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13
 14
 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17
 18 In re VAXART, INC. SECURITIES
 LITIGATION

Case No. 3:20-cv-05949-VC

CLASS ACTION

19
 20
 21 *This Document Relates to:*
 22 *ALL ACTIONS*

**PLAINTIFFS' COUNSEL'S NOTICE OF
 MOTION AND MOTION FOR AN
 AWARD OF ATTORNEYS' FEES,
 LITIGATION EXPENSES, AND AWARD
 TO PLAINTIFFS, AND MEMORANDUM
 IN SUPPORT THEREOF**

Hearing Date: January 12, 2023
 Time: 10:00 A.M.
 Courtroom: 4, 17th Floor
 Judge: Hon. Vince Chhabria

23
 24
 25
 26
 27
 28

TABLE OF CONTENTS

Page

1

2

3 I. INTRODUCTION 2

4 II. PLAINTIFFS’ COUNSEL’S REQUESTED 25% ATTORNEYS’ FEE

5 AWARD IS FAIR AND REASONABLE, AND SHOULD BE APPROVED 4

6 A. Counsel Are Entitled to a Reasonable Fee from the Common Fund

7 They Obtained 4

8 B. The Court Should Award a Percentage-of-the Recovery-Based

9 Attorney’s Fee 5

10 C. A Fee of 25% of the Settlement Fund Is Reasonable Under Either the

11 Percentage-of-Recovery Method or Lodestar Method 6

12 1. The Requested 25% Fee Is Presumptively Reasonable As It

13 Accords With the Ninth Circuit’s 25% “Benchmark” Fee 6

14 2. A “Lodestar Crosscheck” Strongly Supports the Requested

15 25% Fee, As It Equates To A Decidedly Below-Average

16 Multiplier 7

17 D. Additional Factors Considered by Courts in the Ninth Circuit Also

18 Strongly Support Approval of the Requested Fee 9

19 1. The Results Achieved 10

20 2. Risks of Litigation 10

21 3. Skill Required and Quality of Work 11

22 4. The Contingent Nature of Plaintiff’s Counsel’s Representation 12

23 5. Awards in Similar Cases 13

24 6. The Settlement Class’s Reaction to Date Supports the

25 Requested Fee 13

26 III. PLAINTIFFS’ COUNSEL’S LITIGATION EXPENSES ARE

27 REASONABLE AND SHOULD BE APPROVED 14

28 IV. THE AWARD TO PLAINTIFFS SHOULD BE APPROVED 15

V. CONCLUSION 16

TABLE OF AUTHORITIES

Page(s)

CASES

1

2

3

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21 654 F.3d 935 (9th Cir. 2011)..... 6, 7

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1 **NOTICE OF MOTION AND MOTION**

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

3 **PLEASE TAKE NOTICE** that on January 12, 2023, at 10:00 a.m. PST, via Zoom, the
4 Honorable Vince Chhabria presiding, the Court-appointed Lead Plaintiffs, Wei Huang (“Huang”) and
5 Langdon Elliot (“Elliot”) (collectively, “Lead Plaintiffs”), and Additional Plaintiff Ani Hovhannisyan
6 (“Hovhannisyan”) (together with Lead Plaintiffs, “Plaintiffs”) will and hereby do move for an Order
7 pursuant to Federal Rule of Civil Procedure (“Rule”) 23 granting an award of attorneys’ fees, litigation
8 expenses, and an award to Plaintiffs.

9 This motion is based upon this Notice of Motion and Motion (together, the “Motion”); the
10 supporting Memorandum that follows; the accompanying declarations, including the Joint Declaration
11 of Reed R. Kathrein and William C. Fredericks in Support of (i) Plaintiffs’ Motion for Final Approval
12 and (ii) Plaintiffs’ Counsel’s Motion for Award of Attorneys’ Fees and Expenses, dated December 8,
13 2022 (the “Joint Decl.”); the separate Declarations of Reed R. Kathrein, William C. Fredericks, and
14 Brian J. Schall on behalf of their respective firms in support of Plaintiffs’ Counsel’s Fee and Expense
15 Application (the “Kathrein Decl.,” “Fredericks Decl.,” and “Schall Decl.”); the Stipulation and
16 Agreement of Settlement, dated July 27, 2022 (the “Stipulation”); the pleadings and records on file in
17 the Action; the arguments of counsel; and all such other matters as the Court may consider in evaluating
18 the Motion.

19 **STATEMENT OF ISSUES TO BE DECIDED**

- 20 1. Whether the Court should approve Plaintiffs’ Counsel’s request for an award of 25%
21 of the Settlement Fund as attorneys’ fees in connection with the Settled Claims.
- 22 2. Whether the Court should approve Plaintiffs’ Counsel’s request for reimbursement of
23 litigation expenses.
- 24 3. Whether the Court should approve each Plaintiffs’ request for an award of \$3,300
25 pursuant to 15 U.S.C. § 78u-4(a)(4) (totaling \$9,900 in the aggregate).
- 26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiffs' Counsel respectfully submits this Memorandum of Points and Authorities in support
3 of its motion for: (i) an award of attorneys' fees in the amount of 25% of the Settlement Fund;
4 (ii) reimbursement of its litigation expenses in the amount of \$99,468.65; and (iii) awards to each of
5 the three representative Plaintiffs in the amount of \$3,300.¹

6 **I. INTRODUCTION**

7 Following over two years of dedicated litigation efforts, Plaintiffs' Counsel, Hagens Berman
8 Sobol Shapiro LLP ("Hagens Berman") and Scott + Scott Attorneys at Law LLP ("Scott + Scott"),
9 successfully negotiated a settlement of the Action with the Settling Defendants. If approved by the
10 Court, the Settlement will resolve this litigation in its entirety in exchange for \$12,015,000 in cash.
11 The Settlement not only eliminates the risks of continued litigation—including overcoming the
12 Settling Defendants' challenges to liability, scienter, loss causation, and damages, as well as the
13 uncertainties, delays, and expense of litigating the Action through the completion of discovery, class
14 certification, summary judgment, trial, and post-trial appeals, but it also represents a meaningful
15 percentage of the Settlement Class's potential damages as estimated by Plaintiffs' damages consultant.
16 By any measure, the Settlement is an excellent result for the Settlement Class.

17 In order to achieve this recovery, Plaintiffs' Counsel vigorously pursued this Action against
18 widely respected defense counsel (Thompson Hine LLP and Goodwin Procter LLP) on a fully
19 contingent basis, and in the face of significant litigation risk. Plaintiffs' Counsel conducted a thorough
20 pre-filing investigation, fought two motions to dismiss, succeeded in defeating the Settling
21 Defendants' efforts to dismiss the Exchange Act claims brought against them that were based on Rule
22 10b-5(b) violations (for making false or misleading statements); commenced document discovery, and
23 reviewed a significant quantum of "priority" documents that Plaintiffs' Counsel had successfully

24 _____
25 ¹ All capitalized terms not defined herein have the meanings ascribed to them in the Stipulation.
26 Unless otherwise noted, all internal quotation marks and citations in quoted materials are omitted, and
27 all emphasis is added. The Joint Declaration is an integral part of this submission and, for the sake of
28 brevity, the Court is respectfully referred to it for a detailed description of, *inter alia*: the Action's
procedural history; the claims asserted; the negotiations leading to the Settlement; the risks of
continued litigation; and Plaintiffs' Counsel's work on behalf of the Settlement Class.

1 insisted upon obtaining from Vaxart early on in discovery. Moreover, the Settlement was only reached
2 after an extended arm’s-length mediation process conducted under the auspices of a highly experienced
3 mediator, the Hon. Layn Phillips (U.S.D.J., ret.) of Phillips ADR (the “Mediator”), and is based on
4 Judge Phillips’s “mediator’s proposal”—which the Settling Parties only accepted (following further
5 negotiations) after an earlier full-day mediation session had failed to result in an agreement). Joint
6 Decl., ¶¶ 5, 22, 26. And as discussed below, despite both significant merits and collectability risks,
7 Plaintiffs’ counsel were not only able to negotiate a \$12.015 million *partial* settlement that, standing
8 alone, not only represents an above-average result based on a number of objective metrics but, as part
9 of the settlement process, were also able to obtain significant additional discovery from Vaxart that
10 counsel have been able to use to re-plead the Class’s *non-settled* claims against the non-Settling
11 Armistice-affiliated defendants—claims that may well be even more valuable than the Settled Claims.

12 As compensation for their efforts in connection with obtaining a superior partial settlement on
13 behalf of the Settlement Class, Plaintiffs’ Counsel seek attorneys’ fees in the amount of 25% of the
14 Settlement Fund. As set forth herein, the requested 25% fee (equal to \$3,003,750, excluding interest)
15 conforms to the 25% “benchmark” fee level endorsed by the Ninth Circuit (*see In re Pac. Enters. Sec.*
16 *Litig.*, 47 F.3d 373, 379 (9th Cir. 1995) (endorsing 25% benchmark fee in common fund cases).
17 Moreover, despite the commendable partial recovery here, the requested 25% fee equates to a
18 “negative” multiplier (discount) factor of only 0.86 on Plaintiffs’ Counsel’s lodestar—which is
19 decidedly at the low end of the range of multipliers routinely awarded in other similarly complex class
20 actions. *Cf. Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1051, n.6 (9th Cir. 2002) (describing positive
21 lodestar multipliers of 1.0x to 4.0x as common).

22 Plaintiffs’ Counsel also requests reimbursement from the Settlement Fund of \$99,468.65 in
23 expenses (plus interest), which are all for types of expense (such as filing fees, electronic research
24 costs, expert fees, mediation fees) that are reasonably incurred—and routinely reimbursed—in
25 securities and other class actions.

26 Finally, Plaintiffs’ Counsel support the three representative Plaintiffs’ requests for relatively
27 modest awards of \$3,300 each (totaling \$9,900 in aggregate) pursuant to 15 U.S.C. § 78u-4(a)(4) in
28 connection with their representation of the Settlement Class. These awards should also be approved.

1 The deadline for Settlement Class Members to object to any aspect of the Fee and Expense
 2 Application has not yet passed. However, over 195,000 Notices have been mailed to potential
 3 Settlement Class Members. *See* Declaration of Adam Walter (“Walter Decl.”) at ¶ 3. Those Notices
 4 clearly advised recipients that (a) Plaintiffs’ Counsel would be seeking up to a 30% fee award, plus
 5 litigation expenses of up to \$150,000 and total awards to plaintiffs of up to \$10,000 and (b) Class
 6 Members could submit written objection to any aspect of these requests until December 22, 2022.
 7 Nonetheless, to date *no* objections to even those higher-than-actually-requested amounts have been
 8 received. Joint Decl., ¶ 59. Should any objections be received, Plaintiffs’ Counsel will address them
 9 in Reply papers.

10 In sum, for the reasons discussed herein, Plaintiffs’ Counsel respectfully submit that, under
 11 applicable legal standards and relevant Ninth Circuit case law, their requested 25% attorney’s fee, their
 12 requested \$99,468.65 in litigation expenses, and the representative Plaintiffs’ request for modest
 13 awards of \$3,300 each, are all fair and reasonable, and should be approved in full.²

14 **II. PLAINTIFFS’ COUNSEL’S REQUESTED 25% ATTORNEYS’ FEE AWARD IS**
 15 **FAIR AND REASONABLE, AND SHOULD BE APPROVED**

16 **A. Counsel Are Entitled to a Reasonable Fee from the Common Fund They Obtained**

17 It is well-established that “a private plaintiff, or his attorney, whose efforts create, discover,
 18 increase or preserve a fund to which others also have a claim is entitled to recover from the fund the
 19 costs of his litigation, including attorneys’ fees.” *Vincent v. Hughes Air W., Inc.*, 557 F.2d 759, 769
 20 (9th Cir. 1977); *see also Stetson v. Grissom*, 821 F.3d 1157, 1165 (9th Cir. 2016). Further, the Supreme
 21 Court “has recognized consistently that a litigant or a lawyer who recovers a common fund for the
 22 benefit of persons other than himself or his client is entitled to a reasonable attorney’s fee from the
 23 fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). The policy rationale for

24
 25 ² Consistent with the Court’s established practice, unless the Court otherwise modifies it, Plaintiff’s
 26 [Proposed] Order Approving Fee and Expense Application (the “Proposed Fee Order”, which is being
 27 filed separately filed herewith) provides that 10% of any attorneys’ fees awarded will be withheld until
 28 after the Court approves a Final Distribution Order at the close of the claims administration process
 pursuant to ¶ 4.10 of the Stipulation of Settlement. Plaintiffs’ Counsel respectfully submit that certainly
 no larger hold-back is warranted here, especially given that they will be continuing to litigate the non-
 settled claims in this Action against the Armistice-affiliated defendants.

1 awarding attorneys’ fees from a common fund is that “those who benefit from the creation of the fund
2 should share the wealth with the lawyers whose skill and effort helped create it.” *In re Wash. Pub.*
3 *Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300 (9th Cir. 1994) (“WPPSS”).

4 In addition to providing just compensation, an award of reasonable attorneys’ fees from a
5 common fund ensures that “competent counsel continue to be willing to undertake risky [and] complex
6 ... litigation.” *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 198 (3d Cir. 2000). In this regard,
7 the Supreme Court has also emphasized that private securities actions, such as this, provide “a most
8 effective weapon in the enforcement of the securities laws and are a necessary supplement to [SEC]
9 action.” *Bateman Eichler, Hill Richards, Inc. v. Berner*, 472 U.S. 299, 310 (1985); *Tellabs, Inc. v.*
10 *Makor Issues & Rights Ltd.*, 551 U.S. 308, 313 (2007) (same).

11 **B. The Court Should Award a Percentage-of-the Recovery-Based Attorney’s Fee**

12 Where a settlement produces a common fund, courts in this Circuit may employ either the
13 percentage-of-recovery method or the lodestar method in awarding attorneys’ fees. *WPPSS*, 19 F.3d
14 at 1296; *Vizcaino*, 290 F.3d at 1047. However, notwithstanding that discretion, the percentage-of-
15 recovery method is now clearly the prevailing method used in this Circuit. *See, e.g., Glass v. UBS Fin.*
16 *Servs., Inc.*, 331 F. App’x 452, 456-57 (9th Cir. 2009) (affirming use of percentage-of-recovery method
17 to award 25% fee); *In re Apple Inc. Device Performance Litig.*, 2021 WL 1022866, at *2 (N.D. Cal.
18 Mar. 17, 2021) (finding use of the “percentage-of-the-fund method in common-fund cases” to be the
19 “prevailing practice in the Ninth Circuit for awarding attorneys’ fees”); *In re OmniVision Techs., Inc.*,
20 559 F. Supp. 2d 1036, 1046 (N.D. Cal. 2008) (similar).

21 Courts prefer the percentage-of-recovery method in common-fund cases because it: (i) parallels
22 the use of percentage-based contingency fee contracts, which are the norm in private litigation;
23 (ii) aligns the lawyers’ interests with those of the class in achieving the maximum possible recovery;
24 and (iii) reduces the burden on courts by eliminating the need for full-blown and time-consuming
25 “lodestar method” analysis. *See Apple Inc. Device*, 2021 WL 1022866, at *2; *In re Activision Sec.*
26 *Litig.*, 723 F. Supp. 1373, 1374-77 (N.D. Cal. 1989) (collecting cases). In addition, the use of the
27 percentage-of-recovery method comports with the language of the PSLRA, which states that “[t]otal
28 attorneys’ fees and expenses awarded by the court to counsel for the plaintiff class shall not exceed a

1 *reasonable percentage* of the amount of any damages and prejudgment interest actually paid to the
 2 class.” 15 U.S.C. § 78u-4(a)(6); *see also* *Nguyen v. Radiet Pharma. Corp.*, 2014 WL 1802293, at *9
 3 (C.D. Cal. May 6, 2014) (“[T]he PSLRA has made percentage-of-recovery the standard for
 4 determining whether attorney’s fees are reasonable.”) (quoting *In re Cendant Corp. Sec. Litig.*, 404
 5 F.3d 173, 188 n.7 (3d Cir. 2005)).

6 **C. A Fee of 25% of the Settlement Fund Is Reasonable Under Either the Percentage-of-
 7 Recovery Method or Lodestar Method**

8 Whether assessed under the prevailing percentage-of-recovery method or the lodestar method,
 9 the 25% fee request in this case—which represents a *negative* multiplier (discount) factor of 0.86 on
 10 the time spent on litigating and settling the claims that are being released in the Settlement (the “Settled
 11 Claims)—is fair and reasonable.

12 **1. The Requested 25% Fee Is Presumptively Reasonable As It Accords With the
 13 Ninth Circuit’s 25% “Benchmark” Fee**

14 The Ninth Circuit has held that, in common-fund cases such as this, the “benchmark”
 15 percentage attorney fee award is 25% of the recovery. *See, e.g., In re Online DVD-Rental Antitrust*
 16 *Litig.*, 779 F.3d 934, 949 (9th Cir. 2015) (“[I]n this circuit, the benchmark percentage is 25%.”); *In re*
 17 *Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 942 (9th Cir. 2011) (“courts typically calculate
 18 25% of the fund as the ‘benchmark’ for a reasonable fee award, providing adequate explanation in the
 19 record of any ‘special circumstances’ justifying a departure”); *Fischel v. Equitable Life Assur. Soc’y*
 20 *of the U.S.*, 307 F.3d 997, 1006 (9th Cir. 2002) (citing 25% fee “benchmark” in common fund cases).
 21 As a result, courts in this District have found 25% fee awards to be “presumptively reasonable.” *In re*
 22 *Anthem, Inc. Data Breach Litig.*, 2018 WL 3960068, at *4 (N.D. Cal. Aug. 17, 2018) (“[I]t is well
 23 established that 25% of a common fund is a presumptively reasonable amount of attorneys’ fees.”);
 24 *Booth v. Strategic Realty Trust, Inc.*, 2015 WL 6002919, at *7 (N.D. Cal. Oct. 15, 2015) (“[T]he 25%
 25 award requested by Class Counsel is equal to the ‘benchmark’ percentage for a reasonable fee award
 26 in the Ninth Circuit. Such a fee award is ‘presumptively reasonable.’”).³

27 ³ *See also* McIntosh & Starykh, *Recent Trends in Securities Class Action Litigation: 2021 Full-*
 28 *Year Review*, NERA Economic Consulting at 27 (Jan. 25, 2022) (available at
www.nera.com/publications/archive/2022/recent-trends-in-securities-class-action-litigation-2021-

1 While the Ninth Circuit has counseled that courts should consider adjustments to the 25%
 2 benchmark in situations involving “mega-recoveries” where such a 25% fee “would yield windfall
 3 profits for class counsel in light of the hours spent on the case,” *see In re Bluetooth*, 654 F.3d at 942,
 4 no such concerns are present here. To the contrary, that the requested 25% fee results in a *negative*
 5 multiplier on the total lodestar value of Plaintiffs’ Counsel’s time here eliminates any concern of
 6 “windfall profits.” *See* next section.

7 **2. A “Lodestar Crosscheck” Strongly Supports the Requested 25% Fee, As It**
 8 **Equates To A Decidedly Below-Average Multiplier**

9 To ensure the reasonableness of a fee awarded under the percentage-of-recovery method, courts
 10 in this Circuit routinely cross-check a proposed percentage fee award against counsel’s lodestar. *See*
 11 *In re Amgen Inc. Sec. Litig.*, 2016 WL 10571773, at *9 (C.D. Cal. Oct. 25, 2016) (“Although an
 12 analysis of the lodestar is not required for an award of attorneys’ fees in the Ninth Circuit, a cross-
 13 check of the fee request with a lodestar amount can demonstrate the fee request’s reasonableness.”);
 14 *In re Extreme Networks, Inc. Secs. Litig.*, 2019 WL 3290770, at *10 (N.D. Cal. July 22, 2019) (noting
 15 that a “lodestar [cross-check] may provide a useful perspective on the reasonableness of a given
 16 percentage award”); *see also Vizcaino*, 290 F.3d at 1051, n.6 (noting that courts “routinely” approve
 17 enhanced lodestar “to reflect the risk of non-payment in common fund cases,” and describing lodestar
 18 multipliers of 1.0x to 4.0x as common).

19 As detailed in the Joint Declaration, Plaintiffs’ Counsel exerted substantial effort in obtaining
 20 the proposed partial Settlement after two years of hard-fought litigation in the face of determined
 21 opposition by experienced and skilled counsel for the Settling Defendants. In sum, Plaintiffs’ Counsel
 22 have spent over 4,500 hours of attorney and other professional support staff time in investigating,
 23 litigating, and ultimately settling the Settled Claims for the benefit of the Settlement Class. Joint Decl.,
 24 ¶ 58. Plaintiffs’ Counsel’s resulting lodestar, derived by multiplying the hours spent on the Settled

25
 26
 27 full-y.html) (finding that, over the last 25 years, the *median* fee award in securities cases that settled
 28 for between \$10 and \$25 million was 27.5% to 30%, with median fee awards only falling below 25%
 for securities cases that settle \$100 million or more).

1 Claims by each attorney and professional support staff employee by their 2022 hourly rates, is
2 \$3,484,024.50. *Id.*⁴

3 The hourly rates utilized by Plaintiffs' Counsel in calculating its lodestar range from: (i) \$675
4 to \$1,395 for partners; (ii) \$500 to \$750 for associates; (iii) \$300 to \$395 for paralegals; and (iv) \$300
5 to \$650 for in-house investigators. *See* respective Kathrein and Fredericks Declarations, at Exhibits A
6 to each. Plaintiffs' Counsel respectfully submit that these hourly rates are well within the range of
7 reasonable rates for attorneys working on sophisticated class action litigation in this District. *See, e.g.,*
8 *In re Volkswagen "Clean Diesel" Mktg., Sales Practices, & Prods. Liab. Litig.*, 2017 WL 1047834, at
9 *5 (N.D. Cal. Mar. 17, 2017) (approving fee following lodestar cross-check in which the court found,
10 in March 2017 (or more than five years ago) that "[t]he blended average hourly billing rate is \$529 per
11 hour for all work performed and projected, with billing rates ranging from \$275 to \$1,600 for partners,
12 \$150 to \$790 for associates, and \$80 to \$490 for paralegals").

13 As noted above, the requested 25% fee, if awarded, represents a negative multiplier (discount)
14 factor of 0.86 on the time that Plaintiffs' Counsel's spent on investigating, litigating, and settling the
15 Settled Claims (*see* Joint Decl., ¶ 58)⁵—a multiplier that is decidedly below the low end of "positive"

16
17 ⁴ It is well established and appropriate to calculate counsel's lodestar based on current, rather than
18 historical rates, as a method of compensating for the delay in payment and the loss of interest on the
19 funds. *See Missouri v. Jenkins*, 491 U.S. 274, 284 (1989); *Fischel*, 307 F.3d at 1010; *White v. Experian*
20 *Info. Solutions, Inc.*, 2018 WL 1989514, at *15 (C.D. Cal. Apr. 6, 2018) ("Courts in this Circuit
regularly apply current billing rates in evaluating fee requests in multi-year litigation to account for
the delay in payment."), *aff'd in part, rev'd in part sub nom., Radcliffe v. Hernandez*, 794 F. App'x
605 (9th Cir. 2019).

21 ⁵ As explained in the Joint Declaration, Plaintiffs' Counsel have actually adjusted their reported
22 "gross" lodestar for the relevant time periods to assure that they are not inappropriately inflating their
23 reported lodestar by including time spent on the Action that was *not* spent on litigating or settling the
24 Settled Claims. Joint Decl. ¶¶ 55-58. If Plaintiffs' Counsel had not appropriately adjusted its reported
25 lodestar to exclude, *e.g.*, the time it has spent during the relevant period pursuing non-settled claims
26 against the non-Settling Armistice-related defendants, Plaintiffs' Counsel "unadjusted" (or "gross"
27 lodestar would have been significantly higher, resulting in an even more negative lodestar. Plaintiffs'
28 Counsel also note that none of its submitted lodestar time includes any of the time that (a) they have
spent on the Settled Claims since the October 3, 2022 date of the Court's Preliminary Approval Order,
such as time spent in connection with preparing Plaintiffs' Final Approval motion papers, or (b) the
additional time that they will be spending in connection with the administration of the partial
Settlement. Instead, no additional legal fees will be sought for further work in connection with the
Settled Claims.

1 lodestar multipliers regularly awarded by courts in this Circuit. *See Vizcaino*, 290 F.3d at 1051-52,
 2 1051 n.6 (when the lodestar is used as a cross-check, “most” multipliers were in the range of 1 to 4,
 3 but citing numerous examples of even higher multipliers); *Hopkins v. Stryker Sales Corp.*, 2013 WL
 4 496358, at *4 (N.D. Cal. Feb. 6, 2013) (“[m]ultipliers of 1 to 4 are commonly found to be appropriate
 5 in complex class action cases”); *Reyes v. Experian Info. Sols., Inc.*, 2020 WL 5172713, at *4 (C.D.
 6 Cal. July 30, 2020) (approving “reasonable lodestar multiplier of 1.92”); *Destefano v. Zynga, Inc.*,
 7 2016 WL 537946, at *21 (N.D. Cal. Feb. 11, 2016) (stating that 1.7 multiplier is “towards the lower
 8 end of the Ninth Circuit’s scale”).

9 In sum, Plaintiffs’ Counsel’s requested 25% fee award is fair and reasonable, as it is equal to
 10 the presumptively fair “benchmark” percentage-based fee that the Ninth Circuit has expressly
 11 endorsed—and would equate to a decidedly *below average* “lodestar multiplier” if the Court were to
 12 apply a detailed and full-blown “lodestar method” analysis (as opposed to a more summary “lodestar
 13 *cross-check*” analysis as a supplement to a percentage-of-the-fee analysis, which is the preferred
 14 analysis in this Circuit).

15 Moreover, as discussed below, each of the additional fee award factors regularly considered by
 16 courts in the Ninth Circuit also weighs in favor of approving the requested 25% fee.

17 **D. Additional Factors Considered by Courts in the Ninth Circuit Also Strongly Support**
 18 **Approval of the Requested Fee**

19 Courts in this Circuit also consider the following factors when determining whether a fee is fair
 20 and reasonable: (1) results achieved; (2) risks of litigation; (3) skill required and quality of work;
 21 (4) contingent nature of the fee and financial burden carried by the plaintiffs; (5) awards made in
 22 similar cases; and (6) reaction of the class. *See Vizcaino*, 290 F.3d at 1048-50.⁶ Each of these factors
 23 confirms the requested fee is fair and reasonable.

24
 25
 26 ⁶ “The relative degree of importance to be attached to any particular factor will depend upon ...
 27 the nature of the claim(s) advanced, the type(s) of relief sought, and the unique facts and circumstances
 28 presented by each individual case.” *Atlas v. Accredited Home Lenders Holding Co.*, 2009 WL
 3698393, at *3 (S.D. Cal. Nov. 4, 2009) (alteration in original).

1 **1. The Results Achieved**

2 Courts have recognized that the results achieved is an important factor in determining an
3 appropriate fee award. *See Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983) (noting that “the most
4 critical factor is the degree of success obtained”); *Vizcaino*, 290 F.3d at 1048 (quality of results
5 achieved are relevant in awarding attorneys’ fees).

6 Here, the \$12,015,000 Settlement compares favorably to other securities class action
7 settlements. For example, the Settlement is almost double the size of the median securities class action
8 settlement (\$6.9 million) in the Ninth Circuit between 2012 and 2021.⁷ Moreover, the roughly 2.9%
9 of maximum theoretically recoverable damages recovered here also compares favorably to published
10 data indicating that, between 2012 and 2021, the median securities class action settlement equated to
11 roughly 2.3% of maximum damages in cases involving estimated investor losses between \$200 and
12 \$399 million.⁸ And it must be remembered that these comparative figures arguably understate
13 significant the value of the partial \$12.015 million recovery here as Plaintiffs’ Counsel have also
14 preserved the Class’s ability to pursue additional recoveries against the various non-Settling
15 Defendants based on the non-settled claims.

16 **2. Risks of Litigation**

17 Another factor that courts consider in determining an appropriate fee is relevant litigation risk.
18 *Vizcaino*, 290 F.3d at 1048 (“[r]isk is a relevant circumstance” in awarding attorneys’ fees); *Zynga*,
19 2016 WL 537946, at *17 (same).

20 As noted in the Joint Declaration, this case posed substantial collectability risks as against the
21 Settling Defendants. And on the merits—although Plaintiffs believe that additional evidence would be
22 adduced in the course of completing full fact and expert discovery and would have supported Plaintiffs’
23

24 ⁷ *See* Laarni T. Bulan & Laura E. Simmons, *Securities Class Action Settlements: 2021 Review and*
25 *Analysis*, Cornerstone Research, at 19 (2021), [https://www.cornerstone.com/wp-](https://www.cornerstone.com/wp-content/uploads/2022/03/Securities-Class-Action-Settlements-2021-Review-and-Analysis.pdf)
26 [content/uploads/2022/03/Securities-Class-Action-Settlements-2021-Review-and-Analysis.pdf](https://www.cornerstone.com/wp-content/uploads/2022/03/Securities-Class-Action-Settlements-2021-Review-and-Analysis.pdf).

27 ⁸ *See* J. McIntosh & S. Starykh, *Recent Trends in Securities Class Action Litigation: 2021 Full-*
28 *Year Review*, NERA Economic Consulting at 23 (Jan. 25, 2022) (available at [www.nera.com/publications/archive/2022/recent-trends-in-securities-class-action-litigation-2021-](http://www.nera.com/publications/archive/2022/recent-trends-in-securities-class-action-litigation-2021-full-y.html)
[full-y.html](http://www.nera.com/publications/archive/2022/recent-trends-in-securities-class-action-litigation-2021-full-y.html)).

1 allegations and primary loss causation theories—it cannot be disputed that Plaintiffs faced substantial
2 challenges in proving their claims against the Settling Defendants. Joint Decl., ¶¶ 48-49.

3 Moreover, because Plaintiffs’ Counsel worked on a fully contingent basis, they bore the
4 significant risk that no recovery would be achieved. In sum, Plaintiffs’ Counsel in undertaking to
5 represent the Class understood that they were embarking on complex, expensive, risky, and lengthy
6 litigation against the Settling Defendants with no guarantee of ever being compensated for the
7 substantial investment of time and money that this would require. Indeed, that risk was particularly
8 pronounced here in the absence of any parallel regulatory charges, and highlighted by, for example,
9 the adverse decision dismissing closely analogous claims in *McDermid v. Inovio Pharma, Inc.*, 529 F.
10 Supp. 652, 668-69 (E.D. Pa 2021).

11 Moreover, this consolidated action represents the only securities fraud proceedings that were
12 filed and prosecuted that arise from the allegedly false and misleading statements at issue. For example,
13 there were no governmental regulatory actions to assist Plaintiffs’ investigation. Plaintiffs’ Counsel
14 were thus required to independently develop the facts and legal theories necessary to earn the
15 Settlement for the Class now pending before the Court. Joint Decl., ¶ 50.

16 **3. Skill Required and Quality of Work**

17 “The experience of counsel is also a factor in determining the appropriate fee award.” *In re*
18 *Heritage Bond Litig.*, 2005 WL 1594389, at *12 (C.D. Cal. June 10, 2005). Indeed, “[t]he prosecution
19 and management of a complex national class action requires unique legal skills and abilities.”
20 *OmniVision*, 559 F. Supp. 2d at 1047. “This is particularly true in securities cases because the [PSLRA]
21 makes it much more difficult for securities plaintiffs to get past a motion to dismiss.” *Zynga*, 2016 WL
22 537946, at *17.

23 Plaintiffs’ Counsel has extensive experience and a successful track record prosecuting
24 securities class actions and other complex litigation throughout the country, including within this
25 Circuit. *See, e.g.*, the firm resumes attached to the Kathrein Decl. and Fredericks Decl. respectively, at
26 Exhibits D to both. Plaintiffs’ Counsel also respectfully submit that their experience and skill was
27 demonstrated by their effective prosecution and settlement of the Settled claims in this Action, which
28 culminating in the partial Settlement.

1 The quality of opposing counsel is also important in evaluating the quality of services rendered
2 by Plaintiffs' Counsel. *See, e.g., Barbosa v. Cargill Meat Sols. Corp.*, 297 F.R.D. 431, 449 (E.D. Cal.
3 2013). The Settling Defendants here were represented by highly skilled and experienced counsel from
4 nationally prominent defense firms Thompson Hine LLP and Goodwin Procter LLP. They presented
5 a thorough and thoughtful defense and challenged Plaintiffs' Counsel at every turn.

6 In sum, the proposed Partial Settlement is a direct result of Plaintiffs' Counsel's hard work,
7 skill and perseverance in pursuing the settled claims against leading defense counsel. Accordingly, this
8 factor supports Plaintiffs' Counsel's fee request.

9 **4. The Contingent Nature of Plaintiff's Counsel's Representation**

10 The Ninth Circuit has confirmed that a determination of a fair and reasonable fee must include
11 consideration of the contingent nature of the fee. *See, e.g., WPPSS*, 19 F.3d at 1299; *In re Dynamic*
12 *Random Access Memory (DRAM) Antitrust Litig.*, 2007 WL 2416513, at *1 (N.D. Cal. Aug. 16, 2007);
13 *OmniVision*, 559 F. Supp. 2d at 1047. It is established practice in the private legal market to reward
14 attorneys for taking on the serious risk of non-payment by permitting fees to reflect a premium to
15 normal hourly billing rates in contingency cases. *See, e.g., In re Nuvelo, Inc. Sec. Litig.*, 2011 WL
16 2650592, at *2 (N.D. Cal. July 6, 2011); *Apple Inc. Device*, 2021 WL 1022866, at *6 ("When counsel
17 takes cases on a contingency fee basis, and litigation is protracted, the risk of non-payment after years
18 of litigation justifies a significant fee award."); *Browne v. Am. Honda Motor Co., Inc.*, 2010 WL
19 9499073, *11 (C.D. Cal. Oct. 5, 2010) (finding multiplier of 1.5 "should be applied to increase the
20 lodestar figure," in part because "class counsel handled the matter on a contingency basis [and] there
21 was no guaranty that the claims would have been successful had the case proceeded to trial. Thus, the
22 risk class counsel assumed in handling the case on a contingency fee basis supports an enhancement
23 of the lodestar").

24 Plaintiffs' Counsel undertook this high-risk litigation against the Settling Defendants on a
25 wholly contingent basis, knowing that there was no assurance that they would be able to obtain any
26 recovery for the Plaintiffs on which counsel could request a fee—or that, even if they did succeed in
27 obtaining a recovery—they would be awarded a fee that would fully compensate them for the time and
28 effort they devoted to the litigation. Similarly, Plaintiffs' Counsel undertook to advance all litigation

1 expenses in this matter, which left them fully at risk of not even recovering their expenses.

2 Here, however, as previously discussed, Plaintiffs' Counsel have expended over 4500 hours
3 and over \$3.4 million in lodestar time in pursuing the Settled Claims for the benefit of the Settlement
4 Class. Yet here the requested 25% fee, even if granted in full, will result in a *discount on* (rather than
5 a positive multiplier on) Plaintiffs' Counsel time. Accordingly, this factor also strongly supports the
6 requested 25% fee.

7 **5. Awards in Similar Cases**

8 Plaintiffs' Counsel's fee request is also supported by awards made in similar cases. As
9 discussed above, Plaintiffs' Counsel is seeking a 25% fee that is squarely in line with Ninth Circuit
10 precedent and its "presumptively reasonable" benchmark fee. And as also previously discussed, the
11 requested 25% fee results in a negative multiplier below the customary "1x to 4x" multiplier range in
12 cases of these type, even though the partial \$12.015 million Settlement standing alone—without any
13 allowance for the value of the unsettled claims that Plaintiffs are now able to pursue with added
14 ammunition as a result of discovery obtained from Vaxart in connection with the Settlement—still
15 represents an above-average recovery by a number of objective measures. *See* Joint Decl., ¶¶ 37-40.

16 **6. The Settlement Class's Reaction to Date Supports the Requested Fee**

17 The reaction of the class to a proposed settlement and fee request is also a relevant factor. *See*
18 *Knight v. Red Door Salons, Inc.*, 2009 WL 248367, at *7 (N.D. Cal. Feb. 2, 2009); *OmniVision*, 559
19 F. Supp. 2d at 1048. Although the deadline for Settlement Class Members to object to any aspect of
20 the Fee and Expense Application has not yet passed, over 195,000 Notices have been mailed to
21 potential Settlement Class Members (*see* Declaration of Adam Walter ("Walter Decl."), ¶ 3)—and
22 those Notices clearly advised recipients that (a) Plaintiffs' Counsel would be seeking up to a 30% fee
23 award, plus litigation expenses of up to \$150,000 and total awards to plaintiffs of up to \$10,000 and
24 (b) Class Members could submit written objection to any aspect of these requests until December 22,
25 2022. To date, however, no objections to even those higher-than-actually-requested fee and expense
26 figures have been received. Joint Decl., ¶ 59. Should any objections be received, Plaintiffs' Counsel
27 will address them in Reply papers.

