

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

NED SIMERLEIN, JAMES ECKHOFF,
MARICEL LOPEZ, CRAIG KAISER, JOHN
F. PRENDERGAST, RAYMOND and
ROSARIO ALVAREZ, KAREN EASON,
JENNIFER SOWERS, JENNIFER
FRANKLIN, JORDAN AMRANI, CRYSTAL
GILLESPIE, MELISSA STALKER, DILLEN
STEEBY, PAULA McMILLIN, JOSEPH C.
HARP Jr., and JAMES and MELISSA JUGO
TINNEY, individually and on behalf of
all others similarly situated,

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA, INC.,
TOYOTA MOTOR SALES, USA, INC.,
TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC. and TOYOTA MOTOR
MANUFACTURING, INDIANA, INC.

CASE NO. 3:17-CV-01091-VAB

**JOINT DECLARATION OF DEMET BASAR, W. DANIEL “DEE” MILES, III,
AND ADAM J. LEVITT IN SUPPORT OF UNOPPOSED MOTION FOR ENTRY
OF AN ORDER PRELIMINARILY APPROVING CLASS SETTLEMENT,
DIRECTING NOTICE TO THE CLASS, AND SCHEDULING FAIRNESS
HEARING**

DEMET BASAR, admitted to practice *pro hac vice* in this action, and W. DANIEL “DEE” MILES, III, and ADAM J. LEVITT, whose applications to appear *pro hac vice* in this action are pending, hereby declare under penalty of perjury pursuant to U.S.C. § 1746 as follows:

1. Demet Basar is a partner in the law firm of Wolf Haldenstein Adler Freeman & Herz LLP (“Wolf Haldenstein”). Wolf Haldenstein represents Ned Simerlein, James Eckhoff,

Maricel Lopez, Craig Kaiser, and John F. Prendergast in this Action and is one of the proposed Class Counsel for Plaintiffs in this Action.

2. W. Daniel “Dee” Miles, III is a partner at the law firm of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C (“Beasley Allen”). Beasley Allen represents Raymond and Rosario Alvarez, Karen Eason, Jennifer Sowers, Jennifer Franklin, Jordan Amrani, Crystal Gillespie, Melissa Stalker, Dillen Steeby, Paula McMillin, Joseph C. Harp Jr., and James and Melissa Jugo Tinney, and is one of the proposed Class Counsel for Plaintiffs in this Action.

3. Adam J. Levitt is a partner of the law firm of DiCello Levitt & Casey LLC (“DiCello Levitt”), is licensed to practice before all courts of the States of Illinois and New York, and presently has a *pro hac* vice application pending before the Court in this matter. DiCello Levitt represents Raymond and Rosario Alvarez, Karen Eason, Jennifer Sowers, Jennifer Franklin, Jordan Amrani, Crystal Gillespie, Melissa Stalker, Dillen Steeby, Paula McMillin, Joseph C. Harp Jr., and James and Melissa Jugo Tinney, and is one of the proposed Class Counsel for Plaintiffs in this Action.

4. We respectfully submit this joint declaration in support of Plaintiffs’ Unopposed Motion for Entry of an Order Preliminarily Approving Class Settlement, Directing Notice to the Class, and Scheduling Fairness Hearing. We have personal knowledge of the matters pertaining to the actions in which we represent Plaintiffs and the proposed Settlement and are competent to testify with respect thereto.

I. INTRODUCTION AND OVERVIEW

5. We are pleased to submit for the Court’s preliminary approval the proposed Settlement of this action, as set forth in the Settlement Agreement.¹ We believe the proposed

¹ Unless otherwise indicated, capitalized terms have the meanings given to them in the Settlement Agreement. *See* SA, § II.

Settlement, described further below, is fair, reasonable and adequate, provides substantial benefits for the members of the proposed Class, and merits this Court's preliminary approval.

6. This Action and the Related Action, *Combs, et al. v. Toyota Motor Corporation, et al.*, Case No. 2:17-cv-04633-VAP-AFM, pending in the United States District Court for the Central District of California arose from Toyota's December 2016 Safety Recall G04 for certain model year 2011 through 2016 Toyota Siennas and centers on allegations that the power sliding doors of certain Toyota Sienna minivans are defective and can open independently while on the road and otherwise malfunction. Plaintiffs have reached a settlement with Defendants that, if approved, will resolve this and the Related Action.

7. The Subject Vehicles in the Settlement Agreement are Model Year 2011 – 2018 Toyota Sienna minivans with sliding doors. The owners and lessees of an estimated 1,190,000 vehicles are included in the Class.

8. The proposed Settlement confer significant benefits (further described herein) on owners and lessees of the Subject Vehicles, including Toyota's provision of a Customer Confidence Program that provides for a free door inspection for one year following entry of Final Order of Final Judgment approving the Settlement, and provides prospective coverage for a number of parts of the Subject Vehicles' sliding doors for ten (10) years from First Use of the Subject Vehicle. The Settlement also includes a reimbursement program for those Class Members who have already paid out-of-pocket expenses for covered repairs made prior to the Initial Notice Date. Under the Settlement, Toyota will also pay all costs of an extensive Notice Program that is designed to reach more than 94% of the Class and will ensure that the Settlement, if approved, will provide concrete benefits to the overwhelming majority of Class Members.

II. BACKGROUND

9. After receiving the G04 Recall Notice nearly two years ago, the initial plaintiffs in our respective cases brought us their concerns about the power sliding doors of their Siennas. We then conducted a comprehensive investigation into the G04 Recall, reviewing and analyzing Recall-related information on the NHTSA website and other public sources. We conferred extensively with the Sienna owners who consulted us about their own experiences with their Siennas' doors and, where appropriate, had our respective automotive experts examine their vehicles. We attempted to determine if the reported problems were due solely to the condition identified in the G04 Recall Notice or indicated additional defects in the engineering and manufacturing of the doors. We carefully studied the customer complaints and reports on the NHTSA website as well as other publicly available information as part of this inquiry. Wolf Haldenstein, on the one hand, and Beasley Allen and DiCello Levitt, on the other hand, each retained and conferred with their independent automotive engineering experts to better understand the causes of the door problems experienced by the proposed Class Members and to explore potential remedies for these problems.

10. Prior to commencing our respective actions, we also separately conducted legal research to determine the viability of asserting various claims against Toyota, including claims under the consumer protection statutes of our potential clients' home states. We interviewed the potential clients about the internet and other research they did prior to purchasing or leasing their Siennas, and examined Toyota's marketing and advertising materials in various media outlets to assess whether they could properly allege that Toyota made material misrepresentations and/or omissions. We researched the viability of express and implied warranty claims, including a nationwide claim for violation of the Magnuson-Moss Warranty Act, and state law claims for unjust enrichment and fraudulent omission. After we satisfied ourselves that our respective

clients had viable claims, we conferred with and got approval from our clients to commence litigation and filed our respective actions, which were reviewed and approved by our respective clients.

