U.S. Dist. LEXIS 83007 (W.D. Wash. Oct. 26, 2007)).

Mr. Speirs has appeared on numerous panels and legal events to discuss securities fraud and investor protection. He attended Brooklyn College of the City University of New York, where he received a B.A., cum laude, and earned his J.D. at Brooklyn Law School, where he earned the Order of the Coif.

#### **Harini Srinivasan**

Harini Srinivasan is an Associate at Cohen Milstein and a member of the firm's Civil Rights & Employment Litigation practice.

Prior to joining Cohen Milstein, Ms. Srinivasan was an associate at a highly respected plaintiff-focused employment litigation firm, where she represented clients in employment discrimination cases involving claims under Title VII, the Age Discrimination Act, the Americans with Disabilities Act, the Fair Labor Standards Act, and state and federal wage theft statutes.

Prior to working in private practice, Ms. Srinivasan was a Georgetown Law Center Women's Law and Public Policy Fellow and worked at the National Partnership for Women & Families.

Ms. Srinivasan has authored and co-authored several articles for Law360 and Corporate Compliance Insight.

Ms. Srinivasan received her B.A., with honors, from the University of Chicago, and she received her J.D., cum laude, from American University Washington College of Law, where she was on the editorial staff of the American University Journal of Gender, Social Policy.

#### **Daniel R. Sutter**

Daniel R. Sutter is an Associate at Cohen Milstein and a member of the Firm's Employee Benefits practice group. In his role, Mr. Sutter represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases across the country.

Prior to becoming an Associate at the firm, Mr. Sutter served as a Legal Fellow in the Employee Benefits practice. In this role he investigated, developed, and drafted complaints against major financial institutions for ERISA violations involving

complex investment vehicles. Mr. Sutter's previous experience at Cohen Milstein also includes serving as a Law Clerk (2013-2016) and as an Analyst (2010-2016); in both roles he researched potential cases for various practice groups. During 2015, Mr. Sutter served as a law clerk at the Consumer Financial Protection Bureau, Legal Division.

Mr. Sutter attended George Washington University, graduating with a B.A. in Finance in 2010. He earned his J.D. from the George Washington University Law School in 2016. During law school, Mr. Sutter was a member of the Federal Circuit Bar Journal. He also studied at the London School of Economics.

#### **Susan G. Taylor**

Susan Taylor is Of Counsel at Cohen Milstein and a member of the firm's Securities Litigation & Investor Protection practice, where she brings to bear more than 19 years of litigation and trial experience prosecuting high profile securities fraud, consumer fraud, and antitrust class action claims.

Prior to joining Cohen Milstein, Ms. Taylor was a partner at a highly regarded national securities litigation firm, where she recovered over \$2.5 billion for shareholders from many of the largest corporations in the United States. In addition to her substantial trial experience, Ms. Taylor has overseen the successful mediation of numerous securities fraud cases of all sizes.

Prior to working in the private section, Ms. Taylor was a Special Assistant U.S. Attorney in the Southern District of California, San Diego, where she focused on criminal prosecutions, as well as a Staff Attorney at the San Diego County District Attorney's Office.

Ms. Taylor volunteers at the Mid-Atlantic Innocence Project as a Case Screener and is a former member of the Board of Directors of the Istanbul International Community School (2014 – 2017). She was named a California Super Lawyer in 2015 and 2016.

Ms. Taylor earned her B.A. from The Pennsylvania State University, and she received her J.D. from The Catholic University Columbus School of Law.

Ms. Taylor is admitted only in California. She has applied for admission to the District of Columbia Bar and is currently working under the close supervision of the partners of the firm who are admitted to practice in the District of Columbia.

#### **Catherine A. Torell**

Catherine A. Torell is the Director of Securities Research and Analysis at Cohen Milstein and is a member of the Securities Litigation & Investor Protection practice group. As Director of Securities Research and Analysis, Ms. Torell has the exclusive role of analyzing every securities case that is brought to the firm.

Ms. Torell is also responsible for thoroughly researching the factual and legal merits of all of the federal securities fraud class actions filed in the United States. Based on her research, she generates written analyses to evaluate the merits of each case for the firm's Case Evaluation Committee and assesses the potential importance of the case to the firm's clients. As a result, she has played an integral role in helping to cultivate and significantly expand the Cohen Milstein's investor client base.

Ms. Torell also prepares the written analyses that are sent to the firm's institutional clients. Those analyses describe and evaluate the merits of the cases in which those clients have sustained substantial losses and include a recommendation as to whether the firm believes the client should pursue a lead plaintiff role in the case.

Prior to focusing exclusively on her current role, Ms. Torell also actively participated in many of the firm's notable securities class actions, including *In re Parmalat Securities Litigation* 376 F. Supp. 2d 472 (S.D.N.Y. 2005).

Ms. Torell has been practicing law for more than 25 years. Prior to joining Cohen Milstein, Ms. Torell was counsel at a number of prominent plaintiffs' class action firms, serving in co-lead and leadership positions in numerous successful class action cases that resulted in settlements collectively totaling hundreds of millions of dollars for the clients she represented. She served as a co-lead counsel in *In re Provident Financial Securities Litigation*, which resulted in a \$38 million settlement. In approving the settlement, the Court remarked on the "extremely high quality" and "skill and efficiency" of plaintiffs' counsel's work throughout the litigation.

Ms. Torell attended Stony Brook University, receiving a B.A., magna cum laude, in Political Science, and earned her J.D. from St. John's University School of Law, where she was the recipient of the Federal Jurisprudence Award.

### **Bo Uganbayar**

Bo Uganbayar is an Associate at Cohen Milstein and a member of the firm's Antitrust practice. In this role, Ms. Uganbayar represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Ms. Uganbayar earned her B.A. in Ethics, Politics, and Economics, graduating magna cum laude and Phi Beta Kappa from Yale University. She earned her Master's in Environmental Management from the Yale School of Forestry & Environmental Studies, and her J.D. from Stanford Law School, where she was a senior editor of the *Stanford Journal of Civil Rights and Civil Liberties*.

While attending law school, Ms. Uganbayar volunteered at the ACLU of Northern California, Immigrant Rights Project. She received the Judge Thelton E. Henderson Prize for Outstanding Performance for her work in the Stanford Community Law Clinic.

Ms. Uganbayar is fluent in Mongolian and proficient in German.

Ms. Uganbayar is admitted only in Washington. She has applied for admission to the District of Columbia Bar and is currently working under the close supervision of the partners of the firm who are admitted to practice in the District of Columbia.

### **Jessica Weiner**

Jessica Weiner is an Associate at Cohen Milstein, and a member of the Antitrust practice group. In this role, Ms. Weiner represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Prior to joining the firm, Ms. Weiner clerked for the Honorable Helene N. White of the U.S. Court of Appeals for the Sixth Circuit. She also clerked for the Honorable Lawrence E. Kahn of the U.S. District Court for the Northern District of New York.

Ms. Weiner graduated from Cornell University with a B.A. in Industrial and Labor Relations in 2009. She received her J.D. from Harvard Law School, cum laude, in 2014. During law school, Ms. Weiner served as an Article Editor and Online Editor of the *Harvard Journal of Law & Gender*.

**Royce Zeisler**

Royce Zeisler is an Associate at Cohen Milstein and a member of the firm's Antitrust practice group. In this role, Mr. Zeisler represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Prior to joining Cohen Milstein, Mr. Zeisler was a litigation associate at a prestigious global defense firm, where he focused on disputes involving complex technological and economic issues, including antitrust class actions.

Mr. Zeisler clerked for the Honorable Analisa Torres of the U.S. District Court for the Southern District of New York.

Mr. Zeisler received his dual B.A. and B.Sc. from University of British Columbia and his J.D. from Columbia Law School, where he was a Harlan Fiske Stone Scholar and Articles Editor for the Columbia Business Law Review.

While attending law school, Mr. Zeisler externed with various neighborhood legal assistance initiatives in New York City, including the Neighborhood Defender Service of Harlem.