1 **III. PLAINTIFFS' COUNSEL'S LITIGATION EXPENSES ARE REASONABLE**
2 **AND SHOULD BE APPROVED**

3 Plaintiffs' Counsel also respectfully requests reimbursement of litigation expenses incurred in
4 prosecuting and resolving the Action on behalf of the Settlement Class in the amount of \$99,468.65.
5 Attorneys who create a common fund for the benefit of a class are entitled to be reimbursed for their
6 out-of-pocket expenses incurred in creating the fund so long as the submitted expenses are reasonable,
7 necessary, and directly related to the prosecution of the action. See *OmniVision.*, 559 F. Supp. 2d at
8 1048 (“Attorneys may recover their reasonable expenses that would typically be billed to paying clients
9 in non-contingency matters.”); *Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) (plaintiff may
10 recover “those out-of-pocket expenses that would normally be charged to a fee paying client”).

11 A complete breakdown of the litigation expenses incurred by Plaintiffs' Counsel by category
12 is set forth in Exhibit C to the Kathrein Declaration and Exhibit C to the Fredericks Declaration. These
13 expense items are billed separately by Plaintiffs' Counsel, and such charges are not duplicated in their
14 hourly rates. The type of expenses for which Plaintiffs' Counsel seeks payment were necessarily
15 incurred in this Action and are routinely charged to classes in contingent litigation and clients billed
16 by the hour. These include expenses associated with, among other things, document management,
17 online research, experts/consultants, and mediation. See, e.g., *Harris*, 24 F.3d at 19 (plaintiff may
18 recover “those out-of-pocket expenses that would normally be charged to a fee paying client); *Vincent*
19 *v. Reser*, 2013 WL 621865, at *5 (N.D. Feb. 19, 2013) (granting reimbursement of costs for “three
20 experts and the mediator, photocopying and mailing expenses, travel expenses, and other reasonable
21 litigation related expenses”); *Avila v. LifeLock Inc.*, 2020 WL 4362394, at *1-2 (D. Ariz. July 27, 2020)
22 (awarding \$350,000 in expenses from \$20 million settlement); *Leon D. Milbeck v. Truecar, Inc., et al.*,
23 No. 18-cv-02612-SVW-AGR, slip op. (ECF No. 185) at 2-3 (C.D. Cal. Jan. 27, 2020) (awarding
24 \$424,910.42 in expenses from \$28.25 million settlement); *In re Yahoo! Inc. Sec. Litig.*, No. 17-cv-
25 00373, slip op. (ECF No. 119), ¶ 4 (N.D. Cal. Sept. 7, 2018) (awarding \$353,282.72 in expenses from
26 \$80 million settlement).

27 The largest components of Plaintiffs' Counsel's expenses included mediation fees, expert fees,
28 electronic research fees, and filing fees. Plaintiffs' Counsel also incurred, for example, the costs of

1 retaining an outside vendor to host Defendants’ document productions. All of these costs were
2 reasonably necessary for the successful resolution of the Action. *See generally* Kathrein Decl. at ¶¶ 12-
3 14, Fredericks Decl. at ¶¶ 12-14. Accordingly, the requested reimbursement of litigation expenses is
4 fair and reasonable, and should be approved.

5 IV. THE AWARD TO PLAINTIFFS SHOULD BE APPROVED

6 In addition to reimbursing Plaintiffs’ Counsel for their litigation expenses, the Court should
7 approve each Plaintiffs’ request for an award of \$3,300 pursuant to 15 U.S.C. § 78u-4(a)(4) (totaling
8 \$9,900 in the aggregate), based on their time and commitment expended for the benefit of the Class in
9 connection with the pursuit of the Settled Claims. *See* Joint Decl., ¶¶ 63-64; *see also* Huang Decl.,
10 ¶¶ 6-7; Elliott Decl., ¶¶ 6-7; Hovhannisyan Decl., ¶¶ 4-8. The PSLRA specifically provides that an
11 “award of reasonable costs and expenses (including lost wages) directly relating to the representation
12 of the class” may be made to “any representative party serving on behalf of a class.” 15 U.S.C. § 78u-
13 4(a)(4).

14 As set forth in their respective declarations, Plaintiffs actively and effectively fulfilled their
15 duties as class representatives. Among other things, Plaintiffs: (i) participated in numerous discussions
16 with their counsel about the prosecution of the case and the merits of their claims; (ii) reviewed
17 significant pleadings and briefs; (iii) participated in discovery by locating and producing documents
18 responsive to Defendants’ discovery requests; and (iv) consulted with counsel regarding mediation
19 efforts and settlement strategies. *See* Huang Decl., ¶¶ 6-7; Elliott Decl., ¶¶ 6-7; Hovhannisyan Decl.,
20 ¶¶ 4-9. Courts routinely approve § 78u-4(a)(4) awards to compensate class representatives for the time
21 and effort spent on behalf of the class. *See, e.g., Int’l Bhd. of Elec. Workers Local 697 Pension Fund*
22 *v. Int’l Game Tech., Inc.*, 2012 WL 5199742, at *5 (D. Nev. Oct. 19, 2012) (awarding two plaintiffs
23 over \$4000 each to compensate them for their time spent on, among other things, reviewing case
24 pleadings and consulting with counsel); *see also In re Extreme Networks, Inc. Sec. Litig.*, 2019 WL
25 3290770, at *11 (N.D. Cal. July 22, 2019) (awarding requested \$2,180 to plaintiff for 25 hours spent
26 representing the class, and adding that \$5,000 incentive awards are also “presumptively reasonable”
27 in the Ninth Circuit, including in PSLRA cases).

V. CONCLUSION

For the reasons stated herein and in the Joint Declaration, Plaintiffs' Counsel respectfully requests the Court: (i) award attorneys' fees in the amount of 25% of the Settlement Fund; (ii) approve reimbursement of Plaintiffs' Counsel's litigation expenses in the amount of \$99,468.65; and (iii) approve the requested awards of \$3,300 to each representative Plaintiff.

DATED: December 8, 2022

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

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12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 In re VAXART, INC. SECURITIES
16 LITIGATION

Case No. 3:20-cv-05949-VC

CLASS ACTION

17
18
19 *This Document Relates to:*
ALL ACTIONS

**DECLARATION OF REED R.
KATHREIN IN SUPPORT OF
PLAINTIFFS' COUNSEL'S FEE AND
EXPENSE APPLICATION FILED ON
BEHALF OF HAGENS BERMAN
SOBOL SHAPIRO LLP**

Hearing Date: January 12, 2023
Time: 10:00 A.M.
Courtroom: 4, 17th Floor
Judge: Hon. Vince Chhabria

1 I, Reed Kathrein, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am a partner in the law firm of Hagens Berman Sobol Shapiro LLP (“Hagens
3 Berman”). Hagens Berman is Lead Counsel in the above-captioned securities class action (“Action”)¹
4 and counsel for Lead Plaintiffs Wei Huang and Langdon Elliot. I have personal knowledge of the
5 matters stated herein based on my participation in the Action and review of records maintained by my
6 firm and, if called upon, could and would testify thereto.

7 2. I submit this Declaration in support of Plaintiffs’ Counsel’s application for
8 (a) attorneys’ fees rendered in connection with the litigation and resolution of the claims (the “Settled
9 Claims”) being settled as part of the partial Settlement in this Action, and for (b) reimbursement of
10 litigation expenses incurred by co-class counsel Scott+Scott Attorneys at Law LLP (“Scott+Scott”)
11 and Hagens Berman in connection with the Settled Claims.

12 3. My firm has been involved in all aspects of the prosecution of the Settled Claims in this
13 Action, and in obtaining the \$12.015 million recovery for the Class in exchange for the release of the
14 Settled Claims, as further set forth in the Joint Declaration of Reed R. Kathrein and William C.
15 Fredericks in Support of (i) Plaintiffs’ Motion for Final Approval of Proposed Partial Class Action
16 Settlement and Plan of Allocation; and (ii) Plaintiffs’ Counsel’s Fee and Expense Application (“Joint
17 Declaration”).

18 4. Based on my involvement in the Action as well as the review of time records reflecting
19 work performed by attorneys and professional support staff employees at Hagens Berman in the Action
20 (“Timekeepers”), as reported by those Timekeepers, I directed the preparation of the chart set forth as
21 **Exhibit A** hereto. In reviewing my firm’s time entries, I exercised billing judgment, which included
22 reducing or eliminating certain time entries altogether (including the elimination of all time entries by
23 attorneys who billed a total of less than ten hours to this matter), as well as eliminating all time spent
24 on any settlement-related matters that was incurred after October 3, 2022 (the date that the Court
25 entered its Preliminary Approval Order). In addition, all time spent in connection with Plaintiffs’
26

27 ¹ All capitalized terms not defined herein have the meanings ascribed to them in the Stipulation
28 and Agreement of Settlement dated July 27, 2022 (the “Stipulation”) (ECF No. 224-2).

1 Counsel's Fee and Expense Application has been excluded from my firm's reported time.

2 5. The chart in **Exhibit A**: (i) identifies the names and positions (*i.e.*, titles) of the
3 Timekeepers who have spent time working on any matters relating to this Action; (ii) states the total
4 number of "Gross Hours" that each Timekeeper spent on that work from the inception of counsel's
5 initial investigation through June 10, 2022 (the date that the Settling Parties' MOU was signed, as
6 described in the Joint Declaration); (iii) lists each Timekeeper's current hourly rate; and (iv) sets forth
7 the "Gross Lodestar" of each Timekeeper (and for my firm as a whole). The information summarized
8 in these charts was prepared from time records maintained by my firm in the ordinary course of
9 business, which are available at the request of the Court.

10 6. For purposes of this fee application, we chose to "cut-off" our reported time for all
11 categories of work performed as of the June 10, 2022 signing of the MOU.² This is because virtually
12 all of the non-settlement related work that we and our co-class counsel have performed in this Action
13 after that date has been spent pursuing *non*-settled claims against the *non*-Settling Defendants, and
14 because, as explained in the Joint Declaration, we believe it is appropriate to allocate our time between
15 (i) work performed primarily in connection with the litigation of all claims against all Defendants
16 generally and (ii) work performed primarily in connection with litigation of claims (or contemplated
17 claims) against only the Non-Settling Defendants. In other words, Class Counsel believes that it was
18 not appropriate to seek payment at this juncture for time spent after June 10, 2022 (except for time
19 spent on negotiating the final "long form" settlement documents and obtaining preliminary approval
20 of the partial Settlement) because such time has been spent almost entirely on the pursuit of *non*-settled
21 claims that have not yet, and may never, result in a recovery.

22 7. Moreover, Plaintiffs' Counsel also recognize that a portion of the time they spent on
23 the overall litigation *prior* to executing the MOU was also spent on researching, preparing, briefing,
24 and otherwise litigating *non*-settled claims against the Armistice-affiliated defendants. Accordingly,
25

26 ² The one exception to the June 10, 2022 cut-off rule is that, as noted above, Plaintiffs' Counsel
27 have applied a later October 3, 2022 cut-off date for time spent on settlement-related matters, which
28 included primarily time spent on negotiating and preparing the "long-form" settlement documents, and
on obtaining preliminary approval.

1 Plaintiffs' Counsel (including my firm) have *excluded* 10% of their pre-June 10, 2022 "overall time"
2 from their reported lodestar for purposes of this fee application, which we believe fairly reflects the
3 percentage of our total pre-June 10, 2022 time that is appropriately allocated to time spent pursuing
4 claims against the Non-Settling Defendants. These reductions are also reflected in **Exhibit A** in the
5 additional columns entitled "Adjusted Hours" and "Adjusted Lodestar."³

6 8. After making the adjustments described in ¶¶ 4-7 above, the total number of hours spent
7 by my firm that is fairly allocable to the litigation and settlement of the Settled Claims is 2,093.2 hours,
8 with a total "lodestar" value of \$1,545,543.50 (consisting of \$1,459,290.50 for attorneys' time and
9 \$86,253 for professional support staff time).

10 9. As required under the Northern District of California's Procedural Guidance for Class
11 Action Settlements, attached hereto as **Exhibit B** is a billing category-based summary chart of the
12 work performed by the attorneys and professional support staff employees in connection with
13 prosecuting and/or settling the Settled Claims.⁴

14 10. The hourly rates for the Timekeepers, as set forth in **Exhibit A** and **Exhibit B**, are the
15 same as those set by my firm for each listed Timekeeper (*e.g.*, partner, associate, paralegal, etc.), and
16 are consistent with the hourly rates submitted by my firm to state and federal courts in other contingent
17 securities class action litigations across the country. The firm's hourly rates are set based on a periodic
18 review of rates charged by firms performing comparable work, and/or rates regularly submitted to
19 other courts as the basis for contingent fee awards in comparably complex class actions, including a
20 review of both plaintiff and defense firm rates for complex litigation. Different Timekeepers within
21 the same employment category (*e.g.*, partners, associates, paralegals, etc.) may have different rates
22 based on a variety of factors, including years of practice, years at the firm, years in their current position

23 _____
24 ³ In sum, we do not intend to seek payment now on this 10% portion of our gross pre-June 2022
25 time, but instead intend to treat it as time spent on pursuing the as-yet unsettled claims against the non-
26 settling Armistice-affiliated Defendants. Instead, if Plaintiffs' Counsel should succeed in obtaining a
recovery against the Armistice Defendants in the future, we would expect to seek payment in
connection with this 10% portion at such future date.

27 ⁴ Time entries that related to more than one major litigation category were apportioned to the
28 event(s) that most adequately captured the billed time. In addition, the lodestar totals set forth in this
are, as in Exhibit A, presented on both a "gross" and "adjusted" basis. *See* ¶ 7 above.

1 (e.g., years as a partner), relevant experience, and relative expertise. For personnel who are no longer
2 employed by the firm, the “current rate” used for the lodestar calculation is the rate that was used for
3 that person in their final year of employment with the firm.

4 11. I believe the number of hours expended and the services performed by the attorneys
5 and professional support staff employees at Hagens Berman were reasonable and necessary for the
6 effective and efficient prosecution and resolution of the Settled Claims.

7 12. Expense items are being submitted separately and are not duplicated in my firm’s
8 hourly rates. Hagens Berman respectfully requests that the Court award it \$35,832.18 for expenses
9 incurred in connection with the prosecution and resolution of the Settled Claims (to be paid from the
10 Settlement Fund together with interest at the same rate as earned by the Settlement Fund from the time
11 the Settlement was funded until the date of payment, as set forth in the Stipulation of Settlement). The
12 expenses for which reimbursement is requested are summarized in **Exhibit C** hereto.

13 13. The following is additional information regarding certain of the expenses set forth in
14 Exhibit C.

15 (a) **Consultants/Expert Fees:** \$9,490.34. Plaintiffs retained Scott D. Hakala,
16 Ph.D., CFA, who analyzed causation and damages, and prepared the proposed Plan of
17 Allocation.

18 (b) **Mediation Fees:** \$17,403.75. The parties retained the Hon. Layn Phillips
19 (U.S.D.J., ret.) of Phillips ADR (the “Mediator”), a neutral mediator with extensive experience
20 in mediating complex securities class actions such as this one, to assist with settlement
21 negotiations in the Action. The Parties attended a full-day mediation session via Zoom under
22 the Mediator’s auspices on April 11, 2022.

23 (c) **Filing & Other Fees:** \$1,034. This amount includes: (i) court filing fees;
24 (ii) fees paid to various courts to obtain Certificates of Good Standing for submission with
25 Northern District of California *pro hac vice* applications; and (iii) Northern District of
26 California admission fees for Hagens Berman attorneys.

27 (d) **Court Reporters/Transcripts:** \$489.25. This amount includes expenses for
28 court reporters and deposition transcripts.

1 (e) **Online Legal & Factual Research:** \$3,649.98. During the course of the Action,
2 Hagens Berman incurred costs associated with online legal and factual research necessary to
3 the investigation, prosecution, and obtainment of the Settlement. These expenses include
4 charges from online vendors such as Westlaw, LexisNexis, Courtlink, PACER, and others, and
5 reflect costs associated with obtaining access to court filings, financial data, and performing
6 legal and factual research. This expense amount represents the amount billed by the vendor.

7 (f) **Long-Distance Telephone, Facsimile, & Conference Calling:** \$0. No
8 expenses were incurred here.

9 (g) **Messenger, Overnight Delivery, & Postage Fees:** \$1,517.28. In connection
10 with the prosecution of the Action, Hagens Berman incurred charges associated with overnight
11 delivery via Federal Express and/or UPS. In connection with the prosecution of the Action,
12 Hagens Berman also incurred charges associated with messenger services.

13 (h) **Transportation, Hotels, & Meals:** \$0. No expenses were incurred here.

14 (i) **Duplicating:** \$695.25. Hagens Berman incurred costs related to document
15 printing and reproduction. Each time a photocopy is made or a document is printed, my firm's
16 billing system requires that a case or administrative billing code be entered into the copy
17 machine or computer being used.

18 (j) **Electronic Discovery & Database:** \$1,552.33. Electronic discovery through
19 the Everlaw platform used to store, sort, and assess discovery documentation. Additionally,
20 this expense includes electronic discovery costs Hagens Berman paid to a third party that
21 produced documents to Plaintiffs pursuant to a subpoena.

22 14. The expenses incurred by Hagens Berman in the Action are reflected on the books and
23 records of my firm. These books and records are prepared from expense vouchers, check records, and
24 other source materials, and are an accurate record of the expenses incurred. I believe these expenses
25 were reasonable and expended for the benefit of the Settlement Class in the Action.

26 15. With respect to the standing of my firm, attached hereto as **Exhibit D** is my firm's
27 resume, which includes information about my firm and biographical information concerning the firm's
28 attorneys who have been principally involved in the investigation, litigation, and settlement of the

1 Settled Claims.

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

4 DATED: December 8, 2022
5 at Berkeley, California

/s/ Reed R. Kathrein
REED R. KATHREIN

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EXHIBIT A

EXHIBIT A

Case Name: *In re Vaxart, Inc. Securities Litigation*

Firm Name: Hagens Berman Sobol Shapiro LLP

Reporting Period: Inception through June 10, 2022 (withholding 10% as billable to Plaintiffs' claims against the Armistice Defendants), but including all time spent on the proposed settlement (category 8) through October 3, 2022 (date of Order granting Preliminary Approval).

PROFESSIONAL	STATUS	HOURLY RATE	GROSS HOURS	ADJUSTED HOURS	GROSS LODESTAR	ADJUSTED LODESTAR ¹
Steve Berman	P	\$1,200	27.4	27.4	\$32,880.00	\$32,820.00
Reed Kathrein	P	\$950	1,102.2	1,024.1	\$1,047,090.00	\$972,876.00
Lucas Gilmore	P	\$800	199.5	180.8	\$159,600.00	\$144,600.00
Catherine Gannon	P	\$675	25.5	23.0	\$17,212.50	\$15,491.25
Wesley Wong	A	\$500	256.9	248.0	\$128,450.00	\$124,000.00
Raffi Melanson	A	\$550	274.0	255.0	\$150,700.00	\$140,255.50
Danielle Smith	A	\$525	61.9	55.7	\$32,497.50	\$29,247.75
Nicolle Huerta	PL	\$350	52.8	49.0	\$18,480.00	\$17,136.00
Radha Kerzan	PL	\$300	12.0	10.8	\$3,600.00	\$3,240.00
Lisa Lin	PL	\$300	110.0	99.0	\$33,000.00	\$29,700.00
Lisa Napoleon	PL	\$300	97.5	89.2	\$29,250.00	\$26,751.00
Shelby Taylor	PL	\$300	13.5	13.2	\$4,050.00	\$3,945.00
Kevin Naughton	I	\$300	20.3	18.3	\$6,090.00	\$5,481.00
TOTAL			2,253.5	2,093.2	\$1,662,900.00	\$1,545,543.50

(P) Partner

(OC) Of Counsel

(A) Associate

(SA) Staff Attorney

(I) Investigator

(PL) Paralegal

(LS) Litigation Support

(C) Contract Attorney

¹ "Adjusted Lodestar" is lower than "Gross Lodestar" because it reflects a 10% reduction of all reported Gross Hours (and related lodestar) spent on non-settlement related tasks. See accompanying Fee Declaration at ¶ 7 (explaining that the purpose of this adjustment is to more fairly reflect the amount of time spent on litigating and settling the Settled Claims, without also including time spent on claims against the non-settling Defendants that have not, and may never, result in a recovery).

EXHIBIT B

EXHIBIT B

Case Name: *In re Vaxart, Inc. Securities Litigation*

Firm Name: Hagens Berman Sobol Shapiro LLP

Reporting Period: Inception through June 10, 2022 (withholding 10% as billable to Plaintiffs' claims against the Armistice Defendants), but including all time spent on the proposed settlement (category 8) through October 3, 2022 (date of Order granting Preliminary Approval).

Categories:

- | | |
|--|-----------------------------------|
| (1) Factual Investigation | (6) Court Appearances/Preparation |
| (2) Pleadings | (7) Experts/Consultants |
| (3) Discovery | (8) Settlement/Mediation |
| (4) Case Management/Client Communication | (9) Litigation Strategy/Analysis |
| (5) Motions and Legal Research | (10) Trial/Preparation |

Name		1	2	3	4	5	6	7	8	9	10	Gross Hours	Rate	Gross Lodestar	Adjusted Lodestar ¹
Steve Berman	P								26.9	0.5		27.4	\$1,200	\$32,880.00	\$32,820.00
Reed Kathrein	P	10.0	605.4	35.0	25.7	2.0	71.0	10.5	321.0	21.6		1,102.2	\$950	\$1,047,090.00	\$972,876.00
Lucas Gilmore	P	3.4	84.0	4.2	29.1	15.7	37.9		12.0	13.2		199.5	\$800	\$159,600.00	\$144,600.00
Catherine Gannon	P		11.9			9.0				4.6		25.5	\$675	\$17,212.50	\$15,491.25
Wesley Wong	A		46.9	21.1	0.2	12.7	6.1	2.0	167.9			256.9	\$500	\$128,450.00	\$124,000.00
Raffi Melanson	A	3.6	13.3	149.4	8.8	9.9		2.8	84.1	2.1		274.0	\$550	\$150,700.00	\$140,255.50
Danielle Smith	A	1.2	43.5			8.1	1.5			7.6		61.9	\$525	\$32,497.50	\$29,247.75
Nicolle Huerta	PL			34.8	3.6				14.4			52.8	\$350	\$18,480.00	\$17,136.00
Radha Kerzan	PL			11.3	0.7							12.0	\$300	\$3,600.00	\$3,240.00
Lisa Lin	PL		58.1	0.7	46.2	4.7	0.3					110.0	\$300	\$33,000.00	\$29,700.00
Lisa Napoleon	PL	0.9	9.2	1.3	70.0		1.9		14.2			97.5	\$300	\$29,250.00	\$26,751.00
Shelby Taylor	PL	1.5	0.5		1.5				10.0			13.5	\$300	\$4,050.00	\$3,945.00
Kevin Naughton	I	20.3										20.3	\$300	\$6,090.00	\$5,481.00
TOTAL:		40.9	872.8	257.8	185.8	62.1	118.7	15.3	650.5	49.6	-	2,253.5		\$1,662,900.00	\$1,545,543.50

- | | |
|---------------------|-------------------------|
| (P) Partner | (I) Investigator |
| (OC) Of Counsel | (PL) Paralegal |
| (A) Associate | (LS) Litigation Support |
| (SA) Staff Attorney | (C) Contract Attorney |

¹ "Adjusted Lodestar" is lower than "Gross Lodestar" because it reflects a 10% reduction of all reported Gross Hours (and related lodestar) spent on non-settlement related tasks. See accompanying Fee Declaration at ¶ 7 (explaining that the purpose of this adjustment is to more fairly reflect the amount of time spent on litigating and settling the Settled Claims, without also including time spent on claims against the Non-settling Defendants that have not, and may never, result in a recovery).

EXHIBIT C

EXHIBIT C**Case Name:** *In re Vaxart, Inc. Securities Litigation***Firm Name:** Hagens Berman Sobol Shapiro LLP**Relevant Period:** Inception of Action through the present

EXPENSE	AMOUNT
Consultants/Experts	\$9,490.34
Mediation Fees	\$17,403.75
Filing & Other Fees	\$1,034.00
Court Reporters/Transcripts	\$489.25
Online Legal & Factual Research	\$3,649.98
Long-Distance Telephone, Facsimile, & Conference Calling	-
Messenger, Overnight Delivery, & Postage	\$1,517.28
Transportation, Hotels, & Meals	-
Duplicating	\$695.25
Electronic Discovery & Database	\$1,552.33
TOTAL	\$35,832.18

EXHIBIT D



HAGENS BERMAN

Auto Cases 1-888-381-2889 Email Tip Line

CASES ATTORNEYS NEWS & INSIGHT ABOUT PRACTICES SUCCESS BLOG

Trailblazer

Managing Partner, Steve Berman,
recipient of the ABA's Trailblazer Award

... states that 14.7 million people have been

A screenshot of a website for Hagens Berman. The top navigation bar includes "Auto Cases", "1-888-381-2889", "Email", and "Tip Line", along with social media icons for Facebook and Twitter. Below this is a secondary menu with "CASES", "ATTORNEYS", "NEWS & INSIGHT", "ABOUT", "PRACTICES", "SUCCESS", and "BLOG". The main content area features a large portrait of Steve Berman, a man in a white shirt and striped tie. To his left, the text reads "Trailblazer" in a large font, followed by "Managing Partner, Steve Berman, recipient of the ABA's Trailblazer Award". At the bottom of the image, a partial line of text is visible: "... states that 14.7 million people have been".

Table of Contents

INTRODUCTION

The Firm	4
Locations	5

PRACTICE AREAS

Anti-Terrorism	9
Antitrust	10
Automotive - Non-Emissions Cases	13
Automotive - Emissions Litigation	15
Civil and Human Rights	17
Consumer Protection - General Class Litigation	18
Consumer Protection - Drug and Supplement Litigation	20
Employment Litigation	23
Environmental Litigation	25
Governmental Representation	27
Intellectual Property	29
Investor Fraud - Individual and Class Action Litigation	31
Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services	33
Personal Injury and Abuse	34
Sexual Abuse and Harassment	35
Sports Litigation	38
Whistleblower Litigation	41

APPELLATE VICTORIES

Strengthening Consumer Law	45
----------------------------	----

MANAGING PARTNER

Steve W. Berman	47
-----------------	----

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol	53
Robert B. Carey	56

PARTNER, MANAGEMENT COMMITTEE MEMBER

Lauren Guth Barnes	59
Kristen A. Johnson	62
Sean R. Matt	64
Shana E. Scarlett	66

PARTNER

Leonard W. Aragon	68
Gregory T. Arnold	69
Elaine T. Byszewski	72
John DeStefano	74
Catherine Y.N. Gannon	76
Lucas E. Gilmore	78
Ben Harrington	79
Anne F. Johnson	80
Reed R. Kathrein	81
Daniel J. Kurowski	84
Thomas E. Loeser	86
Robert F. Lopez	88
Jessica R. MacAuley	90
Barbara Mahoney	91
Martin D. McLean	93
Christopher A. O'Hara	94
Jerrold C. Patterson	95
Rio Pierce	97
Christopher R. Pitoun	100
Craig R. Spiegel	99
Shayne C. Stevenson	100
Andrew M. Volk	104
Garth Wojtanowicz	105

SENIOR COUNSEL

Kevin K. Green	106
David P. Moody	109

OF COUNSEL

Karl Barth	110
Erin C. Burns	111
Mark S. Carlson	113
Jeannie Evans	115
Rachel E. Fitzpatrick	116
Laura Hayes	118
John D. Jenkins	119
Robert A. Jigarjian	120
Michella A. Kras	121
James J. Nicklaus	122
Hannah Schwarzschild	123
Benjamin J. Siegel	124
Shelby R. Smith	125
Whitney Street	127
Nathaniel A. Tarnor	129

ASSOCIATE

Tory Beardsley	130
Jacob Berman	131
Hannah Brennan	132
James M. Chong	135
Rachel Downey	136
Abbye Klamann Ognibene	137
Kristie A. LaSalle	138
Raffi Melanson	139
Lauren S. Miller	140
Chris O'Brien	141
Abigail D. Perching	142
Ryan T. Pittman	143
Peter A. Schaeffer	144
Whitney K. Siehl	145
Emilee Sisco	147
Hannah Song	148
Jessica Thompson	149
Breanna Van Engelen	151
Mark Vazquez	153
Stephanie A. Verdoia	154
Bradley J. Vettraino	155
Ted Wojcik	156
Abby Wolf	157
Wesley A. Wong	158

INTRODUCTION

The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs, victims and the underdog. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

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

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, sexual harassment, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

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

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

AN INTERNATIONAL REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Austin, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix and San Diego and one international office in London, and our eyes are always open to trends of fraud, negligence and wrongdoing that may be taking form anywhere in the world. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country and have a vested interest in fighting global instances of oppression, wrongdoing and injustice.



INTRODUCTION
Locations

SEATTLE

1301 Second Avenue, Suite 2000
Seattle, WA 98101
(206) 623-7292 phone
(206) 623-0594 fax

BERKELEY

715 Hearst Avenue, Suite 300
Berkeley, CA 94710
(510) 725-3000 phone
(510) 725-3001 fax

BOSTON

1 Faneuil Hall Sq., 5th Floor
Boston, MA 02109
(617) 482-3700 phone
(617) 482-3003 fax

LONDON

Hagens Berman EMEA LLP
22 Eastcheap
Billingsgate, London, EC3M 1EU
0203 150 1445 phone

CHICAGO

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

LOS ANGELES

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

NEW YORK

68 3rd Street, Suite 249
Brooklyn, NY 11231
(212) 752-5455 phone
(917) 210-3980 fax

PHOENIX

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

SAN DIEGO

533 F Street
Suite 207
San Diego, CA 92101
(619) 929-3340 phone

“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results. ”

– Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

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

– U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

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

– Associated Press

Elite Trial Lawyers

The National Law Journal

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

The National Law Journal

Most Feared Plaintiffs Firms

Law360

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

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

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

– U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

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

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

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this suit related to the automaker's Dieselgate scandal. A **\$1.6 billion** settlement was reached, and represents a result of nearly full damages for the class.

VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the Plaintiffs' Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history – **\$17.4 billion**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

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

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$260 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel in this matter and secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

LCD ANTITRUST LITIGATION

Hagens Berman served as a member of the Executive Committee representing consumers against multiple defendants in multi-district litigation. The total settlements exceeded **\$470 million**.

MCKESSON DRUG LITIGATION

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

DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

A Denver jury awarded a monumental **\$383.5 million** jury verdict against GranuFlo dialysis provider DaVita Inc. on June 27, 2018, to families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

AVERAGE WHOLESAL PRICE DRUG LITIGATION

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

ENRON ERISA LITIGATION

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

CHARLES SCHWAB SECURITIES LITIGATION

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

Practice Areas

PRACTICE AREAS**Anti-Terrorism**

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

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

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

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

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

> Chiquita Bananas

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

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

PRACTICE AREAS

Antitrust

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

> **Visa/MasterCard**

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

RESULT: \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

> **NCAA: Scholarships/Grants-In-Aid (GIAs)**

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

RESULT: \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

> **Apple E-books**

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

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

> Animation Workers Antitrust

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

RESULT: Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

> TFT LCDs

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

RESULT: \$470 million in total settlements.

> DRAM

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

RESULT: \$375 million settlement.

> Optical Disk Drives

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

RESULT: \$180 million in total settlements reclaimed for consumers.

> Lithium Ion Batteries

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

RESULT: \$65 million in total settlements against multiple defendants.

> AC Nielsen

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

RESULT: \$55 million settlement.

> Dairy Products

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

RESULT: \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

> Toys "R" Us Baby Products

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

RESULT: \$35.5 million settlement.

PRACTICE AREAS**Antitrust****> EA Madden**

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

RESULT: \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

> Resistors Antitrust Litigation

Hagens Berman is co-lead lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

> Nespresso

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

PRACTICE AREAS

Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

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

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

› **General Motors Ignition Switch Litigation**

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

› **Toyota Sudden, Unintended Acceleration Litigation**

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

RESULT: Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

› **MyFord Touch**

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

› **Nissan Quest Accelerator Litigation**

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

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

› **Hyundai Kia MPG**

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

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

PRACTICE AREAS

Automotive - Non-Emissions Cases

> BMW i3 REx

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

> Fiat Chrysler Gear Shifter Rollaway Defect

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

> Ford Shelby GT350 Mustang Overheating

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked

> Tesla AP2 Defect

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

PRACTICE AREAS

Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

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

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

> Volkswagen Diesel Emissions Litigation

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

RESULT: The largest automotive settlement in history, \$14.7 billion.

> Volkswagen Dealers Litigation

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

RESULT: \$1.67 billion in benefits to Volkswagen dealers.

> Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

PRACTICE AREAS**Automotive - Emissions Litigation****> Chevy Cruze Diesel Emissions Litigation**

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

> Audi Emissions Litigation

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

> Fiat Chrysler EcoDiesel Emissions Litigation

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

> Dodge RAM 2500/3500 Diesel Emissions Litigation

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly inducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

> General Motors Duramax Emissions Litigation

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

PRACTICE AREAS

Civil and Human Rights

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

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

› **World Trade Organization Protests**

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

› **Hungarian Gold Train**

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

› **Dole Bananas**

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

PRACTICE AREAS

Consumer Protection - General Class Litigation

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

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

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

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

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

A few case examples are:

› **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

RESULT: Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

› **Stericycle**

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

RESULT: \$295 million settlement

› **Tenet Healthcare**

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

RESULT: Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

PRACTICE AREAS

Consumer Protection - General Class Litigation

> Wells Fargo Force-Placed Insurance

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

RESULT: Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

> Consumer Insurance Litigation

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

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

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

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

RECENT ANTITRUST RESOLUTIONS

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

> Flonase Antitrust Litigation

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

RESULT: \$150 million class settlement.

> Prograf Antitrust Litigation

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

RESULT: The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

> Relafen Antitrust Litigation

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

RESULT: Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Skelaxin Antitrust Litigation

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

RESULT: \$73 million class settlement.

> Tricor Antitrust

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

RESULT: \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

FRAUDULENT DRUG PRICING RESOLUTIONS

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

> McKesson and First DataBank Drug Litigation

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

RESULT: \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

> Average Wholesale Price Drug Litigation

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

RESULT: Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

FRAUDULENT MARKETING RESOLUTIONS

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

> Neurontin Third Party Payor Litigation

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

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

> Lupron

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

RESULT: Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

PRACTICE AREAS**Consumer Protection - Drug and Supplement Litigation****> Celebrex/Bextra**

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

RESULT: \$89 million settlement.

> Vioxx Third Party Payor Marketing and Sales Practices Litigation

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

The drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

RESULT: \$80 million settlement.

> Serono Drug Litigation

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

RESULT: \$24 million settlement.

> Bayer Combination Aspirin/Supplement Litigation

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

RESULT: \$15 million settlement.

OTHER LANDMARK CASES**> New England Compounding Center Meningitis Outbreak**

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

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

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

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

› **CB Richard Ellis Sexual Harassment Litigation**

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

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

› **Costco Wholesale Corporation Wage & Hour Litigation**

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

RESULT: \$15 million cash settlement on behalf of the class.

› **Washington State Ferry Workers Wage Litigation**

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

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

› **SunDance Rehabilitation Corporation**

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

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

› **Schneider National Carriers - Regional Drivers**

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

RESULT: A \$28 million settlement on behalf of drivers.

› **Schneider National Carriers - Mechanics**

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

RESULT: In March of 2013, the case was settled on terms mutually acceptable to the parties.

PRACTICE AREAS

Employment Litigation

› **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

An agreement to settle the case was granted preliminary approval in October 2018. Final approval is pending.

PRACTICE AREAS

Environmental Litigation

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

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

SCIENCE AND THE LAW

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

ENVIRONMENTAL EXPERTS

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

REAL IMPACTS

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

Hagens Berman's significant environmental cases include:

> Exxon Valdez Oil Spill Litigation

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

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

> Chinook Ferry Litigation

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

RESULT: A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

> Grand Canyon Litigation

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

RESULT: The trial court enjoined the project.

> Kerr-McGee Radiation Case

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

RESULT: A medical monitoring settlement valued in excess of \$5 million

> Skagit Valley Flood Litigation

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

RESULT: Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

PRACTICE AREAS

Environmental Litigation

› Idaho Grass Burning Case

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

RESULT: The lawsuit settled in 2006 under confidential terms.

› Dole Bananas Case

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

RESULT: The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

› Diesel Emissions Litigation

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

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

› San Francisco and Oakland Climate Change Litigation

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case

seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

› Florida Sugarcane Burning

Hagens Berman filed a class-action lawsuit against the sugar industry's largest entities on behalf of residents of various areas and townships of Florida that have long suffered from the corporations' wildly hazardous and damaging methods of harvesting sugarcane. The lawsuit states that this outdated method of harvesting has wreaked havoc on these Florida communities. The wildly archaic method of harvesting brings devastating toxic smoke and ash, often called "black snow," raining onto poor Florida communities for six months of the year. The lawsuit's defendants, commonly known as Big Sugar, farm sugarcane on approximately 400,000 acres in the area south and southeast of Lake Okeechobee.

› Kivalina Global Warming Litigation

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

› Cane Run Power Plant Coal Ash Case

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

PRACTICE AREAS

Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

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

> **Big Tobacco**

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

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

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

> **McKesson Average Wholesale Price Litigation**

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

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

> **McKesson Government Litigation**

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

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

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

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

RESULT: \$25 million settlement.