11. On June 30, 2017, Plaintiff Simerlein filed this Action asserting class claims under the Connecticut Unfair Trade Practices Act (“CUTPA”) and the consumer protection statutes of various other states, express and implied warranty claims, a claim under the Magnuson-Moss Warranty Act on behalf of a proposed nationwide class, and unjust enrichment claims. These claims arose from the manufacture and sale of 2011-2016 Toyota Sienna minivans with allegedly defective doors. ECF 1.

12. Simerlein alleged that the sliding doors of the Siennas are unsafe because they can open independently while on the road, close independently, freeze in position, and otherwise malfunction, thereby exposing passengers to the risk of injury. He alleged Toyota knew owners of the Subject Vehicles had reported having serious problems with their rear power sliding doors. He further alleged that Toyota marketed Siennas as safe and particularly appropriate for family use, and, given the potentials dangers posed by the doors, Toyota’s marketing was materially misleading.

13. On October 6, 2017, Simerlein, along with additional named plaintiffs James Eckhoff, Maricel Lopez, Craig Kaiser, and John F. Prendergast, filed an amended complaint (ECF 36) adding additional allegations about the nature and extent of the problems with the sliding power doors and the state law claims of the additional plaintiffs, and extending the proposed class to include owners of model year 2017 Siennas.

14. On December 20, 2017, the parties submitted a joint Rule 26(f) Report. ECF 46. On January 12, 2018, the Court entered a Scheduling Order governing this Action. ECF 51.

15. On December 4, 2017, the *Simerlein* Defendants filed their motion to dismiss the amended complaint, contending this Court lacked jurisdiction over any claims brought on behalf of non-Connecticut Plaintiffs Eckhoff, Lopez, Kaiser and Prendergast. The *Simerlein* Defendants also argued that Plaintiff Simerlein's CUTPA claim did not meet the requisite pleading standards and that his other state law claims were not well-pled. ECF 45. The *Simerlein* Plaintiffs filed their opposition to the motion to dismiss on January 22, 2018. ECF 53. On February 21, 2018, the *Simerlein* Defendants filed their reply in further support of their motion. ECF 58. Plaintiffs subsequently moved to strike portions of the *Simerlein* Defendants' reply or, in the alternative, leave to file a sur-reply. ECF 59. On February 28, 2018, the *Simerlein* Defendants filed a memorandum in opposition to that motion. ECF 60. The Court granted the *Simerlein* Plaintiffs' motion to file a sur-reply on August 1, 2018, and the *Simerlein* Plaintiffs filed their sur-reply the same day. ECF 64. The *Simerlein* Defendants' motion to dismiss is fully briefed.

16. On June 23, 2017, the *Combs/Franklin* Plaintiffs filed the Related Action in the United States District Court for the Central District of California. The *Combs/Franklin* Plaintiffs asserted class claims under various states' consumer protection statutes, express and implied warranty claims, a claim under the Magnuson-Moss Warranty Act on behalf of a proposed nationwide class, fraudulent omission, and an unjust enrichment claim arising from the manufacture and sale of 2011-2017 Toyota Sienna minivans with allegedly defective doors.

17. On October 6, 2017, the *Combs/Franklin* Plaintiffs filed their first amended complaint which added Jennifer Franklin, Jordan Amrani, Dillen Steeby, and Paula McMillin as plaintiffs.

18. On January 16, 2018, the *Combs/Franklin* Plaintiffs filed their second amended complaint naming Raymond and Rosario Alvarez, Karen Eason, and Jennifer Sowers as additional plaintiffs and removing Tonya Combs as a plaintiff.

19. Each of the amended complaints asserted state law claims on behalf of the new plaintiffs and included additional detailed factual allegations.

20. On February 20, 2018, the *Combs/Franklin* Defendants filed a motion to dismiss the second amended complaint, arguing that: the *Combs/Franklin* Plaintiffs had not met the pleading requirements of Rule 9(b) for claims, including their consumer statutory claims, that sounded in fraud; that the warranty claims failed to allege a breach and were time-barred; and that all other claims alleged in the action lacked necessary factual and/or legal foundation. The *Combs/Franklin* Plaintiffs filed their opposition to that motion to dismiss on April 20, 2018. On May 25, 2018, Toyota filed its reply in further support of the motion. The *Combs/Franklin* motion to dismiss is fully briefed.

21. Subsequently, as settlement negotiations were nearing completion, the Parties in both this Action and the Related Action sought and were granted adjournments of the scheduled hearings on the pending motions in their actions.

22. On December 11, 2018, the Plaintiffs filed the Second Amended Complaint in this, the *Simerlein* Action, adding the *Combs/Franklin* Plaintiffs as additional plaintiffs and asserting all Plaintiffs' claims for relief.

23. In both this Action and the Related Action, Toyota was represented by highly regarded counsel with expertise in defending major consumer fraud class actions, including automotive defect cases. We prosecuted our respective cases vigorously. Plaintiffs in their respective actions amended their pleadings after conferring with independent automotive experts

and others, and supplemented their allegations with additional facts about the nature of the claimed defects in the doors. Plaintiffs in both actions also vigorously opposed Toyota's efforts to dismiss their claims.

24. During this same period, we, on behalf of our respective clients, sought to promote the Class' interests by beginning to explore the possibility of an early resolution with Toyota, with the goal of securing a favorable settlement that would benefit the Class.

III. THE SETTLEMENT

A. Settlement Negotiations

25. The negotiations culminating in this Settlement were intensive and hard-fought. We conducted these negotiations good faith and at arms' length with Toyota's counsel over a period of more than a year.

26. During the course of the negotiations, armed with the knowledge we gained through the informal and confirmatory discovery described below, and in consultation with our independent automotive engineering experts, we were able to meaningfully assess the reasons for the reported malfunctioning of the doors.

27. We had multiple in-person meetings with Toyota's counsel, which often required long distance travel by counsel for the *Combs/Franklin* Plaintiffs. As negotiations intensified, our negotiations process also involved frequent lengthy conference calls for the Parties to exchange their views concerning the settlement terms then under discussion. We exchanged numerous drafts of the Settlement Agreement with Toyota's counsel, and painstakingly negotiated and refined alterations before a final agreement could be reached. As a result of our efforts, the Parties have reached a Settlement that provides concrete benefits to all members of the proposed Class.

B. Informal and Confirmatory Discovery

28. During the course of the negotiations, we conducted extensive informal and confirmatory discovery. Toyota produced over 100,000 pages of internal Toyota documents on a rolling basis, which we reviewed and analyzed.

29. Plaintiffs in each Action retained their own engineering experts. These experts were highly qualified to analyze the Siennas' doors, assess the reasons for the problems complained of, and consider proposed remedies. We also consulted with our engineering experts about the technical information in the documents provided by Toyota. In addition, as part of our informal and confirmatory discovery, we interviewed a Toyota engineer knowledgeable about the Sienna vehicles and the Covered Components (defined below).