# **EXHIBIT 10**

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Facsimile: (212) 818-0477

13 *Class Counsel for Class Representative*  
14 *New Mexico State Investment Council and the Class*

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17 **WESTERN DIVISION**

18 )  
19 In re BROADCOM CORPORATION ) Lead Case No.: CV-06-5036-R (CWx)  
20 CLASS ACTION LITIGATION )  
21 ) **ORDER AWARDING CLASS**  
22 ) **COUNSEL ATTORNEYS' FEES**  
23 ) **AND REIMBURSEMENT OF**  
24 ) **LITIGATION EXPENSES**  
25 )  
26 ) Date: December 3, 2012  
27 ) Time: 10:00 a.m.  
28 ) Before: The Hon. Manuel L. Real  
)

1           **THIS MATTER** having come before the Court on Class Counsel’s  
2 Unopposed Motion for Attorneys’ Fees and Reimbursement of Litigation Expenses  
3 and Memorandum of Points and Authorities in Support Thereof; the Court having  
4 considered all papers filed and proceedings had therein, having found the  
5 settlement of this action to be fair, reasonable, and adequate and otherwise being  
6 fully informed;

7           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

8           1. All of the capitalized terms used herein shall have the same meanings  
9 as set forth in the Stipulation and Agreement of Settlement with Ernst & Young  
10 LLP, dated as of September 27, 2012 (the “Stipulation”), and filed with the Court.

11           2. This Court has jurisdiction over the subject matter of this application  
12 and all matters relating thereto, including all Members of the Class who have not  
13 timely and validly requested exclusion.

14           3. The Court hereby awards Class Counsel attorneys’ fees of 18.5% of  
15 the Settlement Fund, plus reimbursement of litigation expenses in the amount of  
16 \$\_\_\_\_\_, together with the interest earned thereon for the same  
17 time period and at the same rate as that earned on the Settlement Fund until paid.  
18 The Court finds that the amount of fees awarded is appropriate and is fair and  
19 reasonable under the “percentage-of-the-recovery” method, given the results  
20 obtained for the Class, the substantial risks of non-recovery, the time and effort  
21 involved, and the quality of Class Counsel’s work. *See Vizcaino v. Microsoft*  
22 *Corp.*, 290 F.3d 1043 (9th Cir. 2002).

23           4. The fees shall be allocated among counsel for the Class  
24 Representatives by Class Counsel in a manner that reflects each such counsel’s  
25 contribution to the institution, prosecution, and resolution of the captioned action.

26           5. The awarded attorneys’ fees and expenses, and interest earned  
27 thereon, shall be paid to Class Counsel subject to the terms, conditions, and  
28

1 obligations of the Stipulation, and pursuant to the timing set forth in ¶12 thereof,  
2 which terms, conditions and obligations are incorporated herein.

3 6. The Court hereby awards Class Representative New Mexico State  
4 Investment Council, as Class Representative, reimbursement of its reasonable lost  
5 wages directly relating to its representation of the Class, pursuant to the Private  
6 Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. §78u-4(a)(4).  
7 The Court awards Class Representative the requested amount of \$21,087, which  
8 may be paid upon entry of this Order.

9 **IT IS SO ORDERED.**

10 DATED: Dec. 4, 2012, 2012



11  
12 THE HONORABLE MANUEL L. REAL  
13 UNITED STATES DISTRICT JUDGE  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

BABAK HATAMIAN and LUSSA DENNJ  
SALVATORE, individually and on behalf of  
all others similarly situated,  
  
Plaintiffs,  
  
v.  
  
ADVANCED MICRO DEVICES, INC.,  
RORY P. READ, THOMAS J. SEIFERT,  
RICHARD A. BERGMAN, AND LISA T.  
SU,  
  
Defendants.

Case No. 4:14-cv-00226-YGR

CLASS ACTION

**[PROPOSED] ORDER AWARDING  
ATTORNEYS' FEES, PAYMENT OF  
LITIGATION EXPENSES, AND  
PAYMENT OF CLASS  
REPRESENTATIVES' EXPENSES**

1 On February 27, 2018, a hearing having been held before this Court to determine, among  
2 other things, whether and in what amount to award (1) plaintiffs' counsel in the above-captioned  
3 consolidated securities class action (the "Action") fees and litigation expenses directly relating to  
4 their representation of the Class; and (2) Class Representatives their costs and expenses  
5 (including lost wages), pursuant to the Private Securities Litigation Reform Act of 1995 (the  
6 "PSLRA"). The Court having considered all matters submitted to it at the hearing and otherwise;  
7 and it appearing that a notice of the hearing substantially in the form approved by the Court (the  
8 "Settlement Notice") was mailed to all reasonably identified Class Members; and that a summary  
9 notice of the hearing (the "Summary Notice"), substantially in the form approved by the Court,  
10 was published in *Investor's Business Daily* and transmitted over *PR Newswire*; and the Court  
11 having considered and determined the fairness and reasonableness of the award of attorneys' fees  
12 and expenses requested;

14 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

16 1. The Court has jurisdiction over the subject matter of this Action and over all  
17 parties to the Action, including all Class Members who have not timely and validly requested  
18 exclusion, Class Counsel, and the Claims Administrator.

19 2. All capitalized terms used herein have the meanings set forth and defined in the  
20 Stipulation and Agreement of Settlement, dated as of October 9, 2017 (the "Stipulation").

21 3. Notice of Class Counsel's application for attorneys' fees and payment of litigation  
22 expenses was given to all Class Members who could be identified with reasonable effort. The  
23 form and method of notifying the Class of the application for attorneys' fees and expenses met  
24 the requirements of Rules 23 and 54 of the Federal Rules of Civil Procedure, Section 21D(a)(7)  
25 of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(7), as amended by the PSLRA, due  
26 process, and other applicable law, constituted the best notice practicable under the

1 circumstances, and constituted due and sufficient notice to all persons and entities entitled  
2 thereto.

3 4. Class Counsel are hereby awarded, on behalf of all plaintiffs' counsel, attorneys'  
4 fees in the amount of \$7,375,000 plus interest at the same rate earned by the Settlement Fund (or  
5 25% of the Settlement Fund, which includes interest earned thereon), and payment of litigation  
6 expenses in the amount of \$2,812,817.52, which sums the Court finds to be fair and reasonable.

7 5. The award of attorneys' fees and litigation expenses may be paid to Class Counsel  
8 from the Settlement Fund immediately upon entry of this Order, subject to the terms, conditions,  
9 and obligations of the Stipulation, which terms, conditions, and obligations are incorporated  
10 herein.

11 6. In making this award of attorneys' fees and payment of litigation expenses to be  
12 paid from the Settlement Fund, the Court has analyzed the factors considered within the Ninth  
13 Circuit and found that:

14 (a) The Settlement has created a common fund of \$29.5 million in cash and  
15 that numerous Class Members who submit acceptable Claim Forms will benefit from the  
16 Settlement created by the efforts of plaintiffs' counsel;

17 (b) The requested attorneys' fees and payment of litigation expenses have  
18 been reviewed and approved as fair and reasonable by Class Representatives, sophisticated  
19 institutional investors that were directly involved in the prosecution and resolution of the Action  
20 and who have a substantial interest in ensuring that any fees paid to plaintiffs' counsel are duly  
21 earned and not excessive;

22 (c) Plaintiffs' counsel undertook the Action on a contingent basis, and have  
23 received no compensation during the Action, and any fee and expense award has been contingent  
24 on the result achieved;

25 (d) The Action involves complex factual and legal issues and, in the absence  
26 of settlement, would involve lengthy proceedings whose resolution would be uncertain;

1 (e) Plaintiffs' counsel conducted the Action and achieved the Settlement  
2 with skillful and diligent advocacy;

3 (f) Plaintiffs' counsel have devoted approximately 62,765 hours, with a  
4 lodestar value of \$31,122,958.75 to achieve the Settlement;

5 (g) The amount of attorneys' fees awarded are fair and reasonable and  
6 consistent with fee awards approved in cases within the Ninth Circuit with similar recoveries;

7 (h) Notice was disseminated to putative Class Members stating that Class  
8 Counsel would be submitting an application for attorneys' fees in an amount not to exceed 30%  
9 of the Settlement Fund, which includes interest, and payment of litigation expenses incurred in  
10 connection with the prosecution of this Action in an amount not to exceed \$3,000,000, plus  
11 interest, and that such application also might include a request that Class Representatives be  
12 reimbursed their reasonable costs and expenses (including lost wages) directly related to their  
13 representation of the Class; and

14 (i) There were no objections to the application for attorneys' fees or  
15 expenses.