> **General Motors Ignition Switch Litigation**

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

PRACTICE AREAS

Governmental Representation

> State Opioid Litigation

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

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

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

> Municipal Lending

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

PRACTICE AREAS

Intellectual Property

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

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

Our current and recent engagements include the following:

› **Bombardier Inc.**

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

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

› **Angry Birds**

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

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

› **Samsung, LG, Apple**

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

RESULT: The case settled.

› **Oracle**

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

› **Salesforce**

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

› **Nintendo**

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

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

PRACTICE AREAS

Intellectual Property

> Electronic Arts

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

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

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

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

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

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

› **Charles Schwab Securities Litigation**

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

RESULT: \$235 million class settlement for investors.

› **Oppenheimer**

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

RESULT: \$100 million for the classes.

› **Tremont**

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

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

› **Boeing**

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

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

› **J.P. Morgan – Madoff**

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

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

› **Morrison Knudsen**

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

RESULT: More than \$63 million for investors.

› **Raytheon/Washington Group**

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

RESULT: \$39 million settlement.

› **U.S. West**

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

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

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

› Theranos Investor Litigation

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

› Aequitas Investor Litigation

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

› China MediaExpress

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

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

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

› Altisource Asset Management Corporation

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

WHISTLEBLOWERS

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

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

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

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

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

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

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

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

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

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

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

PRACTICE AREAS

Personal Injury and Abuse

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

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

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

Sexual Abuse Litigation Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington. More about Hagens Berman's sexual abuse practice can be found on the following page.

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

Social Work Negligence Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and

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

Workplace Injury While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

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

PRACTICE AREAS

Sexual Abuse and Harassment

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

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

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

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

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

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

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

The firm has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall, tried the first ever sexual harassment case in Washington state, and achieved a nationwide sexual harassment settlement on behalf of 16,000 women.

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

> **USC, Dr. Tyndall Sexual Harassment**

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

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

The settlement's three-tier structure allows class members to

PRACTICE AREAS

Sexual Abuse and Harassment

choose how much they want to engage with the claims process. Those who do not want to revisit a private, traumatic event can simply keep the guaranteed Tier 1 payment of \$2,500. Those who choose to provide additional information in a claim form about their experience with Tyndall and how it affected them are eligible for up to \$20,000 and those who choose to provide an interview are eligible for up to \$250,000. The special master and her team of experts will evaluate claims and allocate awards to Tier 2 and Tier 3 claimants. This focus on choice ensures that all class members receive compensation while giving each class member the autonomy to decide for herself how involved she wants to be in the settlement process.

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

RESULT: \$215 million settlement

› Harvey Weinstein Sexual Harassment

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

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

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

RESULT: Settlement reached

› Fairfax Behavioral Health

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

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

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

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

› CB Richard Ellis Sexual Harassment Litigation

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

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

PRACTICE AREAS

Sexual Abuse and Harassment

› King County Child Sex Abuse

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

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

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

RESULT: \$4,031,000 judgment awarded in a King County Superior Court

› State of Washington Sexual Assault, DSHS

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

RESULT: \$2.5 million settlement

› Workplace Sexual Harassment & Other Investigations

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

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

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

Hagens Berman is also investigating sexual harassment and abuse in various specific areas of study, including STEM programs. The firm also maintains a keen watch over various work environments that are statistically prone to instances of misconduct. These include hospitality, college campuses and research labs, boarding schools and the entertainment industry, especially within the area of professional music.

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

PRACTICE AREAS**Sports Litigation**

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

> NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming they violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

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

> NCAA: Concussions

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm took on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman served as lead counsel in multi-district litigation and led the firm to finalize a settlement bringing sweeping changes to the NCAA's approach to concussion treatment and prevention. The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

> Player Name, Image & Likeness Rights in Videogames

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

PRACTICE AREAS

Sports Litigation

combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the college athletes from exploitation.

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

› Continued NIL Litigation

Hagens Berman has continued efforts against the NCAA in an additional pending antitrust case regarding NIL rights. In June 2020, the firm filed its case against the NCAA claiming the institution had knowingly violated federal antitrust laws in abiding by a particular subset of NCAA amateurism rules that prohibit college-athletes from receiving anything of value in exchange for the commercial use of their name and likeness. The firm holds that the NCAA's regulations illegally limiting the compensation that Division I college athletes may receive for the use of their names, images, likenesses and athletic reputations.

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

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

› FIFA/U.S. Soccer: Concussions

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

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field.

› NCAA: Transfer Antitrust

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

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

PRACTICE AREAS**Sports Litigation****> Pop Warner**

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

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head. In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not made public. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

> MLB Foul Ball Injuries

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

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans. We believe our case sparked the eventual move to netting. After one of the owners of the Mariners belittled Steve for having filed the case, the firm happily saw the addition of netting extended to the foul poles at T-Mobile Park in the firm's headquarters of Seattle.

> Other Cases

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

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

PRACTICE AREAS

Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

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

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

> In U.S. ex rel. Lagow v. Bank of America

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

RESULT: The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

> In U.S. ex rel. Mackler v. Bank of America

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

RESULT: The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

> In U.S. ex rel. Horwitz v. Amgen

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

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

> In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler

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

RESULT: Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

> In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

PRACTICE AREAS

Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

RESULT: In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

> Medtronic

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

RESULT: The case settled in 2012 for an amount that remained under seal.

SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

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

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned

by Direct Edge Holdings (and since acquired by Bats Global Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

A few of the firm's most recent whistleblower cases in this area include:

> EDGA Exchange Inc. and EDGX Exchange Inc.

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

RESULT: The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

PRACTICE AREAS

Whistleblower Litigation

> Nav Sarao Futures Limited PLC

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

RESULT: Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

INTERNAL REVENUE SERVICE

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

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

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

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

- › **In Matter of Motors Liquidation Co.**, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › **George v. Urban Settlement Servs.**, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- › **In re Loestrin 24 Fe Antitrust Litig.**, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
- › **Osborn v. Visa Inc.**, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- › **Little v. Louisville Gas & Elec. Co.**, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- › **City of Miami v. Citigroup Inc.**, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- › **Rajagopalan v. NoteWorld, LLC**, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- › **In re Neurontin Mktg. & Sales Practices Litig.**, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- › **In re NCAA Student-Athlete Name & Likeness Licensing Litig.**, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- › **Garcia v. Wachovia Corp.**, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
- › **Agnew v. Nat'l Collegiate Athletic Ass'n**, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- › **In re Lupron Mktg. & Sales Practices Litig.**, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
- › **In re Pharm. Indus. Average Wholesale Price Litig.**, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

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

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

- › **Garza v. Gama**, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- › **In re Farm Raised Salmon Cases**, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- › **Pickett v. Holland Am. Line-Westours, Inc.**, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

**MANAGING PARTNER****Steve W. Berman**

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

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YEARS OF EXPERIENCE

> 41

PRACTICE AREAS

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

BAR ADMISSIONS

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

COURT ADMISSIONS

- > Supreme Court of the United States
- > Supreme Court of Illinois
- > Supreme Court of Washington
- > U.S. District Court for the Eastern and Western Districts of Washington
- > U.S. District Court for the Northern and Central Districts of Illinois
- > U.S. District Court for the District of Colorado
- > U.S. District Court for the Eastern District of Michigan
- > First Circuit Court of Appeals

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve was named an MVP of the Year by Law360 in 2016 and 2017 for his class-action litigation and received the 2017 Plaintiffs' Trailblazer award. He was recognized for the third year in a row as an Elite Trial Lawyer by The National Law Journal.

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

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT CASES**> Emissions Litigation**

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500 and 3500 trucks, Dodge Ram 1500 and Jeep Cherokee EcoDiesel vehicles, Chevy Silverado, GMC Sierra as well as other models made by Ford, Audi and BMW. Steve and the firm's unmatched work in emissions-cheating investigations is often ahead of the EPA and government regulators.

> General Motors Ignition Switch Defect Litigation

Steve serves as lead counsel seeking to obtain compensation for the millions of GM car owners who overpaid for cars that had hidden safety defects.

> Climate Change – New York City, King County, Wash.

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

- › Second Circuit Court of Appeals
- › Third Circuit Court of Appeals
- › Fifth Circuit Court of Appeals
- › Sixth Circuit Court of Appeals
- › Seventh Circuit Court of Appeals
- › Eighth Circuit Court of Appeals
- › Ninth Circuit Court of Appeals
- › Tenth Circuit Court of Appeals
- › Eleventh Circuit Court of Appeals
- › DC Circuit Court of Appeals
- › Federal Circuit Court of Appeals
- › U.S. Court of Federal Claims
- › Foreign Registered Attorney in England and Wales

EDUCATION

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

MANAGING PARTNER

Steve W. Berman

- › **Opioids** - Orange and Santa Clara County, Seattle
Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.
- › **Antitrust Litigation**
Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Steve also filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices. Most recently, Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).
- › **Consumer Protection**
Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

RECENT SUCCESS

- › **Volkswagen Franchise Dealerships** - \$1.6 billion
Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.
- › **Stericycle Sterisafe Contract Litigation** - \$295 million
Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.
- › **NCAA Grant-in-Aid Scholarships** - \$208 million
Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes.

The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to

MANAGING PARTNER**Steve W. Berman**

education-related expenses. According to the Ninth Circuit, the NCAA is “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences may make available. In the Supreme Court’s 9-0, Justice Kavanaugh stated, “The NCAA is not above the law.”

› **Dairy Price-Fixing** – \$52 million

This antitrust suit’s filing unearthed a massive collusion between the biggest dairy producers in the country, responsible for almost 70 percent of the nation’s milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.

CAREER HIGHLIGHTS

› **State Tobacco Litigation** - \$260 billion

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.

› **Visa MasterCard ATM Antitrust Litigation** - \$27 billion

Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa’s and MasterCard’s networks.

› **Toyota Sudden, Unintended Acceleration** - \$1.6 billion

Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs’ steering committee.

› **Washington Public Power Supply System (WPPSS)** - \$700 million settlement

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.

› **E-books Antitrust Litigation** - \$560 million settlement

Fought against Apple and five of the nation’s top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers’ actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

MANAGING PARTNER**Steve W. Berman**

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

RECOGNITION

- › 2023 Best Lawyers in America in Litigation - Securities and Product Liability Litigation - Plaintiffs
- › 2018, 2020, 2022 Titan of the Plaintiffs Bar, Law360
- › 2022 Hall of Fame, Lawdragon
- › 1999-2022 Washington Super Lawyers
- › 2021 Sports & Entertainment Law Trailblazer, The National Law Journal

MANAGING PARTNER**Steve W. Berman**

- › 2021, 2019, 2018 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute
- › 2016-2020 Class Action MVP of the Year, Law360
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2019-2020 Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers
- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

ACTIVITIES

- › In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS '76) and his wife, Kathy. The program will improve society's ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change.

Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship.
- › In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW's environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

OTHER NOTABLE CASES

- › **VW Emissions Litigation - \$14.7 billion settlement**
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › **McKesson Drug Class Litigation - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
- › **Average Wholesale Price Litigation - \$338 million settlement**
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.
- › **DRAM Memory Antitrust - \$345 million settlement**

MANAGING PARTNER

Steve W. Berman

› **Lumber Liquidators Flooring**

Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

PRESENTATIONS

› Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

PERSONAL INSIGHT

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

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

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

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YEARS OF EXPERIENCE

> 39

PRACTICE AREAS

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

BAR ADMISSIONS

- > Massachusetts
- > Rhode Island

COURT ADMISSIONS

- > First Circuit Court of Appeals
- > Second Circuit Court of Appeals
- > Supreme Court of the United States

EDUCATION

- > Boston University School of Law, J.D., **cum laude**, 1983
- > Clark University, B.A., **summa cum laude**, Phi Beta Kappa, 1980

CURRENT ROLE

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

CAREER HIGHLIGHTS

- > \$325 million: third party payer class settlement, In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, No. 04-md-1629 (D. Mass.) (Hon. Patti B. Saris)
- > ~\$200 million: tort victim recoveries via bankruptcy plan, In re New England Compounding Pharmacy, Inc. Products Liability Litigation, MDL No. 2419 (D. Mass.) (Hon. Rya W. Zobel)
- > \$150 million: direct purchaser class settlement, In re Flonase Antitrust Litigation, No. 08-cv-03149 (E.D. Pa.) (Hon. Anita B. Brody)
- > 4% price reduction of most retail drugs: New England Carpenters Health Benefits Fund v. First DataBank, Inc., No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris)
- > \$350 million: consumers and third party payers, San Francisco Health Plan v. McKesson Corp., No. 08-cv-10843 (D. Mass.) (Hon. Patti B. Saris)
- > \$25 million: State of Connecticut, In re Zyprexa Products Liability Litigation, MDL No. 1596 (E.D.N.Y.) (Hon. Jack B. Weinstein)

RECENT SUCCESS

- > \$120 million: direct purchaser class settlement, In re Loestrin 24 Fe Antitrust Litigation, No. 13-md-02472 (D.R.I.) (Hon. William E. Smith)
- > \$51.25 million: direct purchaser class settlement, In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation, No. 18-md-02819 (E.D.N.Y.) (Hon. Nina Gershon)
- > \$166 million: direct purchaser class settlement, In re Lidoderm Antitrust Litigation, MDL No. 2521 (N.D. Cal.) (Hon. William Orrick)
- > \$72.5 million: direct purchaser class settlement, In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation, No. 14-md-02503 (D. Mass.) (Hon. Denise J. Casper)

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

- › Has Led almost 20 generic delay cases, involving various theories, on behalf of both direct and end payers to settlement and distributions to classes (or aggregated groups)
- › Helped develop the econometric model used to show the relationship between marketing and the opioid epidemic in the opioids MDL. In re National Prescription Opiate Litigation, No. 17-md-02804 (N.D. Ohio) (Hon. Dan Aaron Polster)
- › Originated the Ranbaxy fraudulent ANDA litigation, alleging novel theory that a generic company's fraudulent statements to FDA in order to obtain exclusivities violated federal RICO and antitrust laws, Meijer, Inc. v. Ranbaxy Inc., No. 15-cv-11828 (D. Mass.) (Hon. Nathaniel M. Gorton)
- › Served as Lead counsel in the New England Compounding MDL and a member of the creditors' committee in the related bankruptcy, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced, resulting in about a \$200 million settlement, In re New England Compounding Pharmacy, Inc. Products Liability Litigation, MDL No. 2419 (D. Mass.) (Hon. F. Dennis Saylor, IV; Hon. Rya W. Zobel)
- › In the Vioxx MDL, developed a win-win lien resolution program for consumers and health plans that dispensed with the inefficiencies of resolving insurance liens piecemeal that is now a routine part of mass tort MDLs, In re Vioxx Products Liability Litigation, MDL No. 1657 (E.D. La.) (Hon. Eldon E. Fallon)
- › Obtained a \$142 million RICO jury verdict against Pfizer for fraudulently marketing its drug Neurontin; negotiated a separate \$325 million settlement on behalf of a class of health plans, In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, MDL No. 1629 (D. Mass) (Hon. Patti B. Saris)
- › Brought ground-breaking suit alleging widespread fraudulent marketing and sales practices for the prostate cancer drug Lupron (In re Lupron Marketing and Sales Practices Litigation, No. 01-md-1430 (D. Mass.) (Hon. Richard Stearns), which uncovered pricing theories later litigated in the Average Wholesale Price litigation (In re Pharmaceutical Industries Average Wholesale Price Litigation, No. 02-md-1456 (D. Mass) (Hon. Patti B. Saris), over \$250 million in settlements) and related litigation against First Databank, (New England Carpenters Health Benefits Fund v. First DataBank, Inc., No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris), major price rollback on hundreds of drugs)
- › Worked closely with consumer groups trying to bring down the prices of prescription drugs, including serving as lead counsel to the former Prescription Access Litigation (PAL) project, a large coalition of health care advocacy groups that fought illegal, loophole-based overpricing by pharmaceutical companies.
- › Since 2002, has represented consumers, consumer groups, health plans, governments and institutions in complex class actions involving waste, fraud, and abuse in the pharmaceutical industry.
- › Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island, including in ground-breaking litigation against tobacco industry (injunctive relief and recovery of more than \$10 billion).
- › Spent seventeen years at a large Boston firm handling large complex civil and criminal litigation.

PRO BONO

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

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

RECOGNITION

- › Massachusetts Ten Leading Litigators, The National Law Journal
- › Massachusetts Super Lawyer 2008-2021
- › Nominated in 2011 for Trial Lawyer of the Year by Public Justice for verdict in In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, MDL No. 1629 (D. Mass.).

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

Rob added to HB's office a built-in mock courtroom, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries. [Download photo »](#)

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

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

BAR ADMISSIONS

- > Arizona
- > Colorado

COURT ADMISSIONS

- > U.S. Supreme Court
- > United States Court of Appeals for the Federal Circuit
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Seventh Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > Various federal district courts

EDUCATION

- > University of Denver, M.B.A., J.D., 1986
- > Arizona State University, B.S., 1983
- > Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

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

CURRENT ROLE

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

RECENT SUCCESS

- > In June 2018, a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.
- > Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by The Daily Journal, a leading legal publication.
- > Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.
- > Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman complaints for a case that eventually settled for \$1.6 billion
- > Led Hagens Berman's efforts on the \$97 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- > Helped secure a first-ever (\$60 million) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes—even current ones—with cash recoveries for the use of their likenesses without permission.
- > Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Fitzpatrick, Rob secured a settlement that "forever changed youth football" (OC Weekly) and was "unprecedented"

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

and owed a debt of gratitude by those who care about the safety of kids playing football (Washington Post). Donovan died tragically during a 2016 surgery.

- › Rob secured a record verdict for a mother suing her deceased son's estate for negligence in starting a home fire. He then took an assignment of the estate's claim and pursued a bad faith claim against the insurer, resulting in lifetime financial security for the badly burned mother.
- › After successfully reforming an insurance policy to cover a client – a student-athlete injured in a roll-over accident that caused incomplete tetraplegia and traumatic brain injury – Rob went to the jury, which awarded damages for all harms and losses requested and for insurance bad faith, with a verdict exceeding over 15 times policy limits.
- › Rob sued the leading auto carrier for refusal to fully cover a pedestrian struck by the carrier's driver. The verdict was valued over seven figures, and included a finding of willful and wanton conduct, trebling the damages.
- › After Rob cross-examined the CEO and CFO of a pharmacy benefits company, the jury entered a verdict for his client in the liability phase of a \$75-million dispute.
- › During his representation of a driver paralyzed by a car's roof collapse, the insurance company ignored that the agent did not understand or offer required high-end coverages. The jury returned a verdict with a value over seven figures, including a finding for treble damages.
- › Rob represented passengers of drunk driver, and persuaded the jury to award future earning capacity, essential services, medical bills and to find willful and wanton conduct against the insurer (treble damages). After a successful trip to the state supreme court, the verdict was maintained and had a value in excess of 15 times the policy limits.

RECOGNITION

- › Best Lawyers in America 2023 in Litigation - Insurance and Personal Injury Litigation - Plaintiffs
- › One of 500 Leading Lawyers in America selected (again) by Lawdragon, and the only Arizona or Colorado attorney to make the list.
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system.
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year
- › Selected as a Leading Plaintiff Financial Lawyer in America and a Leading Plaintiff Consumers Lawyer in America
- › U.S. Department of Justice, recognized for victims' rights efforts

EXPERIENCE

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

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

various states.

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

LEGAL ACTIVITIES

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

PUBLICATIONS

- › Co-author of "7 Punitive Damages Strategies," Trial Magazine, April 2019
- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"
- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

NOTABLE CASES

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

**PARTNER**

Lauren Guth Barnes

Ms. Barnes was honored with the American Association for Justice's Marie Lambert Award in 2018, given to a female attorney in recognition of her exemplary leadership to the profession, to her community, to AAJ and to the Women Trial Lawyers Caucus.

CONTACT

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lauren@hbsslaw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

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

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. Court of Appeals, Second Circuit, Eleventh Circuit
- > Supreme Court of the United States

EDUCATION

- > Boston College Law School, J.D., **cum laude**, Articles Editor, Boston College Law Review, 2005
- > Williams College, B.A., International Relations, **cum laude**, 1998

CURRENT ROLE

- > Partner & Management Committee Member, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- > Co-lead class counsel for direct purchasers in In re Glumetza Antitrust Litigation (N.D. CA.)
- > Co-lead class counsel for direct purchasers in In re Intuniv Antitrust Litigation (D. Mass.)
- > Co-lead interim class counsel for end payors in In re Humira (Adalimumab) Antitrust Litigation (N.D. Ill.)
- > Co-lead interim class counsel for student purchasers in In re Inclusive Access Course Materials Antitrust Litigation (S.D. N.Y.)

EXPERIENCE

- > As co-lead class counsel, helped secure \$72.5 million class settlement for direct purchaser class three days before trial in MDL 2503: In re Solodyn Antitrust Litigation
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: In re. Skelaxin Antitrust Litigation
- > Represented the state of Connecticut and helped secure a \$25M settlement in its action against Eli Lilly over unlawful promotion of and misrepresentations about Zyprexa
- > Represented health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- > Served as pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program
- > Served as liaison counsel for In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in Pliva v. Mensing on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare
- > Worked at Conflict Management Group where she worked with members of the United Nations High

PARTNER**Lauren Guth Barnes**

Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies, and contributed to *Imagine Coexistence*, a book developed out of the collaboration

- › Serves on the Board of On The Rise, a Cambridge, MA daytime shelter for homeless women and women in crisis

LEGAL ACTIVITIES

- › American Association for Justice (AAJ)
 - Executive Committee, Member (2014-2015, 2019-present)
 - Board of Governors, Member (2012-present)
 - Law Schools Committee, Co-Chair (2010-present)
 - Committee on the Judiciary, Chair (2018-present)
 - Antitrust Litigation Group, Former Chair (2016-2018)
 - Women Trial Lawyers Caucus, Former Chair (2012-2013)
 - Class Action Litigation Group, Former Co-Chair (2011-2012)
 - New Lawyers Division, Board of Governors (2009-2014)
 - Committees (various), Member
 - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Public Justice
 - Board of Directors, Member (2018-present)
 - Class Action Preservation Project, Chair (2020-present); Vice Chair (2019-2020)
- › Massachusetts Academy of Trial Attorneys
 - Executive Committee, Member (2012-2014; 2017-present)
 - Board of Governors, Member (2011-present)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors (2015-2017)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-2018)

RECOGNITION

- › Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers (2020)
- › Massachusetts Super Lawyer (2018, 2019)
- › AAJ Marie Lambert Award (2018)
- › AAJ Distinguished Service Award (2015, 2017, 2018)
- › AAJ Women's Caucus Excellence in Leadership Award (2017, 2019)
- › AAJ Above and Beyond Award (2016)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors – inaugural class (2015-2017)
- › National Law Journal Boston Rising Star Award (2014)
- › Massachusetts Academy of Trial Attorneys President's Award (2014)
- › Massachusetts Bar Association Up & Coming Lawyer Award (2013)

PARTNER

Lauren Guth Barnes

- > Massachusetts Rising Star (2014, 2015)
- > AAJ New Lawyers Division Excellence Award (2010, 2011, 2013, 2014)
- > AAJ New Lawyers Division Above and Beyond Award (2012)
- > AAJ Wiedemann & Wysocki Award (2012, 2013)

NOTABLE CASES> **\$72.5 Million Recovery in Solodyn Antitrust Action**

In July 2018, the Honorable Denise J. Casper of the District of Massachusetts granted final approval to a \$72.5 million class settlement for direct purchasers of brand and generic Solodyn. HBSS was co-lead class counsel in this case alleging Medicis entered into a series of reverse payment deals to delay entry of generic Solodyn and used the period of delay to effectuate a product hop, all resulting in overcharges by direct purchasers. The case settled three days before trial.

In re Solodyn Antitrust Litigation, D. Mass., MDL No. 2503

> **\$73 Million Recovery for Direct Purchasers of Skelaxin**

On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers.

In re Skelaxin (Metaxalone) Antitrust Litigation, E.D.TN., Civil Action No. 1:12-md-2343.

> **Health care coverage for 40,000 legal immigrants in Massachusetts**

On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. Hagens Berman served as pro bono counsel.

Finch v. Commonwealth Health Insurance Connector Authority, Mass., Civil Action No. SJC-11025.

> **\$25 million for the state of Connecticut for Zyprexa fraud**

On Oct. 5, 2009, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal.

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

PUBLICATIONS

- > "How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act," Harvard Law and Policy Review, August 2015

PERSONAL INSIGHT

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her three children counts. Lauren did wrestle in college but refused to don the wrestling singlet. Whenever she can, Lauren rock climbs with her in-laws, breathes deeply at yoga, and hosts dinner parties to, despite usual advice, try totally new recipes. She also keeps the pizza delivery guy on speed dial as back-up for such occasions.

**PARTNER**

Kristen A. Johnson

Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for securing a \$142 million verdict against Pfizer for suppressing and manipulating results of scientific studies.

CONTACT

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YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > RICO
- > Antitrust

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > First Circuit Court of Appeals

EDUCATION

- > Boston College Law School, J.D.
- > Dartmouth College, **cum laude**, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Court-appointed lead counsel for the proposed class of direct purchasers in multidistrict litigation alleging that brand company Merck and generic company Glenmark struck an anticompetitive pay-for-delay agreement to resolve patent-infringement litigation over the drug Zetia. In re Zetia Antitrust Litigation, 2:18-md-2836, E.D. Va., ECF No. 105.
- > Member of the HBSS team litigating antitrust claims on behalf of a proposed class of direct purchasers of brand and generic Glumetza. In re Glumetza Antitrust Litigation, 3:19-cv-05822, N.D. Cal.
- > Working with experts in In re: Ranbaxy Generic Drug Application Antitrust Litigation, 1:19-md-02878, D. Mass.
- > Instrumental in new case investigation work directed to combating waste, fraud, and pricing abuse in the pharmaceutical industry.

RECENT SUCCESS

- > The First Circuit reversed a district court's dismissal of antitrust litigation premised on wrongfully listing patents covering insulin injector pens in FDA's Orange Book. In re Lantus Direct Purchaser Antitrust Litigation, 18-cv-2086, 1st Cir., Feb. 13, 2020.
- > Directed HBSS's litigation efforts, as co-lead counsel for the certified class of direct purchasers, and ran the patent team through the run up to trial in In re Loestrin 24 Fe Antitrust Litigation. The parties have reached a proposed \$120 million settlement shortly before trial. In re Loestrin 24 Fe Antitrust Litigation, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Court-appointed Interim lead/liaison class counsel for the proposed direct purchaser class in multidistrict litigation alleging that Allergan engaged in an anticompetitive scheme to delay generic versions of Restasis from coming to market. The parties have reached a proposed \$51.25 million settlement on behalf of the proposed settlement class of direct purchasers of the drug Restasis, In re Restasis Antitrust Litigation, 18-md-2819, E.D.N.Y., ECF No. 50.

LEGAL ACTIVITIES

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

RECOGNITION

- > The National Trial Lawyers: Top 100, 2022
- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one

PARTNER**Kristen A. Johnson**

of 40 outstanding lawyers under 40.

- › In 2020, Lawdragon named Ms. Johnson one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.
- › In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

NOTABLE CASES

- › \$94 million settlement for the certified class of direct purchasers in *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455 (court-appointed co-lead counsel).
- › \$98 million settlement for the direct purchaser class in *In re Prograf Antitrust Litigation*, D. Mass., MDL No. 2242 (team member).
- › Personally appointed alternate lead counsel in the *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, 12-md-2419, D. Mass. During the nascent stages of the MDL, the court appointed Ms. Johnson liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products made and sold by NECC. This case resulted in a \$189+ million settlement on behalf of tort victims.
- › Member of the trial team that achieved a \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies concerning the drug Neurontin. Post-trial, the third-party payer class settled with Pfizer for an additional \$325 million. *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, D. Mass., MDL No. 1629.
- › \$150 million settlement for the direct purchaser class in *In re Flonase Antitrust Litigation*, E.D. Pa., 08-cv-3149 (team member).

PERSONAL INSIGHT

Ms. Johnson grew up in a family law practice (they literally turned a closet into a playroom) in Canfield, Ohio. Her grandfather, uncle, father, brother and sister are all lawyers, all practice together, and her mother runs the law office. Ms. Johnson's career choice was perhaps inevitable, though her departure for Boston makes her a bit of a black sheep.

**PARTNER**

Sean R. Matt

Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success

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YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

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

INDUSTRY EXPERIENCE

- > Complex Financial Instruments
- > Investments
- > Pharmaceuticals
- > Automotive

COURT ADMISSIONS

- > Supreme Court of Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, District of Colorado
- > Ninth Circuit U.S. Court of Appeals

EDUCATION

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the **In re Charles Schwab Securities Litigation**, the **In re Oppenheimer Champion Income Fund Securities Class Actions** and the **Oppenheimer Core Bond Fund Class Action Litigation**
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including Average Wholesale Price Litigation, the **First Databank/McKesson Pricing Fraud Litigation** and the **Enzyte Litigation**
- > Key member of the firm's automobile defect litigation team

RECOGNITION

- > In 2014, Public Justice nominated Mr. Matt and the **In re Toyota Motor Corp. Sudden, Unintended Acceleration** team for the Trial Lawyer of the Year Award for their work in securing a \$1.6 billion settlement for car owners.
- > In 2020, Lawdragon named Mr. Matt one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.

PUBLICATIONS

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

NOTABLE CASES

- > **Mercedes Emissions** (\$763 settlement)
- > **In re Charles Schwab Securities Litigation** (\$235 million settlement)
- > **In re Oppenheimer Champion Income Fund Securities Fraud Class Actions** (\$52.5 million proposed settlement)
- > **Oppenheimer Core Bond Fund Class Action Litigation** (\$47.5 million settlement)
- > **Morrison Knudsen and Costco Wholesale Corp. Securities Litigation**

PARTNER

Sean R. Matt

- › In re Pharmaceutical Industry Average Wholesale Price Litigation (\$338 million settlement)
- › In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation
- › In re Checking Account Overdraft cases pending against many of the country's largest banks
- › Washington State Ferry Litigation, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington
- › Microsoft Consumer Antitrust cases
- › State Attorneys General Tobacco Litigation, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

PERSONAL INSIGHT

Sean, whose four-man team won cycling's prestigious Race Across America with a time of six days and three hours, still occasionally rides a bike.

**PARTNER**

Shana E. Scarlett

Shana has achieved hundreds of millions of dollars in recovery for classes in antitrust matters, and has been named a Northern California Super Lawyer and top California antitrust attorney.

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

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

INDUSTRY EXPERIENCE

- > Technology Companies
- > Internet Companies
- > Agricultural Companies

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
- > U.S. Court of Appeals, Second Circuit
- > U.S. Court of Appeals, Seventh Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Federal Circuit

EDUCATION

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

CURRENT ROLE

- > Partner & Management Committee Member, Hagens Berman Sobol Shapiro LLP
- > Managing Partner of Hagens Berman's Berkeley office
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition

RECENT SUCCESS

- > Ms. Scarlett has played a leading role in obtaining sizable settlements for antitrust plaintiffs in the following cases:
 - In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (co-lead counsel for indirect purchaser class; recovery to date of \$106 million)
 - In re Animation Workers Antitrust Litig., No. 14-cv-4062 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for class of workers; recovery of nearly \$169 million)
 - In re Lithium Ion Batteries Antitrust Litig., No. 13-md-02420 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$113.45 million)
 - In re EBooks Antitrust Litig., No. 11-md-02293 (S.D.N.Y.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$568 million)
 - In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)
 - In re Railway Industry Employee No-Poach Antitrust Litigation, MDL No. 2850 (W.D. Pa.) (team at Hagens Berman on executive committee; recovery of \$48.95 million)

RECOGNITION

- > Who's Who Legal, Thought Leaders - Global Elite, 2022
- > The Daily Journal, Top Plaintiff Lawyers, 2022
- > Lawdragon 500 Leading Plaintiff Consumer Lawyers, 2022
- > Lawdragon Leading Lawyers in America, Plaintiff Consumer Litigation, 2022
- > Top Antitrust Attorney, Daily Journal of California, 2021-2022
- > Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers, 2021
- > Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020-2022
- > Lawdragon Leading Plaintiff Lawyer, 2020 - 2021
- > Band 2 Ranking by Chambers and Partners, 2020; Band 1 Ranking, 2021
- > Northern California Super Lawyer, 2013 - 2021
- > Top 50 Women Northern California Super Lawyers, 2020-2021
- > Rising Star Award for Northern California, Super Lawyers, 2009 - 2011

EXPERIENCE

- > Associate, Coughlin Stoia Geller Rudman & Robbins LLP (2004-2007)
- > Associate, Milberg Weiss Bershad Hynes & Lerach LLP (2002-2004)
- > Associate, Lief Cabraser Heimann & Bernstein LLP (2001-2002)

PARTNER**Shana E. Scarlett****LEGAL ACTIVITIES**

- › Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Private Class Actions (November 2019)
- › Panelist, American Bar Association, Key Considerations for Working with Expert Witnesses in Class Actions (September 2019)
- › Panelist, American Antitrust Institute, The Consumer and Food Sovereignty: Concentration and its Effects on Food Prices, Choice, and Quality (December 2018)
- › Panelist, Complex Litigation E-Discovery Forum: Tar and Validation Protocols (September 2018)
- › Panelist, Civil Law Symposium: Class Actions for the Northern District Practice Program (September 2018) (spoke at the request of Judge Gonzalez Rogers on distribution of settlements and best practices of notice)
- › Panelist, The Impact Fund, Advanced Class Notice Issues (August 2018)
- › Panelist, American Bar Association Meeting: Procedural Steps and Pitfalls in Antitrust Class Actions (May 2018)
- › Panelist, Northern District Judicial Conference: Class Actions (April 2018)
- › Panelist, Class Certification – Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute (Nov. 2017)

NOTABLE CASES

- › Ms. Scarlett is also serving as lead or co-lead class counsel in the following cases currently being litigated:
 - In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (co-lead counsel for indirect purchaser class)
 - In re Beef Purchasers Antitrust Litig. (Peterson v. JBS USA Food Co. Holdings et al.), No. 0:19-cv-01129 (D. Minn.) (co-lead counsel for indirect purchaser class)
 - In re Turkey Antitrust Litig., No. 1:19-cv-08318 (N.D. Ill.) (co-lead counsel for direct purchaser class)
 - Jien v. Perdue Farms, Inc., No. 19-cv-2521 (D. Md.) (co-lead counsel for class of hourly and salaried workers)

PERSONAL INSIGHT

Shana is Canadian and the daughter of the noted Canadian jurist, the Hon. Edward D. Scarlett. When not in the Berkeley office of Hagens Berman, Shana usually can be found in Canada with her four sisters, nine nieces and nephews.

**PARTNER**

Leonard W. Aragon

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

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

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

COURT ADMISSIONS

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

EDUCATION

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, summa **cum laude**, 1998

INDUSTRY EXPERIENCE

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

CURRENT ROLE

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

RECENT SUCCESS

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

RECOGNITION

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

LEGAL ACTIVITIES

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

NOTABLE CASES

- > **In re NCAA Student-Athlete Name and Likeness Licensing Litigation**
- > **Keller v. Electronic Arts Inc.**
- > **Antonick v. Electronic Arts Inc.**
- > **In re Swift Transportation Co., Inc.**
- > **Hunter v. Hyundai Motor America**
- > **Jim Brown v. NCAA; Liebich v. Maricopa County Community College District**
- > **Liebich v. Maricopa County Community College District**

PERSONAL INSIGHT

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

**PARTNER**

Gregory T. Arnold

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

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

> Antitrust Litigation
> Personal Injury Litigation

BAR ADMISSIONS

> Massachusetts
> U.S. District Court, District of
Massachusetts
> Court of Appeals, 2nd Circuit

EDUCATION

> Fairfield University, B.S.,
Marketing, 1991
> Villanova University School
of Law, J.D., 1996 (served on
Law Review)

CURRENT ROLE

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

RECENT SUCCESS

- > Part of a team that secured substantial recoveries on behalf of a class of direct purchasers in connection with wrongfully delayed entry of generic versions of various pharmaceutical drugs
- > Defeated motion to dismiss in case alleging misconduct on the part of a large Indian generic pharmaceutical manufacturer which caused delays in generic competition on multiple drugs with billions of dollars of annual sales

EXPERIENCE

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

NOTABLE CASES

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

PARTNER**Gregory Arnold****> Mass Torts/Class Actions**

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

> Complex Financial Litigation

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for more than \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

> General Commercial Litigation

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multimillion-dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multimillion-dollar commercial contract concerning sale of radiology equipment, including prevailing on counterclaim seeking to impose multimillion-dollar liability.

> Patent Litigation

- Represented national and international clients on a full range of patent litigation issues, including trials.
- Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

> Labor and Employment Litigation

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

PARTNER

Gregory Arnold

- Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act following the termination of an employee/truck driver.

› **Other Litigation**

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.

PERSONAL INSIGHT

Greg is married with three children and lives in Mansfield, Mass. He played varsity ice hockey in college.