30. In order to evaluate and supplement the discovery received from Toyota, we conducted our own contemporaneous investigation of the potential defects of the sliding doors, consulted with our experts, and counsel in the *Simerlein* Action and counsel in the *Combs/Franklin* action each bought separate exemplar Siennas whose doors were thoroughly inspected by their own independent automotive engineers.

31. Using this information, we were able to meaningfully assess Toyota's proposals for addressing the problems with the operations of the Subject Vehicles' sliding doors.

C. Benefits to the Class Under the Settlement Agreement

32. The benefits of the Settlement are set forth in detail in the Settlement Agreement. SA, § III. As set forth in the Settlement Agreement, Toyota will implement a "Customer Confidence Program" under which Class Members are entitled to a free inspection of their Subject Vehicles' sliding doors by an authorized Toyota dealer within one year of the final approval of the Settlement. Class Members are entitled to this "Sienna Sliding Door Functional

Inspection” regardless of whether they ever experienced a problem with their vehicles’ sliding doors. If the inspection uncovers a problem with one or more Covered Components, Toyota will provide a repair free of charge.

33. Under the Customer Confidence Program, Class Members are also entitled to prospective coverage for repairs to their vehicles’ sliding doors’ cable sub-assembly, center hinge assembly, fuel door pin and fuel door hinge, and front and rear lock assemblies (the “Covered Components”), which the Parties identified are the possible causes for the doors to malfunction. Class Members are entitled to get free repairs on the Covered Components for a period of ten years from first use of the vehicle. This benefit “travels” with the vehicle such that if a vehicle is sold or its lease ends before the expiration of the ten year period, the subsequent owner or lessee is still entitled to the benefit. As a convenience and savings to Class Members, Toyota also agreed to provide loaner vehicles, free of charge, to Class Members whose vehicles are undergoing covered repairs.

34. The Customer Confidence Program addresses Plaintiffs’ overarching concerns in this litigation. The Sienna Sliding Door Functional Inspection, which is available at no cost to all Class Members for one year, is designed to uncover any potential problems with the sliding doors and fix them, thereby ensuring that the doors of the Subject Vehicles can be used as intended and passengers will not be exposed to potentially unsafe conditions. Toyota’s free repairs to the Covered Components under the Customer Confidence Program, and provision of loaner vehicles to Class Members during the repairs, ensures that Class Members will not incur any expenses for repairs that may become necessary to address problems with the Covered Components in the future.

35. The Settlement also includes an out-of-pocket expense reimbursement program. All Class Members who, prior to the Initial Notice Date, incurred expenses to repair a condition that is covered by the Customer Confidence Program, are entitled to reimbursement through an orderly and consumer-friendly claims administration process that ensures prompt payment of eligible claims.

36. Toyota will also cover the expense of the claims administration for the out-of-pocket claims reimbursement component of the Settlement Program. Claims may be submitted in person or online. The required documentation is of a type that Class Members are likely to possess or be able to obtain, such as proof of ownership, proof of loss incurred, proof of the covered condition, and proof of the remedy that was provided for the condition. Highly experienced claims administrators, Patrick A. Juneau and Thomas Juneau of Juneau David, APLC, have been selected to oversee this process. The Affidavit of Patrick A. Juneau, which sets forth the qualifications of Juneau David, APLC, is submitted contemporaneously herewith.

37. As part of the Settlement, Toyota will fund a state of the art Notice Program designed to reach Class Members with information about their rights and options under the Settlement Agreement. This Notice Program is described in detail in the Declaration of Jeanne C. Finegan, APR, submitted contemporaneously herewith. It includes direct mail to all known Class members, and it is expected that the vast majority of Class members will have known addresses, as vehicle owners and lessees are required to register their vehicles, and the Notice Administrator will be able to obtain addresses through registration information. It also includes an extensive cross-platform, multimedia publication campaign, including publication in a national magazine, internet advertising across over 4,000 websites, targeted use of social media including Facebook, Twitter, Instagram and Pinterest, and makes use of Google AdWords to

target persons who run searches with relevant terms, such as “Toyota Sienna.” It is expected to reach over 94% of Class Members.

IV. ATTORNEYS’ FEES, COSTS AND EXPENSES AND CLASS REPRESENTATIVE SERVICE AWARDS

38. We did not begin discussions with Toyota’s counsel concerning our intended application for attorneys’ fees, costs and expenses, and request for service awards for the proposed Class Representatives until after reaching agreement on the substantive terms of the Settlement.

39. As a result of these discussions, we agreed to limit our application for fees, costs and expenses to \$6,500,000 for attorneys’ fees and up to \$500,000 in costs and expenses, which amount will include class representative service awards. No court order concerning the amount of attorneys’ fees, costs and expenses and/or class representative service awards will affect the finality of the Settlement or constitute grounds for termination of the Settlement Agreement.

40. If this Court grants our application for fees, costs and expenses, and class representative service awards, any awarded amounts will be paid by Toyota. The awarded amounts will not be paid until the expiration of 30 days after the Final Effective Date.²

V. QUALIFICATIONS OF PROPOSED CLASS COUNSEL

41. Demet Basar, a partner of Wolf Haldenstein, has over 25 years of experience as a litigator, specializing in complex class action litigation, derivative litigation and representing clients in business disputes. Wolf Haldenstein is among the most experienced class action firms in the country, having represented plaintiffs in numerous complex class actions throughout the

² Under the Settlement Agreement, the Final Effective Date is when the appeal period from the Final Order/Final Judgment expires, or, if there are any appeals, all appeals are resolved, or, subject to Court approval, if Class Counsel and Toyota agree in writing, the Final Effective Date can occur on any other agreed date. SA, § II.S.

United States in federal and state courts. Wolf Haldenstein has obtained billions of dollars in settlements of class actions, including securities, antitrust and consumer class actions, where it has served as lead counsel or in some other significant capacity. Some of the firm's significant settlements include: *Roberts v. Tishman Speyer*, No. 100956/2007 (Sup. Ct., N.Y. Co.) (\$173 million settlement on behalf of 27,500 current and former tenants of housing complex); *In re Tremont Securities Law, State Law and Insurance Litigation*, No. 08-cv-11117 (SDNY) (cash settlement of \$100 million for investors in a family of Madoff feeder funds); *In re Beacon Associates Litigation*, No. 09-cv-0777 (S.D.N.Y.) (cash settlement of \$210 million and other consideration); and *Naevus International, Inc. v. AT&T Corp.*, C.A. No. 602191/99 (N.Y. Sup. Ct.) (consumer class recovered \$40 million). A copy of Wolf Haldenstein's resume is attached hereto as Exhibit A.