16 7. In accordance with the PSLRA, the Court hereby awards Class Representative  
17 Arkansas Teacher Retirement System \$8,348.25 for its costs and expenses directly related to its  
18 representation of the Class, and KBC Asset Management NV \$14,875.00 for its costs and  
19 expenses directly related to its representation of the Class.

20 8. Any appeal or challenge affecting this Court's approval of any attorneys' fee,  
21 expense application, or award of costs and expenses to Class Representatives in the Action shall  
22 in no way disturb or affect the finality of the Judgment entered with respect to the Settlement.

23 9. Exclusive jurisdiction is retained over the subject matter of this Action and over  
24 all parties to the Action, including the administration and distribution of the Net Settlement Fund  
25 to Class Members.

1           10.     In the event that the Settlement is terminated or does not become Final or the  
2 Effective Date does not occur in accordance with the terms of the Stipulation, this order shall be  
3 rendered null and void to the extent provided by the Stipulation and shall be vacated in  
4 accordance with the Stipulation.

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6 Dated: March 2, 2018

  
HONORABLE YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE

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11 *Attorneys for Lead Plaintiff Institutional Investor Group*  
 12 *and Co-Lead Counsel for the Settlement Class*

13 UNITED STATES DISTRICT COURT  
 14 CENTRAL DISTRICT OF CALIFORNIA  
 15 SOUTHERN DIVISION

16 IN RE HEWLETT-PACKARD ) Case No. SACV 11-1404-AG (RNBx)  
 17 COMPANY SECURITIES )  
 18 LITIGATION ) **ORDER AWARDING**  
 19 ) **ATTORNEYS' FEES, PAYMENT**  
 20 ) **OF LITIGATION EXPENSES,**  
 21 ) **AND REIMBURSEMENT OF**  
 22 ) **LEAD PLAINTIFFS' EXPENSES**  
 23 ) **INCLUDING LOST WAGES**  
 24 )  
 25 ) Judge: Hon. Andrew J. Guilford  
 26 ) Dept.: Courtroom 10D  
 27 ) Hearing Date: September 15, 2014  
 28 ) Hearing Time: 10:00 a.m.  
 )

1 THIS MATTER having come before the Court on September 15, 2014 for a  
2 hearing to determine, among other things, whether and in what amount to award:  
3 (1) Plaintiffs' Counsel's fees and litigation expenses relating to their  
4 representation of the Settlement Class in the above-captioned securities class  
5 action (the "Action"); and (2) Lead Plaintiffs' costs and expenses (including lost  
6 wages). The Court having considered all matters submitted to it at the hearing and  
7 otherwise; and it appearing that a notice of the hearing, substantially in the form  
8 approved by the Court (the "Notice"), was mailed to all reasonably identified  
9 Persons who purchased the publicly traded common stock of Hewlett-Packard  
10 Company in the open market during the period from November 22, 2010 to  
11 August 18, 2011, inclusive; and that a summary notice of the hearing (the  
12 "Summary Notice"), substantially in the form approved by the Court, was  
13 published in *The Wall Street Journal* and transmitted over *PR Newswire*; and the  
14 Court having considered and determined the fairness and reasonableness of:  
15 (1) the award of attorneys' fees and litigation expenses requested; and (2) the  
16 costs and expenses (including lost wages) requested by Lead Plaintiffs;

17 NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED  
18 that:

19 1. The Court has jurisdiction over the subject matter of this Action and  
20 over all parties to the Action, including all Settlement Class Members and the  
21 Claims Administrator.

22 2. All capitalized terms used in this order have the meanings as set forth  
23 and defined in the Stipulation and Agreement of Settlement (the "Stipulation"),  
24 dated as of March 31, 2014.

25 3. Settlement Class Members were notified that Plaintiffs' Counsel  
26 would be applying for an award of attorneys' fees and litigation expenses and,  
27 further, that such application also might include a request for an award to Lead  
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1 Plaintiffs for reimbursement of their reasonable costs and expenses, including lost  
 2 wages, in an amount not to exceed \$75,000. The form and method of notifying  
 3 the Settlement Class of the application for attorneys' fees and expenses met the  
 4 requirements of Rules 23 and 54 of the Federal Rules of Civil Procedure, Section  
 5 21(D)(a)(7) of the Securities Act of 1934, 15 U.S.C. §78u-4(a)(7), as amended by  
 6 the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), due process,  
 7 and any other applicable law, constituted the best notice practicable under the  
 8 circumstances, and constituted due and sufficient notice to all persons and entities  
 9 entitled to it.

10 4. Plaintiffs' Counsel are awarded attorneys' fees in the amount of  
 11 \$14,250,000, plus interest at the same rate earned by the Settlement Fund (i.e.,  
 12 25% of the Settlement Fund, which includes interest earned thereon), and payment  
 13 of litigation expenses in the amount of \$333,443.39, plus interest at the same rate  
 14 earned by the Settlement Fund, which sums the Court finds to be fair and  
 15 reasonable.

16 5. The award of attorneys' fees and litigation expenses shall be paid to  
 17 Co-Lead Counsel from the Settlement Fund immediately upon entry of this Order,  
 18 subject to the terms, conditions, and obligations of the Stipulation, which terms,  
 19 conditions, and obligations are incorporated into this order.

20 6. Lead Plaintiffs are awarded costs and expenses (which includes lost  
 21 wages) in the following amounts, which sums the Court finds to be fair and  
 22 reasonable:

<u>LEAD PLAINTIFF</u>	<u>AMOUNT AWARDED</u>
Arkansas Teacher Retirement System	\$5,654.61
Union Asset Management Holding AG	\$4,970.00
Labourers' Pension Fund of Central and Eastern Canada	\$2,922.24



1 LIUNA National (Industrial) Pension Fund and  
2 LIUNA Staff & Affiliates Pension Fund \$6,570.00

3 The foregoing sums shall be paid to the Lead Plaintiffs from the Settlement Fund  
4 immediately upon entry of this Order, subject to the terms, conditions, and  
5 obligations of the Stipulation, which terms, conditions, and obligations are  
6 incorporated into this order.

7 7. In making this award of attorneys' fees and litigation expenses and  
8 reimbursement of Lead Plaintiffs' costs and expenses (including lost wages) to be  
9 paid from the Settlement Fund, the Court has considered and found that:

10 (a) The Settlement has created a fund of \$57 million in cash and  
11 that numerous Settlement Class Members who submit acceptable Proofs of Claim  
12 will benefit from the Settlement created by the efforts of Plaintiffs' Counsel;

13 (b) The requested attorneys' fees and payment of litigation  
14 expenses have been reviewed and approved as fair and reasonable by Lead  
15 Plaintiffs, sophisticated institutional investors that were directly involved in the  
16 prosecution and resolution of the Action and who have a substantial interest in  
17 ensuring that any fees paid to Plaintiffs' Counsel are duly earned and not  
18 excessive;

19 (c) Notice was disseminated to putative Settlement Class  
20 Members stating that Plaintiffs' Counsel would be submitting an application for  
21 attorneys' fees in an amount not to exceed 25% of the Settlement Fund, plus  
22 interest, and payment of litigation expenses incurred in connection with the  
23 prosecution of this Action in an amount not to exceed \$525,000, plus interest, and  
24 that such application also might include a request that Lead Plaintiffs be  
25 reimbursed their reasonable costs and expenses (including lost wages) directly  
26 related to their representation of the Settlement Class in an amount not to exceed

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1 \$75,000. No Settlement Class Members have filed an objection to the application  
2 for fees and expenses submitted by Plaintiffs' Counsel;

3 (d) Plaintiffs' Counsel conducted the Action and achieved the  
4 Settlement with skillful and diligent advocacy;

5 (e) The Action involves complex factual and legal issues and, in  
6 the absence of settlement, would involve lengthy proceedings whose resolution  
7 would be uncertain;

8 (f) Plaintiffs' Counsel undertook the Action on a contingent basis  
9 and have devoted more than 13,000 hours, with a lodestar value of \$7,525,051.75  
10 to achieve the Settlement; and

11 (g) The amount of attorneys' fees, litigation expenses, and  
12 reimbursement of Lead Plaintiffs' costs and expenses (including lost wages) paid  
13 from the Settlement Fund is fair and reasonable and consistent with awards in  
14 similar cases.