**PARTNER**

Elaine T. Byszewski

Litigated Milk Antitrust from complaint filing to settlement of \$52 million

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

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

BAR ADMISSIONS

- > California

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multimillion-dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > She also litigated a multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk, which the defendants described in their attempted petition for review to the United States Supreme Court as “one of the most expansive classes in history.”
- > Currently, Ms. Byszewski focuses her practice on brief writing for a wide variety of firm cases, including:
 - Auto defect cases and other product defect cases on behalf of consumers;
 - College refund cases seeking return of tuition paid for promised in-person and on campus education; and
 - Antitrust cases, including collusion in the agriculture.

RECENT SUCCESS

- > Drafted petition for en banc review in **Hyundai/Kia Fuel Economy Litig.**, which was granted and resulted in affirmance of the nationwide class action settlement in 2019.
- > Litigated **Milk Antitrust** from complaint filing to settlement of \$52 million and received the American Antitrust Institute’s 2018 award for Outstanding Antitrust Litigation Achievement in Private Law Practice
- > Member of litigation team that settled **Toyota Unintended Acceleration Litigation** for \$1.6 billion and was a finalist for Public Justice’s 2014 Trial Lawyer of the Year award

EXPERIENCE

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

RECOGNITION

- > Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020, 2022

PARTNER**Elaine T. Byszewski****NOTABLE CASES**

- › Dairy Cooperatives Antitrust Litigation
- › Toyota Unintended Acceleration
- › Hyundai/Kia
- › Ford Spark Plugs
- › AstraZeneca Pharmaceuticals (Nexium) Litigation
- › Merck (Vioxx) Litigation
- › Berkeley Nutraceuticals (Enzyte) Litigation
- › Solvay Pharmaceuticals (Estratest) Litigation
- › Apple iPod Litigation
- › Costco Wage and Hour Litigation

PUBLICATIONS

- › “Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship,” *Animal Law Review*, 2003, Winner of the *Animal Law Review’s* 5th Annual Student Writing Competition
- › “What’s in the Wine? A History of FDA’s Role,” *Food and Drug Law Journal*, 2002
- › “ERISA and RICO: New Tools for HMO Litigators,” *Journal of Law, Medicine & Ethics*, 2000

PERSONAL INSIGHT

Ms. Byszewski enjoys spending time outdoors with her husband and their two sons, whether swimming, hiking or scootering around the neighborhood.

**PARTNER****John DeStefano**

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

CONTACT

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PRACTICE AREAS

- › Appellate Advocacy
- › Class Action
- › Commercial Litigation
- › Consumer Rights
- › Insurance Law

BAR ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer, insurance, and antitrust class actions as well as appellate representation

RECENT SUCCESS

- › When Continental Casualty Co. decided to seek and impose massive premium hikes on its long-term-care insurance customers, Hagens Berman filed suit to stop them and correct the abuse. The federal court initially granted Continental's motion to dismiss, but Mr. DeStefano obtained a published reversal of that ruling from the U.S. Court of Appeals for the Seventh Circuit in 2020. After the case was remanded, he defeated three additional motions to dismiss in similar cases against Continental Casualty and discovery is ongoing.
- › Mr. DeStefano has also been active in litigation challenging insurers' deliberate underpayments of total loss auto claims—unfair practices that short consumers after serious car accidents when they are often injured and at their most vulnerable. In early 2022, the U.S. District Court for the District of New Jersey granted Mr. DeStefano's motion to certify a class of New Jersey consumers challenging GEICO's use of improper adjustments to lower payments and its failure to pay substantial taxes and fees owed.
- › Mr. DeStefano also helped represent NFL legend Jim Brown in the appeal of his right-of-publicity suit against Electronic Arts for the unauthorized use of his likeness in Madden NFL video games. Shortly after briefing, Electronic Arts agreed to a \$600,000 judgment in favor of Brown.
- › Mr. DeStefano was part of the Hagens Berman team that obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings and successfully defended the settlement before the U.S. Court of Appeals for the Ninth Circuit, sitting en banc. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.

EXPERIENCE

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

LEGAL ACTIVITIES

- › Trustee and past Treasurer, American Inns of Court
- › Membership Chair, Lorna Lockwood American Inn of Court
- › American Association for Justice

PARTNER**John DeStefano****RECOGNITION**

- › Super Lawyers, Rising Star: Class Action/Mass Tort 2015 - 2017
- › Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

NOTABLE CASES

- › Gunn v. Continental Casualty Co.
- › Sieving v. Continental Casualty Co.
- › Cheslow v. Continental Casualty Co.
- › Brown v. Continental Casualty Co.
- › Kronenberg v. Allstate Insurance Co.
- › Lewis v. GEICO
- › In re Hyundai & Kia Fuel Economy Litigation
- › Jim Brown v. Electronic Arts Inc.

PUBLICATIONS

- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

PERSONAL INSIGHT

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.

**PARTNER**

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2022.

CONTACT

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catherineg@hbsslw.com

YEARS OF EXPERIENCE

> 13

PRACTICE AREAS

> Securities and Antitrust
> Consumer Protection

BAR ADMISSIONS

> Washington
> New York
> Ontario (Canada)

EDUCATION

> York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
> Carleton University, Bachelor of Public Affairs and Policy Management, **summa cum laude**, 2005

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

NOTABLE CASES

- > Volkswagen/Audi/Porsche Diesel Emissions Scandal
- > Aequis Capital Management Securities Litigation
- > Insulin Overpricing
- > In re MyFord Touch Consumer Litigation
- > NCAA Grant-In-Aid Cap Antitrust Litigation
- > Ford Shelby GT350 Mustang Overheating

EXPERIENCE

- > Litigation Associate at Am Law 10 Law Firm, New York, New York
- > Articling Student at "Seven Sister" Law Firm, Toronto, Canada

LEGAL ACTIVITIES

- > President, Board of Directors, Eastside Legal Assistance Program (ELAP)

RECOGNITION

- > Rising Star, Washington Super Lawyers, 2016-2022
- > National Trial Lawyers Top 40 Under 40 in Washington State – Civil Plaintiff, 2022

PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter," 2017
- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," 2011 Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" 30 Health Law in Canada 132, 2010
- > "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations," Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai), 2009

PARTNER**Catherine Y.N. Gannon****PERSONAL INSIGHT**

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

**PARTNER**

Lucas E. Gilmore

Dedicated plaintiff attorney with more than a decade of experience prosecuting securities fraud, shareholder derivative, antitrust, and consumer class actions.

CONTACT

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Northern District of California (Bankruptcy Court)
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Second Circuit

EDUCATION

- > University of California Hastings College of the Law, JD, 2007
- > Vanderbilt University, BA, **cum laude**, 2002

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Advises institutional, government and individual investors on issues related to corporate governance, shareholder rights and securities litigation
- > Key member of the firm's investor fraud team in which he, along with a group of attorneys, financial analysts, and investigators, counsels the firm's investor clients on their legal claims and prosecutes financial fraud cases

EXPERIENCE

- > Litigated dozens of securities class actions against the largest companies and banks, including BNY Mellon, BP, Citibank, Deutsche Bank, HSBC, Quality Systems, Symantec, U.S. Bank and Wells Fargo
- > Prosecuted a number of cases related to the financial crisis, including several actions arising out of the issuance of residential mortgage-backed securities and other complex financial products
- > Represented litigants in all phases of litigation, at both the trial court and appellate levels

LEGAL ACTIVITIES

- > Member, National Association of Public Pension Attorneys (NAPPA)
- > Member, State Association of County Retirement Systems (SACRS)

RECOGNITION

- > Super Lawyers, Rising Star: Securities 2014 - 2017

PUBLICATIONS

- > "The Fraud-on-the-Market Presumption Is Alive and Well," Association of Business Trial Lawyer, San Diego, ABTL Report, Fall 2014

PERSONAL INSIGHT

Outside of the office, Mr. Gilmore enjoys boxing and serving as Defensive Coordinator of his sons' flag football teams.

**PARTNER**

Ben Harrington

Ben focuses on challenging fraudulent business practices and enforcing antitrust laws, drawing from his extensive experience representing both plaintiffs and defendants at all stages of litigation.

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YEARS OF EXPERIENCE

> 14

INDUSTRY EXPERIENCE

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York

CLERKSHIPS

- > Honorable Nina Gershon,
U.S. District Court for the Eastern District of New York,
2014-2016
- > Honorable Harris Hartz,
U.S. Court of Appeals, Tenth Circuit, 2008-2009

EDUCATION

- > University of California,
Hastings College of the Law,
J.D., **summa cum laude**, 2008
- > The Evergreen State College,
B.A., 2001

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ben worked as a litigation associate in the New York office of Quinn Emanuel Urquhart & Sullivan LLP

PERSONAL INSIGHT

If Ben is not working you will probably find him chasing after his young daughter, noodling on a guitar or tending to his ever-growing stable of bicycles.

**PARTNER**

Anne F. Johnson

Ms. Johnson specializes in high-stakes, complex litigation challenging Big Pharma's schemes to block consumer access to less expensive generic drugs, as well as mass actions fighting corporate indifference and greed.

CONTACT

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Personal Injury
- > Antitrust
- > Consumer Protection

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Automotive

BAR ADMISSIONS

- > New York
- > Texas

COURT ADMISSIONS

- > U.S. District Courts for the Southern and Eastern Districts of New York

EDUCATION

- > Brooklyn Law School, cum laude
- > James Madison University, magna cum laude

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Ms. Johnson was instrumental in achieving a \$200+ million aggregate settlement for her clients in General Motors LLC Ignition Switch Litigation.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Johnson was a partner at a Texas litigation firm and an associate at two New York City plaintiffs' class-action firms.
- > Led the discovery, briefing and trial preparation teams on behalf of court-appointed co-lead counsel for the wrongful death and personal injury plaintiffs in **General Motors LLC Ignition Switch Litigation**, one of the largest product liability litigations in U.S. history.
- > Member of the trial team in the first pay-for-delay pharmaceutical antitrust case to go to trial after the U.S. Supreme Court's watershed decision in **FTC v. Actavis**.
- > Developed and filed multiple pharmaceutical antitrust cases challenging drug companies' schemes to prevent less expensive generic versions of brand name drugs from entering the market, including by using sham litigation, sham citizen petitions, pay-for-delay settlements and "product hopping."

ACTIVITIES

- > Fundraising volunteer for Annie's List, which helps to elect progressive women to office in Texas
- > Organized the American Constitution Society's Constitution in the Classroom program for New York City schools

RECOGNITION

- > Brooklyn Law Review

NOTABLE CASES

- > General Motors LLC Ignition Switch Litigation
- > Solodyn Antitrust Litigation
- > Suboxone Antitrust Litigation
- > Nexium Antitrust Litigation
- > Provigil Antitrust Litigation
- > Tricor Antitrust Litigation

PERSONAL INSIGHT

When she's not working, Anne is on her porch listening to records – rhythm and blues, country or rock 'n' roll – with her family and dogs.

**PARTNER**

Reed R. Kathrein

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

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YEARS OF EXPERIENCE

> 45

PRACTICE AREAS

> Securities Litigation

BAR ADMISSIONS

> State of California
> State of Illinois
> State of Florida

COURT ADMISSIONS

> Supreme Court of California
> Supreme Court of Florida
> Supreme Court of Illinois
> U.S. District Court for the Northern District of California
> U.S. District Court for the Northern District of Illinois
> U.S. District Court of Colorado
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> University of Miami, J.D., 1977
> University of Miami, B.A., 1974

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Regular public speaker on securities, class action and consumer law issues

RECOGNITION

> Super Lawyer, Super Lawyers Magazine, 2007 - 2019

EXPERIENCE

> Litigated over 100 securities fraud class actions
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act
> Lawyer Representative, Ninth Circuit Court of Appeals
> Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011
> Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008
> Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California, 2004-2006

LEGAL ACTIVITIES

> Member, National Association of Public Pension Attorneys (NAPPA)
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
> Member, Council of Institutional Investors (CII)
> Member, State Association of County Retirement Systems (SACRS)
> Member, National Council on Teacher Retirement (NCTR)
> Member, California Association of Public Retirement Systems (CALAPRS)
> Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, Illinois Public Pension Fund (IPPPFA)
> Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)
> Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
> Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011
> Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

PARTNER

Reed R. Kathrein

PUBLICATIONS

- › “A Look at Recent Demographics and Other Statistics in Securities Fraud Class Actions,” The NAPPA Report, October 2016
- › “Post-Morrison: The Global Journey Towards Asset Recovery,” Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- › “Interview with Bernie Madoff,” Hagens Berman, HBSS Securities News, Fall 2015
- › “Is Your Fund Prepared for Halliburton?,” March 2014
- › “O Securities Fraud, Where Art Thou?, Enter Robocop,” Hagens Berman, HBSS Securities News, November 2013
- › “Professor Coffee to SEC: Hire Plaintiffs Bar!,” Hagens Berman, HBSS Securities News, May 2013
- › “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- › “SEC Action Necessary, But Not Sufficient to Protect Investors,” Hagens Berman, HBSS Securities News, November 2012
- › “Are You Watching Your Private Equity Valuations?” Hagens Berman, HBSS Securities News, May 2012
- › “What Do Trustees Need to Know When Investing In Foreign Equities?,” Hagens Berman, HBSS Securities News, November 2011

PRESENTATIONS

- › “Incoming! How the New Administration’s Approach to Securities Laws and Regulations Affect Investors and Markets,” MAPERS, Spring Conference, May 2017
- › “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- › “Legal Issues Facing Public Pensions,” Opal, Public Funds Summit, January 2012
- › “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011
- › “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010
- › “Investor Friendly Legislation in Congress,” NCPERS, Legislative Conference, February 2010

NOTABLE CASES

- › Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- › Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano

PARTNER

Reed R. Kathrein

Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

PERSONAL INSIGHT

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed's mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham's drum technician. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.

**PARTNER****Daniel J. Kurowski**

2020 "Rising Star" in Illinois, Super Lawyers

CONTACT

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Rights Litigation
- > Sports Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Hon. Paul E. Plunkett,
Northern District of Illinois
- > Hon. Maria Valdez, Northern
District of Illinois

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > U.S. Court of Appeals, Seventh
Circuit
- > U.S. Court of Appeals, Second
Circuit
- > U.S. District Court, Northern
District of Illinois
- > U.S. District Court, Central
District of Illinois
- > U.S. District Court, Southern
District of Illinois

EDUCATION

- > John Marshall Law School,
J.D., **cum laude**, 2005
- > Loyola University Chicago,
B.B.A., with Honors, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Daniel J. Kurowski is a partner at Hagens Berman Sobol Shapiro LLP. Since 2006, Mr. Kurowski has focused his practice on protecting the interests of individuals and small companies prejudiced by large corporations and organizations, often in consolidated multi-district litigation proceedings. Based in Chicago, with cases located throughout the country, his current work with the firm covers a diverse variety of complex cases including:
 - Representing student-athletes in individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in **In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation** (N.D. Ill.), **Mayall v. USA Water Polo, Inc.** (C.D. Cal.) and **In Re NFL Players' Concussion Injury Litig.** (E.D. Pa.).
 - Representing consumers of electricity in action alleging claims against nearly two dozen defendants for perpetuating an extensive fuel oil fraud, resulting in users of electricity in Puerto Rico being overcharged by more than \$1 billion dollars for electricity since 2002.
 - Representing purchasers with antitrust, consumer fraud and/or unjust enrichment claims against sellers and manufacturers of retail products.

RECENT SUCCESS

- > **In re Pre-Filled Propane Sales & Marketing Practices Litigation** (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > **In re Bayer Combination Aspirin Sales & Marketing Practices Litigation** (E.D.N.Y.) (\$15 million settlement)
- > **In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation** (E.D. Mo.) (\$7.5 million settlement)
- > **Silk v. Bowling Green State University** (Ohio Court of Claims) (\$712,500 individual settlement for student-athlete injured as a result of alleged failures to properly manage athlete's concussions)
- > **In re NFL Players' Concussion Injury Litigation** (E.D. Pa.) (over \$3.3 million in approved claims for former NFL players)

RECOGNITION

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2020

EXPERIENCE

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

PARTNER**Daniel J. Kurowski****LEGAL ACTIVITIES**

- › Seventh Circuit Council on eDiscovery and Digital Information
- › Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- › Investigator, Chicago Bar Association, Judicial Evaluation Committee

NOTABLE CASES

- › Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation (E.D. Mo.)
- › Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation (E.D.N.Y.)
- › Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation (W.D. Mo.)
- › Pre-Filled Propane Tank Marketing & Sales Practices Litigation (W.D. Mo.)
- › RC2 Corp. Toy Lead Paint Products Liability Litigation (N.D. Ill.)

PERSONAL INSIGHT

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Dan is also a board member for the DuPage Cycling Foundation, a 501(c)(3) non-profit corporation that raises fund for community non-profits through the hosting and promotion of cycling events.

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

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

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YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

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

INDUSTRY EXPERIENCE

- > Automotive
- > Consumer Fraud
- > Cyber and Intellectual Property Crimes
- > Racketeering
- > False Claims
- > Government Fraud
- > Technology
- > Software
- > Recreation
- > Athletic Apparel

BAR ADMISSIONS

- > California
- > Illinois
- > District of Columbia

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions, False Claims Act and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, automotive manufacturers, national banks, home builders, hospitals, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against banks, automobile manufacturers, lenders, loan servicing companies, technology companies, national retailers, payment processors and False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government

RECOGNITION

- > Martindale-Hubbell® AV Preeminent rating, 2016 - 2022
- > Washington Super Lawyers, 2016 - 2022
- > Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2020 - 2022
- > Leading Plaintiff Consumer Lawyer, Lawdragon, 2020
- > The National Trial Lawyers: Top 100, 2019 -2020
- > Leading Plaintiff Consumer Lawyers, Lawdragon, 2019
- > Lawdragon 500, Lawdragon, 2019
- > Top Attorneys in Washington, Seattle Met Magazine, 2016 - 2019

EXPERIENCE

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented more than a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

PARTNER

Thomas E. Loeser

- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Central District of California
- > Supreme Court of California
- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Western District of Washington
- > Supreme Court of Washington
- > Ninth Circuit Court of Appeals

EDUCATION

- > Duke University School of Law, J.D., **magna cum Laude**, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- > University of Washington, M.B.A., **cum laude**, Beta Gamma Sigma, 1994
- > Middlebury College, B.A., Physics with Minor in Italian, 1988

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Shea Homes Construction Defect Litigation
- > Meracord/Noteworld Debt Settlement Litigation
- > Defective RV Refrigerators Litigation
- > New Jersey Medicare Outlier Litigation
- > Center for Diagnostic Imaging Qui Tam Litigation
- > Countrywide FHA Fraud Qui Tam Litigation
- > Chicago Title Insurance Co. Litigation
- > KB Homes Captive Escrow Litigation
- > Aurora Loan Modification Litigation
- > Wells Fargo HAMP Modification Litigation
- > JPMorgan Chase Force-Placed Flood Insurance Litigation
- > Wells Fargo Force-Placed Insurance Litigation
- > Target Data Breach Litigation
- > Cornerstone Advisors Derivative Litigation
- > Honda Civic Hybrid Litigation
- > Hyundai MPG Litigation

LANGUAGES

- > French
- > Italian

**PARTNER**

Robert F. Lopez

Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.

CONTACT

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PRACTICE AREAS

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

BAR ADMISSIONS

- › Washington

COURT ADMISSIONS

- › Western District of Washington
- › Eastern District of Washington
- › U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- › Gonzaga University, B.A., English Literature; Arnold Scholar
- › University of Washington School of Law, J.D.

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Offers a broad range of legal experience in the fields of:
 - Complex commercial litigation
 - Health care and pharmaceuticals litigation
 - Product defect litigation
 - False Claims Act litigation
 - Intellectual property litigation
 - Privacy litigation
 - Securities litigation
 - Antitrust litigation
 - Creditor-debtor litigation
- › Member of firm's **In re Carrier IQ, Inc. Consumer Privacy Litigation** team
- › Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- › Continues practice on **qui tam** matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

EXPERIENCE

- › Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- › Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- › Member of the firm's team that prosecuted **In re Charles Schwab Corp. Securities Litigation**
- › Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- › Founding Member and Partner, Socius Law Group PLLC
- › Partner, Betts, Patterson & Mines, P.S.

PARTNER

Robert F. Lopez

NOTABLE CASES

- › In re Pharmaceutical Industry Average Wholesale Price Litigation
- › Amgen Inc. Qui Tam Litigation
- › In re Metropolitan Securities Litigation
- › In re Charles Schwab Corp. Securities Litigation
- › In re Carrier IQ, Inc. Consumer Privacy Litigation

**PARTNER**

Jessica R. MacAuley

Ms. MacAuley was a fundamental part of the In re: Celebrex Antitrust Litigation trial team, which resulted in a \$94 million settlement.

CONTACT

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Massachusetts
- > District Court of Massachusetts
- > Second Circuit Court of Appeals

EDUCATION

- > Northeastern University, B.A., **cum laude**, 2005
- > The Pennsylvania State University, Dickinson School of Law, J.D., 2012

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Member of the HBSS team of attorneys litigating on behalf of direct purchasers in In re: Restasis Antitrust Litigation. Ms. MacAuley directed day-to-day efforts for HBSS and was the leader of a team of attorneys investigating allegations related to the defendant's (Allergan) filing of sham citizen petition. Ms. MacAuley successfully argued the motion for final approval of the \$51.25 million settlement for the direct purchaser class.
- > Led a team of attorneys investigating privilege claims made by defendants in the In re Glumetza Antitrust Litigation and is now part of the team preparing for trial.
- > Integral part of a trial team for class of direct purchasers in the In re: Celebrex Antitrust Litigation, which settled before trial for \$94 million.
- > Counsel in the In re: Suboxone Antitrust Litigation and the In re: Niaspan Antitrust Litigation. Tasked with overseeing the litigation for the HBSS office.
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf.
- > Oversaw discovery efforts, including managing meet and confers with defendants and directing factual issues for depositions, on behalf of direct purchasers In re: Solodyn Antitrust Litigation, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers that settled pre-trial with four defendants totaling over \$76 million.

EXPERIENCE

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

RECOGNITION

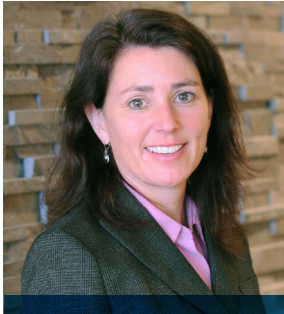
- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2019

NOTABLE CASES

- > In re Glumetza Antitrust Litigation
- > In re Prograf Antitrust Litigation
- > In re Solodyn Antitrust Litigation
- > In re Celebrex Antitrust Litigation
- > In re Restasis Antitrust Litigation

PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.

**PARTNER**

Barbara Mahoney

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

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Civil RICO
- > Consumer Rights
- > Environmental Litigation
- > Intellectual Property
- > State False Claims

INDUSTRY EXPERIENCE

- > Pharmaceutical Industry
- > Class Action Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

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

EDUCATION

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, **magna cum laude**, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Focuses primarily on national class actions and pharmaceutical litigation
- > Currently part of the firm's legal team representing 2014-16 BMW i3 REx owners in a class action regarding a defect in the range extender that causes the cars to suddenly reduce speed and power without warning when transitioning from pure battery mode to the range extender.
- > Represents consumers in a nationwide class action against Dometic Corporation seeking compensation for RV and boat owners who experienced extensive loss of property due to fires and explosions caused by defective refrigerators sold by Dometic.
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in **In re: Generic Pharmaceuticals Pricing Antitrust Litigation** on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

RECOGNITION

- > Rising Star, Washington Law & Politics, 2005

EXPERIENCE

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

LEGAL ACTIVITIES

- > Downtown Neighborhood Legal Clinic
- > Q Law
- > Cooperating Attorney with American Civil Liberties Union of Washington

PARTNER

Barbara Mahoney

NOTABLE CASES

- › New England Carpenters v. First DataBank (\$350 million class-action settlement)
- › Douglas County v. McKesson (\$82 million class-action settlement)

LANGUAGES

- › Fluent in German
- › Reads Swedish and French

PERSONAL INSIGHT

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer and studying foreign languages.

**PARTNER****Martin D. McLean**

Mr. McLean is a true trial attorney having tried 30 cases to verdict in various state and federal courts.

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YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

BAR ADMISSIONS

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

EDUCATION

- > Seattle University School of Law, J.D., **cum laude**, 2002

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

RECENT SUCCESS

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multimillion-dollar recoveries on behalf of the firm's clients.

EXPERIENCE

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

NOTABLE CASES

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

PERSONAL INSIGHT

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son and daughter with his wife.

**PARTNER**

Christopher A. O'Hara

Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

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

BAR ADMISSIONS

- > Washington
- > Arizona

COURT ADMISSIONS

- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., **cum laude**, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

RECENT SUCCESS

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of **In re Charles Schwab Securities Litigation** and the \$1.6 billion settlement of **In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation**.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

RECOGNITION

- > Rising Star, Washington Law and Politics, 2003

EXPERIENCE

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

NOTABLE CASES

- > **Tobacco Litigation** (\$260 billion multi-state settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Charles Schwab Yieldplus Funds Litigation** (\$235 million settlement)
- > **Toyota Unintended Acceleration Litigation** (\$1.6 billion settlement)
- > **Microsoft Antitrust Litigation**

LANGUAGES

- > French

**PARTNER**

Jerrod C. Patterson

Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust Litigation
- > Racketeering
- > Automotive Litigation

BAR ADMISSIONS

- > Washington
- > New York
- > District of Columbia

CLERKSHIPS:

- > The Hon. Louis F. Oberdorfer,
U.S. District Court for D.C.
- > U.S. Senate Judiciary
Committee (Sen. Leahy)
Washington, D.C.

EDUCATION

- > University of California,
Berkeley School of Law (Boalt
Hall), J.D., May 2002; top 15%
of graduating class
- > Johns Hopkins University,
School of Advanced
International Studies
(SAIS) M.A. in International
Economics and International
Relations, December 1997,
Graduated with distinction
(top 10%)
- > Brown University A.B. in
International Relations, May
1995, **magna cum laude**

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud and RICO cases, including Generic Pharmaceuticals Pricing Antitrust, Dodge RAM 2500 and 3500 Emissions, and Ford/GM/FCA CP4 Injection Pump Defect
- > Extensive experience in handling complex multidistrict cases.
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

RECOGNITION

- > Organized Crime and Drug Enforcement Task Force “Best Financial Investigation in the Nation” – 2012
- > U.S. Attorney General “Outstanding Performance as a Special Assistant U.S. Attorney” – 2010
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2009
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2008

NOTABLE CASES

- > **In re Animation Workers Antitrust Litig.**, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169M.
- > **In re Generic Pharmaceuticals Pricing Antitrust Litig.** (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs.
- > **In re Lithium Ion Batteries Antitrust Litig.**, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million.
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney’s Office in Seattle, WA.
 - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
 - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
 - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

PARTNER

Jerrod C. Patterson

- › Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
 - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- › Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
 - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- › Associate, Wilmer Cutler Pickering (WilmerHale)

PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.

**PARTNER****Rio Pierce**

Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.

CONTACT

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YEARS OF EXPERIENCE

> 8

PRACTICE AREAS

> Consumer Protection
> Intellectual Property

BAR ADMISSIONS

> California

COURT ADMISSIONS

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

CLERKSHIPS:

> Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

EDUCATION

> Harvard Law School, **magna cum laude**, 2013
> Duke University, **magna cum laude**, 2005

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

> In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million)
> In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million)
> Qualcomm Antitrust Litigation., No. 5:17-md-02773 (N.D. Cal.) (part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers)
> In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)

RECOGNITION

> 2021 Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
> Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
> Teaching Fellow, Copyright EdX

EXPERIENCE

> Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
> Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
> Associate, Munger Tolles & Olson, 2014-2016

LEGAL ACTIVITIES

> American Association for Justice

PUBLICATIONS

> "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.

**PARTNER**

Christopher R. Pitou

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

CONTACT

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

> Consumer Protection
> Intellectual Property

BAR ADMISSIONS

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

EDUCATION

> Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
> University of Chicago, M.A. 2005
> University of Michigan, B.A., with High Honors, 2004
> London School of Economics, General Course, 2003

CURRENT ROLE

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

EXPERIENCE

> Prior to joining Hagens Berman, Chris worked as an associate at a large plaintiff's firm gaining extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
> Office of the Attorney General of California, Business and Tax Division, Winter 2010

RECENT SUCCESS

> *BoFA Countrywide Appraisal RICO*, No. 2:16-cv-04166 (C.D. Cal.) (part of team that secured \$250,000,000 settlement on behalf of nationwide class of borrowers against appraiser)
> *Sake House Restaurants Racial Discrimination Litigation*, Case No. BC7087544 (Cal.Super.) (certified for settlement purposes first of its kind hostile work environment class of Hispanic/Latino restaurant workers against employer)
> *USC, Dr. Tyndall Sexual Harassment*, No. 2:18-cv-04258-SWW-GJS (C.D. Cal.) (part of team that secured \$215,000,000 settlement on behalf of class of sexual assault survivors against university and OB-GYN)

NOTABLE CASES

> *CVS Generic Drug RICO Litigation*
> *Fiat Chrysler Low Oil Pressure Shut Off*
> *Fiat Chrysler Gear Shifter Rollaway*
> *Ford F-150 & Ranger Fuel Economy and Sales Practices Litigation*
> *Gilead HIV TDF Tenofovir Mass Tort*
> *Mattel/Fisher Price Rock 'N Play Wrongful Death Cases*

PRESENTATIONS

> Panelist, "Conscious Consumerism and the Government's Role in Regulating Companies' Ethical Promises," ABA Webinar. March 2022

LANGUAGES

> French

PERSONAL INSIGHT

Prior to attending law school, Chris taught English and French to high school students in China. Chris later decided to become a lawyer while marketing the film "Michael Clayton." In his spare time, Chris works as a volunteer for the American Friends of the Israel Museum, a non-profit which helps raise funds for the Israel Museum in Jerusalem.

**PARTNER**

Craig R. Spiegel

After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's litigation efforts against auto manufacturers and others for illegal emissions of pollutants.

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YEARS OF EXPERIENCE

> 42

PRACTICE AREAS

> Consumer Rights

BAR ADMISSIONS

> California State Bar Association
> Illinois State Bar Association
> Washington State Bar Association

EDUCATION

> Harvard Law School, J.D.,
cum laude, 1979
> St. Olaf College, B.A., **summa cum laude**, 1975

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck.

NOTABLE CASES

> Involved in the firm's antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes, and in March of 2019, a trial on the injunctive aspect of the case resulted in a change of NCAA rules limiting the financial treatment of athletes.

> Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx

> Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec

> Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

RECOGNITION

> 2021, 2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute

**PARTNER**

Shayne C. Stevenson

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

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Appellate Litigation
- > Civil & Human Rights
- > Class Action
- > Securities
- > Whistleblower (Head of Practice)
 - Anti-Money Laundering Act
 - CFTC
 - False Claims Act
 - IRS
 - SEC

BAR ADMISSIONS

- > Washington

CLERKSHIPS

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001

EDUCATION

- > Yale Law School, J.D. (2000)
- > Gonzaga University, B.A., Philosophy and Political Science (double major),

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and a variety of class action cases in federal district courts and on appeal at the courts of appeal nationwide on behalf of whistleblowers, veterans, consumers, workers and investors
- > Experienced in successfully handling False Claims Act, SEC, CFTC, and IRS whistleblower cases for whistleblowers worldwide against the world's largest financial companies, securities exchanges, accounting firms, medical device and pharmaceutical companies, medical providers, mortgage companies and other Fortune 500 corporations
- > One of the nation's leading Dodd-Frank Whistleblower attorneys since the programs were adopted in 2010, representing several successful, record-breaking whistleblowers under the whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC)—including the two most notable whistleblowers under these programs
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate for war crimes against the indigenous population of Bougainville in Papua New Guinea, a case that reached the U.S. Supreme Court
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

EXPERIENCE

- > King County Prosecuting Attorney's Office, Felony Prosecutor
- > Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- > U.S. Attorney's Office, District of Connecticut, Intern

NOTABLE CASES

- > CFTC v. Nav Sarao Futures Ltd. and U.S. v. Sarao (Northern District of Illinois) (CFTC whistleblower) Successfully represented the highly-publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly identified an international market manipulator, who was extradited and convicted. The case is the subject of the best-selling book "Flash Crash" by Bloomberg reporter Liam Vaughn.
- > In the Matter of EDGA Exchange, Inc., et al. (SEC whistleblower) Successfully represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, who single-handedly identified securities law violations by a major U.S. securities exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange.

graduated summa cum laude
(first-in-class); Truman
Scholar; Jesuit Honor Society
(1996)

PARTNER

Shayne C. Stevenson

- › U.S. ex rel. Lagow v. Countrywide Financial Corp., et al. and U.S. ex rel. Mackler v. Bank of America, et al. (Eastern District of New York) Successfully handled both False Claims Act whistleblower cases representing relators in two separate lawsuits against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage origination and servicing fraud.
- › In the Matter of New York Stock Exchange LLC, et al. (SEC whistleblower) Successfully represented Mr. Bodek in a second record-tying SEC whistleblower action against the NYSE, and affiliated national securities exchanges, for unlawful and undisclosed use of order types.
- › In the Matter of Grant Thornton, LLP (SEC whistleblower) Successfully represented the Dodd-Frank SEC Whistleblower who brought the allegations of auditing fraud by this top-10 U.S. accounting and audit firm.
- › Childress v. Bank of America Corp., et al. (Eastern District of North Carolina.) Successfully represented and settled this class action case on behalf of over 126,000 military servicemembers challenging Bank of America's violations of the Servicemember Civil Relief Act, resulting in tens of millions of dollars paid to veterans and their families.
- › In the Matter of Cargill, Inc. (CFTC whistleblower) Successfully represented CFTC whistleblower in action against the largest private company in the United States.
- › U.S. ex rel. Doe v. US WorldMeds LLC (Western District of Washington) Successfully represented False Claims Act relator who challenged off-label marketing and Anti-Kickback Statute violations
- › Securities and Exchange Commission v. Moddha Interactive, et al. (District of Hawaii) (SEC whistleblower) Successfully represented SEC whistleblower who investigated and reported on fraudulent investment scheme shut down by the SEC.
- › U.S. ex rel. Nowak v. Medtronic, Inc., (District of Massachusetts) Successfully represented False Claims Act relator in declined and settled FCA litigation challenging off-label promotion of medical devices.
- › U.S. ex rel. Kite v. Besler Consulting, et al. (District of New Jersey) Successfully represented False Claims Act relator in several declined and settled FCA cases against area hospitals for Medicare fraud.
- › Sarei v. Rio Tinto Plc (Central District of California) Litigated international human rights class action case under Alien Tort Statute to the Supreme Court.
- › Hutchinson v. British Airways PLC, (Eastern District of New York) Successfully represented a class of consumers under Montreal Convention.