42. William Daniel "Dee" Miles, III, a named principal of Beasley, Allen, Crow, Methvin, Portis & Miles, has nearly 30 years' experience litigating complex cases on behalf of consumers and businesses in both individual and class action form. Over the last decade Mr. Miles has distinguished himself for work specifically involving vehicle defect class actions, while recovering billions of dollars for his clients and class members. Mr. Miles's experience in automotive products litigation includes having been appointed to lead counsel or to other leadership positions in *In re Volkswagen "Clean Diesel" Mktg., Sales Practices, and Prods. Liab. Litig.*, MDL No. 2672 (N.D. Cal.); *Chrysler-Dodge-Jeep EcoDiesel, In re Chrysler-Dodge-Jeep EcoDiesel Mktg., Sales Practices, and Prods. Liab. Litig.*, MDL No. 2777 (N.D. Cal.); *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, and Prods. Liab. Litig.*, MDL No. 2151 (C.D. Cal.); and *In re Polaris Mktg., Sales Practices, & Prods. Liab. Litig.*, No. 18-cv-975 (D. Minn.). Mr. Miles currently represents plaintiffs from 31 states seeking redress for

a major engine defect in GM's full-sized SUVs and pickups in *Sloan v. Gen. Motors LLC*, No. 16- cv-7244 (N.D. Cal.) and is interim lead counsel for Plaintiffs in *Weidman, et al v. Ford Motor Company*, No. 18-cv-12719 (E.D. MI.) whose vehicles suffer a brake failure defect.

Separately, Mr. Miles currently serves on the PSC in *In re The Home Depot, Inc., Customer Data Sec. Breach Litig.*, MDL No. 2583 (N.D. Ga.); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.); *In re Wells Fargo ERISA 401(k) Litig.*, No. 16-CV-03405 (D. Minn.); and on the Discovery Committee in *In re Takata Airbag Prods. Liab. Litig.*, MDL No. 2599 (S.D. Fla.); *In re Apple Inc. Device Performance Litig.*, MDL No. 2827 (N.D. Cal.); *In re Domestic Airline Travel Antitrust Litig.*, MDL No. 2656 (D.D.C.); and *In re Blue Cross Blue Shield Antitrust Litig.*, MDL No. 2406 (N.D. Ala.) (recently promoted to the Executive/Settlement committee). A copy of Beasley Allen's resume is attached hereto as Exhibit B.

43. Adam J. Levitt, a founding partner of DiCello Levitt & Casey, has close to 25 years' experience leading nationwide class action lawsuits, with a substantial focus on vehicle defect cases, and has recovered billions of dollars in pre- and post-verdict settlements for his clients and class members. Mr. Levitt's broad range of experience in automotive defect actions includes having been appointed to lead counsel or to other leadership positions in *In re Volkswagen "Clean Diesel" Mktg., Sales Practices, and Prods. Liab. Litig.*, No. 15-MD-2672 (N.D. Cal.) (\$14.7 billion settlement); *In re Gen. Motors LLC Ignition Switch Litig.*, No. 14-MD-2543 (S.D.N.Y.); *In Re Navistar Maxxforce Engines Mktg., Sales Practices, and Prods. Liab. Litig.*, MDL No. 2590 (N.D. Ill.); *In re MyFord Touch Consumer Litig.* No. 13-cv-3072 (N.D. Cal.); and *In re Polaris Mktg., Sales Practices, & Prods. Liab. Litig.*, No. 18-cv-975 (D. Minn.). Mr. Levitt has also been appointed to leadership roles in dozens of other class action lawsuits,

which have resulted in recoveries valued in excess of \$2 billion, including *In re Genetically Modified Rice Litig.*, MDL No. 1811 (E.D. Mo.) (aggregate settlement of more than \$1.1 billion); *In re StarLink Corn Prods Liab. Litig.*, MDL No. 1403 (N.D. Ill.) (\$110 million settlement); *In re Imprelis Herbicide Mktg., Sales Practices, and Prods. Liab. Litig.*, MDL No. 2284 (E.D. Pa.) (\$550 million settlement); and *Champs Sports Bar & Grill Co. v. Mercury Payment Systems, LLC*, 16-cv-0012 (N.D. Ga.) (\$52 million settlement). Mr. Levitt has further been entrusted to represent public clients in litigations against automobile manufacturers, including pending cases against Volkswagen (*State of New Mexico v. Volkswagen Group of America, Inc., et al.*, No. D-101-CV-2016-00131 (N.M. First Judicial Dist. Ct., Santa Fe County)) and Takata (*State of New Mexico, ex rel. Hector H. Balderas v. Takata Corporation, et al.*, No. D-101-CV-2017-00176 (N.M. First Judicial Dist. Ct., Santa Fe County)). A copy of DiCello Levitt & Casey's resume is attached hereto as Exhibit C.

44. All three proposed Class Counsel firms are well positioned to assess the benefits of the proposed Settlement and do hereby fully endorse it.

45. We declare under penalty of perjury that the foregoing is true and correct.

Dated: December 11, 2018

By: /s/ Demet Basar

Demet Basar

By: /s/ W. Daniel "Dee" Miles, III

W. Daniel "Dee" Miles, III

By: /s/ Adam J. Levitt

Adam J. Levitt

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FIRM RESUME

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

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

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

SYMPHONY TOWERS
750 B STREET, SUITE 2770
SAN DIEGO, CA 92101
TELEPHONE: 619-239-4599
TELECOPIER: 619-234-4599

70 WEST MADISON STREET
SUITE 1400
CHICAGO, IL 60602
TELEPHONE: 312-984-0000
TELECOPIER: 312-214-3110



THE FIRM

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

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

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

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

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



JUDICIAL COMMENDATIONS

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

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



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



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

RECENT NOTEWORTHY RESULTS

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

- *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.) - Wolf Haldenstein represented U.S. rice farmers in this landmark action against Bayer A.G. and its global affiliates, achieving a global recovery of \$750 million. The case arose from the contamination of the nation's long grain rice crop by Bayer's experimental and unapproved genetically modified Liberty Link rice.
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) - a class action brought on behalf of over 27,500 current and former tenants of New York City's iconic Stuyvesant Town and Peter Cooper Village housing complexes. On April 9, 2013, Justice Richard B. Lowe III of the New York Supreme Court finally approved settlement of the action, which totals over \$173 million, sets aside \$68.75 million in damages, re-regulates the apartments at issue, and sets preferential rents for the units that will save tenants significant monies in the future. The settlement also enables the tenants to retain an estimated \$105 million in rent savings they enjoyed between 2009 and 2012. **The settlement is by many magnitudes the largest tenant settlement in United States history.**
- *In re Empire State Realty Trust, Inc. Investor Litig.*, Index No. 650607/2012 – The firm served as Chair of the Executive Committee of Co-Lead Counsel for the Plaintiffs in a class action settlement finally approved on May 2, 2013 that provides for the establishment of a \$55 million settlement fund for investors, in addition to substantial tax deferral benefits estimated to be in excess of \$100 million.
- *American International Group Consolidated Derivative Litigation*, Civil Action No. 769-VCS (Del. Ch.) The Firm acted as co-lead counsel and the settlement addressed claims alleging that the D&O Defendants breached their fiduciary



duties to the Company and otherwise committed wrongdoing to the detriment of AIG in connection with various allegedly fraudulent schemes during the 1999-2005 time period.