15 8. Any appeal or challenge affecting this Court's approval of any  
16 attorneys' fee, expense application, or award of costs and expenses (including lost  
17 wages) to Lead Plaintiffs in the Action shall in no way disturb or affect the finality  
18 of the Judgment entered with respect to the Settlement.

19 9. Exclusive jurisdiction is retained over the subject matter of this  
20 Action and over all parties to the Action, including the administration and  
21 distribution of the Net Settlement Fund to Settlement Class Members.

22 10. In the event that the Settlement is terminated or does not become  
23 Final or the Effective Date does not occur in accordance with the terms of the  
24 Stipulation, this order shall be rendered null and void to the extent provided by the  
25 Stipulation and shall be vacated in accordance with the Stipulation.

1 SO ORDERED this 15th day of September, 2014

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ANDREW J. GUILFORD  
UNITED STATES DISTRICT JUDGE

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Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

In re MGM MIRAGE SECURITIES  
 LITIGATION

\_\_\_\_\_  
 This Document Relates To:

ALL ACTIONS.

) No. 2:09-cv-01558-GMN-VCF  
 )  
 ) CLASS ACTION  
 )  
 ) [PROPOSED] ORDER AWARDING  
 ) ATTORNEYS’ FEES AND EXPENSES AND  
 ) LEAD PLAINTIFFS’ EXPENSES  
 ) PURSUANT TO 15 U.S.C. §78u-4(a)(4)

DATE: March 1, 2016  
 TIME: 9:00 a.m.  
 CTRM: The Honorable Gloria M. Navarro

THIS MATTER having come before the Court on March 1, 2016, on the motion of Lead Plaintiffs for an Award of Attorneys' Fees and Expenses to Lead Counsel and Awards to Lead Plaintiffs (the "Motion") (Dkt. No. 358) in the above-captioned action; the Court, having considered all papers filed and proceedings conducted herein, having found the Settlement of the Action to be fair, reasonable and adequate, and otherwise being fully informed in the premises and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. For purposes of this Order, the capitalized terms used herein shall have the same meanings as set forth in the Stipulation and Agreement of Settlement dated August 28, 2015 (the "Settlement Agreement"), and filed with the Court.

2. The Court has jurisdiction to enter this Order. This Court has jurisdiction over the subject matter of the Motion and all matters relating thereto, and over all Settling Parties to the Action, including all members of the Class who have not timely and validly requested exclusion.

3. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, the Court finds and concludes that due and adequate notice of the Motion was directed to all Persons and entities who are Class Members, including individual notice to those who could be identified with reasonable effort, advising them of the Motion and of their right to object thereto, and a full and fair opportunity was accorded to all Persons and entities who are Class Members to be heard with respect to the Motion.

4. The Court hereby awards Lead Counsel attorneys' fees of 25% of the Settlement Amount and expenses of \$1,937,528.73 together with the interest earned thereon for the same time period and at the same rate as that earned by the Settlement Amount until paid. The foregoing attorneys' fees and expenses shall be paid from the Settlement Fund in accordance with the terms of

the Settlement Agreement. The Court finds that the amount of fees awarded is fair and reasonable under the “percentage-of-recovery” method, which is the preferred method for awarding fees in common fund cases in the Ninth Circuit, considering, among other things, the substantial risks of no recovery; the result obtained for the Class; the awarded fee is in accord with the Ninth Circuit’s benchmark fee award and consistent with empirical data regarding fee awards in cases of this size; the quality and extent of legal services provided by Lead Counsel that produced the Settlement; Lead Plaintiffs appointed by the Court to represent the Class reviewed and approved the requested fee; and the reaction of the Class to the fee request supports the fee awarded.

5. Pursuant to 15 U.S.C. §78u-4(a)(4), the Court hereby awards Lead Plaintiffs for their costs and expenses directly related to their representation of the Class as follows: \$11,853.00 to Arkansas Teacher Retirement System; \$4,400.00 to Philadelphia Board of Pensions and Retirement; \$5,075.00 to Luzerne County Retirement System; and \$11,300.00 to Stichting Pensioenfonds Metaal en Techniek.

6. The Court has considered the objections filed by Nickolas A. Kacprowski, Colorado Public Employees’ Retirement Association, National Automatic Sprinkler Industry Pension Fund and William E. Stafford, Jr., and finds them to be without merit. Therefore, the Court overrules them in their entirety.

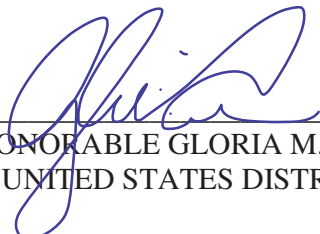
7. The awarded attorneys’ fees and expenses, and interest earned thereon, shall be paid to Lead Counsel from the Settlement Fund immediately after the date this Order is executed subject to the terms, conditions, and obligations of the Settlement Agreement, which terms, conditions, and obligations are incorporated herein.

8. Jurisdiction is hereby retained over the Settling Parties and Class Members for all matters relating to this Action, including the administration, interpretation, effectuation or enforcement of the Settlement Agreement and this Order.

9. The Court directs immediate entry of this Order by the Clerk of the Court.

IT IS SO ORDERED.

DATED: March 1, 2016

  
\_\_\_\_\_  
THE HONORABLE GLORIA M. NAVARRO  
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE NII HOLDINGS, INC.  
SECURITIES LITIGATION

Civ. No. 1:14-cv-00227-LMB-JFA

**ORDER AWARDING ATTORNEYS' FEES AND EXPENSES**

This matter having come before the Court for hearing on September 16, 2016 (the "Settlement Hearing") on Class Counsel's motion for an award of attorneys' fees, payment of litigation expenses incurred by Plaintiffs' counsel, and reimbursement of costs and expenses to Class Representatives in connection with their representation of the Class in the above-captioned class action ("Action"); the Court having considered all matters submitted to it at the Settlement Hearing and otherwise; it appearing that notice of the Settlement Hearing substantially in the form approved by the Court was mailed to all Class Members who or which could be identified with reasonable effort, and that a summary notice of the hearing substantially in the form approved by the Court was published in the *Wall Street Journal* and was transmitted over PR Newswire in accordance with the specifications of the Court; and the Court having considered and determined the fairness and reasonableness of the award of attorneys' fees and expenses requested,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated April 18, 2016 (the "Stipulation"), and all capitalized terms not otherwise defined in this Order have the same meanings as defined in the Stipulation.



2. The Court has jurisdiction to enter this Order and over the subject matter of the Action and all parties to the Action, including all Class Members.

3. Notice of Class Counsel's motion for an award of attorneys' fees, payment of litigation expenses incurred by Plaintiffs' counsel, and reimbursement of costs and expenses to Class Representatives in connection with their representation of the Class was given to all Class Members who could be identified with reasonable effort. The form and method of notifying the Class of the motion for an award of attorneys' fees and expenses satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), and Section 21D(a)(7) of the Securities Exchange Act of 1934, 15 U.S.C. §78u-4(a)(7), as amended by the Private Securities Litigation Reform Act of 1995; constituted the best notice practicable under the circumstances; and constituted due and sufficient notice to all persons and entities entitled to notice.

4. Class Counsel are awarded attorneys' fees in the amount of 25% of the Settlement Fund (which amount includes accrued interest) and payment of litigation expenses in the amount of \$1,467,617.60, plus interest earned on this amount at the same rate earned by the Settlement Fund, which sums the Court finds to be fair and reasonable. Class Counsel will allocate the attorneys' fees awarded amongst Plaintiffs' counsel.