CLERKSHIPS

- › Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- › Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001

MEDIA INTERVIEWS AND COMMENTARY

- › "CFTC Makes History With \$200M Whistleblower Award," Law360, Oct. 21, 2021
- › "FCA Overhaul Bill May Miss Mark on Reining in Fraudsters," Law360, July 28, 2021
- › "Escobar Five Years Later: How FCA Earthquake is Reverberating," Law360, June 17, 2021
- › "Lastest CFTC Bounty Stirs Calls for More Whistleblower Funds," Law360, Apr. 23, 2021
- › "SEC Redefines Blockbuster with \$114M Whistleblower Award," Law360, Oct. 22, 2020
- › "CFTC Takes Extra Care to Cover Whistleblower Tracks," Law360, Sept. 10, 2020
- › "Robbins Geller, Hagens Berman to Lead Pot Investors' Row," Law360, July 24, 2020
- › "CFTC Awards Whistleblower \$6m, Slams 'Baseless' Objection," Law360, June 9, 2020

PARTNER

Shayne C. Stevenson

- > "SEC Ramps Up Whistleblower Awards," Wall St. Journal, May 4, 2020
- > "CFTC Calls for Whistleblower Tips as Enforcement Evolves," Law360, Sept. 19, 2019.
- > "Pharma Co. Inks \$17.5m Deal to End FCA Kickback Suit," Law360, April 30, 2019.
- > "Attorneys Reflect on Escobar's FCA Impact 2 Years Later," Law360, June 15, 2018.
- > "SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit," Law360, Mar. 12, 2018.
- > "Dodd-Frank Whistleblowers Help Clean Up Our Markets," (Guest Column) ValueWalk, Feb. 6, 2018.
- > "Attorneys React to DOJ's New Memo on FCA Dismissals," Law360, Jan. 26, 2018.
- > "Limiting Whistleblower Rewards Weakens Program," Bloomberg Law, Nov. 2, 2017.
- > "BofA's \$42m Military Member Fee Settlement Wins Initial OK," Law360, Sept. 13, 2017
- > "Saroo Flash Crash Manipulation Case Benchmarks Point in History," ValueWalk, Nov. 15, 2016
- > "What SEC Whistleblowers Should Know About Insider Trading," (Guest Column) ValueWalk, Oct. 20, 2016
- > "SeaWorld Patrons Ask 9th Cir. to Restore Orca Abuse Suit," Law360, Sept. 20, 2016
- > "SEC cracks down on severance agreements that deter whistleblowing," Reuters, Aug. 16, 2016
- > "Tax Court Interprets 'Collected Proceeds' Expansively for Whistleblowers," Standard Fed. Tax Reports, Aug. 11, 2016
- > "Whistleblower Persuades Tax Court to Grant Discovery Motion," Standard Fed. Tax Reports, Aug. 4, 2016
- > "Health Fraud Defense Attys Riding High As Wins Pile Up," Law360, Apr. 8, 2016
- > "CFTC Whistleblower Office Comes of Age with Record Bounty," Law360, Apr. 4, 2016
- > "Why Wash.'s Medicaid False Claims Act Must be Renewed," Law360, Mar. 24, 2016
- > "Renew Tool That Fights Fraud," (Guest Column), The Daily Herald, Feb. 21, 2016
- > "CFTC Can't Give Whistleblower Money Away," Wall St. Journal, Feb. 8, 2016
- > "9th Circuit's FCA Ruling to Spark More Whistleblower Fights," Law360, July 9, 2015
- > "Flash Crash' Case Gets Scrutinized," Automated Trader, May 4, 2015
- > "Flash Crash Whistleblower May Get Millions of Dollars," Reuters, Apr. 23, 2015
- > "'Flash Crash' Arrest Shakes Investors' Confidence," USA Today, Apr. 23, 2015
- > "Alleged 'Flash Crash' Trader Told UK Watchdog to Ban HFT," Law360, Apr. 23, 2015
- > "UK Trader Arrested Over 2010 Flash Crash," Financial Times, Apr. 22, 2015
- > "Flash Crash Whistleblower May See Multi-Million Dollar Pay Day," Reuters, Apr. 22, 2015
- > "'Flash Crash' Charges Filed," The Wall Street Journal (front-page), Apr. 21, 2015
- > "UK Speed Trader Arrested," Reuters, Apr. 21, 2015
- > "How a Mystery Trader May Have Caused the Flash Crash," Bloomberg, Apr. 21, 2015
- > "CFTC, Feds Accuse UK HFT Trader of Role in Flash Crash," Law360, Apr. 21, 2015
- > "BATS to Pay \$14 Million to Settle Direct Edge Order-Type Case: A Record Amount," The Wall Street Journal, Jan. 12, 2015.
- > "BATS Exchange to Pay Record \$14 Million SEC Fine," Reuters, Jan. 12, 2015
- > "BATS to Pay \$14m SEC Fine in Wake of Order-Type Scandal," Automated Trader, Jan. 12, 2015
- > "SEC Issues Largest Fine Ever to Exchange Over High-Frequency Trading Infractions," ValueWalk, Jan. 12, 2015.
- > "IRS Releases Comprehensive Whistleblower Final Regs.," Standard Fed. Tax Reports, Aug. 14, 2014
- > "Bank of America Whistleblower's Payday Lead to Calls for Reform," Law360, Aug. 6, 2014
- > "UBS Whistleblower Ruling Reignites Arbitration Debate," Law360, Jan. 30, 2014

PARTNER

Shayne C. Stevenson

- > “With \$2B J&J Deal, FCA Proves It’s Still The Anti-Fraud King,” Law360, Nov. 4, 2013
- > “Bank of America Fraud Trial Spotlights Whistleblower Awards,” Reuters, Sept. 27, 2013
- > “FCPA Whistleblower Bounty May Turn Tide For SEC Program,” Law360, Aug. 20, 2013
- > “Whistleblower Attorneys Eye DOJ Fraud Theory for New Bounties,” Law360, Aug. 7, 2013
- > “SEC’s Second Whistleblower Award is Tip of the Iceberg,” Law360, June 14, 2013
- > “UBS Ruling Allays Fear Factor for SEC Whistleblowers,” Law360, May 22, 2013
- > “Five Tips for Building Bridges with Whistleblowers,” Law360, Mar. 20, 2013
- > “Analysis: Complaints Rise Over Complex U.S. Stock Orders,” Reuters, Oct. 19, 2012
- > “For Superfast Stock Traders, a Way to Jump Ahead in Line,” Wall St. Journal (front-page) Sept. 19, 2012
- > “UBS Whistleblower Nets \$104 Million Award,” CNN Money, Sept. 12, 2012”
- > “Bank of America/Countrywide Whistleblower Kept 3-Year Secret,” ABCNews, July 14, 2012
- > “Whistleblowers Win \$46.5m in Foreclosure Settlement,” CNN, July 2, 2012
- > “Whistleblowers Beware: Most Claims End in Disappointment,” Huffington Post, June 4, 2012
- > “Whistleblower Takes Home \$14.5M in BoA Mortgage Deal,” Law360, May 29, 2012
- > “Bank of Amer. Whistleblower Receives \$14.5m in Mortgage Case,” Reuters, May 29, 2012
- > “BoA Denied Homeowners Access to HAMP: Whistleblower,” Law360, Mar. 7, 2012
- > “Countrywide Inflated Home Values: Whistleblower Suit,” Law360, Feb. 24, 2012
- > “Killers of Somali Cabbie Get Longest Sentences Allowed,” Seattle P-I, Mar. 24, 2006

PRESENTATIONS

- > Speaker: “Whistleblowers & Financial Fraud,” National Whistleblower Conference. San Francisco, CA. Jan. 22-23, 2018
- > Speaker: “Financial Fraud,” National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- > Speaker: “Representing Dodd-Frank Whistleblowers,” Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- > Speaker: “Secrets from the Plaintiff’s Bar,” Hospital and Health Care Law Conference: University of Washington. Seattle, WA. Apr. 24, 2015.
- > Speaker: “False Claims in the Financial Sector,” False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- > Lecture: “Access to Civil Remedy,” Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014
- > Speaker: “Enforcement of Financial Fraud,” False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.
- > Lecture: “Human Rights Law After Kiobel,” University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- > Speaker: “Financial Fraud Enforcement,” False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- > Lecture: “Strategy after Kiobel and Bauman,” International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. Apr. 17, 2013.
- > Lecture: “Alien Tort Statute and Human Rights Litigation,” University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- > Speaker: “Protecting Whistleblowers, Protecting the Public,” Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.

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

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

CONTACT

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Patent Litigation
- > Intellectual Property
- > ERISA Litigation
- > Hotel Tax Litigation

BAR ADMISSIONS

- > New York
- > Oregon
- > Washington

EDUCATION

- > Cornell Law School, J.D.,
cum laude, Articles Editor for
Cornell International Law
Review, 1991
- > Columbia University, B.A.,
English, 1986

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on multi-state and nationwide consumer litigation, including diesel emissions and automobile defect claims.

EXPERIENCE

- > Headed up litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive “taxes and fees” charges. That case resulted in summary judgment in plaintiffs’ favor and an eventual settlement for cash and credits totaling \$134 million.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including cases leading to settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank.
- > Worked extensively on hotel tax collection cases against the major online travel companies (OTCs). The firm achieved settlements on behalf of Brevard County, Florida, the village of Rosemont, Illinois, and Denver, Colorado.
- > Extensively involved in the State Attorneys General tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

NOTABLE CASES

- > **Mercedes Emissions** (\$763 million settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Tobacco Litigation** on behalf of States (resolved in \$260 billion settlement)
- > **Enron ERISA Litigation** (\$265 million settlement)
- > **Washington Mutual Bank ERISA Litigation** (\$49 million settlement)
- > **General Motors ERISA Litigation** (\$37.5 million settlement)

**PARTNER**

Garth Wojtanowicz

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

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

BAR ADMISSIONS

- > Washington
- > California

EDUCATION

- > University of Washington
School of Law, J.D., 2000
- > University of Washington, B.A.,
English, 1997

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo.>
Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

RECOGNITION

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

EXPERIENCE

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

NOTABLE CASES

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

PERSONAL INSIGHT

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.

**SENIOR COUNSEL**

Kevin K. Green

Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.

CONTACT

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YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

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

BAR ADMISSIONS

- > California

COURT ADMISSIONS

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

CLERKSHIPS

- > Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- > U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, Chief Judge 2012-19)

EDUCATION

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

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

LEGAL ACTIVITIES

- > Appellate Advisory Committee, Judicial Council of California (since 2013)
- > Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- > California Lawyers Association, Committee on Appellate Courts (since 2019)
- > Magistrate Judge Merit Selection Panel, Southern District of California (2013-17)
- > Working Group, Access to Appellate Justice Program, San Diego County Bar Association (launched 2019)
- > Working Group, San Diego Appellate Inn of Court (launched 2016)
- > Working Group, Civil Appellate Self-Help Workshop (launched 2014)
- > California Lawyers Association, Committee on Administration of Justice (2016-19) (during State Bar transition)
- > Chair, Appellate Court Committee, San Diego County Bar Association (2010)
- > State Bar of California, Committee on Appellate Courts (2006-09)

RECOGNITION

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)
- > Super Lawyer (since 2008)
- > Legal Aid Society of San Diego, Outstanding Service Award (2015)
- > Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

NOTABLE DECISIONS

- > **Colbert v. Rio Tinto PLC**, 824 F. App'x 5 (2d Cir. 2020) (vacating dismissal of securities fraud complaint)
- > **Mayall v. USA Water Polo**, 909 F.3d 1055 (9th Cir. 2018) (viable claims alleged concerning duty to implement concussion and return-to-play protocols)
- > **Hernandez v. Restoration Hardware**, 4 Cal. 5th 260 (2018) (agreeing with CAOC as amicus curiae that unnamed class members must intervene for standing to appeal)
- > **Friedman v. AARP, Inc.**, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)

SENIOR COUNSEL**Kevin K. Green**

- › **George v. Urban Settlement Serv.**, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- › **Duran v. U.S. Bank**, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- › **Wong v. Accretive Health**, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- › **Harris v. Superior Court**, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- › **Lynch v. Rawls**, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- › **Kwikset Corp. v. Superior Court**, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- › **Luther v. Countrywide Fin. Corp.**, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- › **In re F5 Networks, Inc. Derivative Litig.**, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- › **Troyk v. Farmers Group**, 171 Cal. App. 4th 1305 (2009) (auto insurance policy violated disclosure statute; settled on appeal for \$100 million monetary relief)
- › **Smith v. Am. Family Mut. Ins. Co.**, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- › **Alaska Elec. Pension Fund v. Brown**, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit may seek attorney fees)
- › **Ritt v. Billy Blanks Enters.**, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- › **McKell v. Washington Mutual**, 142 Cal. App. 4th 1457 (2006) (reversing and holding federal lending regulations did not foreclose UCL claims)
- › **Lebrilla v. Farmers Group**, 119 Cal. App. 4th 1070 (2004) (reversing and ordering certification of California class; settled at trial for substantial class-wide relief)
- › **Lavie v. Procter & Gamble Co.**, 105 Cal. App. 4th 496 (2003) (seminal precedent on California's reasonable consumer standard)

PUBLICATIONS

- › **Amicus Curiae Update**, Forum (regular column for CAOC's periodical) (since 2012)
- › **Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nutty' Rule barring Expert Testimony in Software Copyright Cases** (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN)
- › **Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later**, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › **Closing the Appellate Justice Gap**, Los Angeles Daily Journal (Feb. 10, 2015)
- › **Appellate Review in California Class Actions**, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › **A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification**, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)

SENIOR COUNSEL

Kevin K. Green

- › **The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks**, *Competition* (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

PRESENTATIONS

- › Judicial Council CJER Webinar (Expanding Access to Justice in Appellate Courts, June 2020)
- › Bridgeport Class Action Conference (Appellate Review of Issues in Class Actions, Jan. 2020)
- › CAOC Webinar (Evidence at Class Certification: The Evolving Appellate Landscape, June 2019)
- › San Diego County Bar Association (New Mandatory Disclosures Before Mediation, Jan. 2019)
- › Bridgeport Class Action Conference (Expert Evidence at Class Certification, Jan. 2019)
- › California Lawyers Association Webinar (New Mandatory Disclosures Before Mediation, Dec. 2018)
- › Bridgeport Class Action Conference (Consumer Protection Cases Predicated on Omissions, Jan. 2018)
- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)
- › CAOC Webinar (Ninth Circuit Practice: Everything but the Brief, Nov. 2016)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

PERSONAL INSIGHT

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

**SENIOR COUNSEL****David P. Moody**

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

CONTACT

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

INDUSTRY EXPERIENCE

> Children, Elderly and
Incapacitated Citizens who are
Victims of Neglect or Abuse

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

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

NOTABLE CASES

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

PERSONAL INSIGHT

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

OF COUNSEL**Karl Barth**

Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.

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YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Securities Litigation
> Investor Rights

BAR ADMISSIONS

> Washington

EDUCATION

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

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

EXPERIENCE

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting

**OF COUNSEL****Erin C. Burns**

Ms. Burns devotes her practice to serving those who have been injured by antitrust violations in a variety of industries.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust
- > Class Actions

BAR ADMISSIONS

- > Pennsylvania
- > United States Courts of Appeals for the District of Columbia and the Third Circuits
- > U.S. District Court for the Eastern District of Pennsylvania
- > U.S. District Court for the Eastern District of Michigan

EDUCATION

- > Villanova University School of Law, J.D., 2002
- > University of Delaware, B.A. Psychology, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Burns founded ECB Law LLC, and previously worked as an associate attorney at NastLaw LLC and RodaNast P.C.
- > Erin was a member of the Law & Briefing Committee for In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.) and also served as a member of the deposition team for Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.). She was also mediation counsel for In re Skelaxin (Metaxalone) Antitrust Litigation, MDL No. 2343 (E.D. Tenn.).

RECENT CASES

- > In re Zetia (Ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.).
- > In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1871 (E.D. Pa.).
- > In re Ranbaxy Generic Drug Application Antitrust Litigation, MDL No. 2878 (D. Mass.).

NOTABLE CASES

- > In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.).
- > Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.).
- > In re Skelaxin (Metaxalone) Antitrust Litigation, MDL No. 2343 (E.D. Tenn.).

LEGAL ACTIVITIES

- > Member of the American Bar Association and Pennsylvania Bar Association
- > Featured panelist for the Legal Intelligencer's first annual Litigation Summit, speaking about taxation of costs under 28 U.S.C. §1920 for e-discovery expenses (2012)
- > Chairperson of the Young Lawyers' Division and member of the Board of Directors of the Lancaster Bar Association (2005)
- > Vice-Chairperson of the Young Lawyers' Division (2004)
- > Leader for the Law Explorers Post (2004 – 2006). Erin taught monthly class for high school-aged children interested in careers in law. Her work included mock trial activities, sample law school and bar exam questions and guest speakers.

OF COUNSEL

Erin C. Burns

PERSONAL INSIGHT

When not practicing law, Erin spends as much time as possible with her husband and four children. She has spent nearly as much time patching up scraped knees and elbows as she has writing briefs. She and her husband have also served as foster parents. Erin also enjoys using their smoker to try to make various kinds of barbeque, with varying degrees of success.

**OF COUNSEL****Mark S. Carlson**

Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

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

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

EDUCATION

- > University of Puget Sound School of Law, J.D., **cum laude**, 1987
- > University of Washington, B.A., History, 1984

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

RECENT CASES

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

EXPERIENCE

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

PUBLICATIONS/PRESENTATIONS

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

OF COUNSEL**Mark S. Carlson**

- › “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- › “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- › “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- › “E-Discovery and the New Federal Rules,” 2008
- › “Recent Developments in Pharmaceutical Patents,” 2008

LEGAL ACTIVITIES

- › Seattle Intellectual Property Inn of Court
- › Washington State Patent Law Association
- › American Intellectual Property Law Association

NOTABLE CASES

- › Thought v. Oracle
- › FlatWorld v. Apple; v. Samsung; v. LG
- › University of Utah v. Max Planck Institute, et al.
- › Airbiquity v. AT&T, et al.
- › Timeline v. Microsoft; v. Oracle; v. Sagent
- › The Nautilus Group v. Icon Health and Fitness

**OF COUNSEL****Jeannie Evans**

Successfully litigates multimillion- and multibillion-dollar antitrust and other complex fraud cases.

CONTACT

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

- > Antitrust Litigation
- > Investor Fraud
- > Securities

BAR ADMISSIONS

- > Illinois
- > California

CLERKSHIPS:

- > Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

EDUCATION

- > Harvard Law School, J.D. **cum laude**, 1997
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society
- > Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994
Editor-in-Chief, Journal of International and Area Studies

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

EXPERIENCE

- > Jeannie has successfully represented both plaintiffs and defendants in multimillion- and multibillion-dollar disputes in state and federal courts across the country
- > Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago
- > Kirkland & Ellis LLP (Chicago)
- > Wilson Sonsini Goodrich & Rosati (Palo Alto)

AWARDS & RECOGNITION

- > President, Harvard Law Society of Illinois, 2016-2017
- > Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017
- > BYU Law School Board of Advisors, 2017
- > Best Lawyers, Women of Influence Nominee, 2017
- > Illinois Super Lawyer, 2016 - 2018

PRESENTATIONS

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

LANGUAGES

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

PERSONAL INSIGHT

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

**OF COUNSEL**

Rachel E. Fitzpatrick

Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.

CONTACT

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YEARS OF EXPERIENCE

> 10

PRACTICE AREAS

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

BAR ADMISSIONS

- > Arizona

EDUCATION

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

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick is a member of the firm's Auto Group, working on behalf of consumers in class actions against auto manufacturers involving vehicle defects. Her current auto cases involve dangerous defects that result in vehicle or engine fires in certain Hyundai, Kia, and Ford vehicles

RECENT SUCCESS

- > Ms. Fitzpatrick worked on behalf of Hyundai and Kia vehicles owners to secure a nationwide class settlement in litigation where Plaintiffs alleged a defect in nearly 4 million class vehicles equipped with Theta II GDI engines posed a risk of catastrophic engine failure and fire. The settlement secured various categories of reimbursement and compensation for costly engine repairs and engine fires, as well as a lifetime transferable warranty against the engine defect. The Court granted final approval of the settlement in May 2021.
- > Ms. Fitzpatrick was among the team litigating against General Motors for concealing from consumers the notorious and deadly ignition switch defect, as well as other defects, across 12 million GM vehicles. After years of complicated and protracted litigation, the case settled for \$120 million, and the Court granted final approval of the settlement in December 2020.
- > Ms. Fitzpatrick worked on behalf of student-athlete plaintiffs in the highly publicized cases Keller v. Electronic Arts and In re NCAA Student-Athlete Name and Likeness Licensing Litigation. The cases alleged that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images, and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.
- > In March 2012, Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

NOTABLE CASES

- > In re: Kia Engine Litigation ("Engine I"), U.S. District Court, CD Cal, Case No. 8:17-cv-00838-JLS-JDE
- > In re: Hyundai and Kia Engine Litigation II ("Engine II"), U.S. District Court, CD Cal, Case No. 8:18-cv-02223-JLS

OF COUNSEL

Rachel E. Fitzpatrick

- › In re: General Motors LLC Ignition Switch Litigation, U.S. District Court, SD NY, Case No. 14-MD-2543 (JMF)
- › Keller v. Electronic Arts Inc., U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- › In Re NCAA Student-Athlete Name and Likeness Licensing Litigation, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- › Antonick v. Electronic Arts, Inc., U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

PERSONAL INSIGHT

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

OF COUNSEL

Laura Hayes

Ms. Hayes is involved in class-action lawsuits against pharmaceutical companies and is committed to the vigorous prosecution of antitrust cases.

CONTACT

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YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Connecticut Judicial Branch
- > Appellate Division of the Rhode Island Office of the Public Defender

BAR ADMISSIONS

- > Supreme Judicial Court of the Commonwealth of Massachusetts

COURT ADMISSIONS

- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Boston University School of Law, J.D., 2007
- > Middlebury College School of Arabic
- > Boston University, B.S., magna cum laude

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

- > In re Intuniv Antitrust
- > In re Effexor Antitrust
- > In re Loestrin 24 Fe Antitrust Litigation
- > In re Celebrex (Celecoxib) Antitrust Litigation

EXPERIENCE

- > Member of the team responsible for \$94 million settlement on behalf of direct purchaser class in In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455, and the \$120 million settlement (motion for preliminary approval pending) in In re Loestrin 24 Fe Antitrust Litigation, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Prior to joining Hagens Berman, Laura was an associate at Gargiulo Rudnick LLP, where she litigated Medicaid and Medicare fraud cases. She also has years of work experience doing contract work on a variety of complex litigations.
- > Following law school, Laura was a clerk for the Connecticut Judicial Branch. In that role, she addressed novel pre-emption and spoliation of evidence questions.
- > She is a graduate of Boston University School of Law, where she acted as articles editor for the Journal of Science and Technology Law.
- > She received her Bachelor of Science degree from Boston University with a concentration in journalism.

PERSONAL INSIGHT

Laura spends her free time in fall and winter managing and training sprint sled dogs and getting them and her husband to races in the Northeast, Quebec and sometimes Europe. She runs the B team in four-dog sled classes. Laura also serves on the board of the United States Federation of Sled Dog Sports.

**OF COUNSEL**

John D. Jenkins

John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.

CONTACT

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johnj@hbsslaw.com

PRACTICE AREAS

- > Investor Fraud
- > Securities

EDUCATION

- > University of Southern California, B.A. and J.D.

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

EXPERIENCE

- > Former Deputy District Attorney in Orange County, California
- > Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

ACTIVITIES

- > Member, Board of Governors at the University of Southern California
- > Member, Board of Directors of Lear Capital

PERSONAL INSIGHT

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.

**OF COUNSEL**

Robert A. Jigarjian

Rob brings a combination of securities industry and complex litigation experience to the firm and its clients.

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Investor Fraud
> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

> All California District and State Courts,
> U.S. Court of Appeals, Ninth Circuit,
> U.S. Court of Appeals, Second Circuit

EDUCATION

> Hamilton College, AB, 1981
> Tulane University, MBA, 1985
> Golden Gate University, JD, 1993

CURRENT ROLE

> Of counsel, Hagens Berman Sobol Shapiro LLP
> Practice primarily focuses on identifying and developing securities and derivative actions

EXPERIENCE

> Prior to joining Hagens Berman, he worked as a partner at law firms practicing primarily in securities and derivative litigation. Rob also owned his own firm within the same practice areas.
> While in law school, Rob interned with the United States Securities and Exchange Commission and worked for two prominent securities class action firms.
> Before attending law school, Rob worked for several years as an institutional sales trader for a boutique Wall Street investment bank where he specialized in analyzing and trading bank-issued securities with the firm's institutional investor clients.

LEGAL ACTIVITIES

> Rob served as a voluntary discovery referee for the California Superior Court for the county of Marin to help minimize judicial resources during discovery disputes.

NOTABLE CASES

> Matters on which Rob has worked and helped investors, corporations and a bankruptcy trustee to obtain significant recoveries include the following:

In re Equitec Rollup Litigation, No. C-90-2064 (N.D. Cal.)
In re Prison Realty Securities Litigation, No. 3:99-0452 (M.D. Tenn.)
In re Digex, Inc. Shareholders Litigation, C.A. No. 18336 (Del. Ch.)
Isco v. Kraemer, No. CV 95-08941 (Super. Ct., Maricopa Co., Ariz.)
Saito v. McKesson HBOC, Inc., No. 376, 2001 (Del.)
Saito v. McCall (Del. Ch.) Scheonfeld, et al. v. XO Communications, Inc., No. 01-018358 (N.Y. Sup. Ct., Nassau County)
In re Salomon Analyst Litigation (S.D.N.Y.) Hermerding v. Tripathi, et al., Adv. No. 09-5004 (Bankr. N.D. Cal.)

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.

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

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

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michellak@hbsslw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

> Commercial Litigation
> Complex Civil Litigation

BAR ADMISSIONS

> Arizona
> U.S. District Court for the
District of Arizona

EDUCATION

> Arizona State University
College of Law, J.D., **magna
cum laude**, 2003
> Arizona State University, B.A.,
1997

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

RECOGNITION

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

EXPERIENCE

- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

NOTABLE CASES

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil

**OF COUNSEL****James J. Nicklaus**

During his legal career, Mr. Nicklaus has represented clients in antitrust, securities fraud, product liability and patent litigation.

CONTACT

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Boston, MA 02109

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BAR ADMISSIONS

› Massachusetts

COURT ADMISSIONS

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

EDUCATION

› Harvard Law School, J.D.,
magna cum laude, 1993
Harvard Legal Aid Bureau,
Student Representative
on Committee on Clinical
Education
› Harvard College, B.A.,
East Asian Languages and
Civilizations, cum laude, Phi
Beta Kappa, 1990

CURRENT ROLE

› Of Counsel, Hagens Berman Sobol Shapiro LLP
› Practice focuses on pharmaceutical antitrust litigation and investigations of potential violations of antitrust law by pharmaceutical companies

EXPERIENCE

› Prior to joining Hagens Berman, Mr. Nicklaus worked for other firms in the Boston area, including representing clients in insurance coverage, product liability and lender liability litigation at Michienzie & Sawin LLC and representing clients in insurance coverage, patent, product liability, antitrust and securities fraud litigation at Willcox, Pirozzolo & McCarthy, P.C. Mr. Nicklaus began his legal career as an associate and junior partner at Hale and Dorr LLP (now WilmerHale).

**OF COUNSEL**

Hannah Schwarzdchild

Hannah has litigated cases involving employee and consumer rights, and now focuses on antitrust claims in the pharmaceutical industry.

CONTACT

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hannahs@hbsslw.com

YEARS OF EXPERIENCE

> 33

BAR ADMISSIONS

- > State of California (inactive)
- > State of Pennsylvania

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > Ninth Circuit Court of Appeals
- > U.S. District Court for the Eastern District of Pennsylvania
- > Third Circuit Court of Appeals

EDUCATION

- > University of California, Berkeley, Boalt Hall School of Law, J.D., 1989
AmJur Award, 1988; Best Brief Award, Moot Court Competition, 1987
- > University of California, Berkeley, A.B., History, Phi Beta Kappa, 1986

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer and antitrust litigation
- > Involved in multi-district antitrust litigation involving brand pharmaceutical products, including Zetia, Niaspan and Suboxone, among others.

EXPERIENCE

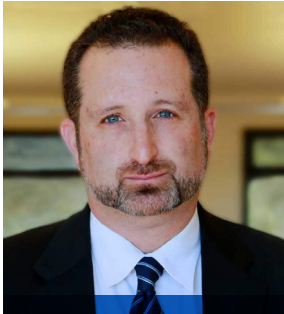
- > Prior to joining Hagens Berman, Ms. Schwarzdchild coordinated large-scale litigation projects in Boston and Philadelphia. Over the past 25 years, she has litigated employment and consumer rights cases in federal and state courts and administrative agencies, including jury and bench trials and appeals.

PUBLICATIONS

- > Same-Sex Marriage and Constitutional Privacy, Berkeley Women's Law Journal, 1989.

PERSONAL INSIGHT

Hannah grew up in and around New York City. Before law school, she helped build a community arts facility in San Francisco's Mission District in the 1980s and worked on nuclear arms control at the Ploughshares Fund. Hannah has been working for LGBT rights and Middle East peace and justice for more than 20 years. These days, her best times are spent noodling around Cambridge and Cape Cod with her partner and stepdaughter in search of interesting food, art, wildlife and humans.

**OF COUNSEL**

Benjamin J. Siegel

Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements.

CONTACT

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YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

> Antitrust Litigation

BAR ADMISSIONS

> California

COURT ADMISSIONS

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

CLERKSHIPS

> Hon. Thomas M. Reavley, U.S. Court of Appeals for the Fifth Circuit

EDUCATION

> The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007
> Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class
> Yale University, B.A. Political Science, **cum laude**, Phi Beta Kappa, 2000

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> *In re Optical Disk Drive Prods. Antitrust Litigation, No. 3:10-md-2143-RS (N.D. Cal.)*
> *In re NCAA Grant-In-Aid Antitrust Litigation, 4:14-md-02541-CW (N.D. Cal.)*
> *In re Resistors Antitrust Litigation, 5:15-cv-03820-JD (N.D. Cal.)*

EXPERIENCE

> Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past seven years.

LEGAL ACTIVITIES

> Alameda County Bar Association

RECOGNITION

> Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021 Rising Stars
> Super Lawyers, 2018

PUBLICATIONS

> Benjamin Siegel, Constitutional Rights and the Counter-Majoritarian Dilemma (May 15, 2007) (unpublished Master's thesis, University of Texas at Austin).
> Benjamin Siegel, Note, Applying a "Maturity Factor" Without Compromising the Goals of the Class Action, 85 Texas L. Rev. 741 (2007) (Texas Law Review Best Litigation Note, Volume 85).
> Benjamin Siegel et al., Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center, LBJ School of Public Affairs, Policy Research Report No. 148 (2005).
> Benjamin Siegel, California Must Protect Health Care for Medi-Cal Children, 15 Youth L. News 1 (2004), available at <http://www.youthlaw.org>.
> Jenny Brodsky, Jack Habib & Benjamin Siegel, Lessons for Long-Term Care Policy, World Health Organization, Publication No: WHO/NMH7CCL/02.1 (2002).
> Jenny Brodsky, Jack Habib, Miriam Hirschfeld & Benjamin Siegel, Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges, 14 Aging Clinical & Experimental Research 279 (2002).

PERSONAL INSIGHT

When not working to enforce the nation's antitrust laws, Mr. Siegel enjoys spending time with his wife and two young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.

**OF COUNSEL****Shelby R. Smith**

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

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shelby@hbsslw.com

YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Mercedes BlueTEC Emissions Litigation
- > GM Ignition Switch Recall
- > Corvette Overheating
- > Harvey Weinstein Sexual Harassment RICO
- > USC and Dr. George Tyndall Sexual Abuse

EXPERIENCE

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

LEGAL ACTIVITIES

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

OF COUNSEL

Shelby R. Smith

PRO BONO

› Through Seattle's Sexual Violence Law Center, Shelby sought civil protection orders for survivors of sexual assault, domestic violence, stalking and harassment. She also worked to protect the privacy rights of survivors in criminal cases.

PERSONAL INSIGHT

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

**OF COUNSEL****Whitney Street**

Ms. Street has been appointed to leadership positions in large antitrust class actions across the country, most recently recovering \$34 million as co-lead counsel on behalf of a proposed class of cancer patients and other end payors.

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > Massachusetts
- > New York
- > Texas

COURT ADMISSIONS

- > U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. District Court for the District of Massachusetts

EDUCATION

- > University of Virginia School of Law, J.D., 2002
- > University of Virginia, B.A., Economics and Literature, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Whitney served as co-lead counsel and represented the city of Providence, Rhode Island and a putative class of indirect purchasers in an antitrust class action against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. The matter was In re Thalomid & Revlimid Antitrust Litig., 14-cv-6997 (D.N.J.), and resulted in a \$34 million settlement on behalf of the class.
- > Ms. Street was appointed co-lead counsel on behalf of a class of indirect purchasers in In re Domestic Drywall Antitrust Litig., 13-md-02437 (E.D. Pa.), which involved allegations of price-fixing and other forms of concerted conduct in violation of antitrust laws, resulting in a \$17 million settlement on behalf of the class.
- > She was also appointed to the plaintiffs' steering committee in In re Liquid Aluminum Sulfate Antitrust Litig., 16-md-02687 (D.N.J.) alleging bid-rigging, market allocation and price-fixing in the aluminum sulfate market. Settlements totaled at least \$111 million in that matter.
- > She also served on the steering committee in In re Packaged Seafood Antitrust Litig., 15-md-02670 (S.D. Cal.), an ongoing case alleging price-fixing in the market for shelf-stable seafood products.
- > Whitney served as a member of the litigation team representing direct purchasers in In re Broiler Chicken Antitrust Litig., 16-cv-08637 (N.D. Ill.), a class action alleging broiler chicken producers engaged in a price-fixing conspiracy, and in In re Pork Antitrust Litig., 18-cv-01776 (D. Minn.), a class action alleging that pork producers engaged in a price-fixing conspiracy. To date, approximately \$200 million has been obtained on behalf of direct purchasers in the Broilers matter, and \$107.5 million has been obtained on behalf of direct purchasers in the Pork matter. Both cases are ongoing against remaining defendants.
- > Whitney served as a member of the litigation teams in the following antitrust class actions: Air Cargo Shipping Services Antitrust Litigation, 06-md-1775 (E.D.N.Y.) (settlements totaling more than \$270 million); In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87 million); In re Methyl Methacrylate (MMA) Antitrust Litigation, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and In re Hydrogen Peroxide Antitrust Litigation, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).
- > Whitney received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.

LEGAL ACTIVITIES

- > Contributor, Complex Litigation E-Discovery Forum, 2016 - 2021
- > Member, American Bar Association, 2016 - 2019

OF COUNSEL**Whitney Street**

- › Editorial Advisory Board Member, Law360 Competition Law, 2014 - 2018
- › Co-Founder and former co-chair, American Association for Justice Antitrust Litigation Group, 2014 - 2016

PUBLICATIONS

- › Co-Author, "What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation," American Association of Justice Business Torts Newsletter, May 2015
- › Author, "Technology Assisted Review: The Disclosure of Training Sets and Related Transparency Issues," Georgetown Law Advanced eDiscovery Institute, November 2014
- › Co-Author, "Decision Re-Affirms Critical Role of Shareholders," Benefits and Pensions Monitor, October 2014

PRESENTATIONS

- › Speaker, "The New Normal: Producing and Obtaining Phone Record Data," Complex Litigation e-Discovery Forum, November 2020
- › Panelist, "Big Data & Storylines," Complex Litigation E-Discovery Forum, September 2016
- › Moderator, "Introduction to the Use of Regression Analysis in Antitrust Class Action Litigation," American Association for Justice Webinar, August 2016
- › Panelist, Georgetown Law Advanced eDiscovery Institute, November 2014
- › Panelist, American Association for Justice Class Certification Seminar, 2013

PERSONAL INSIGHT

Whitney – a novice marathoner, ambivalent Tottenham fan and avid seeker of book recommendations – joined Hagens Berman in November 2021. Originally from the Lowcountry, she now calls California home and can often be found on the trails of Mount Diablo.

**OF COUNSEL**

Nathaniel A. Tarnor

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

CONTACT

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YEARS OF EXPERIENCE

> 17

BAR ADMISSIONS

- > State of Illinois
- > State of New York
- > District of Columbia

PRACTICE AREAS

- > Antitrust Litigation
- > Anti-Terrorism
- > Consumer Rights
- > Investor Fraud
- > Whistleblower Litigation

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Courts for the Northern & Central Districts of Illinois
- > U.S. District Court for the Eastern & Southern District of New York

EDUCATION

- > Chicago-Kent College of Law, J.D., CALI Award, 2004
- > University of Illinois, B.A., Phi Beta Kappa, **summa cum laude**, Milton Ravoche Award, 2000

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
- > Practice concentrates on complex federal litigation

EXPERIENCE

- > Milberg LLP, New York, NY, 2009-2016
- > Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
- > Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
- > Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

RECOGNITION

- > Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- > Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- > Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- > CALI Award Commercial Payment Systems Law

PERSONAL INSIGHT

Nathaniel enjoys competing in endurance sports and hiking with his family.

**ASSOCIATE**

Tory Beardsley

Ms. Beardsley has experience in prosecuting a variety of cases, including wrongful death, medical malpractice, negligence, fraud, consumer protection, data breach and bad faith insurance cases.

CONTACT

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toryb@hbsslaw.com

YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

> Consumer Rights

INDUSTRY EXPERIENCE

> Consumer Fraud
> Medical Negligence

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS

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

EDUCATION

> Arizona State University
Sandra Day O'Connor College
of Law, J.D.
> University of Arizona, B.A.,
Journalism & English
Literature

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Ms. Beardsley has experience prosecuting wrongful death, medical malpractice, negligence, negligence per se, intentional and negligent infliction of emotional distress, unjust enrichment, fraud, consumer protection, data breach and bad faith insurance cases.

RECENT CASES

> Member of the trial team representing the families of three patients who died after receiving dialysis at DaVita clinics. The case culminated with a \$383.5 million jury verdict.
> Ms. Beardsley has also aided in prosecuting data breach cases litigated by the firm in Arizona.

RECENT SUCCESS

> In June 2018, Ms. Beardsley was on the trial team where a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

EXPERIENCE

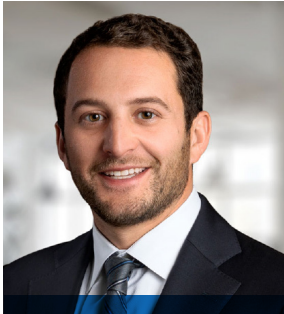
> Prior to beginning her litigation career at Hagens Berman, Ms. Beardsley specialized in land use and development with other firms in the Phoenix area, working closely with the local municipalities and politicians to gain approval on proposed developments and ensure developments compliance with city code and zoning ordinance.

ACTIVITIES

> Chair - Herberger Young Leadership Board; Member

PERSONAL INSIGHT

When she's not dedicating her time to the law, Tory enjoys staying active in a variety of ways. You can find her swimming, hiking, trail running or on her road bike. Tory is also active at Phoenix's Herberger Theater Center as chair of the Young Leadership Board, an auxiliary board tasked with fundraising and cultivating the next generation of theater patrons.

**ASSOCIATE****Jacob Berman**

Whether in his legal practice or volunteer work, Jake dedicates his time to helping those who need it most.