- *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, Master File No. 09 MD 2058 (S.D.N.Y.) (firm was co-lead counsel in parallel derivative action pending in Delaware (*In Re Bank of America Stockholder Derivative Litigation*, C.A. No. 4307-CS (Del. Ch.)) (increase of settlement cash recovery from \$20 million to \$62.5 million).
- *The Investment Committee of the Manhattan and Bronx Service Transit Operating Authority Pension Plan v. JPMorgan Chase Bank, N.A.*, 1:09-cv-04408-SAS (S.D.N.Y.) (class recovered \$150 million).
- *In re Tremont Sec. Law, State Law and Insurance Litig.*, No. 08-civ-11117 (TPG) (SDNY) (class recovered \$100 million). The firm was court-appointed co-lead counsel in the Insurance Action, 08 Civ. 557, and represented a class of persons who purchased or otherwise acquired Variable Universal Life ("VUL") insurance policies or Deferred Variable Annuity ("DVA") policies issued by Tremont International Insurance Limited or Argus International Life Bermuda Limited from May 10, 1994 - December 11, 2008 to the extent the investment accounts of those policies were exposed to the massive Ponzi scheme orchestrated by Bernard L. Madoff through one or more Rye funds.
- *In re Initial Public Offering Securities Litigation*, 21 MC 92 (SAS) (S.D.N.Y.) (class recovered \$586 million). Wolf Haldenstein served as Co-Lead Counsel of one of the largest securities fraud cases in history. Despite the United States Court of Appeals for the Second Circuit's decision to vacate the district court's class certification decision, on remand, counsel for plaintiffs were able to press on to a settlement on April 1, 2009, ultimately recovering in excess of a half-billion dollars.



FIRM PRACTICE AREAS

CLASS ACTION LITIGATION

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

PRIVATE ACTIONS FOR INSTITUTIONAL INVESTORS

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

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

ANTITRUST LITIGATION

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



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

Wolf Haldenstein attorneys currently serve as lead counsel, co-lead counsel, or as executive committee members in some of the largest and most significant antitrust class action lawsuits.

BIOTECHNOLOGY AND AGRICULTURAL LITIGATION

Wolf Haldenstein is a leader in biotechnology and agricultural litigation. The firm has represented U.S. row crop farmers and others harmed by crop supply contamination, price fixing of genetically-modified crop seeds, and false claims and representations relating to purportedly "organic" products. The firm has prosecuted actions in these fields against domestic and international biotechnology and crop science companies under the federal and state antitrust laws, consumer protection and deceptive trade practice statutes, and the common law. As a leader in this field, Wolf Haldenstein pioneered approaches now commonly used in these types of cases, including the use of futures-based efficient market analyses to fashion damages models relating to the underlying commodity crops. The firm has served or is currently serving as lead or co-lead counsel in some of the most significant biotechnology and agricultural class actions pending or litigated in the United States. For example, in *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.) the firm prosecuted a multidistrict product liability litigation brought on behalf of United States long-grain rice farmers that ultimately settled in July 2011 for \$750 million. Many of the firm's other successful results are summarized within.

OVERTIME AND COMPENSATION CLASS ACTIONS

Wolf Haldenstein is a leader class action litigation on behalf of employees who have not been paid overtime or other compensation they are entitled to receive, or have had improper deductions taken from their compensation. These claims under the federal



Fair Labor Standards Act and state labor laws allege improper failure to pay overtime and other wages, and improper deductions from compensation for various company expenses. Wolf Haldenstein has served as lead or co-lead counsel, or other similar lead role, in some of the most significant overtime class actions pending in the United States, and has recovered hundreds of millions of dollars in recovered wages for its clients. For example, in *LaVoice v. Citigroup Global Markets, Inc.*, Case No. C 07-801 (CW) (N.D. Cal.) a \$108 million settlement was secured for the class. Many of the firm's other successful wage and hour results are summarized within.

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

- *In re Beacon Associates Litigation*, Master File No. 09 Civ. 0777 (LBS) (S.D.N.Y.) (**\$219 million** settlement in this and related action).
- *Roberts v. Tishman Speyer*, No. 100956/2007 (Sup. Ct. N.Y. Cty.) (**\$173 Million** settlement).
- *In re Mutual Fund Investment Litigation*, MDL No. 1586 (D. Md.) (derivative counsel in consolidated cases against numerous mutual fund companies involved in market timing resulting in class/derivative settlements totaling more than **\$300 million**).
- *Inland Western Securities Litigation*, Case No. 07 C 6174 (N.D. Ill.) (settlement value of shares valued between **\$61.5 million** and **\$90 million**).
- *In re Direxion Shares ETF Trust*, No. 09-Civ-8011 (KBF) (S.D.N.Y.) (class recovered **\$8 million**).
- *In re BankAmerica Corp. Securities Litigation*, MDL Docket No. 1264 (JFN) (E.D. Mo.) (class recovered **\$490 million**).
- *In re Dynamic Random Access Memory Antitrust Litigation*, (MD-02 1486 (N.D. Cal.) (class recovered **\$325 million**).
- *In re MicroStrategy, Inc. Securities Litigation*, Civ. No. 00-473-A (E.D. Va.) (class recovered **\$160 million** in cash and securities).



- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373, 94 Civ. 2546 (S.D.N.Y.) (securities fraud) (class recovered **\$116.5 million** in cash).
- *In re Starlink Corn Products Liability Litigation*, (N.D. Ill.) (class recovered **\$110 million**).
- *In Computer Associates 2002 Class Action Sec. Litigation*, 2:02-CV-1226 (E.D.N.Y.) (**\$130 million** settlement in this and two related actions).
- *In re Sepracor Inc. Securities Litigation*, Civ. No. 02-12338 (MEL) (D. Mass.) (classes recovered **\$52.5 million**).
- *In re Transkaryotic Therapies, Inc., Securities Litigation*, C.A. No. 03-10165-RWZ (D. Mass) (class recovered **\$50 million**).
- *In re Iridium Securities Litigation*, C.A. No. 99-1002 (D.D.C.) (class recovered **\$43 million**).
- *In re J.P. Morgan Chase Securities Litigation*, MDL No. 1783 (N.D. Ill.) (settlement providing for adoption of corporate governance principles relating to potential corporate transactions requiring shareholder approval).
- *LaVoice v. Citigroup Global Markets, Inc.*, Case No. C 07-801 (CW) (N.D. Cal.)) (**\$108 million** settlement).
- *Steinberg v. Morgan Stanley & Co., Inc.*, Case No. 06-cv-2628 (BEN) (S.D. Cal.) (**\$50 million** settlement).
- *Poole v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, Case No. CV-06-1657 (D. Or.) (**\$43.5 million** settlement).
- *In re Wachovia Securities, LLC Wage and Hour Litigation*, MDL No. 07-1807 DOC (C.D. Cal.) (**\$39 million** settlement).
- *In re Wachovia Securities, LLC Wage and Hour Litigation (Prudential)*, MDL No. 07-1807 DOC (C.D. Cal.) (**\$11 million** settlement).
- *Basile v. A.G. Edwards, Inc.*, 08-CV-00338-JAH-RBB (S.D. Cal.) (**\$12 million** settlement).