5. In making this award of attorneys' fees and expenses to be paid from the Settlement Fund, the Court has considered and found that:

(a) The Settlement has created a fund of \$41,500,000 in cash that has been funded into escrow under the Stipulation, and numerous Class Members who submit acceptable Claim Forms will benefit from the Settlement that occurred because of the efforts of Plaintiffs' counsel;

(b) The fee sought by Class Counsel has been reviewed and approved as reasonable by Class Representatives, institutional investors that oversaw the prosecution and resolution of the Action;

(c) Copies of the Notice were mailed to over 188,000 potential Class Members and nominees stating that Class Counsel, on behalf of Plaintiffs' Counsel, would apply to the Court for an award of attorneys' fees from the Settlement Fund in an amount not to exceed 25% of the Settlement Fund and payment of litigation expenses incurred in prosecuting the Action in an amount not to exceed \$1.75 million, plus interest. The Notice advised Class Members of their right to object to Class Counsel's motion for attorneys' fees and expenses, and a full and fair opportunity was accorded to Persons who are Class Members to be heard with respect to the motion. No objections to the fees and expenses requested by Class Counsel have been received;

(d) Plaintiffs' counsel have conducted the litigation and achieved the Settlement with skill, perseverance, and diligent advocacy;

(e) The Action involves complex factual and legal issues, and, in the absence of settlement, would involve further lengthy proceedings with uncertain resolution if the case were to proceed to trial;

(f) Class Counsel pursued the Action on a contingent basis, having received no compensation during the Action, and any fee award has been contingent on the result achieved;

(g) Plaintiffs' counsel have devoted more than 39,000 hours to this Action, with a lodestar value of \$19,191,280.25, to achieve the Settlement;

(h) The amount of attorneys' fees is consistent with awards in similar cases and supported by public policy; and

(i) The amount of expenses awarded is fair and reasonable and was necessarily incurred in the prosecution and settlement of the Action.

6. The Court awards the following amounts from the Settlement Fund to Class Representatives as reimbursement for their reasonable costs and expenses directly related to their representation of the Class: \$15,150.00 to Danica Pension, Livsforsikringsaktieselskab; \$6,795.00 to Industriens Pensionsforsikring A/S; \$8,720.00 to IBEW Local No. 58 / SMC NECA Funds; and \$6,696.00 to Jacksonville Police & Fire Pension Fund.

7. Any appeal or any challenge affecting this Court's approval of any attorneys' fees and expense application will in no way disturb or affect the finality of the Judgment entered with respect to the Settlement.


8. The Court retains exclusive jurisdiction over the parties and the Class Members for all matters relating to this Action, including the administration, interpretation, effectuation, or enforcement of the Stipulation and this Order.

9. If the Settlement is terminated or the Effective Date of the Settlement otherwise fails to occur, this Order will be rendered null and void to the extent provided by the Stipulation.

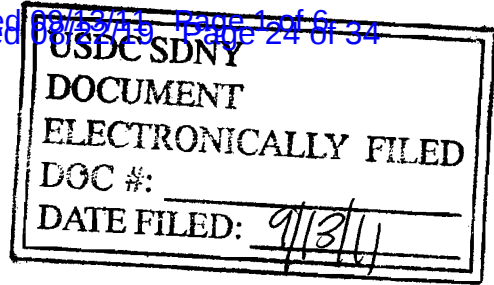
10. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed.

**IT IS SO ORDERED.**

Dated: September 16, 2016

*lsl*   
\_\_\_\_\_  
Leonie M. Brinkema  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



IN RE: SATYAM COMPUTER SERVICES LTD.  
SECURITIES LITIGATION

No.: 09-MD-2027-BSJ

**ORDER AWARDING ATTORNEYS' FEES AND EXPENSES**

This matter came on for hearing on September 8, 2011 (the "Settlement Hearing") on the motion of Lead Counsel to determine, among other things, whether and in what amount to award Lead Counsel in the above-captioned consolidated securities class action (the "Action") fees and reimbursement of expenses.

The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; and it appearing that notices of the Settlement Hearing substantially in the form approved by the Court were mailed to all Class Members who or which could be identified with reasonable effort, except those persons or entities excluded from the definition of the Class, and that summary notices of the hearing substantially in the form approved by the Court were published in *The Wall Street Journal*, *Investor's Business Daily* and *The Financial Times* and transmitted over *Business Wire* pursuant to the specifications of the Court; and the Court having considered and determined the fairness and reasonableness of the award of attorneys' fees and expenses requested.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order Awarding Attorneys' Fees and Expenses incorporates by reference the definitions in the Stipulations and Agreements of Settlement (the "Settlement Stipulations") and all

terms used herein shall, with respect to the respective Settlement Stipulations, have the same meanings as set forth in the applicable Settlement Stipulations.<sup>1</sup>

2. The Court has jurisdiction to enter this Order Awarding Attorneys' Fees and Expenses, and over the subject matter of the Action and all parties to the Action, including all Class Members.

3. Notice of Lead Counsel's application for attorneys' fees and reimbursement of expenses was given to all Class Members who could be identified with reasonable effort. The form and method of notifying the Class of the motion for attorneys' fees and expenses constituted due, adequate, and sufficient notice to all persons or entities entitled to receive notice of the motion and satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Private Securities Litigation Reform Act of 1995 (15 U.S.C. § 78u-4, et seq.) (the "PSLRA"), and all other applicable law and rules.

4. Lead Counsel are hereby awarded attorneys' fees in the amount of 17% of the total Settlement Funds, as well as 17% of any additional Settlement Funds recovered by Satyam from the PwC Entities, net of any taxes withheld from the Initial Escrow Accounts and ultimately paid pursuant to Indian tax law, and \$1,027,076.94 in reimbursement of litigation expenses advanced or incurred by Lead Counsel collectively while prosecuting this Action (which expenses shall be paid from the Settlement Funds) with interest on such fees and expenses at the same rate as earned by the Settlement Funds from the dates the Settlement Funds were funded to the date of payment, which sums the Court finds to be fair and reasonable. The foregoing award of Attorneys' Fees and

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<sup>1</sup> The Settlement Stipulations are: the Stipulation and Agreement of Settlement with Defendant Satyam Computer Services Ltd., dated February 16, 2011 (the "Satyam Stipulation") and the Stipulation and Agreement of Settlement between Lead Plaintiffs and the PwC Entities, dated April 27, 2011 (the "PwC Entities Stipulation") entered into by and among Lead Plaintiffs and the Settling Defendants (together, the "Settlement Stipulations").

Expenses shall be payable immediately in accordance with the terms set forth in ¶¶ 19 and 16, respectively of the Satyam Stipulation and the PwC Entities Stipulation. The award of attorneys' fees shall be allocated among Plaintiffs' Counsel in a manner which, in the opinion of Lead Counsel, fairly compensates Plaintiffs' Counsel for their respective contributions in the prosecution and settlement of the Action.

5. Also in accordance with the terms set forth in ¶¶ 20 and 17, respectively of the Satyam Stipulation and the PwC Entities Stipulation, Lead Counsel who seek to be paid their share of the attorney fee and expense award prior to the Effective Date shall be jointly and severally obligated to make appropriate refunds or repayments of attorneys' fees and expenses and any interest thereon paid to Lead Counsel to the Settlement Funds or to the Settling Defendants who contributed the Settlement Funds in direct proportion to their contributions to the Settlement Funds, as applicable, plus accrued interest at the same net rate as is earned by the Settlement Funds, if the Settlements are terminated pursuant to the terms of the Stipulations or if, as a result of any appeal or further proceedings on remand, or successful collateral attack, the award of attorneys' fees and/or litigation expenses is reduced or reversed by final non-appealable court order.

6. Class Representative the Public Employees' Retirement System of Mississippi is awarded \$14,400 as reimbursement for its costs and expenses directly relating to its services in representing the Class.

7. Class Representative Mineworkers' Pension Scheme is awarded \$98,711 as reimbursement for its costs and expenses directly relating to its services in representing the Class.

8. Class Representative SKAGEN AS is awarded \$59,000 as reimbursement for its costs and expenses directly relating to its services in representing the Class.

9. Class Representative Sampension KP Livsforsikring A/S is awarded \$21,000 as reimbursement for its costs and expenses directly relating to its services in representing the Class.

10. Subclass Representative Brian F. Adams is awarded \$2,000 as reimbursement for his costs and expenses directly relating to his services in representing the Class and Subclass.

11. A litigation fund in the amount of \$1,000,000 from the Satyam Settlement Fund shall be established to fund the continued prosecution of the Action against the Non-Settling Defendants.