CONTACT

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jakeb@hbsslw.com

YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

- > Class Actions
- > Mass Torts
- > Personal Injury Litigation

INDUSTRY EXPERIENCE

- > Personal injury
- > Mass Tort
- > Class-action Law

BAR ADMISSIONS

- > California

COURT ADMISSIONS

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

EDUCATION

- > Loyola Law School, J.D., May 2018, Hobbs/Poehls District Attorney Practicum, Consumer Law Society, Member (Fall 2014–2018)

- > University of Denver, Denver, CO, B.A., Political Science, June 2013

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Jake worked on personal injury matters at Robinson Calcagnie Inc. where he represented plaintiffs in numerous catastrophic injury cases and managed all aspects of the case from client onboarding to settlement. Jake conducted and defended depositions in personal injury cases and mass torts and planned and implemented a strategy to retain stronger personal injury cases for the firm. He also drafted complaints, discovery motions, pre-trial motions and assisted in trial preparation.
- > Previously, he worked as a law clerk for the Los Angeles District Attorney, Victim Impact and Juvenile Unit where he conducted juvenile adjudication hearings, including direct and cross examination, presenting evidence, and arguing motions to dismiss and suppress. He also conducted felony preliminary hearings, including direct and cross examination, and presenting evidence.
- > Jake was also a summer associate at prominent plaintiffs firms where he drafted arguments for opposition to motion for summary judgement in a consumer auto-defect class-action case, reviewed exhibits and organized deposition questions to depose opposing counsel's defense experts and composed jury instructions in an auto-defect class-action case and product defect class-action case. Jake also has experience writing research memoranda on topics such as appeals bonds, class certification and summary judgment.

RECOGNITION

- > Published OCTLA Magazine, Volunteer Outreach in Communities Everywhere, Most Valuable Worker Award (2008),

PERSONAL INSIGHT

Jake Berman was born and raised in the Seattle area. He has a passion for coaching sports and being active in the outdoors. As a former collegiate cyclist, Jake is constantly competing in new sports or exploring a new trail run.



ASSOCIATE

Hannah Brennan

Hannah is committed to improving access to medicines – both domestically and abroad – and has experience in drug pricing, patent and international right to health litigation.

CONTACT

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PRACTICE AREAS

- › Antitrust Litigation
- › Civil & Human Rights Litigation
- › Consumer Rights
- › Medical Devices
- › Pharmaceutical Fraud
- › RICO

INDUSTRY EXPERIENCE

- › Drug Pricing
- › Patent
- › International Right to Health Litigation
- › International Trade Agreements

BAR ADMISSIONS

- › Massachusetts

COURT ADMISSIONS

- › Third Circuit

CLERKSHIPS

- › Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit
- › Honorable Theodore McKee, Former Chief Judge of United States Court of Appeals for the Third Circuit

EDUCATION

- › Yale Law School, J.D., 2013
- › Brown University, B.A., 2009

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on drug pricing, consumer access to medications, healthcare fraud, antitrust and patent fraud
- › Member of the HBSS team representing a proposed class of insulin consumers in their claims against Eli Lilly, Novo Nordisk and Sanofi for fraudulently and unfairly increasing the cost of life-saving insulin medications. HBSS has been named lead counsel in this case.
- › Member of the HBSS team litigating claims against GSK for its fraudulent marketing of the diabetes medication, Avandia. HBSS has been named lead counsel in this case.
- › Member of the HBSS team litigating claims against the Commonwealth of Massachusetts for its failure to enforce the Endangered Species Act to protect the Northern Atlantic right whale.

RECENT SUCCESS

- › **Successful Third Circuit appeal of sealing orders in In re Avandia Marketing, Sales Practices and Products Liability Litigation.** Hannah briefed and argued the class plaintiffs' appeal of two district court orders sealing the entire summary judgment record. The Third Circuit issued a precedential opinion adopting the standard the plaintiffs urged for the public's common law right of access and vacated the district courts' orders. The Third Circuit also instructed the district court to consider the First Amendment argument the plaintiffs' advanced. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019). Hannah also successfully briefed the issue on remand to the United States District Court for the Eastern District of Pennsylvania: the Court unsealed all of the summary judgment records at issue. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, No. 07-MD-01871, 2020 WL 5358287 (E.D. Pa. Sept. 3, 2020).
- › **Successful Third Circuit appeal of summary judgment ruling in In re Avandia Marketing, Sales Practices and Products Liability Litigation.** Hannah lead the team that briefed the class plaintiffs' appeal of the district court's grant of summary judgment in favor of the defendant. The Third Circuit issued a precedential opinion siding with the plaintiffs on all three issues presented in the appeal. The Third Circuit remanded the case to the district court and ordered further discovery for the plaintiffs.
- › **\$51.25 million class recovery in In re Restasis Antitrust Litigation.** Assisted in the litigation of claims against Allergan for engaging in an anticompetitive scheme to keep generic versions of the eye medication, Restasis, off the market. The alleged scheme included fraud on the U.S. Patent and Trademark Office, sham litigation against generic manufacturers, meritless citizen petitions to the Food and Drug Administration and sham transfer of patents to a Native American Tribe in an attempt to avoid invalidation. *In re Restasis Antitrust Litigation*, 18-md-2819, E.D.N.Y., ECF No. 50.
- › **\$94 million class recovery in In re Celebrex Antitrust Litigation.** Hannah was member of the HBSS team that litigated claims against Pfizer for fraudulently obtaining patents from the U.S. Patent and Trademark Office and then asserted those patents to delay generics competition in violation of federal

ASSOCIATE**Hannah Brennan**

antitrust law. The case settled mere weeks before trial. In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455.

EXPERIENCE

- › Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- › She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- › In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.
- › Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

LEGAL ACTIVITIES

- › Member, American Association for Justice
- › Member, Federal Bar Association
- › Member, Boston Bar Association

RECOGNITION

- › Charles G. Albom Prize for Excellency in Appellate Advocacy

PUBLICATIONS

- › Hannah Brennan, Unsealing Court Records: Key Learnings from the Third Circuit's Avandia Jurisprudence, American Association for Justice Trial Magazine (July 2021).
- › Hannah Brennan, Christine Monahan, Zain Rizva, & Amy Kapczynski, **Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health**, 18 Yale J. of L. & Tech. 275 (2016).
- › Hannah Brennan, **The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals**, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)
- › Hannah Brennan & Burcu Kilic, **Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective**, Harv. Hum. Rts. J. Online (2015)
- › Burcu Kilic, Hannah Brennan, & Peter Maybarduk, **What Is Patentable Under the Trans-Pacific Trade Partnership?**, 40 Yale J. Int'l L. Online 1 (2015)
- › **Inside Views: The TPP's New Plant-Related Intellectual Property Provisions**, Intellectual Property Watch (Oct. 17, 2014)

ASSOCIATE

Hannah Brennan

LANGUAGES

> Spanish

PERSONAL INSIGHT

Hannah's favorite city is Lima, her favorite state is Vermont and her favorite 90s action movie is **The Fugitive**.

**ASSOCIATE****James M. Chong**

Mr. Chong has experience in litigating a variety of cases including wrongful death, medical malpractice, negligence, fraud, consumer protection, intellectual property and bad faith insurance cases.

CONTACT

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

> Personal Injury

BAR ADMISSIONS

> Arizona
> Washington

COURT ADMISSIONS

> U.S. District Court for the
District of Arizona
> Ninth Circuit Court of Appeals
> U.S. District Court for the
Eastern District of Washington
> U.S. District Court for
the Western District of
Washington

EDUCATION

> Sandra Day O'Connor
College of Law, Arizona State
University, J.D., 2016
> University of California, Los
Angeles, B.A., 2008

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> After law school, Mr. Chong worked at prominent defense firms in Arizona and Washington where he litigated cases related to wrongful death, intellectual property, commercial disputes, legal-malpractice, medical-malpractice, premises liability and automobile accidents.
> Prior to law school, Mr. Chong worked at an intellectual property law firm in Seoul, South Korea, where he edited patent specifications in the areas of mechanical, electrical and chemical engineering. Mr. Chong returned to the same firm as a summer associate after his first year of law school.

LANGUAGES

> Korean (conversational)

PERSONAL INSIGHT

Mr. Chong enjoys spending time with his wife and twin boys, traveling abroad and cooking.

ASSOCIATE**Rachel Downey**

Ms. Downey is committed to preventing fraud and abuse in the pharmaceutical industry to ensure access to affordable prescription drugs.

CONTACT

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(617) 482-3003 fax
rachel.d@hbsslaw.com

PRACTICE AREAS

- > Antitrust Litigation
- > Class Action
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

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

EDUCATION

- > Boston University School of Law, J.D.
- > Boston University, B.A.

CURRENT ROLE

- > Staff Attorney, Hagens Berman Sobol Shapiro LLP
- > Rachel's practice focuses on pharmaceutical antitrust class-action litigation.
- > She is a core member of the team litigating In re Zetia (Ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.), a federal antitrust lawsuit against Merck and Glenmark alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- > Ms. Downey has also been instrumental in preparing settlement-related filings for and administering large class-action settlements. Most recently, she was part of the team securing a \$483.85M settlement on behalf of the direct purchaser class in In re Glumetza Antitrust Litigation.

RECENT CASES

- > In re Zetia (Ezetimibe) Antitrust Litigation
- > Staley v. Gilead Sciences, Inc. (Gilead)
- > Government Employees Health Association v. Actelion Pharmaceuticals, Ltd. (Tracleer)
- > In re Glumetza Antitrust Litigation

PRO BONO

- > Volunteer Lawyers Project of the Boston Bar Association (VLP)

LEGAL ACTIVITIES

- > Member, American Association for Justice

PERSONAL INSIGHT

For a month during her college years, Rachel lived in the Amazon.

**ASSOCIATE**

Abbye Klamann Ognibene

Ms. Ognibene believes in taking on corporations in the fight for plaintiffs' rights, including the right to online privacy and to fair pricing in medical care and consumer goods.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Class Actions
- > Consumer Rights

BAR ADMISSIONS

- > California
- > District of Columbia
- > New York

COURT ADMISSIONS

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

EDUCATION

- > University of Michigan, J.D., cum laude, 2016
- > University of Missouri Columbia, B.J., cum laude, 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Core team member in *Staley v. Gilead*, which seeks to hold HIV drug manufacturers accountable for allegedly using their market power to artificially inflate prices for HIV medication and prevent safer medications from coming to market sooner.
- > Involved in cutting-edge litigation in *In re Humira (Adalimumab) Antitrust Litigation*, alleging novel theories regarding the suppression of competition for the blockbuster biologic drug, Humira.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Ognibene was an associate at a start-up litigation boutique, where she helped launch a plaintiffs' class-action practice group.
- > She also worked on cutting-edge class-action litigation at Lieff Cabraser Heimann & Bernstein, focusing on digital privacy and antitrust cases.
- > While in law school, Abbye worked for more than two years as a law clerk to the legal team of *DeBoer v. Snyder*, consolidated sub nom. *Obergefell v. Hodges*, which guaranteed the nationwide right to marry for same-sex couples.

RECOGNITION

- > National Lawyers Guild, Massachusetts Chapter Member

PERSONAL INSIGHT

Before attending law school, Abbye worked in radio journalism in her home state of Missouri. She spends her time outside of the office with her family and two large rescue dogs, preferably in Vermont with a glass of whiskey in one hand and a good book in the other.

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

Ms. LaSalle is committed to combatting fraud, waste and abuse in the pharmaceutical industry.

CONTACT

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

> Antitrust Litigation
> Pharmaceutical Fraud

CLERKSHIPS

> Law Clerk, Staff Attorney's
Office for the U.S. Court of
Appeals for the Second Circuit

BAR ADMISSIONS

> Massachusetts
> New York

COURT ADMISSIONS

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

EDUCATION

> Brooklyn Law School, JD,
magna cum laude, 2012
> Swarthmore College, BA 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.
- > Responsible for managing a team of lawyers across several law firms in *In re Lantus Antitrust Litigation*, No. 16-cv-16252 (D. Mass.), a case challenging an anticompetitive scheme by drugmaker Sanofi-Aventis designed to prevent competition and keep insulin prices unaffordable.
- > Litigating a case against generic drugmaker Ranbaxy (now Sun Pharmaceuticals) for challenging a decade-long campaign of deceit regarding its ability to manufacture safe, effective drugs and follow the manufacturing regulations enforced by the FDA. Ms. LaSalle is responsible for developing the evidence of the fraud, and developing and successfully arguing a novel legal theory to meet the defendants' wrongdoing.
- > Ms. LaSalle is regularly called upon to handle consequential briefing in cases involving especially complex or convoluted regulatory regimes at both the trial and appellate court levels.

EXPERIENCE

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.

RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award

PUBLICATIONS

- > Kristie LaSalle, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 *Tex. J. on Civ. Rights & Civ. Liberties* 1 (2013)
- > Kristie LaSalle, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 *J.L. Pol'y* 867 (2011)
- > Kristie LaSalle & Kristen Johnson, *The Misapplication of the Presumption of Patent Validity*, 33 *Antitrust Health Care Chronicle* 11 (2018)
- > Lauren G. Barnes & Kristie A. LaSalle, *Private Antitrust Claims Explained*, presented at Am. Ass'n for Justice Annual Convention, Boston, July 27, 2017

PERSONAL INSIGHT

Kristie is the unexpected combination of a performing improviser, competitive weightlifter and Ravenclaw.

**ASSOCIATE**

Raffi Melanson

As a former government trial attorney, Raffi focuses his legal practice on zealously challenging fraudulent and deceptive business practices of corporate entities and other bad actors through strategic class-action litigation.

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PRACTICE AREAS

- › Antitrust Litigation
- › Investor Fraud
- › Securities

BAR ADMISSIONS

- › Massachusetts
- › New York
- › District of Columbia

COURT ADMISSIONS

- › Fourth Circuit Court of Appeals

CLERKSHIPS

- › Magistrate Judge Andrea K. Johnstone, U.S. District Court for the District of New Hampshire, 2021
- › Hon. Joseph N. Laplante, U.S. District Court for the District of New Hampshire, 2019–2020

EDUCATION

- › Georgetown University Law Center, J.D., 2013
- › Boston University, B.A., **cum laude**, International Relations, Economics & Mathematics, 2010

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Raffi worked as a law clerk in the District of New Hampshire, drafting judicial orders for judges in complex cases and assisting them with the resolution of novel litigation and trial issues. In this role, he became intimately familiar with how judges work and how courts operate.
- › Before clerking, Raffi worked on large price-fixing, market domination and deceptive advertising litigation at a top 100 law firm while maintaining an active criminal defense and immigration pro bono docket.
- › After graduating from law school, Raffi served as an assistant attorney general for the District of Columbia, where he investigated and civilly prosecuted corporations engaged in sophisticated financial fraud perpetrated against DC residents.

PUBLIC SERVICE

- › Volunteer, Northern New England Chapter of the Cystic Fibrosis Foundation

PERSONAL INSIGHT

Raffi grew up near Cape Cod and has since preferred to live near the coast of a large body of water. Outside of work, he enjoys biking around the city, hiking, listening to comedy and political podcasts, and competing in amateur boxing. During the winter, Raffi shifts to activities best done indoors, such as board games and cooking, but will occasionally venture outside to go snowboarding, if it's not too cold.

**ASSOCIATE**

Lauren S. Miller

Lauren is devoted to her clients through her work advocating for individuals harmed by dangerous pharmaceutical drugs and defective medical devices.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Alabama

COURT ADMISSIONS

- > U.S. District Court for the Northern District of Alabama
- > U.S. District Court for the Middle District of Alabama
- > U.S. District Court for the Southern District of Alabama

PRACTICE AREAS

- > Consumer Rights
- > Mass Torts
- > Personal Injury
- > Pharmaceutical Fraud
- > Product Liability

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Medical Devices

EDUCATION

- > Cumberland School of Law, J.D., 2012
- > Middle Tennessee State University, B.S in Public Relations, 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Court-appointed member of Plaintiffs' Steering Committee in In Re: Zantac (Ranitidine) Products Liability Litigation among 100 applicants; member of bellwether, deposition, discovery, and science and experts committees.

EXPERIENCE

- > Prior to joining Hagens Berman, Lauren was an associate at a well-respected plaintiffs' firm in Birmingham, Alabama where she focused on representing individuals harmed by defective pharmaceutical drugs and medical devices. In addition to this work, Lauren also represented clients in consumer fraud and personal injury litigation and advocated on behalf of survivors of sexual assault.
- > She served on the discovery, expert, and Daubert committees for personal injury plaintiffs in In Re: Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation.

LEGAL ACTIVITIES

- > Birmingham Bar Association
- > Alabama Association of Justice
- > American Association of Justice

RECOGNITION

- > Ones to Watch, The Best Lawyers in America – 2021-2023
- > Women to Watch, Birmingham Business Journal – 2020
- > Top Women Attorneys, B-Metro Magazine – 2019, 2020
- > Mid-South Rising Star, Super Lawyers – 2019, 2020
- > Top 40 Under 40, The National Trial Lawyers – 2017-2019
- > Birmingham Top Attorney Rising Star, Birmingham Magazine – 2017

NOTABLE CASES

- > In Re: Zantac (Ranitidine) Products Liability Litigation, U.S. District Court, S.D. Fla., Case No. 9:20-md-02924

PERSONAL INSIGHT

Lauren was born in California, spent most of her childhood in Arkansas, and took a slight detour to Tennessee before coming to Alabama for law school. When she is not practicing law or spending time with her two daughters, Lauren enjoys hiking, boxing and painting.

**ASSOCIATE****Chris O'Brien**

Chris became an attorney to fight injustice for those who have been harmed. He has experience in both trial and appellate litigation.

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YEARS OF EXPERIENCE

> 4

PRACTICE AREAS

> Class Action

BAR ADMISSIONS

> Massachusetts

COURT ADMISSIONS

> Supreme Judicial Court
of the Commonwealth of
Massachusetts

CLERKSHIPS

> Honorable Mark V. Green,
Chief Justice of the
Massachusetts Appeals Court,
2021 – 2022
> Honorable Andrew M.
D'Angelo, Associate Justice
of the Massachusetts Appeals
Court, 2022

EDUCATION

> The University of Pennsylvania
Carey Law School, J.D., 2018
> Harvard University, A.L.B.
Extension Studies, 2015

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman Chris was an associate at multiple Boston law firms where he managed discovery, document review, and drafted and filed motions in state and federal court. Most recently, he served as a judicial law clerk to the Honorable Mark V. Green, Chief Justice of the Massachusetts Appeals Court and the Honorable Andrew M. D'Angelo, Associate Justice of the Massachusetts Appeals Court, where he gained experience in both civil and criminal appeals.

PRO BONO

> Chris has extensive pro bono experience representing employees in matters related to unemployment compensation. He served as vice president of the Employment Advocacy Project while in law school.
> As a first-year associate, Chris was awarded the recognition of Pro Bono Star for his work with the Innocence Project of California and with undocumented immigrants in ICE custody.

ACTIVITIES

> Mr. O'Brien is passionate about access to legal services and is a board member of Nurses for Social Justice, a non-profit organization dedicated to providing medical expert document review and analysis to public defenders and their clients.

PERSONAL INSIGHT

Chris grew up in Amherst, MA where he developed an early love for baseball and acoustic music. After graduating from high school Chris became a professional singer and songwriter, and in 2007 he performed live on Garrison Keillor's radio show, A Prairie Home Companion, which caused his album to jump to the fifth spot on iTunes in the singer/songwriter category. His music has been streamed on Spotify nearly 25 million times in more than 120 countries.

**ASSOCIATE**

Abigail D. Pershing

Abigail is committed to advancing human and civil rights, both in the U.S. and abroad.

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BAR ADMISSIONS

- > Connecticut
- > California (pending)

CLERKSHIPS

- > Judge Darian Pavli, European Court of Human Rights, 2020 – 2021
- > Judge Hellen Keller, European Court of Human Rights, 2020

PRACTICE AREAS

- > Civil & Human Rights
- > Environmental Litigation

EDUCATION

- > Yale Law School, J.D., 2020
- > The University of Chicago, B.A., Sociology and Public Policy, 2014

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Abigail clerked at the European Court of Human Rights in Strasbourg, France and served as a fellow in the court's Research Division.
- > During law school, Abigail worked as a summer associate with Accountability Counsel, Blue Ocean Law, Médecins Sans Frontières and the Mississippi Center for Justice. She was a student director for the Lowenstein International Human Rights Clinic and for the HAVEN Medical-Legal Partnership. She was also an editor for the Yale Law Journal.
- > Before law school, Abigail served with the Peace Corps in Kolda, Senegal, as a health volunteer. Her primary focus was reducing malaria mortality rates.

PUBLICATIONS

- > Zachary D. Liscow & Abigail D. Pershing, "Why Is So Much Redistribution In-Kind and Not in Cash? Evidence from a Survey Experiment," *Nat'l Tax J.*, forthcoming
- > Hellen Keller & Abigail D. Pershing, "Climate Change in Court: Overcoming Procedural Hurdles in Transboundary Environmental Cases," *Eur. Convention on Human Rights L. Rev.*, forthcoming
- > Zachary Liscow & Abigail Pershing, "A New Way to Increase Economic Opportunity for More Americans", *The Hill*, Jan. 21, 2021
- > Abigail D. Pershing, "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today," *44 Yale J. Int'l L.* 149, 2019
- > Abigail D. Pershing, "Empty Schoolyards: The Impact of Elementary School Closures on Chicago Communities," *1 Chi. J. Soc.* 99, 2014

PRESENTATIONS

- > Abigail D. Pershing, "Increasing Malaria Detection with Community Health Workers: A Case Study from Southern Senegal," *Global Health and Innovation Conference at Yale University*, Apr. 15, 2018.

LANGUAGES

- > French
- > Pulaar
- > Spanish (intermediate)
- > Wolof (beginner)
- > Mandarin Chinese (beginner)

PERSONAL INSIGHT

Abigail enjoys traveling, bike trips, playing the piano and meeting new people. Once or twice a year, she attempts to bake fancy cakes that are way beyond her pastry-making skill level.

**ASSOCIATE**

Ryan T. Pittman

Mr. Pittman has experience in a wide variety of cases and practices, including personal injury, wrongful death, legal and professional malpractice, intellectual property, and venture capital and corporate law.

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YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

> Personal Injury

BAR ADMISSIONS

> Washington
> Arizona

COURT ADMISSIONS

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

EDUCATION

> Sandra Day O'Connor College
of Law, J.D., 2015
> Claremont McKenna College,
B.A., 2010

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman, Mr. Pittman practiced at various Seattle and Phoenix law firms where he most recently handled matters related to professional and legal malpractice claims, personal injury claims, intellectual property disputes and wrongful death claims.

> Mr. Pittman also served as legal counsel at an international venture capital firm in Ireland, and was involved in investment contracts with early stage companies. He helped establish the first wholly foreign-owned investment fund able to directly invest into Chinese companies.

PUBLICATIONS

> "Speaking in Tweets and Other Social Media: Should Some Written Communication Be Considered Oral Communication?" Sports and Entertainment Law Journal, 2013

PERSONAL INSIGHT

A Mr. Pittman enjoys traveling and has been fortunate to have had extensive international travel experience, including living and working abroad in China and Ireland. Mr. Pittman grew up in Ashland, Oregon and is happy to be able to call Seattle home. As a former collegiate track athlete, Mr. Pittman enjoys staying active by running and lifting and staying active.

**ASSOCIATE****Peter A. Shaeffer**

Mr. Shaeffer has represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Illinois

COURT ADMISSIONS

> U.S. District Court for the
Northern District of Illinois

EDUCATION

> Vanderbilt University Law
School, J.D., 2013
> Tufts University, B.A., magna
cum laude, 2008

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman, Peter was an associate at Latham & Watkins LLP, where he represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.

> Previously, Mr. Shaeffer was a judicial intern for the Hon. Jeffrey Cole of the United States District Court for the Northern District of Illinois, and also served as a paralegal specialist for the U.S. Department of Justice's antitrust division.

PERSONAL INSIGHT

Originally from the Chicagoland area, Mr. Shaeffer enjoys jogging along the 606 trail, partaking in the city's brewery scene, and spending time with his wife and young dog, Wolfie.

**ASSOCIATE**

Whitney K. Siehl

Ms. Siehl works tirelessly and has achieved millions of dollars in settlements for her clients. Her passion and empathy is unmatched.

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Civil & Human Rights Litigation
- > Class Actions
- > Employment Litigation
- > Personal Injury Litigation
- > Sexual Abuse & Harassment

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > United States District Court for the Northern District of Illinois
- > United States Court of Appeals for the Seventh Circuit
- > Supreme Court of the United States

CLERKSHIPS

- > Extern for Judge George C. Smith on the Southern District of Ohio

EDUCATION

- > The Ohio State University
Moritz College of Law, J.D.,
cum laude, 2013
- > Northwestern University, B.A.,
2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Ms. Siehl's Plaintiffs' litigation practice focuses on complex class-action and individual cases in the areas of sexual abuse, sexual harassment, and sports law
- > Represents an actress and entertainment industry class against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- > Represents students and alumnae of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Siehl was an associate in the Chicago office of a well-respected Plaintiffs' firm representing families and children in birth injury and birth trauma litigation nationwide.
- > She worked previously at another Chicago firm where she gained experience in all aspects of civil litigation with a focus on medical malpractice and professional liability matters.

RECENT SUCCESS

- > Ms. Siehl played a significant role in a \$4 million settlement for a child who suffered severe and permanent brain damage due to the medical providers' delay in recognizing a placental abruption.
- > Assisted in a \$3.5 million settlement for a child with a hypoxic-ischemic brain injury that resulted from too much Pitocin and a physician's failure to recognize fetal distress.

RECOGNITION

- > 2020, 2021 Rising Star, Super Lawyers Magazine for Class Actions
- > 2019 Rising Star, Super Lawyers Magazine for Plaintiffs' Personal Injury
- > 2017 Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association
- > 2013 Member of National Champion Team for Sutherland Cup National Constitutional Law Moot Court Competition
- > CALI Award for Highest Grade in Legislation Clinic, Dispute Systems Design, and Comparative Legal Professions
- > Named a Public Service Fellow with Dean's Special Recognition

ASSOCIATE

Whitney K. Siehl

LEGAL ACTIVITIES

- › Women's Bar Association of Illinois
 - Officer Positions
 - Financial Secretary - 2020 - 2021
 - Recording Secretary - 2019 - 2020
 - Board of Directors - 2017 - Present
- › American Association for Justice Birth Trauma Litigation Group, Member
- › Illinois Trial Lawyers Association, Member

ACTIVITIES

- › Professional Board Member, PAWS Chicago – the Midwest's largest no-kill animal shelter; TEAM PAWS Marathon Team 2015-present

PRO BONO

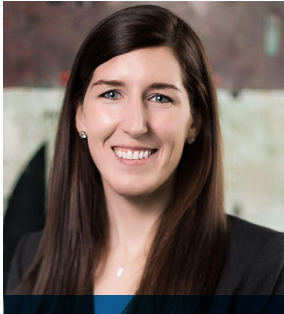
- › In 2017, Ms. Siehl received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association for her dedication to representing underserved individuals in employment discrimination matters.

PUBLICATIONS

- › **#Us Too: Gender Inequality in the Legal Profession**, American Association for Justice, Birth Trauma Litigation Group Newsletter, Lead Article, February 2018.

PERSONAL INSIGHT

Whitney is an avid golfer and chairs the annual golf outing for the Women's Bar Association of Illinois. She was previously a member of the Miami University cross country and track teams, where the cross country team was selected as NCAA Academic All-Americans. She serves as a pace group leader for Chicago Marathon training and with the 2021 Chicago Athlete Magazine Ambassador Team, helps inspire busy professionals to live healthier lives. To date, she has completed 10 marathons, a half Iron distance triathlon, and numerous short course triathlons including the 2019 Escape from Alcatraz Triathlon in San Francisco.

**ASSOCIATE**

Emilee Sisco

Ms. Sisco practices in the areas of sports litigation, antitrust and consumer protection. As a former Division I athlete, she has worked on the firm's cases against the NCAA, furthering the rights of college-athletes across the nation.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Sports Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

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

EDUCATION

- > Seattle University School of Law, J.D.
- > University of Oregon, B.A.

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Law Clerk for Washington State Office of the Attorney General – Antitrust Division

LEGAL ACTIVITIES

- > During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

RECOGNITION

- > Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019, 2021

RECENT CASES

- > *Namoff v. Fleishman & Shapiro, P.C. et al*
- > *In re: National Prescription Opiate Litigation*
- > *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*
- > *In re: General Motors LLC Ignition Switch Litigation*

LANGUAGES

- > Latin

PERSONAL INSIGHT

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.

**ASSOCIATE**

Hannah Song

Hannah is dedicated to holding institutions accountable on behalf of consumers and vulnerable populations.

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hannahso@hbssslaw.com

PRACTICE AREAS

- › Antitrust Litigation
- › Class Action
- › Consumer Rights

BAR ADMISSIONS

- › California

EDUCATION

- › Stanford Law School, J.D., 2021
- › University of California, Berkeley, B.A., 2015

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Hannah worked on antitrust and consumer protection issues in various settings including at the Department of Justice Antitrust Division.
- › Hannah has experience in quantitative methods and has worked previously as an economic consultant supporting economic experts in securities, tax, antitrust, mortgage-backed securities and other litigation.

PRO BONO

- › Hannah started the Racial and Disability Justice Pro Bono Project (RAD Justice) at Stanford Law School, which aids Latinx families with disabled children in obtaining state services under the Lanterman Act in California.

PERSONAL INSIGHT

Hannah enjoys live music, boxing and reading science fiction in her spare time.

**ASSOCIATE**

Jessica Thompson

Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.

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YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > Emissions Litigation
- > Employment Litigation

BAR ADMISSIONS

- > District of Columbia
- > Maryland
- > Washington

EDUCATION

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. **magna cum laude**, 2010
 - Honors: Class Rank 21/333; G.P.A. 3.68
 - Honors: Highest Grade in the Class Award, Evidence
 - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. **cum laude**, 2005
 - Major: Community Studies and Civic Engagement

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

RECENT SUCCESS

- > Litigating and reaching favorable settlements in diesel emissions lawsuits against vehicle manufacturers and suppliers
- > Defeating multiple motions to dismiss in diesel emissions lawsuits on RICO and Clean Air Act preemption grounds
- > Litigating and reaching favorable settlements in discrimination matter against an insurance company

EXPERIENCE

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

ACTIVITIES

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

PUBLICATIONS

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:
 - "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
 - "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)

ASSOCIATE

Jessica Thompson

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

PRO BONO

> Through Seattle's Sexual Violence Law Center, Jessica sought civil protection orders for survivors of sexual assault, domestic violence, stalking and harassment. She also worked to protect the privacy rights of survivors in criminal cases.

PERSONAL INSIGHT

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

**ASSOCIATE**

Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

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PRACTICE ARES

- › Antitrust Litigation
- › Consumer Rights

BAR ADMISSIONS

- › Washington

EDUCATION

- › University of Michigan Law School, J.D.
- › Washington State University, B.A., magna cum laude

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

PRO BONO

- › As part of her pro bono practice, Ms. Van Engelen represented the victim of cyberstalking and revenge porn in the trial of *Allen v. Zonis*, Case No. 15-2-15656-0 (Wash. Super. Ct.) before Judge Helson, in King County, Wash. She and her team brought one of the first cases the nation that successfully alleged causes of action stemming from the defendant's distribution of the victim's intimate images. After Ms. Van Engelen's closing argument at trial, the jury awarded the victim \$8.9 million for the damages they incurred due to the defendant's misconduct. The verdict was featured on ABC News Nightline, and the case was profiled in depth by Wired Magazine, which interviewed Ms. Van Engelen in its coverage the case. The damage award of \$8.9 million was one of the largest plaintiff verdicts for this kind of misconduct.

RECOGNITION

- › 2018-2019 Public Service & Leadership Award recipient

NOTABLE CASES

- › Ms. Van Engelen played a key role in helping consumers recover more than \$180 million from chicken conglomerates in *In re: Broilers Antitrust Litigation*, Case No. 1:16-cv-08637 (N.D. Ill.), pending before Judge Durkin. She drafted significant portions of consumers' motion for class certification, which Judge Durkin granted on May 27, 2022. Ms. Van Engelen worked fulltime helping the firm's Broilers team develop the facts during discovery and took the lead in depositions against several critical defendant witnesses, including first-chairing the deposition of a former senior officer of a publicly traded company.
- › Ms. Van Engelen was one of the first to investigate the pork industry and is a key litigator with the firm in *In re: Pork Antitrust Litigation*, Case No. 18-cv-1776 (D. Minn.), pending before Judge Tunheim. She and the Hagens Berman litigation team represent consumer purchasers and brought the first complaint filed in what is now a large MDL. In this matter, Breanna has first-chaired several depositions of defendants' key executives, including senior officers at large, publicly traded companies.
- › She is also a critical early team member in the *In re Cattle and Beef Antitrust Litigation*, Case No. 20-cv-1319, in which she helped draft the complaint and fight motions to dismiss, which were denied on Sept. 14, 2021.

ASSOCIATE

Breanna Van Engelen

› Additionally, Ms. Van Engelen is one of few young attorneys experienced in giving closing arguments in newsworthy cases.

MEDIA INTERVIEWS

› Brooke Jarvis, **How One Woman's Digital Life Was Weaponized Against Her**, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

PRESENTATIONS

› "Taking the Distribution of Intimate Images to Trial," Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

PERSONAL INSIGHT

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.

**ASSOCIATE**

Mark Vazquez

During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Illinois

CLERKSHIPS

- > Hon. John Z. Lee, Northern District of Illinois
- > Hon. Jesse G. Reyes, Illinois Appellate Court, First District

EDUCATION

- > DePaul University College of Law, J.D., **summa cum laude**, 2012
- > Editor, DePaul Law Review
- > University of Chicago, B.A., 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- > During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

PUBLICATIONS

- > **People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement**, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.

**ASSOCIATE**

Stephanie A. Verdoia

Stephanie brings to the firm a deep knowledge of professional sports policies, protocols and governance to enrich Hagens Berman's robust sports law practice.

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PRACTICE AREAS

› Sports Litigation

INDUSTRY EXPERIENCE

› Sports Governance
› Sports Policy and Protocols

EDUCATION

› University of Washington
School of Law, J.D., 2021,
Order of Barristers
› Seattle University, B.A.
Political Science and Legal
Studies, summa cum laude,
2015

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Ms. Verdoia's practice at the firm's Seattle office focuses primarily on sports litigation, where she applies her deep knowledge of sports governance, policies and protocols to bolster the firm's expansive work in this area of law.

EXPERIENCE

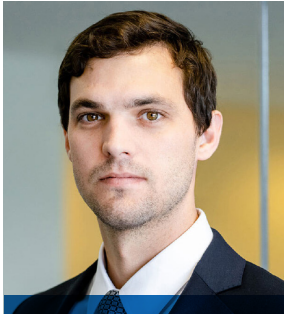
- › Prior to joining Hagens Berman, Ms. Verdoia interned at Seattle's Legal Voice, where she researched legal issues regarding gender equality by analyzing the interplay between constitutional principles, recently enacted state statutes and prevailing precedent.
- › Ms. Verdoia also interned with the legal department at Seattle Sounders FC, where she provided legal research and solutions responding to the evolving developments of the COVID-19 pandemic.

ACTIVITIES

- › Her additional experience in professional sports lends itself to the firm's sports litigation practice area. Ms. Verdoia has years of experience in the realm of professional soccer as a midfielder in Norway's Topserien top division soccer and with the National Women's Soccer League (NWSL) both for the Boston Breakers and most recently the OL Reign (formerly known as Seattle Reign FC).
- › During her time in these roles, she trained with the top NWSL team to enhance squad development with the Reign; led Norway's Vålerenga Fotbal Damer to the national championship game; and was one of only 36 women nationally drafted into the professional female league when she began her professional sports career in 2015 with the Boston Breakers.
- › Ms. Verdoia has also served as a league representative, helping to take a leadership role in the sport by conducting conversation with key league figures to further players' interests and advance gender equity in sport. She also implemented working standards to create a safer environment and established a framework for a future players association.

PERSONAL INSIGHT

As a lifelong soccer player, Stephanie spends her free time coaching youth soccer teams at the OL Reign Academy. She also enjoys camping anywhere in the Pacific Northwest with her fiancé, Shane, and her dog, Stevie.

**ASSOCIATE****Bradley J. Vettraino**

Mr. Vettraino focuses on enforcing the antitrust laws against pharmaceutical monopolists and has spent his entire career challenging corporate misconduct.

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YEARS OF EXPERIENCE

> 8

BAR ADMISSIONS

> Illinois
> Massachusetts
> Missouri

COURT ADMISSIONS

> U.S. District Court, District of Massachusetts
> U.S. District Court, Southern District of Illinois

EDUCATION

> Washington University in St. Louis School of Law, J.D., 2013
> Metropolitan State University of Denver, B.A., 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on pharmaceutical antitrust litigation and prosecuting other healthcare-related fraud.
- > Core member of the team litigating In re Zetia (ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.), a federal antitrust suit against Merck & Co and Glenmark Pharmaceuticals alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- > Responsible for day-to-day management of in In re Lantus Direct Purchaser Antitrust Litigation, 16-cv-12652 (D. Mass), alleging that Sanofi-Aventis wrongfully listed and asserted patents, unlawfully extending its monopoly over its multi-billion dollar per-year injectable insulin glargine product, Lantus.
- > Core member of the team litigating antitrust claims against Amgen and Teva in In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation, which alleges alleging a multi-faceted market allegation scheme.
- > Instrumental in overcoming motions to compel arbitration against class representatives in multiple cases.