- *Miguel Garcia, et al. v. Lowe's Home Center, Inc. et al.* – Case No. GIC 841120 (Barton) (Cal. Sup. Ct, San Diego) (co-lead, **\$1.65 million** settlement w/ average class member recovery of \$5,500, attorney fees and cost awarded separately).
- *Neil Weinstein, et al. v. MetLife, Inc., et al.* – Case No. 3:06-cv-04444-SI (N.D.Cal) (co-lead, **\$7.4 million** settlement).
- *Creighton v. Oppenheimer*, Index No. 1:06 - cv - 04607 - BSJ - DCF (S.D.N.Y.) (**\$2.3 million** settlement).
- *Klein v. Ryan Beck*, 06-CV-3460 (DAB)(S.D.N.Y.) (**\$1.3 million** settlement).
- *In re American Pharmaceutical Partners, Inc. Shareholder Litigation*, Consolidated C.A. No. 1823-N (Del. Ch. Ct.) (**\$14.3 million** settlement).
- *Egleston v. Collins and Aikman Corp.*, 06-cv-13555 (E.D. Mich.) (class recovered **\$12 million**).
- *In re Merrill Lynch & Co., Inc. Global Technology Fund Securities Litigation*, 02 CV 7854 (JFK) (SDNY); and *In re Merrill Lynch & Co., Inc. Focus Twenty Fund Securities Litigation*, 02 CV 10221 (JFK) (SDNY) (class recovered **\$39 million** in combined cases).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, No. 6:04-cv-1231 (Orl-31) (class recovered **\$35 million**, and lawsuit also instrumental in **\$225 million** benefit to corporation).
- *In re Cablevision Systems Corp. Shareholder Derivative Litigation*, Master File No. 06-CV-4130-DGT-AKT (**\$34.4 million** recovery).
- *In re Monster Worldwide, Inc. Stock Option Derivative Litigation*, Master File No. 06cv4622 (S.D.N.Y.) (**\$32 million** recovery and corporate governance reforms).
- *Berger v. Compaq Computer Corp.*, Docket No. 98-1148 (S.D. Tex.) (class recovered **\$29 million**).
- *In re Arakis Energy Corporation Securities Litigation*, 95 CV 3431 (E.D.N.Y.) (class recovered **\$24 million**).



- *In re E.W. Blanche Holdings, Inc. Securities Litigation*, Civ. No. 01-258 (D. Minn.) (class recovered **\$20 million**).
- *In re Globalstar Securities Litigation*, Case No. 01-CV-1748 (SHS) (S.D.N.Y.) (class recovered **\$20 million**).
- *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (E.D.N.Y.) (class recovered **\$18.25 million**).
- *In re Musicmaker.com Securities Litigation*, CV-00-2018 (C.D. Cal.) (class recovered **\$13.75 million**).
- *In re Comdisco Securities Litigation*, No. 01 C 2110 (MIS) (N.D. Ill.) (class recovered **\$13.75 million**).
- *In re Acclaim Entertainment, Inc., Securities Litigation*, C.A. No. 03-CV-1270 (E.D.N.Y.) (class recovered **\$13.65 million**).
- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2097 (MA) (W.D. Tenn) (class recovered **\$13.25 million**).
- *In re Bausch & Lomb, Inc. Securities Litigation*, 01 Civ. 6190 (CJS) (W.D.N.Y.) (class recovered **\$12.5 million**).
- *In re Allaire Corp. Securities Litigation*, 00-11972 (D. Mass.) (class recovered **\$12 million**).
- *Bamboo Partners LLC v. Robert Mondavi Corp.*, No. 26-27170 (Cal. Sup. Ct.) (class recovered **\$10.8 million**).
- *Curative Health Services Securities Litigation*, 99-2074 (E.D.N.Y.) (class recovered **\$10.5 million**).
- *City Partnership Co. v. Jones Intercable*, 99 WM-1051 (D. Colo.) (class recovered **\$10.5 million**).
- *In re Aquila, Inc.*, (ERISA Litigation), 04-865 (W.D. Mo.) (**\$10.5 million** recovery for the class).
- *In re Tenfold Corporation Securities Litigation*, 2:00-CV-652 (D. Utah) (class recovered **\$5.9 million**).



- *In re Industrial Gas Antitrust Litigation*, 80 C 3479 and related cases (N.D. Ill.) (class recovered **\$50 million**).
- *In re Chor-Alkalai and Caustic Soda Antitrust Litigation*, 86-5428 and related cases (E.D. Pa.) (class recovered **\$55 million**).
- *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.) (class recovered **\$126 million**).
- *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 1:94-cv-00897, M.D.L. 997 (N.D. Ill.) (class recovered **\$715 million**).
- *Landon v. Freel*, M.D.L. No. 592 (S.D. Tex.) (class recovered **\$12 million**).
- *Holloway v. Peat, Marwick, Mitchell & Co.*, No. 84 C 814 EU (N.D. Okla.) (class recovered **\$38 million**).
- *In re The Chubb Corp. Drought Insurance Litigation*, C-1-88-644 (S.D. Ohio) (class recovered **\$100 million**).
- *Wong v. Megafoods*, Civ-94-1702 (D. Ariz.) (securities fraud) (class recovered **\$12.25 million**).
- *In re Del Val Financial Corp. Securities Litigation*, 92 Civ 4854 (S.D.N.Y.) (class recovered **\$11.5 million**).
- *In re Home Shopping Network Shareholders Litigation*, Consolidated Civil Action No. 12868, (Del. Ch. 1995) (class recovered **\$13 million**).
- *In re Paine Webber Limited Partnerships Litigation*, 94 Civ 8547 (S.D.N.Y.) (class recovered **\$200 million**).
- *In re Bristol-Meyers Squibb Co. Securities Litigation*, 92 Civ 4007 (S.D.N.Y.) (class recovered **\$19 million**).
- *In re Spectrum Information Technologies Securities Litigation*, CV 93-2245 (E.D.N.Y.) (class recovered **\$13 million**).
- *In re Chase Manhattan Securities Litigation*, 90 Civ. 6092 (LJF) (S.D.N.Y.) (class recovered **\$17.5 million**).