12. In making this award of attorneys' fees, and reimbursement of expenses to be paid from the Settlement Funds, the Court has considered and found that:

(a) The Settlements have created a total settlement amount of \$150.5 million in cash that is already on deposit and has been earning interest, and that numerous Class Members who submit acceptable Proofs of Claim will benefit from the Settlements created by the efforts of Lead Counsel;

(b) The fee sought by Lead Counsel has been reviewed and approved as fair and reasonable by the Court-appointed Lead Plaintiffs, sophisticated institutional investors that were substantially involved in all aspects of the prosecution and resolution of the Action;

(c) To date, over 208,000 copies of the Notices were disseminated to putative Class Members stating that Lead Counsel were moving for attorneys' fees not to exceed 17% of proposed Settlements and reimbursement of expenses incurred in connection with the prosecution of this Action. Only one objection to the terms of the Settlement and the fees and expenses requested by Lead Counsel contained in the Notice was received, although it was untimely and not filed with the Court as required by the Preliminary Approval Orders. The objector has not proven that he is a member of the Class, nor does he have standing; even if he did, his objection has been considered and overruled;

(d) Lead Counsel have conducted the litigation and achieved the Settlements with skill, perseverance and diligent advocacy;

(e) The Action involves complex factual and legal issues and, in the absence of settlement, would involve lengthy proceedings with uncertain resolution of the complex factual and legal issues;

(f) Had the Settlements not been achieved, there would remain a significant risk that Lead Plaintiffs and the other members of the Class may have recovered less or nothing from the Settling Defendants; and

(g) The amount of attorneys' fees awarded and expenses reimbursed from the Settlement Funds are fair and reasonable and consistent with awards in similar cases.

13. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fees and expense application shall in no way disturb or affect the finality of the Judgments entered with respect to the Settlements.

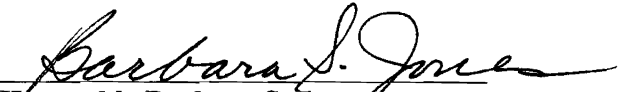
14. Continuing jurisdiction is hereby retained over the parties and the Class Members for all matters relating to this Action, including the administration, interpretation, effectuation or enforcement of the Settlement Stipulations and this Order, including any further application for fees and expenses incurred in connection with administering and distributing the settlement proceeds to the members of the Class.

15. In the event that any of the Settlements are terminated or do not become Final or the Effective Date does not occur in accordance with the terms of the applicable Settlement Stipulation(s), this Order, except for ¶ 5 above, shall be rendered null and void to the extent provided by the applicable Settlement Stipulation(s) and shall be vacated in accordance with the terms of the applicable Settlement Stipulation(s).



16. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed.

Dated: New York, New York  
September 13, 2011

  
**Honorable Barbara S. Jones**  
**UNITED STATES DISTRICT JUDGE**



CGL 12/21/05 14:10

3:04-CV-00676 MCBRIDE V. TITAN CORPORATION

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: *[Signature]* DEPUTY

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re TITAN, INC. SECURITIES  
LITIGATION

) Master File No. 04-CV-0676-LAB(NLS)  
) (Consolidated with 04-CV-0701-K(NLS))

This Document Relates To:

) CLASS ACTION

ALL ACTIONS.

) ~~PROPOSED~~ ORDER AWARDING  
ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES,  
INCLUDING LEAD PLAINTIFF'S  
EXPENSES

DATE: December 19, 2005  
TIME: 10:30 a.m.  
COURTROOM: The Honorable  
Larry Alan Burns

*106*

1 THIS MATTER having come before the Court on December 19, 2005, on the application of  
2 Plaintiffs' Counsel for an award of attorneys' fees and reimbursement of expenses incurred in the  
3 Litigation; the Court, having considered all papers filed and proceedings conducted herein, having  
4 found the settlement of this Litigation to be fair, reasonable and adequate and otherwise being fully  
5 informed in the premises and good cause <sup>as fully recited on the record,</sup> appearing therefor;

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

7 1. All of the capitalized terms used herein shall have the same meanings as set forth in  
8 the Stipulation of Settlement dated as of July 22, 2005 (the "Stipulation").

9 2. This Court has jurisdiction over the subject matter of this application and all matters  
10 relating thereto, including all Members of the Settlement Class who have not timely and validly  
11 requested exclusion.

12 3. The Court finds that the percentage fee negotiated with the Lead Plaintiff at the outset  
13 of the case enjoys a presumption of reasonableness. The Court further finds that the presumption  
14 that a 25% fee award is reasonable has not been rebutted.

15 4. The Court finds that the amount of fees awarded is fair and reasonable under the  
16 "percentage-of-recovery" method.

17 5. The Court finds that a fee award of 25% is consistent with awards made in similar  
18 cases.

19 6. The Court has considered the objections received from Steven W. Suflas and New  
20 York State Teachers' Retirement System. The Court finds these objections to be without merit and  
21 hereby overrules all objections concerning payment of attorneys' fees and expenses.

22 7. The Court hereby awards Plaintiffs' Counsel attorneys' fees of 25% of the Settlement  
23 Fund and reimbursement of expenses in an aggregate amount of \$247,549.25 together with the  
24 interest earned thereon for the same time period and at the same rate as that earned on the Settlement  
25 Fund until paid. Said fees shall be allocated by Plaintiffs' Co-Lead Counsel in a manner which, in  
26 their good-faith judgment, reflects each counsel's contribution to the institution, prosecution and  
27 resolution of the Litigation.

1           8.       The awarded attorneys' fees and expenses, and interest earned thereon, shall be paid  
2 to Plaintiffs' Co-Lead Counsel from the Settlement Fund immediately after the date this Order is  
3 executed subject to the terms, conditions, and obligations of the Stipulation and in particular ¶6.2  
4 thereof, which terms, conditions, and obligations are incorporated herein.

5           9.       Pursuant to 15 U.S.C. §78u-4(a)(4), Lead Plaintiff Israel Shurkin is awarded the  
6 amount of \$2,050 for reimbursement of time and expenses incurred in representing the Securities  
7 Class.