RECOGNITION

- > Rising Star, Super Lawyers Magazine
- > Upon graduating law school, Mr. Vettraino received the Dan Carter-Earl Tedrow Memorial Award, as the student who most embodied the aims of the legal profession.

LEGAL ACTIVITIES

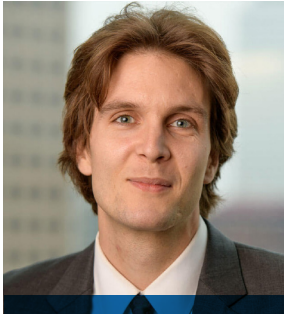
- > Member, American Association For Justice

EXPERIENCE

- > Before joining Hagens Berman, Mr. Vettraino was an associate at a nationwide class-action firm, where he prosecuted numerous securities, merger and acquisition, and consumer class actions on behalf of both individuals and large public pension funds.
- > After graduating from Washington University in St. Louis School of Law in 2013, Mr. Vettraino worked for two preeminent toxic tort and products liability firms representing individuals harmed by corporate negligence and greed.

PERSONAL INSIGHT

When not driving his wife crazy by singing the same five songs to their infant son on repeat, Brad enjoys spending his free time fly fishing (with limited success).

**ASSOCIATE****Ted Wojcik**

Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.

CONTACT

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Class Action
- > Environmental Litigation

BAR ADMISSIONS

- > Georgia
- > Washington

CLERKSHIPS

- > Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018
- > Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

EDUCATION

- > Yale Law School, J.D., 2015
- > Dartmouth College, A.B., 2011, *magna cum laude*

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Before joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, to Judge Marjorie Allard of the Alaska Court of Appeals.
- > During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney's Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.
- > Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.

**ASSOCIATE**

Abby Wolf

Abby cares deeply about justice and fairness. Through class actions, she is focused on exposing the truth, holding the powerful accountable and helping consumers fight back against corporate wrongdoing.

CONTACT

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YEARS OF EXPERIENCE

> 5

PRACTICE ARES

- > Antitrust Litigation
- > Class Action
- > Consumer Rights

BAR ADMISSIONS

- > California

COURT ADMISSIONS

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

CLERKSHIPS

- > U.S. District Court for the Eastern District of California, Judge Dale A. Drozd, 2020 – 2021
- > U.S. District Court for the Southern District of West Virginia, Judge Joseph R. Goodwin, 2016 – 2017

EDUCATION

- > University of California, Davis School of Law, King Hall, J.D., 2016
- > University of California, Berkeley, B.A., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Abby was an associate at Lief Cabraser Heimann & Bernstein LLP, where she worked on behalf of cities, counties and Native American tribes in the nationwide opioid litigation. She also represented survivors of the 2017 and 2018 wildfires in California sparked by the negligence of local utility companies.

PUBLICATIONS

- > “The World Still Looks to California: The CalECPA as a Model Step for Privacy Reform in the Digital Age,” The Journal of Law and Technology at Texas, Aug. 1, 2017

PRESENTATIONS

- > Mass Torts Committee Breakout: “Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts,” Panelist, Jan. 31, 2020

PERSONAL INSIGHT

When not practicing law, Abby enjoys yoga, baking and spending time with her pet rabbit, Ralphie.

**ASSOCIATE**

Wesley A. Wong

Mr. Wong is an investor rights attorney who assists in the development and prosecution of securities class-action cases, derivative actions and opt-out litigation. He has experience working in all stages of litigation, including at trial.

CONTACT

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YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

- > Investor Fraud
- > Securities

INDUSTRY EXPERIENCE

- > General Civil Litigation
- > Complex Civil Litigation
- > Class Actions
- > Financial Services Regulatory Compliance

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Northern District of California

EDUCATION

- > University of San Francisco School of Law, J.D., 2016
- > San Francisco State University, B.S., cum laude, 2012

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Mr. Wong's practice focuses on securities litigation.

RECENT SUCCESS

- > Mr. Wong represented and defended a major rapid transit public transportation system serving the San Francisco Bay Area in a \$75 million breach of contract and implied covenant of good faith/fair dealing case at trial. He successfully tried the case to verdict as a key member of the trial team and obtained a complete defense verdict.

EXPERIENCE

- > Litigated a variety of cases at all stages of litigation, including at trial
- > Worked in the financial services industry as an analyst prior to law practice
- > Prior experience working with banking industry regulators to resolve regulatory compliance matters

ACTIVITIES

- > The Risk Management Association, Golden Gate Chapter, Young Professionals Board Member 2017-2018

LEGAL ACTIVITIES

- > Asian American Bar Association of the Greater Bay Area

PERSONAL INSIGHT

When he's not practicing law, Wesley enjoys writing, directing and producing short films and music videos. Wesley has worked with electronic dance music and hip hop music artists in the management, production, dealmaking and financing of various projects.

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14 New York, NY 10169
15 Telephone: (212) 233-6444
16 Facsimile: (212) 233-6334
17 wfedericks@scott-scott.com
18 jjacobson@scott-scott.com

19 *Co-Class Counsel for the Class and Counsel for*
20 *Class Representative Ani Hovhannisyan*

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 In re VAXART, INC. SECURITIES
24 LITIGATION

Case No. 3:20-cv-05949-VC

CLASS ACTION

25 *This Document Relates to:*
26 *ALL ACTIONS*

27 **DECLARATION OF WILLIAM C.**
28 **FREDERICKS IN SUPPORT OF**
PLAINTIFFS' COUNSEL'S FEE AND
EXPENSE APPLICATION FILED ON
BEHALF OF SCOTT+SCOTT
ATTORNEYS AT LAW LLP

Hearing Date: January 12, 2023
Time: 10:00 A.M.
Courtroom: 4, 17th Floor
Judge: Hon. Vince Chhabria

1 I, William C. Fredericks, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am a partner in the law firm of Scott+Scott Attorneys at Law LLP (“Scott+Scott”).
3 Scott+Scott, together with Hagens Berman Sobol & Shapiro LLP (“Hagens Berman”), is one of two
4 Court-appointed co-class counsel for the Settlement Class in the above-captioned securities class
5 action (“Action”)¹ and counsel for Plaintiff and court-appointed co-class representative Ani
6 Hovhannisyan. I have personal knowledge of the matters stated herein based on my participation in
7 the Action and review of records maintained by my firm and, if called upon, could and would testify
8 thereto.

9 2. I submit this Declaration in support of Plaintiffs’ Counsel’s application for (a)
10 attorneys’ fees rendered in connection with the litigation and resolution of the claims (the “Settled
11 Claims”) being settled as part of the partial Settlement in this Action, and for (b) reimbursement of
12 litigation expenses incurred by Scott+Scott and Hagens Berman in connection with the Settled Claims.

13 3. My firm has been involved in all aspects of the prosecution of the Settled Claims in this
14 Action, and in obtaining the \$12.015 million recovery for the Class in exchange for the release of the
15 Settled Claims, as further set forth in the Joint Declaration of Reed R. Kathrein and William C.
16 Fredericks In Support of (i) Plaintiffs’ Motion for Final Approval of Proposed Partial Class Action
17 Settlement and Plan of Allocation; and (ii) Plaintiffs’ Counsel’s Fee and Expense Application (“Joint
18 Declaration”).

19 4. Based on my involvement in the Action as well as the review of time records reflecting
20 work performed by attorneys and professional support staff employees at Scott+Scott in the Action
21 (“Timekeepers”) as reported by those Timekeepers, I directed the preparation of the chart set forth as
22 Exhibit A hereto. In reviewing my firm’s time entries, I exercised billing judgment, which included
23 reducing or eliminating certain time entries altogether (including the elimination of all time entries by
24 attorneys who billed a total of less than ten hours to this matter), as well as eliminating all time spent
25 on any settlement-related matters that was incurred after October 3, 2022 (the date that the Court
26

27
28 ¹ All capitalized terms not defined herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated July 27, 2022 (the “Stipulation”) (ECF 224-2).

1 entered its Preliminary Approval Order). In addition, all time spent in connection with Plaintiffs'
2 Counsel's Fee and Expense Application has been excluded from my firm's reported time.

3 5. The chart in **Exhibit A**: (i) identifies the names and positions (*i.e.*, titles) of the
4 Timekeepers who have spent time working on any matters relating to this Action; (ii) states the total
5 number of "Gross Hours" that each Timekeeper spent on that work from the inception of counsel's
6 initial investigation through June 10, 2022 (the date that the Settling Parties' MOU was signed, as
7 described in the Joint Declaration); (iii) lists each Timekeeper's current hourly rate; and (iv) sets forth
8 the "Gross Lodestar" of each such Timekeeper (and for my firm as a whole). The information
9 summarized in these charts was prepared from time records prepared and maintained by my firm in
10 the ordinary course of business, which are available at the request of the Court.

11 6. For purposes of this fee application, we chose to "cut-off" our reported time for all
12 categories of work performed as of the June 10, 2022 signing of the MOU.² This is because virtually
13 all of the non-settlement related work that we and our co-Class Counsel have performed in this Action
14 after that date has been spent pursuing *non*-settled claims against the *non*-Settling Defendants, and
15 because, as explained in the Joint Declaration, we believe it is appropriate to allocate our time between
16 (i) work performed primarily in connection with the litigation of all claims against all Defendants
17 generally and (ii) work performed primarily in connection with litigation of claims (or contemplated
18 claims) against only the non-Settling Defendants. In other words, Class Counsel believe that it was
19 not appropriate to seek payment at this juncture for time spent after June 10, 2022 (except for time
20 spent on negotiating the final "long form" settlement documents and obtaining preliminary approval
21 of the partial Settlement) because such time has been spent almost entirely on the pursuit of *non*-settled
22 claims that have not yet, and may never, result in a recovery.

23 7. Moreover, Plaintiffs' Counsel also recognize that a portion of the time they spent on
24 the overall litigation *prior* to executing the MOU was also spent on researching, preparing, briefing,

25
26
27 ² The one exception to the June 10, 2022 cut-off rule is that, as noted above, Plaintiffs' Counsel
28 have applied a later October 3, 2022 cut-off date for time spent on settlement-related matters, which
included primarily time spent on negotiating and preparing the "long-form" settlement documents, and
on obtaining preliminary approval.

1 and otherwise litigating *non*-settled claims against the Armistice-affiliated defendants. Accordingly,
 2 Plaintiffs' Counsel (including my firm) have *excluded* 10% of their pre-June 10, 2022 "overall time"
 3 from their reported lodestar for purposes of this fee application, which we believe fairly reflects the
 4 percentage of our total pre-June 10, 2022 time that is appropriately allocated to time spent pursuing
 5 claims against the non-Settling Defendants. These reductions are also reflected in **Exhibit A** in the
 6 additional columns entitled "Adjusted Hours" and "Adjusted Lodestar."³

7 8. After making the adjustments described in ¶¶4-7 above, the total number of hours spent
 8 by my firm that is fairly allocable to the litigation and settlement of the Settled Claims is 2,427.7 hours,
 9 with a total "lodestar" value of \$1,938,481.00 (consisting of \$1,636,576.60 for attorneys' time and
 10 \$301,904.40 for professional support staff time).

11 9. As required under the Northern District of California's Procedural Guidance for Class
 12 Action Settlements, attached hereto as **Exhibit B** is a billing category-based summary chart of the
 13 work performed by the attorneys and professional support staff employees in connection with
 14 prosecuting and/or setting the Settled Claims.⁴

15 10. The hourly rates for the Timekeepers, as set forth in Exhibits A and B, are the same as
 16 those set by my firm for each listed Timekeeper (*e.g.*, partner, associate, paralegal, etc.), and are
 17 consistent with the hourly rates submitted by my firm to state and federal courts in other contingent
 18 securities class action litigations across the country. The firm's hourly rates are set based on periodic
 19 review of rates charged by firms performing comparable work, and/or rates regularly submitted to
 20 other Courts as the basis for contingent fee awards in comparably complex class actions, including a
 21 review of both plaintiff and defense firm rates for complex litigation. Different Timekeepers within
 22 the same employment category (*e.g.*, partners, associates, paralegals, etc.) may have different rates
 23

24 ³ In sum, we do not intend to seek payment now on this 10% portion of our gross pre-June 2022
 25 time, but instead intend to treat it as time spent on pursuing the as-yet unsettled claims against the non-
 26 settling Armistice-affiliated Defendants. If Plaintiffs' Counsel should later succeed in obtaining a
 recovery against the Armistice-affiliated Defendants in the future, we would expect to seek payment
 in connection with this 10% portion at such future date.

27 ⁴ Time entries that related to more than one major litigation category were apportioned to the
 28 event(s) that most adequately captured the billed time. In addition, the lodestar totals set forth in
 Exhibit B are, as in Exhibit A, presented on both a "gross" and "adjusted" basis. *See* ¶¶5,7 above.

1 based on a variety of factors, including years of practice, years at the firm, years in their current position
2 (*e.g.*, years as a partner), relevant experience, and relative expertise. For personnel who are no longer
3 employed by the firm, the “current rate” used for the lodestar calculation is the rate that was used for
4 that person in their final year of employment with the firm.

5 11. I believe the number of hours expended and the services performed by the attorneys
6 and professional support staff employees at Scott+Scott were reasonable and necessary for the
7 effective and efficient prosecution and resolution of the Settled Claims.

8 12. Expense items are being submitted separately and are not duplicated in my firm’s
9 hourly rates. Scott+Scott respectfully requests that the Court award it \$63,636.47 for expenses
10 incurred in connection with the prosecution and resolution of the Settled Claims (to be paid from the
11 Settlement Fund together with interest at the same rate as earned by the Settlement Fund from the time
12 the Settlement was funded until the date of payment, as set forth in the Stipulation of Settlement). The
13 expenses for which reimbursement is requested are summarized in **Exhibit C** hereto.

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

- 15 (a) **Mediation:** \$18,960.00. The parties retained the Hon. Layn Phillips (U.S.D.J.,
16 ret.) of Phillips ADR (the “Mediator”), a neutral mediator with extensive
17 experience in mediating complex securities class actions such as this one, to
18 assist with settlement negotiations in the Action. The Parties attended a full-day
19 mediation session via Zoom under the Mediator’s auspices on April 11, 2022.
- 20 (b) **Consultants/Experts:** \$12,285.43. Plaintiffs retained Scott D. Hakala, Ph.D.,
21 CFA, who analyzed causation and damages, and prepared the proposed Plan of
22 Allocation.
- 23 (c) **Online Legal & Factual Research:** \$11,994.07. PACER, Westlaw, and other
24 online services, billed at cost, used to obtain ECF filings, analyst reports, legal
25 research, and court filings.
- 26 (d) **Electronic Discovery & Database:** \$11,739.76. Electronic discovery through
27 the Everlaw platform used to store, sort, and assess discovery documentation.
28 Additionally, this expense includes electronic discovery costs Scott+Scott paid

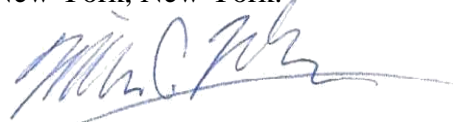
1 to a third party that produced documents to Plaintiffs pursuant to a subpoena.

2 14. The expenses incurred by Scott+Scott in the Action are reflected on the books and
3 records of my firm. These books and records are prepared from expense vouchers, check records, and
4 other source materials and are an accurate record of the expenses incurred. I believe these expenses
5 were reasonably expended for the benefit of the Settlement Class in this matter.

6 15. With respect to the standing of my firm, attached hereto as **Exhibit D** is my firm's
7 resume, which includes information about my firm and biographical information concerning the firm's
8 attorneys who have been principally involved in the investigation, litigation, and settlement of the
9 Settled Claims.

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

12 Executed this 8th day of December 8, 2022 at New York, New York.



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William C. Fredericks

EXHIBIT A

EXHIBIT A

Case Name: *In re Vaxart, Inc. Securities Litigation*

Firm Name: Scott+Scott Attorneys at Law LLP

Relevant Period: Inception of Action through June 10, 2022, but including all time spent on the proposed settlement (category 8) through October 3, 2022 (date of Order granting Preliminary Approval)

PROFESSIONAL	STATUS	HOURLY RATE	GROSS HOURS	ADJUSTED HOURS	GROSS LODESTAR	ADJUSTED LODESTAR ¹
William Fredericks	Partner	\$1,295	596.7	565.4	\$772,726.5	\$732,167.1
Thomas Laughlin	Partner	\$995	59.8	53.8	\$59,501.0	\$53,550.9
John Jasnoch	Partner	\$995	59.1	53.2	\$58,804.5	\$52,924.1
Michael Burnett	Partner	\$1,095	49.0	44.1	\$53,655.0	\$48,289.5
David Scott	Partner	\$1,395	35.0	35.0	\$48,825.0	\$48,825.0
Joseph Pettigrew	Of Counsel	\$795	22.4	20.2	\$17,808.0	\$16,027.2
Jeffrey Jacobson	Associate	\$595	729.4	671.5	\$433,993.0	\$399,560.4
Heather Volik	Associate	\$750	290.1	262.1	\$217,575.0	\$196,605.0
Rhiana Swartz	Associate	\$750	131.3	118.2	\$98,475.0	\$88,627.5
Allen West	Paralegal	\$395	162.7	146.4	\$64,266.5	\$57,839.9
Kimberly Jager	Paralegal	\$395	51.8	46.6	\$20,461.0	\$18,414.9
Dylan Gatzke	Paralegal	\$395	34.1	30.7	\$13,469.5	\$12,122.6
Kaitlin Steinberger	Paralegal	\$395	21.7	19.5	\$8,571.5	\$7,714.4
Devin Colonna	Paralegal	\$395	13.5	12.2	\$5,332.5	\$4,799.3
Ellen DeWan	Paralegal	\$395	10.5	9.5	\$4,147.5	\$3,732.8
Toby Saviano	Paralegal	\$395	8.2	8.0	\$3,239.0	\$3,152.1
Matthew Molloy	Paralegal	\$395	3.7	3.3	\$1,461.5	\$1,315.4
Sinai Megibow	Investigator	\$550	197.3	177.6	\$108,515.0	\$97,663.5
Alex Vargas	Investigator	\$650	155.6	140.0	\$101,140.0	\$91,026.0
Michelle Petrick	Investigator	\$395	11.6	10.4	\$4,582.0	\$4,123.8
TOTAL			2,643.5	2,427.7	\$2,096,549.00	\$1,938,481.00

¹ "Adjusted Lodestar" is lower than "Gross Lodestar" because it reflects a 10% reduction of all reported Gross Hours (and related lodestar) spent on non-settlement related tasks. See accompanying Fee Declaration at ¶ __ (explaining that the purpose of this adjustment is to more fairly reflect the amount of time spent on litigating and settling the Settled Claims, without also including time spent on claims against the non-settling Defendants that have not, and may never, result in a recovery).

EXHIBIT B

EXHIBIT B

Case Name: *In re Vaxart, Inc. Securities Litigation*

Firm Name: Scott+Scott Attorneys at Law LLP

Relevant Period: Inception of Action through June 10, 2022, but including all time spent on the proposed settlement (category 8) through October 3, 2022 (date of Order granting Preliminary Approval)

Categories:

(1) Factual Investigation

(4) Case Management/Client Communication

(7) Experts/Consultants

(10) Trial/Preparation

(2) Pleadings

(5) Motions and Legal Research

(8) Settlement/Mediation

(3) Discovery

(6) Court Appearances/Preparation

(9) Litigation Strategy/Analysis

Name		1	2	3	4	5	6	7	8	9	10	Gross Hours	Rate	Gross Lodestar	Adjusted Lodestar ¹
William Fredericks	P	17.8	42.9	87.8	5.6	91.2	12.1	13.8	283.5	42.0	-	596.7	\$1,295	\$772,726.50	732,167.10
Thomas Laughlin	P	2.6	26.0	0.4	1.3	23.8	5.1	-	-	0.6	-	59.8	\$995	\$59,501.00	53,550.90
John Jasnoch	P	5.5	15.3	1.3	2.9	30.7	0.5	-	-	2.9	-	59.1	\$995	\$58,804.50	52,924.05
Michael Burnett	P	22.0	5.3	-	-	21.7	-	-	-	-	-	49.0	\$1,095	\$53,655.00	48,289.50
David Scott	P	-	-	-	-	-	-	-	35.0	-	-	35.0	\$1,395	\$48,825.00	48,825.00
Joseph Pettigrew	OC	3.8	-	-	16.5	1.5	-	-	-	0.6	-	22.4	\$795	\$17,808.00	16,027.20
Jeffrey Jacobson	A	32.8	172.6	67.2	4.7	242.1	14.3	6.2	150.7	38.8	-	729.4	\$595	\$433,993.00	399,560.35
Heather Volik	A	3.6	50.5	25.8	6.4	152.1	5.5	2.5	10.5	33.2	-	290.1	\$750	\$217,575.00	196,605.00
Rhiana Swartz	A	29.2	16.1	-	12.7	66.0	2.7	-	-	4.6	-	131.3	\$750	\$98,475.00	88,627.50
Allen West	PL	94.2	31.5	4.4	-	26.7	0.2	-	-	5.7	-	162.7	\$395	\$64,266.50	57,839.85
Kimberly Jager	PL	50.3	1.5	-	-	-	-	-	-	-	-	51.8	\$395	\$20,461.00	18,414.90
Dylan Gatzke	PL	25.3	5.5	-	-	3.3	-	-	-	-	-	34.1	\$395	\$13,469.50	12,122.55
Kaitlin Steinberger	PL	-	8.3	-	-	13.4	-	-	-	-	-	21.7	\$395	\$8,571.50	7,714.35
Devin Colonna	PL	-	0.2	1.3	4.3	5.1	-	-	-	2.6	-	13.5	\$395	\$5,332.50	4,799.25
Ellen DeWan	PL	1.0	5.0	-	2.0	2.5	-	-	-	-	-	10.5	\$395	\$4,147.50	3,732.75
Toby Saviano	PL	-	-	1.5	-	-	-	-	6.0	0.7	-	8.2	\$395	\$3,239.00	3,152.10
Matthew Molloy	PL	1.6	2.1	-	-	-	-	-	-	-	-	3.7	\$395	\$1,461.50	1,315.35
Sinai Megibow	I	197.3	-	-	-	-	-	-	-	-	-	197.3	\$550	\$108,515.00	97,663.50
Alex Vargas	I	145.6	-	-	2.7	3.3	-	-	-	4.0	-	155.6	\$650	\$101,140.00	91,026.00
Michelle Petrick	I	11.6	-	-	-	-	-	-	-	-	-	11.6	\$395	\$4,582.00	4,123.80
TOTAL:		644.2	382.8	189.7	59.1	683.4	40.4	22.5	485.7	135.7	-	2,643.5		\$2,096,549.00	1,938,481.00

(P) Partner (I) Investigator

(OC) Of Counsel (PL) Paralegal

(A) Associate (LS) Litigation Support

(SA) Staff Attorney

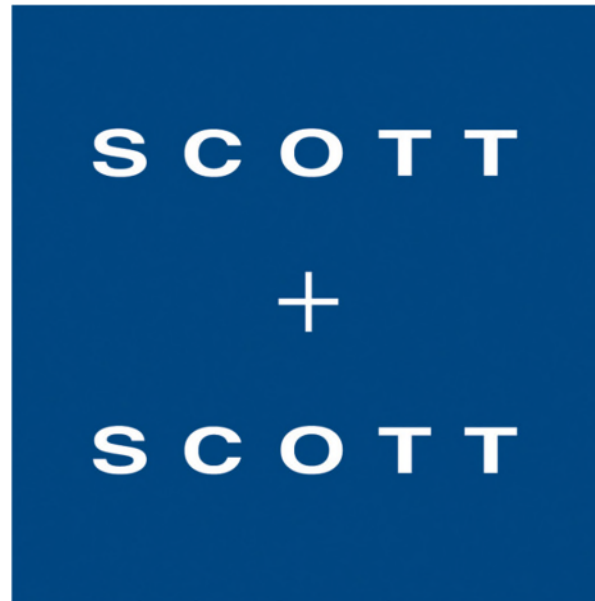
¹ "Adjusted Lodestar" is lower than "Gross Lodestar" because it reflects a 10% reduction of all reported Gross Hours (and related lodestar) spent on non-settlement related tasks. See accompanying Fee Declaration at ¶ ___ (explaining that the purpose of this adjustment is to more fairly reflect the amount of time spent on litigating and settling the Settled Claims, without also including time spent on claims against the non-settling Defendants that have not, and may never, result in a recovery).

EXHIBIT C

EXHIBIT C**Case Name:** *In re Vaxart, Inc. Securities Litigation***Firm Name:** Scott+Scott Attorneys at Law LLP**Relevant Period:** Inception of Action through the present

EXPENSE	AMOUNT
Consultants/Experts	\$12,285.43
Mediation Fees	\$18,960.00
Filing & Other Fees	\$2,555.65
Court Reporters/Transcripts	\$475.30
Online Legal & Factual Research	\$11,994.07
Long-Distance Telephone, Facsimile & Conference Calling	\$530.85
Messenger, Overnight Delivery, Postage	\$51.68
Transportation, Hotels, & Meals	\$61.70
Press Releases	\$3,654.53
Duplicating	\$1,327.50
Electronic Discovery & Database	\$11,739.76
TOTAL	\$63,636.47

EXHIBIT D



FIRM RESUME



Scott+Scott specializes in the investigation and prosecution of complex actions across the globe – recovering billions for its clients. The Firm has extensive experience litigating securities fraud, antitrust, consumer and other complex cases and is a pioneer in structured finance monitoring for client portfolios. We represent individual, institutional, and multinational clients in US, UK, and EU courts, offering a one-stop shop for international recoupment.

THE FIRM

Scott+Scott was founded in 1975 and began its securities litigation practice in 1997. The Firm has since grown into one of the most respected U.S.-based law firms specializing in the investigation and prosecution of complex securities, antitrust and other commercial actions in both the United States and Europe. Today, the Firm is comprised of more than 135 team members, including more than one hundred attorneys supported by a seasoned staff of paralegals, IT and document management professionals, financial analysts, and in-house investigators.

Scott+Scott's largest offices are in New York, NY and San Diego, CA, with additional U.S. offices located in Connecticut, Virginia, Ohio, and Arizona. The Firm's European offices are currently located in London, Amsterdam, and Berlin.

Scott+Scott has extensive experience litigating cases on behalf of our institutional and individual clients throughout the United States, having served as court-appointed lead or co-lead counsel in numerous securities, antitrust, and consumer class actions, as well derivative and other complex proceedings, in both state and federal courts. The Firm also represents large investors and numerous corporations in commercial and other litigation in courts within the European Union (EU) and the United Kingdom.

Scott+Scott's attorneys are recognized experts and leaders in complex litigation and corporate governance. They have been regular speakers on CLE panels as well as at institutional investor educational conferences around the world and before boards of directors and trustees responsible for managing institutional investments. Scott+Scott attorneys educate institutional investors and governmental entities on the importance of fulfilling fiduciary obligations through the adoption of appropriate asset recovery services, as well as through the development and enforcement of corporate governance initiatives. The Firm's vast experience in structured debt financial litigation has also enabled us to provide clients with in-depth monitoring of their structured finance products, which often come with substantial undisclosed risks due to investors' limited ability to assess what they are acquiring. The Firm also has experience evaluating and monitoring for our clients' debt and debentures originating from private placements and non-public companies, including municipal bonds and derivatives.



SECURITIES AND CORPORATE GOVERNANCE

Scott+Scott has extensive experience litigating claims for violations of the federal securities laws on behalf of our municipal, institutional, and individual investor clients, serving as lead counsel in numerous securities class actions brought under the Securities Act of 1933, the Securities Exchange Act of 1934, and other statutes.

Scott + Scott recognizes that, particularly since the passage of the Private Securities Litigation Reform Act of 1995, bringing successful claims for violations of the federal securities laws requires not only significant litigation experience, but also the ability to bring to bear the skills of its in-house investigators and financial analysts (and often outside consultants) to build a case that can survive both early-stage motions to dismiss and later stage motions for summary judgment. Our philosophy is also based on our view that efforts to negotiate a successful settlement are typically built on the quality of pre-filing investigation diligence, and our willingness to litigate deep into discovery and, if necessary, through summary judgment and trial.

Our securities litigators have experience practicing in state and federal courts across the country. The Firm's attorneys have regularly retained and worked with leading accounting experts, damages experts, and relevant industry experts to build their clients' cases against defendants involved in virtually every type of industry, from pharmaceuticals to dot.coms, from retailers to manufacturers, and from investment banks to accounting firms. The Firm has also submitted *amicus curiae* briefs to the United States Supreme Court on behalf of its clients on important securities laws issues, including in support of the plaintiffs in *Calif. Public Employees' Ret. Sys. ANZ Securities, Inc.*, 137 S. Ct. 2042 (2017) and *Cyan Inc. v. Beaver County Empl. Ret. Fund*, 138 S. Ct. 1061 (2018)

When appropriate, Scott+Scott prosecutes actions on a class or individual basis. Through our commitment to the best interests of those the Firm represents, Scott+Scott has successfully obtained exceptional monetary results and precedent-setting corporate governance reforms on behalf of investors.

Securities

CASE EXAMPLES

Securities class actions where Scott+Scott currently serves as lead or co-lead counsel include:

- *In re Lyft, Inc., Secs. Litig.*, No. CGC-19-575293 (Cal. Super. Ct. San Francisco Cty.)
- *Okla. Firefighters Pens. vs. Newell Brands Inc.*, No. L-003492-18 (N.J. Sup. Ct. Hudson Cty.)
- *Erie Cty Empl. Ret. Sys. v. NN, Inc.*, No. 656462/2019 (N.Y. Supr. Ct. N.Y. Cty)
- *In re DouYu Int'l Hold'gs Ltd. Sec. Litig.*, No. 651703/2020 (N.Y. Supr. Ct. N.Y. Cty.)
- *In re Cloudera, Inc. Secs. Litig.*, No. 19CV348674 (Cal. Super. Ct. Santa Clara Cty.)
- *Evergreen Cap. Mgmt LLC v. BONY Mellon Tr. Co.*, No. 20ST-CV-26290 (Cal. Super., LA Cty)
- *In re Infinity Q Divers. Alpha Fund Sec. Lit.*, No. 651295/2021 (N.Y. Supr. Ct. N.Y. Cty)
- *Okla. Police Pens. Fund & Ret. Sys. v. Jagged Peak Energy, Inc.*, No. 2017 CV 31757 (Colo. Dist. Ct., Denver Cty.)
- *In re Teekay Offshore Part'rs, L.P. Common Unitholders Litig.*, No. 1:19-cv-6483 (S.D.N.Y.)
- *In re Micro Focus Int'l PLC Secs. Litig.*, No. 18CIV01549 (Cal. Super. San Mateo Cty.)
- *In re Slack Techs., Inc. S'holder Litig.*, No. 19CIV05370 (Cal. Super. San Mateo Cty.)
- *Mancour v. SmileDirectClub, Inc.*, No.: 19-1169-IV (Tenn. Chancery Ct, Davidson Cty)
- *Huang v. PPDAl Grp, Inc.*, No. 654482/2018 (N.Y. Supr. Ct. N.Y. Cty)
- *Boston Ret. Sys. v. Uber Tech., Inc.*, No. 3:20-cv-08610 (N.D. Cal.);
- *Robert Charles Class A, L.P. v. JPMorganChase & Co.*, No. 1:18-cv-11115 (S.D.N.Y.)
- *Garnett v. Wang [in re RLX Technology, Inc.]*, No. 21-cv-5125 (S.D.N.Y.)
- *Marechal v. Acadia Pharma. Inc.*, No. 3:21-cv-762 (S.D. Cal.)
- *Gupta v. Athenex, Inc.*, No. 21-cv-337 (W.D.N.Y.)
- *Abadilla v. Precigen, Inc.*, No. 5:20-cv-06936 (N.D. Cal.)
- *Kanugonda v. Funko, Inc.*, No. 2:18-cv-00812 (W.D. Wash.)
- *Corwin v. ViewRay, Inc.*, No. 1:19-cv-2115 (N.D. Ohio)
- *Mo-Kan Iron Workers Pens. Fund v. Teligent, Inc.*, No. 1:19-cv-03354 (S.D.N.Y.)
- *Silverberg v. DryShips Inc.*, No. 2:17-cv-04547 (E.D.N.Y.)
- *Robinson v. Diana Containerships Inc.*, No. 2:17-cv-06160 (E.D.N.Y.).

Securities class actions which have been resolved where Scott+Scott served as lead or co-lead counsel include:

- *Alaska Elec. Pension Fund v. Pharmacia Corp.*, No. 03-cv-01519 (D.N.J.) (\$164 million settlement);
- *In re LendingClub Corp. Shareholder Litig.*, No. CIV 537300 (Cal. Super. Ct, San Mateo Cty) (part of \$125 global settlement)

- *In re Priceline.com, Inc. Sec. Litig.*, No. 00-cv-01884 (D. Conn.) (\$80 million settlement);
- *Irvine v. ImClone Sys., Inc.*, No. 02-cv-00109 (S.D.N.Y.) (\$75 million settlement);
- *Cornwell v. Credit Suisse Grp.*, No. 08-cv-03758 (S.D.N.Y.) (\$70 million settlement);
- *Policemen's Annuity & Benefit Fund of Chi. v. Bank of Am., N.A.*, No. 12-cv-02865 (S.D.N.Y.) (\$69 million settlement);
- *In re SanDisk LLC Sec. Litig.*, No. 15-cv-01455 (N.D. Cal.) (\$50 million settlement);
- *Weston v. RCS Capital Corp.*, No. 14-cv-10136 (S.D.N.Y.) (\$31 million settlement);
- *In re Greensky Sec. Litig.*, No. 1:18 Civ. 11071 (S.D.N.Y.) (\$27.5M settlement)
- *In re Wash. Mut. Mortg.-Backed Sec. Lit.*, No. 2:09-cv-00037 (W.D. Wash.)(\$26 million recovery)
- *ATRS v Insulet Corp.*, No. 15-12345 (D. Mass.) (\$19.5 million settlement);
- *In re King Digital Entertainment PLC Shareholder Litig.*, No. CGC-15-544770 (Cal. Sup. Ct. San Francisco Cty.) (\$18.5 million settlement)
- *In re Evoqua Water Corp. Sec. Litig.*, No. 1:18-cv-10320 (S.D.N.Y) (\$16.65 million settlement);
- *In re Conn's, Inc. Secs. Litig.*, No. 4:14-cv-00548 (S.D. Tex.) (\$22.5 million settlement)
- *Collins v. Oilsands Quest Inc.*, No. 11 Civ. 1288 (S.D.N.Y.) (\$10.235 million settlement)
- *Kaplan v. S.A.C. Capital Advisors, L.P.*, No. 1:12cv-9350 (S.D.N.Y.) (\$10 million settlement)
- *Rosenberg v. Cliffs Natural Res. Inc.*, No. CV 14 828140 (Ct. Common Pleas Cuyahoga Cty. Ohio) (\$10 million settlement)
- *In re Endochoice Holdings, Inc., Sec. Litig.*, No. 2016 CV 277772 (Ga. Sup. Ct. Fulton Cty.) (\$8.5 million settlement)
- *In re Netshoes Secs. Litig.*, No. 157435/2018 (N.Y. Sup. Ct. N.Y. Cty.) (\$8 million settlement)
- *City of Omaha Police & Fire Ret. Sys. v. LHC Grp, Inc.*, No. 6:12-CV-01609 (W.D. La.) (\$7.85 million settlement)
- *In re Pacific Coast Oil Trust Secs. Litig.*, No. BC550418 (Cal. Sup. Ct. Los Angeles Cty.) (\$7.6 million settlement)
- *In re Pacific Biosci. of CA., Inc. Sec. Litig.* (Cal. Sup. Ct. San Mateo Cty.) (\$7.6 million recovery)
- *Ct. Harris Cty. Plymouth, Cty Contribut. Ret. Sys. v. Adamas Pharma., Inc.*, No. RG19018715 (Cal. Sup. Ct. Alameda Cty.) (\$7.5M settlement)
- *St. Lucie County Fire Dist. Firefighters' Pens. Trust v. Southwestern Energy Co.*, No. 2016-70651 (Tex. Dist. Ct. Harris Cty) (\$7 million settlement)

Shareholder Derivative CASE EXAMPLES

Shareholder derivative actions where Scott+Scott currently serves in a leadership role include:

- *In re Facebook Derivative Litig.*, Consol. No. 2018-0307 (Del. Ch.)