- *Prostic v. Xerox Corp.*, No. B-90-113 (EBB) (D. Conn.) (class recovered **\$9 million**).
- *Steiner v. Hercules*, Civil Action No. 90-442-RRM (D. Del.) (class recovered **\$18 million**).
- *In re Ambase Securities Litigation*, 90 Civ 2011 (S.D.N.Y.) (class recovered **\$14.6 million**).
- *In re Southmark Securities Litigation*, CA No. 3-89-1402-D (N.D. Tex.) (class recovered **\$70 million**).
- *Steiner v. Ideal Basic Industries, Inc.*, No. 86-M 456 (D. Colo. 1989) (securities fraud) (class recovered **\$18 million**).
- *Tucson Electric Power Derivative Litigation*, 2:89 Civ. 01274 TUC. ACM (corporation recovered **\$30 million**).
- *Alleco Stockholders Litigation*, (Md. Cir. Ct. Pr. Georges County) (class recovered **\$16 million**).
- *In re Revlon Group, Inc. Shareholders Litigation*, No. 8362 (Del. Ch.) (class recovered **\$30 million**).
- *In re Taft Broadcasting Company Shareholders Litigation*, No. 8897 (Del. Ch.) (class recovered **\$20 million**).
- *In re Southland Corp. Securities Litigation*, No. 87-8834-K (N.D.Tex.) (class recovered **\$20 million**).
- *In re Crocker Bank Securities Litigation*, CA No. 7405 (Del. Ch.) (class recovered **\$30 million**).
- *In re Warner Communications Securities Litigation*, No. 82 Civ. 8288 (JFK) (S.D.N.Y.) (class recovered **\$17.5 million**).
- *Joseph v. Shell Oil*, CA No. 7450 (Del. Ch.) (securities fraud) (class recovered **\$200 million**).
- *In re Flight Transportation Corp. Securities Litigation*, Master Docket No. 4-82-874, MDL No. 517 (D. Minn.) (recovery of over **\$50 million**).



- *In re Whittaker Corporation Securities Litigation*, CA000817 (Cal. Super. Ct., Los Angeles County) (class recovered **\$18 million**).
- *Naevus International, Inc. v. AT&T Corp.*, C.A. No. 602191/99 (N.Y. Sup. Ct.) (consumer fraud) (class recovered **\$40 million**).
- *Sewell v. Sprint PCS Limited Partnership*, C.A. No. 97-188027/CC 3879 (Cir. Ct. for Baltimore City) (consumer fraud) (class recovered **\$45.2 million**).
- *In re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, 2:08-cv-285 (D.N.J.) (class recovered **\$41.5 million**).
- *Egleston v. Verizon*, No. 104784/2011 (N.Y. Sup. Ct.) – Wolf Haldenstein represented a class of New York Verizon Centrex customers in an action against Verizon stemming from overbilling of certain charges. The Firm secured a settlement with a total value to the Class of over **\$5 million**, which provided, among other things, each class member with full refunds of certain disputed charges, plus interest.
- *Zelouf Int'l Corp. v. Nahal Zelouf*, Index No. 653652/2014 (Sup. Ct. N.Y. Co. 2015). In an important trial decision following an appraisal proceeding triggered by the freeze-out merger of a closely-held corporation, which also included shareholder derivative claims, Justice Kornreich of the New York Supreme Court refused to apply a discount for lack of marketability to the minority interest in the former corporation and found that the insiders stole more than \$14 million dollars; the minority shareholder recovered over \$9 million.
- *Zelouf Int'l Corp. v. Zelouf*, 45 Misc.3d 1205(A) (Sup. Ct. N.Y. Co., 2014). The Court rejected application of a discount for lack of marketability and awarded a \$10,031,438.28 judgment following an eleven day bench trial in the Commercial Division of the Supreme Court of the State of New York (New York County) on the value of a minority interest in a closely held corporation.



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

FEDERAL APPELLATE AND DISTRICT COURT OPINIONS

- *DeFrees v. Kirkland*, 2012 U.S. Dist. LEXIS 52780 (C.D. Cal. Apr. 11, 2012).
- *In re Beacon Associates Litigation.*, 745 F. Supp. 2d 386 (S.D.N.Y. 2010); *In re Beacon Associates Litig.*, 282 F.R.D. 315 (S.D.N.Y. 2012)
- *Messner v. Northshore University HealthSystem*, 669 F.3d 802, No. 10-2514 (7th Cir. Jan. 13, 2012).
- *In re Text Message Antitrust Litigation*, 630 F.3d, 622 (7th Cir. 2010).
- *In re Apple & ATTM Antitrust Litig.*, 2010 U.S. Dist. LEXIS 98270 (N.D. Cal. July 8, 2010).
- *Freeland v. Iridium World Communications Ltd.*, 545 F.Supp.2d 59 (D.D.C. 2008).
- *In re Apple & AT&TM Antitrust Litig.*, 596 F. Supp. 2d 1288 (N.D. Cal. 2008).
- *Harzewski v. Guidant Corp.*, 489 F.3d 799 (7th Cir. 2007).
- *In re JP Morgan Chase & Co. Securities Litigation*, No. 06 C 4674, 2007 U.S. Dist. LEXIS 93877 (N.D. Ill. Dec. 18, 2007).
- *Schoenbaum v. E.I. Dupont De Nemours and Co.*, 2007 WL 2768383 (E.D. Mo. Sept. 20, 2007).
- *Jeffries v. Pension Trust Fund*, 99 Civ. 4174 (LMM), 2007 U.S. Dist. LEXIS 61454 (S.D.N.Y. Aug. 20, 2007).
- *Klein v. Ryan Beck*, 06-Civ. 3460 (WCC), 2007 U.S. Dist. LEXIS 51465 (S.D.N.Y. July 13, 2007).
- *Cannon v. MBNA Corp.* No. 05-429 GMS, 2007 U.S. Dist. LEXIS 48901 (D. Del. 2007).
- *In re Aquila ERISA Litig.*, 237 F.R.D. 202 (W.D. Mo. 2006).
- *Smith v. Aon Corp.*, 238 F.R.D. 609 (N.D. Ill. 2006).



- *In re Sepracor Inc. Securities Litigation*, 233 F.R.D. 52 (D. Mass. 2005).
- *In re Transkaryotic Therapies, Inc. Securities Litigation*, No. 03-10165, 2005 U.S. Dist. LEXIS 29656 (D. Mass. Nov. 28, 2005).
- *In re Luxottica Group, S.p.A. Securities Litigation*, 2005 U.S. Dist. LEXIS 9071 (E.D.N.Y. May 12, 2005).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, 2005 U.S. Dist. LEXIS 38876, No. 6:04-cv-1231-Orl-31KRS (M.D. Fla. May 9, 2005).
- *Johnson v. Aegon USA, Inc.*, 1:01-CV-2617 (N.D. Ga. Sept. 20, 2004).
- *Freeland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C. Aug. 31, 2004).
- *In re Acclaim Entertainment, Inc. Securities Litigation*, 03-CV-1270 (E.D.N.Y. June 22, 2004).
- *In re Sepracor Inc. Securities Litigation*, 308 F. Supp. 2d 20 (D. Mass. 2004).
- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2697 (W.D. Tenn. Jan. 7, 2004).
- *In re Pharmatrak, Inc. Privacy Litig.*, 2003 U.S. App. LEXIS 8758 (1st Cir. May 9, 2003).
- *In re Enterprise Mortgage Acceptance Co., LLC, Sec. Litig.*, 02-Civ. 10288 (SWK) (S.D.N.Y. Nov. 5, 2003).
- *In re PerkinElmer, Inc. Securities Litigation*, 286 F. Supp. 2d 46 (D. Mass. 2003).
- *In re Initial Public Offering Securities Litigation*, 241 F. Supp. 2d 281 (S.D.N.Y. 2003).
- *In re Comdisco Securities Litigation*, No. 01 C 2110, 2003 U.S. Dist. LEXIS 5047 (N.D. Ill. Mar. 31, 2003).
- *Berger v. Compaq Computer Corp.*, 257 F.3d 475 (2001), clarified, 279 F.3d 313 (5th Cir. 2002).
- *City Partnership Co. v. Cable TV Fund 14-B*, 213 F.R.D. 576 (D. Colo. 2002).