8           IT IS SO ORDERED.

9           DATED: 12-19-05

*Larry A. Burns*  
\_\_\_\_\_  
THE HONORABLE LARRY ALAN BURNS  
UNITED STATES DISTRICT JUDGE

12 Submitted by:  
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212/685-2306 (fax)

Counsel for the Holder Class

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# **EXHIBIT 11**

		Count	Low Rate (%Δ)	25th Percentile Rate (%Δ)	Median Rate (%Δ)	75th Percentile Rate (%Δ)	High Rate (%Δ)
<b>Partners</b>							
All Partners	<b>2018</b>	<b>519</b>	<b>\$734 (+13%)</b>	<b>\$1,045 (+5%)</b>	<b>\$1,150 (+5%)</b>	<b>\$1,364 (+3%)</b>	<b>\$1,725 (+13%)</b>
	2017	545	\$650 (+24%)	\$995 (+7%)	\$1,100 (+7%)	\$1,325 (+10%)	\$1,525 (+7%)
	2016	245	\$525 (-22%)	\$930 (+6%)	\$1,025 (+5%)	\$1,200 (+9%)	\$1,425 (+2%)
	2015	206	\$675 (+17%)	\$876 (+4%)	\$975 (+3%)	\$1,102 (+1%)	\$1,400 (+14%)
	2014	185	\$575 (+0%)	\$840 (+3%)	\$950 (-3%)	\$1,095 (-0%)	\$1,225 (+6%)
	2013	239	\$575 (+28%)	\$815 (+3%)	\$975 (+11%)	\$1,100 (+11%)	\$1,160 (-2%)
	2012	217	\$450	\$790	\$875	\$995	\$1,180
Sr. Partners	<b>2018</b>	<b>366</b>	<b>\$759 (+17%)</b>	<b>\$1,075 (+8%)</b>	<b>\$1,250 (+11%)</b>	<b>\$1,450 (+9%)</b>	<b>\$1,725 (+13%)</b>
	2017	460	\$650 (-26%)	\$1,000 (-4%)	\$1,130 (-2%)	\$1,330 (+4%)	\$1,525 (+7%)
	2016	191	\$875 (+25%)	\$1,044 (+16%)	\$1,150 (+18%)	\$1,275 (+13%)	\$1,425 (+2%)
	2015	141	\$700 (+22%)	\$900 (+1%)	\$975 (-2%)	\$1,125 (+0%)	\$1,400 (+14%)
	2014	139	\$575 (+0%)	\$893 (+2%)	\$995 (+0%)	\$1,125 (-0%)	\$1,225 (+6%)
	2013	182	\$575 (+28%)	\$875 (+7%)	\$993 (+8%)	\$1,129 (+10%)	\$1,160 (-2%)
	2012	168	\$450	\$818	\$915	\$1,030	\$1,180
Mid-Level Partners	<b>2018</b>	<b>64</b>	<b>\$750 (+15%)</b>	<b>\$1,045 (+16%)</b>	<b>\$1,110 (+9%)</b>	<b>\$1,191 (+11%)</b>	<b>\$1,480 (+14%)</b>
	2017	54	\$650 (-4%)	\$900 (+6%)	\$1,015 (+8%)	\$1,075 (+5%)	\$1,295 (+11%)
	2016	32	\$675 (+0%)	\$850 (+0%)	\$940 (+5%)	\$1,025 (+7%)	\$1,165 (-6%)
	2015	23	\$675 (+5%)	\$848 (+5%)	\$895 (+7%)	\$955 (+7%)	\$1,245 (+16%)
	2014	25	\$640 (+1%)	\$810 (+8%)	\$840 (+2%)	\$895 (+4%)	\$1,075 (+5%)
	2013	23	\$635 (+15%)	\$750 (+7%)	\$825 (+10%)	\$863 (+5%)	\$1,025 (-9%)
	2012	27	\$550	\$700	\$750	\$818	\$1,125
Jr. Partners	<b>2018</b>	<b>89</b>	<b>\$734 (+13%)</b>	<b>\$1,015 (+13%)</b>	<b>\$1,055 (+8%)</b>	<b>\$1,120 (+8%)</b>	<b>\$1,375 (+26%)</b>
	2017	28	\$650 (+24%)	\$898 (-0%)	\$980 (+4%)	\$1,035 (+6%)	\$1,095 (+4%)
	2016	22	\$525 (-25%)	\$900 (+9%)	\$940 (+7%)	\$975 (+7%)	\$1,050 (+6%)
	2015	23	\$700 (-7%)	\$825 (+6%)	\$880 (+12%)	\$915 (+12%)	\$995 (+2%)
	2014	14	\$750 (+3%)	\$775 (+0%)	\$785 (+1%)	\$819 (-3%)	\$975 (-15%)
	2013	28	\$725 (+14%)	\$774 (+7%)	\$780 (+7%)	\$846 (+7%)	\$1,150 (+5%)
	2012	17	\$635	\$725	\$730	\$790	\$1,100



		Count	Low Rate (%Δ)	25th Percentile Rate (%Δ)	Median Rate (%Δ)	75th Percentile Rate (%Δ)	High Rate (%Δ)
<b>Of Counsel</b>	<b>2018</b>	<b>151</b>	<b>\$590 (+69%)</b>	<b>\$850 (+3%)</b>	<b>\$950 (+0%)</b>	<b>\$1,050 (+3%)</b>	<b>\$1,350 (+4%)</b>
	2017	227	\$350 (-47%)	\$825 (+6%)	\$950 (+16%)	\$1,015 (+4%)	\$1,295 (+13%)
	2016	81	\$660 (+32%)	\$775 (+12%)	\$818 (+5%)	\$978 (+12%)	\$1,145 (+2%)
	2015	53	\$500 (-9%)	\$695 (+7%)	\$778 (+0%)	\$875 (-1%)	\$1,125 (+10%)
	2014	53	\$550 (+16%)	\$650 (-8%)	\$775 (-2%)	\$885 (+2%)	\$1,025 (-11%)
	2013	67	\$475 (+6%)	\$710 (+5%)	\$790 (+5%)	\$870 (+9%)	\$1,150 (+0%)
	2012	53	\$450	\$675	\$750	\$795	\$1,150
<b>Associates</b>							
<b>All Associates</b>	<b>2018</b>	<b>929</b>	<b>\$275 (-5%)</b>	<b>\$600 (+8%)</b>	<b>\$750 (+3%)</b>	<b>\$875 (+5%)</b>	<b>\$1,500 (+48%)</b>
	2017	956	\$290 (-17%)	\$555 (+1%)	\$725 (+7%)	\$835 (+5%)	\$1,015 (+7%)
	2016	362	\$350 (+56%)	\$550 (+15%)	\$675 (+15%)	\$795 (+10%)	\$945 (+8%)
	2015	320	\$225 (+10%)	\$480 (-1%)	\$585 (-4%)	\$725 (+1%)	\$875 (-3%)
	2014	322	\$205 (+3%)	\$485 (+1%)	\$610 (+3%)	\$720 (+3%)	\$900 (+3%)
	2013	457	\$200 (-11%)	\$480 (+7%)	\$595 (+5%)	\$700 (+9%)	\$875 (+3%)
	2012	293	\$225	\$450	\$565	\$645	\$850
<b>Sr. Associates</b>	<b>2018</b>	<b>150</b>	<b>\$275 (-31%)</b>	<b>\$835 (+5%)</b>	<b>\$930 (+5%)</b>	<b>\$975 (+5%)</b>	<b>\$1,500 (+51%)</b>
	2017	230	\$400 (-11%)	\$795 (+10%)	\$885 (+7%)	\$930 (+5%)	\$995 (+8%)
	2016	62	\$450 (+14%)	\$725 (+12%)	\$830 (+14%)	\$885 (+13%)	\$920 (+8%)
	2015	53	\$395 (+32%)	\$650 (+8%)	\$730 (-2%)	\$780 (+0%)	\$850 (-6%)
	2014	69	\$300 (+9%)	\$600 (+0%)	\$745 (+5%)	\$780 (+2%)	\$900 (+3%)
	2013	106	\$275 (-8%)	\$600 (+4%)	\$710 (+9%)	\$765 (+4%)	\$875 (+6%)
	2012	50	\$300	\$575	\$650	\$735	\$825
<b>Mid-Level Associates</b>	<b>2018</b>	<b>378</b>	<b>\$425 (+31%)</b>	<b>\$750 (+17%)</b>	<b>\$830 (+14%)</b>	<b>\$890 (+10%)</b>	<b>\$1,075 (+6%)</b>
	2017	400	\$325 (-13%)	\$640 (-4%)	\$725 (-1%)	\$810 (+1%)	\$1,015 (+7%)
	2016	142	\$375 (+15%)	\$666 (+31%)	\$735 (+16%)	\$803 (+13%)	\$945 (+12%)
	2015	104	\$325 (+5%)	\$508 (-13%)	\$635 (-5%)	\$710 (-1%)	\$845 (+4%)
	2014	134	\$310 (+13%)	\$584 (+10%)	\$665 (+8%)	\$720 (+5%)	\$810 (-5%)
	2013	224	\$275 (-8%)	\$530 (+12%)	\$615 (+7%)	\$685 (+6%)	\$850 (+0%)

		<b>Count</b>	<b>Low</b>	<b>25th</b>	<b>Median</b>	<b>75th</b>	<b>High</b>
			<b>Rate (%Δ)</b>	<b>Rate (%Δ)</b>	<b>Rate (%Δ)</b>	<b>Rate (%Δ)</b>	<b>Rate (%Δ)</b>
	2012	125	\$300	\$475	\$575	\$645	\$850
Jr. Associates	2018	402	\$375 (+29%)	\$535 (+9%)	\$610 (+16%)	\$675 (+5%)	\$895 (+0%)
	2017	301	\$290 (-17%)	\$490 (+3%)	\$525 (-6%)	\$640 (+6%)	\$895 (+3%)
	2016	126	\$350 (+56%)	\$475 (+6%)	\$560 (+17%)	\$605 (+14%)	\$870 (+25%)
	2015	88	\$225 (-4%)	\$449 (+1%)	\$480 (+5%)	\$531 (+1%)	\$695 (-9%)
	2014	88	\$235 (-6%)	\$444 (+3%)	\$458 (+3%)	\$525 (+6%)	\$760 (-4%)
	2013	95	\$250 (+11%)	\$430 (+5%)	\$445 (-1%)	\$495 (-4%)	\$795 (+15%)
	2012	90	\$225	\$410	\$450	\$514	\$690