Representative shareholder derivative actions litigated by Scott+Scott which have been successfully resolved include:

- *Irving Firemen's Relief and Retirement Fund v. Page, C.A.* No. 2019-0355-Sg (Del. Ch. 2020) (\$310 million in funding for corporate governance reform programs over 10 years);
- *In re DaVita Healthcare Partners Deriv. Litig.*, No. 13-cv-01308 (D. Colo.) (corporate governance reforms valued at \$100 million);
- *Buffalo Grove Pol. Pens. Fund v. Diefenderfer*, No. 19-cv-00062 (E.D. Pa.) (claims vs. Navient Corp. officers & directors settled for corporate governance reforms valued at \$139 million);
- *Tharp v. Acacia Commc'ns, Inc.*, No 1:17-cv-11504 (D. Mass.) (claims vs. company and corporate officers & directors settled for corporate governance reforms valued at \$57-\$71 million);
- *N. Miami Beach Gen. Emps. Ret. Fund v. Parkinson*, No. 10-cv-06514 (N.D. Ill.) (corporate governance reforms valued between \$50 and \$60 million);
- *In re Marvell Tech. Grp. Ltd. Deriv. Litig.*, No. 06-cv-03894 (N.D. Cal.) (\$54.9 million settlement and corporate governance reforms);
- *Rudi v. Wexner*, No. 2:20-cv-3068 (S.D. Ohio) (\$90 million in funding for corporate governance reform programs over at least 5 years);
- *In re Universal Health Services, Inc. Derivative Litigation*, No. 2:17-cv-02187 (E.D. Pa.) (Settled for corporate governance reforms conservatively valued at \$110 million)

ACCOLADES

U.S. News & World Report “Best Law Firms”

The Firm is currently ranked by U.S. News & World Report as a “Best Law Firm” in commercial litigation in the New York region.

American Antitrust Institute

The 2018 Antitrust Annual Report recognized *In re Foreign Currency Benchmark Rates Antitrust Litigation* as the #1 settlement of 2018, as well as ranking the Firm #1 nationally for aggregate settlements: 2013-2018.

Global Competition Review

At the 6th Annual Global Competition Review (“GCR”) Awards, Scott+Scott won for Litigation of the Year – Cartel Prosecution, which recognized the Firm’s efforts in the foreign exchange settlements in the United States, a landmark case in which major banks conspired to manipulate prices paid in the \$5.3 trillion-per-day foreign exchange market and have thus far settled for more than \$2 billion.

Law 360 Glass Ceiling Report

Scott+Scott is recognized as one of the top law firms in the nation for female attorneys by the legal publication Law360. The Glass Ceiling Report honors firms that “are demonstrating that the industry’s gender diversity goals can turn into a measurable result, and boost the number of women at all levels of a law firm.^{1, 2}” This selection highlights the importance Scott+Scott places on diversity and inclusion within the Firm.

Center for Constitutional Rights

Scott+Scott was the recipient of the 2010 Center for Constitutional Rights’ Pro Bono Social Change Award for its representation of the Vulcan Society, an association of African-American firefighters, in challenging the racially discriminatory hiring practices of the New York City Fire Department.

¹ <https://www.law360.com/articles/1310926>

² <https://www.law360.com/articles/1162859/the-best-law-firms-for-female-attorneys>.



WORLD-CLASS ATTORNEYS

We pride ourselves on the caliber of legal talent on our team. In addition to some of the best and brightest rising stars, we have attorneys who have served with distinction in the U.S. Department of Justice, been admitted to the U.S. Supreme Court, served in OAGs at the state level, argued before the UK's CAT and High Courts, and received virtually every accolade offered in our profession.



ADMISSIONS

U.S. Admissions: United States Supreme Court; United States Courts of Appeal for the First, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuits; United States District Courts for the Districts of California (Northern, Southern, Eastern, and Central), Colorado, Connecticut, Florida (Northern), Illinois (Northern), Massachusetts, Michigan (Eastern), Missouri (Eastern), New Jersey, New York (Southern, Eastern, and Western), Ohio (Northern and Southern), Pennsylvania (Eastern and Western), Texas (Northern, Western, and Southern), Wisconsin (Eastern and Western), and the District of Columbia; and the courts of the States of Arizona, California, Connecticut, Delaware, Florida, Maryland, Pennsylvania, Massachusetts, Nebraska, New Jersey, New York, Ohio, West Virginia, Wisconsin, Texas, and the District of Columbia.



ATTORNEY BIOGRAPHIES

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 Tax Court; United States Courts of Appeal: Second, Third, and Fifth Circuits; United States District Courts: Southern District of New York, Connecticut, Eastern District of Pennsylvania, Northern and Southern Districts of Texas, and Colorado

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)

HIGHLIGHTS

Mr. Scott is the Managing Partner of Scott+Scott with offices in New York, Amsterdam, London, Berlin, California, Connecticut, Virginia, Arizona 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- 2020, 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, Mr. Scott is continually recognized in the U.S. by Best Lawyers and Super Lawyers.

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 Economist, 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.



WILLIAM C. FREDERICKS

PRACTICE EMPHASIS

William Fredericks' practice focuses primarily on litigating securities and other complex commercial class actions.

ADMISSIONS

New York state; United States Supreme Court; United States District Courts for the Southern and Eastern Districts of New York, and the District of Colorado; United States Courts of Appeal for the First, Second, Third, Sixth, and Tenth Circuits

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)

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 (including cases against Uber, Evoqua Water Technologies and EndoChoice Holdings). Mr. Fredericks 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.

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 Litigation* (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 Litigation* (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. Litigation* (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 Litigation* (S.D.N.Y.) (one of the largest ERISA class settlements to date); *In re King Digital Sec. Enter. PLC Shareholder Litigation* (Super. Ct. San Fran. Cty.) (\$18.5 million settlement, representing one of the largest state court §11 class action recoveries to date); *Irvine v. ImClone Systems, Inc.* (S.D.N.Y.) (\$75 million §10b settlement); *In re Insulet Sec. Litigation* (D. Mass) (\$19.75 million §10b settlement), and *In re LendingClub Sec. Litigation* (\$125 million §10b and §11 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 Litigation* (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 co-authored 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.

Mr. Fredericks has also represented clients in litigating claims in federal bankruptcy court proceedings, and 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 class of large commercial customers of a bankrupt utility in breach of contract proceedings in *In re FirstEnergy Corp.*, pending before the U.S. Bankruptcy Court for the Northern District of Ohio.

At Columbia Law School, Mr. Fredericks 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 Mr. Fredericks 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 been recognized in the 2012-21 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 "Super Lawyers" listings for securities litigation (2013-21). In 2020 (inaugural) and 2021 he was named to the LawDragon 500 Lead Plaintiff Attorney list. 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.



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 Courts of Appeal: Second, Third, Ninth, and Eleventh Circuits; United States District Courts: 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)

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), *In re SanDisk LLC Securities Litigation*, No. 3:15-CV-01455-VC (N.D. Cal.) (securities settlement of \$50 million); *Weston v. RCS Capital Corp.*, No. 1:14-cv-10136-GBD (S.D.N.Y.) (securities settlement of \$31 million); *In re King Digital Entertainment plc Shareholder Litigation*, No. CGC-15-544770 (Cal. Super. Ct. San Francisco Cnty.) (securities settlement of \$18.5 million); and *Rubenstein v. Oilsands Quest Inc.*, No. 11-1288 (S.D.N.Y.) (securities settlement of \$10.235 million).

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 Ret. 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. Sup. 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.

Mr. Laughlin has also been named a Super Lawyer for 2021.



JOHN T. JASNOCH

PRACTICE EMPHASIS

John Jasnoch's practice areas include securities and antitrust class actions, shareholder derivative actions, consumer protection, commercial contracts, intellectual property, and other complex, high stakes litigation.

ADMISSIONS

State Supreme Courts: California; United States District Courts: Southern, Central, and Northern Districts of California; United States Court of Appeal: Ninth Circuit

EDUCATION

University of Nebraska, College of Law (J.D., 2011); Creighton University (B.A., Political Science and International Relations, *cum laude*, 2007)

HIGHLIGHTS

John Jasnoch is a partner in the San Diego office. He represents clients in complex litigations in state and federal courts across the county. John has been counsel of record in numerous successful cases where Scott+Scott served in a leadership capacity, including: *In re LendingClub Corp. Shareholder Litigation*, No. CIV537300 (Cal. Super. Ct. San Mateo Cty) (\$125 million federal and state joint settlement); *In re King Digital Entertainment plc Shareholder Litigation*, No. CGC-15-544770, (Cal. Super. Ct. San Francisco Cty.) (\$18.5 million settlement); *In re FireEye, Inc. Securities Litigation*, No. 1:14-cv-266866 (Cal. Super. Ct. Santa Clara Cty.) (\$10.3 million settlement); *In re Pacific Coast Oil Trust Securities Litigation*, No. BC550418 (Cal. Super. Ct. Los Angeles Cty.) (\$7.6 million settlement); and *In re MobileIron, Inc., Shareholder Litigation*, No. 1-15-284001 (Cal. Super. Ct. Santa Clara Cty) (\$7.5 million settlement). John currently represents plaintiffs in a number of high profile cases, including *In re Lyft, Inc. Securities Litigation*, No. CGC 19-575293 (Cal. Super Ct. San Francisco Cty); *In re Uber Technologies Inc. Securities Litigation*, No. CGC 19-579544 (Cal. Super Ct. San Francisco Cty); *In re Slack Technologies, Inc. Shareholder Litigation*, No. 19-cv-5370 (Cal. Super Ct. San Mateo Cty); and *In re Google Assistant Privacy Litigation*, No. 19-cv-04286 (N.D. Cal.).

In 2015, Mr. Jasnoch was a member of the trial team in *Scorpio Music S.A. v. Victor Willis*, 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 other classic Village People compositions. No. 11-cv-1557 (S.D. Cal.).



In 2020, Mr. Jasnoch was named as one of SuperLawyers' "Rising Stars" for Securities Litigation in the San Diego Area.

In his free time, John enjoys attending sporting events, trivia contests, fun runs, and other adventures with his wife Jennifer, sons James and Julius, and dog Jack.



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

State of Nebraska; United States District Courts: District of Nebraska

EDUCATION

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

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*, No. 14-cv-7126 (S.D.N.Y.) (\$325 million settlement); *Dahl v. Bain Capital Partners*, No. 07-cv-12388 (D. Mass.) (\$590.5 million settlement).

Michael is also a member of the Nebraska Bar Association.

PERSONAL LIFE

Mike and his wife, Mary, are lifelong residents of Nebraska. The entire Burnett family (7 in all) share a special bond with Creighton University. Mike played collegiate golf on the Creighton Division 1 golf team. Mary is a graduate of Creighton University and the University of Nebraska Medical School and was until recently a practicing anesthesiologist. Mike and Mary have five children. Three children are graduates of Creighton and two are attending the University. Two dogs (Tyson and Luna) round out the Burnett family.



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 District Courts: Central, Northern, and Southern Districts of California, District of Maryland; United States Supreme Court

EDUCATION

University of San Diego School of Law (J.D., 2004); Carleton College (B.A., Art History, *cum laude*, 1998)

HIGHLIGHTS

Mr. Pettigrew is an attorney who works across multiple Scott+Scott offices. His work includes the following cases: *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.); *In re Tile Shop Holdings, Inc. Stockholder Deriv. Litigation*, C.A. No. 10884-VCG (Del. Ch.); and *In re Robinhood Financial Servs. Litigation*, No. 20-cv-1026 (N.D. Cal.).

Mr. Pettigrew has served on the board and as legal counsel to several nonprofit arts organizations.



JEFF JACOBSON

PRACTICE EMPHASIS

Jeffrey P. Jacobson is a litigation associate specializing in securities litigation in both federal and state court. Currently, he is one of the attorneys in the firm representing pension funds and individuals in their civil suits prosecuting publicly traded companies for securities fraud and malfeasance.

ADMISSIONS

State of New York; United States Courts of Appeal: Second Circuit; United States District Courts: Southern and Eastern Districts of New York

EDUCATION

George Washington University Law School (J.D., High Honors, Order of the Coif, 2017); The George Washington University (B.A., Journalism & Political Science, *summa cum laude*, Distinguished Scholar, 2013)

HIGHLIGHTS

Jeff 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.



RHIANA SWARTZ

PRACTICE EMPHASIS

Rhiana Swartz's practice primarily focuses on case development including identifying, investigating, and initiating complex federal and state securities class actions on behalf of institutional and individual investors. She also litigates these matters, with a focus on leadership issues. Ms. Swartz is also involved in shareholder derivative actions and other complex commercial matters.

ADMISSIONS

State of New York; United States Courts of Appeal: Second Circuit; United States District Courts: Southern and Eastern Districts of New York, District of Colorado

EDUCATION

Brooklyn Law School (J.D., *magna cum laude*); Swarthmore College (B.A.)

HIGHLIGHTS

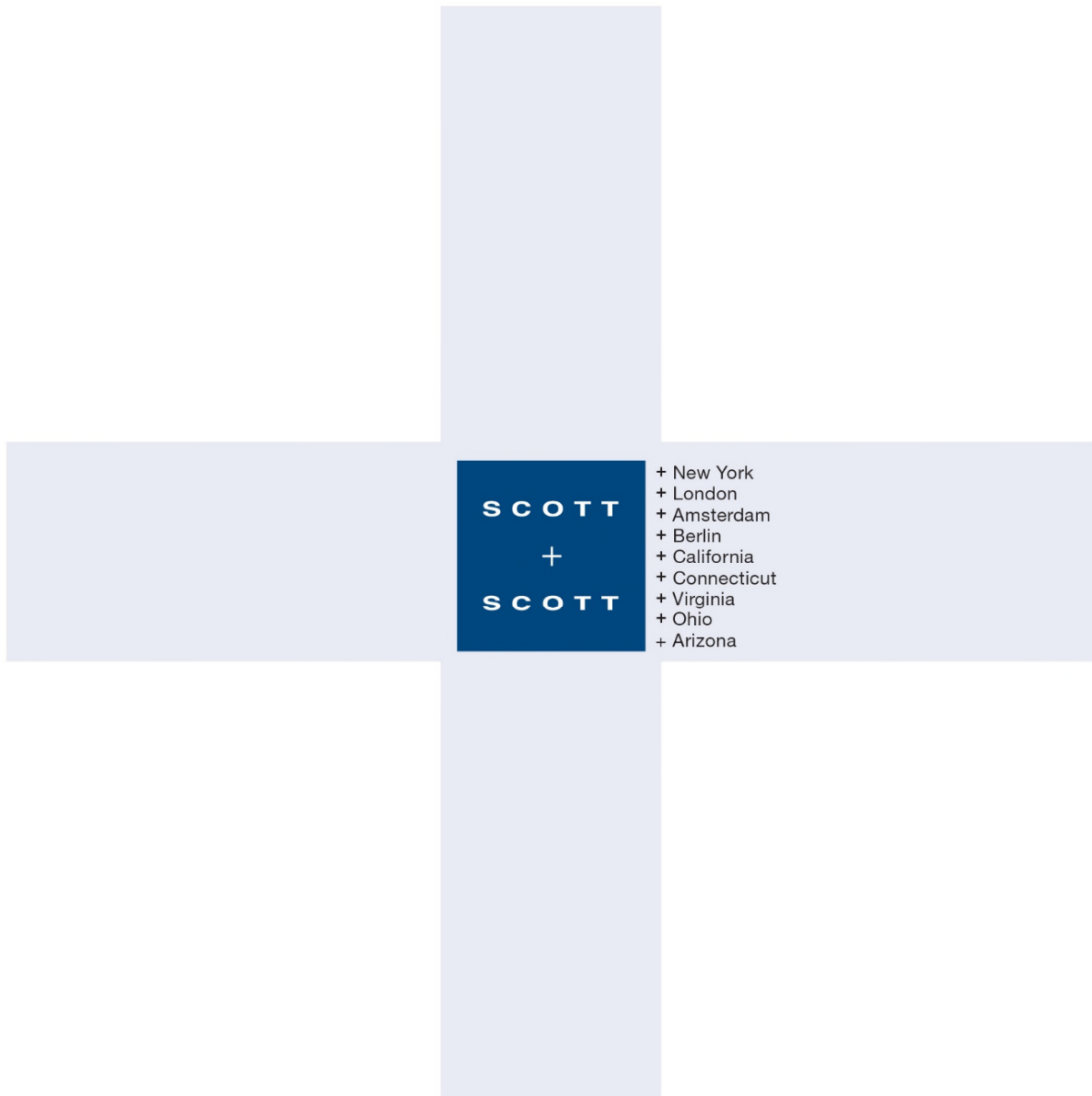
Prior to joining Scott+Scott, Ms. Swartz was Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, Office of the Corporation Counsel, where she defended federal civil rights cases from initial receipt of complaint through trial verdict.

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.

Ms. Swartz clerked for the Honorable Joan M. Azrack in the Eastern District of New York.

REPRESENTATIVE CASES

Ms. Swartz has helped secure Scott+Scott's leadership in many federal and state class actions, including: *Corwin v. ViewRay, Inc.*, No. 1:19-cv-02115 (N.D. Ohio); *In re Weight Watchers Int'l, Inc. Sec. Litigation*, No. 1:19-cv-02005 (S.D.N.Y.); *Mustafin v. GreenSky, Inc.*, No. 1:18-cv-11071 (S.D.N.Y.); *In re Evoqua Water Techs. Corp. Sec. Litigation*, No. 1:18-cv-10320 (S.D.N.Y.); *Kanugonda v. Funko, Inc.*, No. 2:18-cv-00812 (W.D. Wash.); *Silverberg v. DryShips Inc.*, No. 2:17-cv-04547 (E.D.N.Y.); *Robinson v. Diana Containerships Inc.*, No. 2:17-cv-06160 (E.D.N.Y.); and *In re Altice USA, Inc. Sec. Litigation*, Index No. 711788/2018 (NY Sup. Ct. Queens Cty.).



1 Brian J. Schall (290685)
2 Rina J. Restaino (285415)
3 **THE SCHALL LAW FIRM**
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5 Los Angeles, CA 90067
6 Telephone: (310) 301-3335
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10 *Additional Counsel for Plaintiffs and the Class*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 In re VAXART, INC. SECURITIES
14 LITIGATION

Case No. 3:20-cv-05949-VC

CLASS ACTION

15 *This Document Relates to:*
16 *ALL ACTIONS*

17 **DECLARATION OF BRIAN J. SCHALL**
18 **IN SUPPORT OF PLAINTIFFS'**
19 **COUNSEL'S FEE AND EXPENSE**
20 **APPLICATION FILED ON BEHALF OF**
21 **THE SCHALL LAW FIRM**

22 Hearing Date: January 12, 2023
23 Time: 10:00 A.M.
24 Courtroom: 4, 17th Floor
25 Judge: Hon. Vince Chhabria

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1 I, Brian J. Schall, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am the founding partner in The Schall Law Firm, additional counsel for Plaintiffs and
3 the Class in the above-captioned securities class action (“Action”).¹ I have personal knowledge of the
4 matters stated herein based on my participation in the Action and review of records maintained by my
5 firm and, if called upon, could and would testify thereto.

6 2. I submit this Declaration in support of Plaintiffs’ Counsel’s Fee and Expense
7 Application in connection with services rendered in connection with the litigation and resolution of
8 the claims (the “Settled Claims”) being settled as part of the partial Settlement in this Action.

9 3. My firm has been involved in the prosecution of the Settled Claims in this Action, and
10 in obtaining the \$12.015 million recovery for the Class in exchange for the release of the Settled
11 Claims, as further set forth in the Joint Declaration of Reed R. Kathrein and William C. Fredericks In
12 Support of (i) Plaintiffs’ Motion for Final Approval of Proposed Partial Class Action Settlement and
13 Plan of Allocation; and (ii) Plaintiffs’ Counsel’s Fee and Expense Application (“Joint Declaration”).

14 4. Based on my involvement in the Action as well as the review of time records reflecting
15 work performed by another attorney at The Schall Law Firm in the Action (the “Timekeepers”), I
16 directed the preparation of the chart set forth as Exhibit A hereto. In reviewing my firm’s time entries,
17 I exercised billing judgment, eliminating all time spent on any settlement-related matters that was
18 incurred after October 3, 2022 (the date that the Court entered its Preliminary Approval Order).

19 5. The chart in **Exhibit A**: (i) identifies the names and positions (*i.e.*, titles) of the
20 Timekeepers who have spent time working on any matters relating to this Action (ii) states the total
21 number of hours that each Timekeeper spent on that work from the inception of counsel’s initial
22 investigation through October 3, 2022 (the date the Court entered the Order granting Preliminary
23 Approval), (iii) lists each Timekeeper’s current hourly rate; and (iv) sets forth the “lodestar” of each
24 Timekeeper and for my firm as a whole. The information summarized in these charts was prepared
25 from time records prepared and maintained by my firm in the ordinary course of business, which are
26

27
28 ¹ All capitalized terms not defined herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated July 27, 2022 (the “Stipulation”) (ECF 224-2).

1 available at the request of the Court.

2 6. The total number of hours spent by my firm that is fairly allocable to the litigation and
3 settlement of the Settled Claims is 11.5 hours, with a total “lodestar” value of \$9,125.00.

4 7. As required under the Northern District of California’s Procedural Guidance for Class
5 Action Settlements, attached hereto as **Exhibit B** is a billing category-based summary chart of the
6 work performed by each Timekeeper in connection with prosecuting and/or setting the Settled Claims.²

7 8. The hourly rates for the Timekeepers, as set forth in Exhibits A and B, are consistent
8 with the hourly rates submitted by my firm to state and federal courts in other contingent securities
9 class action litigations across the country. The firm’s hourly rates are set based on periodic review of
10 rates charged by firms performing comparable work, and/or rates regularly submitted to other Courts
11 as the basis for contingent fee awards in comparably complex class actions, including a review of both
12 plaintiff and defense firm rates for complex litigation.

13 9. I believe the number of hours expended and the services performed by the attorneys at
14 my firm were reasonable and necessary for the effective and efficient prosecution and resolution of the
15 Settled Claims.

16 10. With respect to the standing of my firm, attached hereto as **Exhibit C** is my firm’s
17 resume, which includes information about my firm and biographical information concerning the firm’s
18 attorneys who have been principally involved in the investigation, litigation, and settlement of the
19 Settled Claims.

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

22 Executed this 8th day of December 8, 2022 at Los Angeles, California.

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DocuSigned by:
Brian Schall
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Brian J. Schall

28 ² Time entries that related to more than one major litigation category were apportioned to the event(s) that most adequately captured the billed time.

EXHIBIT A

EXHIBIT A**Case Name:** *In re Vaxart, Inc. Securities Litigation***Firm Name:** The Schall Law Firm**Relevant Period:** Inception of Action through October 3, 2022**(date of Order granting Preliminary Approval)**

PROFESSIONAL	STATUS	HOURLY RATE	HOURS	LODESTAR
Brian Schall	Partner	\$850	5.0	\$4,250.0
Rina Restaino	Partner	\$750	6.5	\$4,875.0
TOTAL			11.5	\$9,125.00

EXHIBIT B

EXHIBIT B**Case Name:** *In re Vaxart, Inc. Securities Litigation***Firm Name:** The Schall Law Firm**Relevant Period:** Inception of Action through October 3, 2022**(date of Order granting Preliminary Approval)**

Categories:

(1) Factual Investigation

(2) Pleadings

(3) Discovery

(4) Case Management/Client Communication

(5) Motions and Legal Research

(6) Court Appearances/Preparation

(7) Experts/Consultants

(8) Settlement/Mediation

(9) Litigation Strategy/Analysis

(10) Trial/Preparation

Name		1	2	3	4	5	6	7	8	9	10	Hours	Rate	Lodestar
Brian Schall	P	1.0	-	-	4.0	-	-	-	-	-	-	5.0	\$850	\$4,250.00
Rina Restaino	P	-	-	2.0	2.5	-	-	-	2.0	-	-	6.5	\$750	\$4,875.00
TOTAL:		1.0	-	2.0	6.5	-	-	-	2.0	-	-	11.5		\$9,125.00

(P) Partner

(OC) Of Counsel

(A) Associate

(SA) Staff Attorney

(I) Investigator

(PL) Paralegal

(LS) Litigation Support

EXHIBIT C



SCHALL LAW

FIRM RESUMÉ

*The Schall Law Firm
2049 Century Park East, Suite 2460
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Telephone: (310) 301-3335
Fax: (877) 590-0482*



ABOUT THE FIRM

The Schall Law Firm represents investors all over the world who have been harmed by securities fraud and corporate malfeasance. The firm is Co-lead or Co-counsel on some of the largest securities class action cases in the United States and has recovered hundreds of millions of dollars for shareholders.

CLASS ACTION EXPERIENCE

The Schall Law Firm's legal team has broad experience representing plaintiffs and defendants in complex class actions in federal and state courts nationwide. The experience spans securities, fraud-based, and employment claims across an assortment of industries.

The Schall Law Firm's attorneys have worked for federal judges and have represented plaintiffs and defendants in an array of class actions across sectors. Drawing on that experience, The Schall Law Firm's clients receive a high standard of client development and legal representation in complex litigation.

SECURITIES EXPERIENCE

The Schall Law Firm's legal team has the expertise and experience to zealously litigate securities cases of any size, scope, or level of complexity. The Schall Law Firm's attorneys have prosecuted securities class actions on behalf of all types of investors and has amassed the expertise to navigate every challenge posed by complex securities litigation under the Securities Act of 1933 and Securities Exchange Act of 1934.



RECENT SECURITIES SETTLEMENTS

The Schall Law Firm is Co-Counsel on the following cases:

Klein v. Altria Group, Inc. et al. – No. 3:20-CV-00075 (E.D. Va.)

- Shareholder class action challenging Altria and Juul’s marketing practices.
- \$90 million dollar settlement

Erickson, et al. v. Snap, Inc., et al. – No. 17-CV-03679 (C.D. Cal.)

- Shareholder class action challenging Snap’s public statements regarding their growth as materially false and misleading.
- \$187.5 million dollar settlement

Perdomo v. ADT Inc., et al. – No. 9:18-CV-80668 (S.D. Fla.)

- Shareholder class action regarding ADT’s IPO Registration Statement.
- \$30 million dollar settlement

Zwick Partners, LP, et al. v. Quorum Health, et al. – No. 16-CV-02475 (M.D. Tenn.)

- Shareholder class action challenging various indicators of impairment that existed at the time of Quorum’s spin-off from CHS.
- \$18 million dollar settlement

In re Avon Products, Inc. Securities Litigation – No. 19-CV-01420 (S.D.N.Y.)

- Shareholder class action challenging Avon’s disclosure of credit terms.
- \$14.5 million dollar settlement

In re Toronto-Dominion Bank Securities Litigation – No. 17-CV-01665 (D.N.J.)

- Shareholder class action challenging the company’s policies which led to its employees to break the law at their customer’s expense in order to meet sales targets.
- \$13.2 million dollar settlement

Turocy, et al. v. El Pollo Loco Holdings, Inc., et al. – No. 15-CV-01343 (C.D. Cal.)

- Shareholder class action challenging the company’s sales growth claims.
- \$20 million dollar settlement



OUR TEAM



BRIAN J. SCHALL ***Founding Partner***

Brian Schall founded The Schall Law Firm after spending several years helping to secure tens of millions of dollars in securities class action recoveries for individual, retail and institutional shareholders.

Mr. Schall began his career working for the Honorable Patrick J. Walsh in federal court at the Central District of California, and also served as a summer associate at American Funds – at the time the world’s most powerful controlling shareholder.

Mr. Schall went on to work for Beach Point Capital Management, a multi-billion dollar fund manager where he focused on Dodd-Frank compliance, with a special emphasis on complex derivatives. Mr. Schall worked as an associate at Glancy Prongay & Murray, one of the top securities class action firms in the country, and subsequently co-founded Goldberg Law PC where he defended and fought for the rights of his clients in some of the largest class action cases in recent years.

Education

- University of the Pacific, McGeorge School of Law, J.D.
- University of California, Riverside, B.A.

Admissions

- California
- U.S. District Court: Northern District of California



RINA RESTAINO ***Senior Attorney***

Rina Restaino is a Senior Associate in the firm's Century City office. She is committed to understanding a client's needs and provides counsel to clients on a variety of class action litigation matters.

She has worked extensively through all phases of class action matters, particularly class actions involving over 1,000 plaintiffs. Ms. Restaino has managed clients and litigation from inception through final approval in over 10 complex class actions. She has extensive experience in cases involving multifaceted data management and damage analysis.

Ms. Restaino has worked for Fortune 500 companies in different legal and business capacities. She has handled single plaintiff and class action litigation for employees and employers including wrongful termination, discrimination, wage claims, and unfair labor practices.

She earned her J.D. in 2012 from Loyola Law School, Los Angeles, and her B.A., in 2009 from New York University, where she was on the Dean's List. She participates as a moot court judge at Loyola Law School, and also serves as a mentor to first-year law students.

Education

- Loyola Law School, J.D.
- New York University, B.A.

Admissions

- California
- U.S. District Court: Central District of California



SHERIN MAHDAVIAN ***Associate Attorney***

Sherin Mahdavian is a transactional and litigation attorney with experience in the fields of business and regulatory law.

In 2011, Ms. Mahdavian graduated from UCLA with a bachelor's degree in political science. She then continued straight into law school at the UCLA School of Law, graduating with a specialization in business law.

While in law school, Ms. Mahdavian interned at Congressman Brad Sherman's office as a federal agency liaison, and worked at one of the top lobbying firms in Los Angeles, Arnie Berghoff & Associates. After graduating, she worked at Dongell Lawrence Finney LLP, a mid-sized law firm in Downtown LA, where she specialized in the areas of regulatory, business, and environmental law. While there, she focused her efforts on transactional work and client relations. She now works as an associate attorney at Schall Law, focusing her practice on client services and case development.

Education

- University of California, Los Angeles – School of Law, J.D.
- University of California, Los Angeles, B.S.

Admissions

- California
- U.S. District Court: Central District of California



JEFFERSON SAYLOR *Of-Counsel Attorney*

Jefferson Saylor is an attorney specializing in plaintiff-side civil litigation and client development. He has been recognized by Super Lawyers every year since 2015.

He has first and second chair trial experience and is responsible for obtaining over \$75 million in verdicts, settlements, and judgments. He has also contributed his time to public interest work at the Inner City Law Center, litigating against Los Angeles slumlords.

Mr. Saylor is a graduate of Loyola Law School, where he interned in Federal Court and worked at the Center for Juvenile Law and Policy. He is admitted to the California Bar and is a member of the Consumer Attorneys Association of Los Angeles.

Education

- Loyola Law School, J.D.
- Gordon College, B.A.

Admissions

- California
- U.S. District Court: Central District of California



Eric Herzog
Director, Client Data Analytics

Eric Herzog is the Director of Client Data Analytics for the Schall Law Firm and possesses a wide range of analyst/accounting experience across diverse fields. Having worked in non-profit, technology, and film/television sectors, including work with Fortune 500 companies, he offers our clients a unique perspective and attention to detail.

Education

- American School of Professional Psychology, B.A.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re VAXART, INC. SECURITIES
LITIGATION

Case No. 3:20-cv-05949-VC

CLASS ACTION

This Document Relates to:

**[PROPOSED] ORDER APPROVING FEE
AND EXPENSE APPLICATION**

ALL ACTIONS

Judge Vince Chhabria

WHEREAS, this matter is before the Court on Plaintiffs’ Counsel’s Fee and Expense Application.

WHEREAS, the Court has considered all matters submitted to it in connection with the Application, including the Joint Declaration of Reed R. Kathrein and William C. Fredericks dated December 8, 2022, and the exhibits thereto, and Plaintiffs’ Counsel’s Motion and Memorandum in Support of Plaintiffs’ Counsel’s Fee and Expense Application, dated December 8, 2022;

WHEREAS, the Court-approved form of Notice disseminated in this matter advised Settlement Class Members (i) that Plaintiffs’ Counsel intended to submit a Fee and Expense Application in which they would apply for an award of attorneys’ fees in an amount not to exceed 30% of the Settlement Fund, and for reimbursement of litigation expenses in an amount not to exceed \$150,000, plus awards totaling no more than \$10,000 in aggregate to the representative Plaintiffs pursuant to 15 U.S.C. §78u-

1 4(a)(4); (ii) that a copy of Plaintiffs’ Counsel’s actual Fee and Expense Application would be filed on
2 December 7, 2022, and would thereafter be promptly made available for review by Settlement Class
3 Members on the dedicated Settlement Website in this matter (www.vaxartsecuritieslitigation.com);
4 and (iii) that all Class Members had the right to submit to the Court objections to the Fee and Expense
5 Application or any portion thereof, either in writing or at the Fairness Hearing, by following the
6 procedures set forth in the Notice;

7 WHEREAS, the Fee and Expense Application and papers in support thereof were duly posted
8 on the Settlement Website; and

9 WHEREAS, the Court has considered all materials submitted in connection with the Fee and
10 Expense Application, and reviewed the relevant standards and factors for assessing the fairness and
11 reasonableness of the requested Fee and Expense Application.

12 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

13 1. This Order incorporates by reference the definitions in the Stipulation and Agreement
14 of Settlement dated July 27, 2022 (ECF No. 224-2) (“Stipulation”) and all capitalized terms not
15 otherwise defined herein shall have the same meanings as set forth in the Stipulation.

16 2. The Court has jurisdiction to enter this Order and over the subject matter of the Action
17 and all Parties to the Action, including all Settlement Class Members.

18 3. Plaintiffs’ Counsel is hereby awarded as attorneys’ fees a sum equal to 25% of the
19 Settlement Amount, plus \$99,468.65 in litigation expenses (both amounts to be paid from the
20 Settlement Fund), together with any interest thereon for the same time period and at the same rate as
21 that earned on the Settlement Fund until paid pursuant to the terms set forth in the Stipulation, but
22 subject to the hold-back provisions of paragraph 5 below. The Court finds that the amount of fees
23 hereby awarded is fair, reasonable, and appropriate, after taking into consideration (among other
24 things):

25 (a) the results achieved by Plaintiffs’ Counsel for the benefit of the Settlement
26 Class, notably the creation of an all-cash \$12,015,000 Settlement Fund, but also including the
27 obtaining, in connection with the Settlement, the production of documents from the Settling
28 Defendants for use in pursuing claims against certain non-settling persons and entities;

1 (b) the significant litigation risks involved in pursuing the settled claims, in terms
2 of establishing both liability and damages against the Settling Defendants under the Securities
3 Exchange Act, as well as in terms of collectability even assuming that Plaintiffs were to ultimately
4 prevail on the merits at trial, such that absent the Settlement there was a high risk that Plaintiffs and
5 the Settlement Class would have recovered little or nothing from the Settling Defendants after trial;

6 (c) the time and effort spent in litigating the settled claims by Plaintiffs' Counsel;

7 (d) the complexity of the claims alleged, and the perseverance, diligence, and skill
8 required from Plaintiffs' Counsel;

9 (e) the fully contingent nature of the representation;

10 (f) fee awards in similar cases, and the consistency of the awarded 25% fee with
11 the Ninth Circuit's "benchmark" 25% fee standard; and

12 (g) the time and effort expended by Plaintiffs' Counsel to the litigation and
13 settlement of the Released Claims, which involved 4,520.9 hours of attorney and paraprofessional time
14 with a combined lodestar value of \$3,484,024.50;

15 (h) consideration of a "lodestar cross-check," which indicates that the requested
16 25% fee (or \$3,003,750 before interest) equates to a "negative multiplier" (or discount) factor of 0.86
17 on the value of Plaintiffs' Counsel's above-referenced combined lodestar;

18 (i) the reaction of the Class, including that [no] [only ____] Settlement Class
19 Member(s) have objected to the requested 25% attorneys' fees.

20 4. The Court also finds that the requested expenses are reasonable in amount and are for
21 expenses of a type (e.g. filing fees, electronic legal research fees, expert fees, mediation fees) that are
22 customarily awarded in class action cases of this type.

23 5. Such fees and expenses may be paid out of the Settlement Fund to Class Counsel at any
24 time after entry of this Order, notwithstanding the existence of any timely filed objections thereto, or
25 potential for appeal therefrom, or collateral attack on the Settlement or any part thereof, PROVIDED,
26 however, that (A) such payments shall be subject to all of the terms, conditions and obligations
27 (including repayment obligations) set forth in the Stipulation, which terms, conditions, and obligations
28 are expressly incorporated herein, and that (B) consistent with this Court's established practice, a

1 holdback of 10% of the awarded fees shall be applied, such that 10% of the awarded attorneys' fees
2 shall not be payable until the Court rules on Plaintiffs' motion for approval of the Settlement Class
3 Distribution Order pursuant to ¶ 4.10 of the Stipulation, which motion shall be accompanied by a
4 proposed order requesting the release of the remainder of the Court's fee award.

5 6. Each of the three Class Representatives is hereby awarded \$3,300 U.S.C. §78u-4(a)(4)
6 for their reasonable costs and expenses (including lost wages) incurred as a result of serving as a
7 representative of a plaintiff class, which sums the Court finds to be fair and reasonable.

8 7. Any appeal or any challenge affecting this Court's approval regarding the Fee and
9 Expense Application shall in no way disturb or affect the finality of the Court's Judgment (substantially
10 in the form of Exhibit B to the Stipulation) approving the Settlement, or any other judgment that may
11 be entered in this Action.

12 SO ORDERED this ____ day of January, 2023.

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THE HONORABLE VINCE CHHABRIA
United States District Judge
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