	Count	Low	25th Percentile	Median	75th Percentile	High
<b>Partners</b>						
1) Kirkland & Ellis LLP	176	\$930	\$1,078	\$1,160	\$1,325	\$1,725
2) Proskauer Rose LLP	29	\$759	\$759	\$759	\$1,125	\$1,625
3) Morrison & Foerster LLP	24	\$800	\$980	\$1,025	\$1,125	\$1,500
4) Sidley Austin LLP	13	\$925	\$1,038	\$1,125	\$1,219	\$1,500
5) Well, Gotshal & Manges LLP	62	\$950	\$1,125	\$1,245	\$1,450	\$1,500
6) Willkie Farr & Gallagher LLP	15	\$1,025	\$1,275	\$1,400	\$1,500	\$1,500
7) Akin Gump Strauss Hauer & Feld LLP	39	\$860	\$970	\$1,070	\$1,266	\$1,475
8) Paul, Weiss, Rifkind, Wharton, & Garrison LLP	25	\$1,017	\$1,395	\$1,470	\$1,470	\$1,470
9) Milbank, Tweed, Hadley & McCloy LLP	16	\$1,030	\$1,465	\$1,465	\$1,465	\$1,465
10) Jones Day	36	\$750	\$900	\$975	\$1,050	\$1,450
11) Latham & Watkins LLP	26	\$1,030	\$1,060	\$1,250	\$1,295	\$1,395
12) Paul Hastings LLP	14	\$1,050	\$1,131	\$1,188	\$1,250	\$1,395
13) Kramer Levin Naftalis & Frankel	14	\$995	\$1,088	\$1,113	\$1,194	\$1,295
14) Skadden, Arps, Slate, Meagher, & Flom LLP	4	\$975	\$975	\$1,071	\$1,197	\$1,290
15) Quinn Emanuel Urquhart & Sullivan, LLP	5	\$734	\$855	\$1,080	\$1,188	\$1,225
16) Kasowitz Benson Torres LLP	2	\$1,050	\$1,088	\$1,125	\$1,163	\$1,200
17) O'Melveny & Myers LLP	15	\$808	\$808	\$871	\$1,016	\$1,148
18) Davis Polk & Wardwell LLP	4	\$1,001	\$1,001	\$1,001	\$1,001	\$1,001
19) Labaton Sucharow LLP	17	\$775	\$875	\$900	\$975	\$995

**Of Counsel**

1) Jones Day	4	\$590	\$875	\$990	\$1,065	\$1,350
2) Paul Hastings LLP	8	\$795	\$1,024	\$1,163	\$1,200	\$1,350
3) Kirkland & Ellis LLP	6	\$590	\$1,003	\$1,160	\$1,290	\$1,325
4) Latham & Watkins LLP	6	\$990	\$990	\$1,010	\$1,150	\$1,250
5) Sidley Austin LLP	6	\$750	\$875	\$875	\$888	\$1,200
6) Paul, Weiss, Rifkind, Wharton, & Garrison LLP	12	\$1,015	\$1,050	\$1,050	\$1,095	\$1,095
7) Akin Gump Strauss Hauer & Feld LLP	38	\$860	\$815	\$885	\$910	\$1,090
8) Morrison & Foerster LLP	12	\$700	\$850	\$880	\$938	\$1,075
9) Milbank, Tweed, Hadley & McCloy LLP	5	\$1,015	\$1,040	\$1,065	\$1,065	\$1,065
10) Skadden, Arps, Slate, Meagher, & Flom LLP	4	\$975	\$1,020	\$1,040	\$1,047	\$1,052
11) Well, Gotshal & Manges LLP	19	\$940	\$990	\$990	\$990	\$1,050
12) Willkie Farr & Gallagher LLP	2	\$1,015	\$1,015	\$1,015	\$1,015	\$1,015
13) Proskauer Rose LLP	2	\$759	\$867	\$975	\$975	\$975
14) Kramer Levin Naftalis & Frankel	7	\$935	\$935	\$935	\$943	\$950
15) Davis Polk & Wardwell LLP	4	\$823	\$823	\$823	\$835	\$872
16) O'Melveny & Myers LLP	16	\$646	\$692	\$706	\$740	\$808
17) Labaton Sucharow LLP	5	\$600	\$700	\$700	\$775	\$775

**Associates**

	Count	Low	25th Percentile	Median	75th Percentile	High
1) Sidley Austin LLP	32	\$495	\$675	\$793	\$860	\$1,500
2) Kirkland & Ellis LLP	231	\$465	\$675	\$770	\$875	\$1,075
3) Paul, Weiss, Rifkind, Wharton, & Garrison LLP	54	\$610	\$690	\$865	\$895	\$1,015
4) Latham & Watkins LLP	29	\$535	\$660	\$755	\$930	\$1,005
5) Weil, Gotshal & Manges LLP	230	\$395	\$575	\$750	\$875	\$1,005
6) Milbank, Tweed, Hadley & McCloy LLP	51	\$390	\$565	\$790	\$835	\$995
7) Willkie Farr & Gallagher LLP	32	\$525	\$660	\$790	\$890	\$990
8) Paul Hastings LLP	23	\$610	\$675	\$788	\$845	\$955
9) Proskauer Rose LLP	33	\$545	\$759	\$759	\$759	\$950
10) Skadden, Arps, Slate, Meagher, & Flom LLP	13	\$524	\$595	\$595	\$816	\$937
11) Kramer Levin Naftalis & Frankel	25	\$515	\$680	\$795	\$856	\$935
12) Morrison & Foerster LLP	50	\$275	\$525	\$600	\$765	\$875
13) Jones Day	44	\$350	\$475	\$575	\$663	\$850
14) Akin Gump Strauss Hauer & Feld LLP	45	\$495	\$590	\$645	\$725	\$835
15) Quinn Emanuel Urquhart & Sullivan, LLP	4	\$550	\$603	\$680	\$788	\$820
16) Labaton Sucharow LLP	31	\$375	\$460	\$510	\$585	\$725
17) Davis Polk & Wardwell LLP	15	\$410	\$490	\$679	\$679	\$721
18) O'Melveny & Myers LLP	16	\$412	\$489	\$623	\$625	\$650
19) Kasowitz Benson Torres LLP	2	\$380	\$410	\$440	\$470	\$500

### Paralegals

1) Akin Gump Strauss Hauer & Feld LLP	26	\$185	\$250	\$330	\$385	\$675
2) Latham & Watkins LLP	6	\$380	\$395	\$405	\$440	\$500
3) Proskauer Rose LLP	17	\$260	\$260	\$260	\$260	\$460
4) Kirkland & Ellis LLP	58	\$210	\$250	\$310	\$380	\$440
5) Paul Hastings LLP	8	\$295	\$385	\$405	\$405	\$430
6) Sidley Austin LLP	3	\$350	\$355	\$410	\$410	\$410
7) Willkie Farr & Gallagher LLP	7	\$240	\$240	\$278	\$344	\$395
8) Skadden, Arps, Slate, Meagher, & Flom LLP	24	\$209	\$285	\$347	\$367	\$390
9) Morrison & Foerster LLP	10	\$230	\$340	\$340	\$355	\$385
10) Kramer Levin Naftalis & Frankel	7	\$370	\$370	\$370	\$380	\$380
11) Weil, Gotshal & Manges LLP	54	\$140	\$220	\$295	\$350	\$375
12) Milbank, Tweed, Hadley & McCloy LLP	12	\$200	\$210	\$265	\$280	\$355
13) Jones Day	3	\$275	\$275	\$325	\$338	\$350
14) Paul, Weiss, Rifkind, Wharton, & Garrison LLP	23	\$280	\$300	\$350	\$350	\$350
15) Davis Polk & Wardwell LLP	3	\$343	\$343	\$343	\$343	\$343
16) Labaton Sucharow LLP	14	\$295	\$325	\$325	\$325	\$340
17) Quinn Emanuel Urquhart & Sullivan, LLP	2	\$302	\$305	\$308	\$312	\$315
18) O'Melveny & Myers LLP	2	\$204	\$232	\$259	\$287	\$315
19) Kasowitz Benson Torres LLP	3	\$175	\$223	\$270	\$273	\$275