- *In re Allaire Corporation Securities Litigation*, Docket No. 00-11972 - WGY, 2002 U.S. Dist. LEXIS 18143 (D. Mass., Sept. 27, 2002).
- *In re StarLink Corn Products Liability Litigation*, 212 F.Supp.2d 828 (N.D. Ill. 2002).
- *In re Bankamerica Corp. Securities Litigation*, 263 F.3d 795 (8th Cir. 2001).
- *In re Comdisco Securities Litigation*, 166 F.Supp.2d 1260 (N.D. Ill. 2001).
- *In re Crossroads Systems, Inc. Securities Litigation*, Master File No. A-00-CA-457 JN, 2001 U.S. Dist. LEXIS 14780 (W.D. Tx. Aug. 15, 2001).
- *In re MicroStrategy, Inc. Securities Litigation*, 150 F. Supp. 2d 896 (E.D. Va. 2001).
- *Lindelow v. Hill*, No. 00 C 3727, 2001 U.S. Dist. LEXIS 10301 (N.D. Ill. July 19, 2001).
- *In re MicroStrategy, Inc. Securities Litigation*, 148 F. Supp. 2d 654 (E.D. Va. 2001).
- *Jeffries v. Pension Trust Fund of the Pension, Hospitalization & Benefit Plan of the Electrical Industry*, 172 F. Supp. 2d 389 (S.D.N.Y. 2001).
- *Carney v. Cambridge Technology Partners, Inc.*, 135 F. Supp. 2d 235 (D. Mass. 2001).
- *Weltz v. Lee*, 199 F.R.D. 129 (S.D.N.Y. 2001).
- *Schoers v. Pfizer, Inc.*, 00 Civ. 6121, 2001 U.S. Dist. LEXIS 511 (S.D.N.Y. Jan. 23, 2001).
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- *In re Painewebber Ltd. Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 9195 (S.D.N.Y. June 28, 1996).
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ATTORNEY BIOGRAPHIES

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

PARTNERS

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

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

More recently, Mr. Krasner has been one of the lead attorneys for plaintiffs in some of the leading Federal multidistrict cases in the United States, including the IPO Litigation in the Southern District of New York, the Mutual Fund Market Timing Litigation in the District of Maryland, and several Madoff-related litigations pending in the Southern District of New York. Mr. Krasner has also been lead attorney in several precedent-setting shareholder actions in Delaware Chancery Court and the New York Court of Appeals, including *American International Group, Inc. v. Greenberg*, 965 A.2d 763 (Del. Ch. 2009) and the companion certified appeal, *Kirschner v. KPMG LLP*, Nos. 151, 152, 2010 N.Y. LEXIS 2959 (N.Y. Oct. 21, 2010); *Teachers' Retirement System of Louisiana and City of New Orleans Employees' Retirement System, derivatively on behalf of nominal defendant*



American International Group, Inc., v. PricewaterhouseCoopers LLP, No. 152 (New York, October 21, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 119 (Del. Ch., May 25, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 139, (Del. Ch. July 5, 2010), appeal refused, 2010 Del. LEXIS 324, 2010 WL 2690402 (Del. 2010).

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

FRED TAYLOR ISQUITH: *admitted:* New York; Supreme Court of the United States; U.S. Courts of Appeals for the First, Second, Third, Fourth and Eighth Circuits; U.S. District Courts for the Southern, Eastern and Northern Districts of New York; District of Columbia; District of Arizona; District of Colorado; Northern and Central District of Illinois; Western District of Michigan and District of Nebraska. *Education:* Columbia University Law School (J.D. 1971), City University of New York (Brooklyn) (B.A., 1968).

Mr. Isquith is a senior partner in the litigation department. He has been lead counsel in numerous class actions in the fields of securities law and antitrust law (as well as others) in his more than forty years of experience. Courts have commented about Mr. Isquith as follows:

· *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) – where the Firm was co-lead counsel, Judge Laughrey said (on October 16, 2008), “[a]ll of the attorneys in this case have done an outstanding job, and I really appreciate the quality of work that we had in our chambers as a result of this case.”

· *In re Dynamic Random Access Memory Antitrust Litigation*, MDL-02-1486 (N.D. Cal.) – where the Firm was co-lead counsel, Judge Hamilton said (on August 15, 2007), “I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that the results are exceptional. The percentages, as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust] class action. I am aware of the complexity . . . I thought that you all did an exceptionally good job of bringing to me only those matters that really required the Court’s attention. You did an exceptionally good job at organizing and managing the case, assisting me in management of the case. There was excellent coordination between all the various different plaintiffs’ counsel with your



group and the other groups that are part of this litigation. . . So my conclusion is the case was well litigated by both sides, well managed as well by both sides.”

· *In re MicroStrategy Securities Litigation*, 150 F. Supp. 2d 896, 903 (E.D. Va. 2001) – where the Firm was co-lead counsel, Judge Ellis commented: “Clearly, the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy.”

· *In re Public Service Co. of New Hampshire Derivative Litigation*, 84-220-D (D.N.H. 1986) – involving the construction of the Seabrook Nuclear Power Plant, where the Firm was lead counsel, the court said of plaintiffs’ counsel that “the skill required and employed was of the highest caliber.”

· *In re Warner Communications Securities Litigation*, 618 F. Supp. 735, 749 (S.D.N.Y 1985) – where the Firm served as co-lead counsel, the court noted the defendants’ concession that “‘plaintiffs’ counsel constitute the cream of the plaintiffs’ bar.’ The Court cannot find fault with that characterization.”

· *Steiner v. Equimark Corp.*, No. 81-1988 (W.D. Pa. 1983) – a case involving complex issues concerning banking practices in which the Firm was lead counsel, then District Judge Mannsman described, in part, the work the Firm performed: “We look at the complexity of the issue, the novelty of it, the quality of work that, as the trial judge, I am able to perceive, and then, finally, the amount of recovery obtained: I think I have certainly said a lot in that regard. I think it’s been an extraordinary case. I think it’s an extraordinary settlement. Certainly defense counsel and plaintiffs’ counsel as well are all experienced counsel with tremendous amount of experience in these particular kinds of cases. And under those circumstances. . . I think it was, really, the strategy and ingenuity of counsel in dividing up the workload and strategizing the cases as to who was to do what and what ultimately should be done to bring about the settlement that was achieved.”

A frequent author, lecturer, and participant in bar committees and other activities, Mr. Isquith has devoted his career to complex financial litigation and business matters.

Mr. Isquith currently writes a weekly column of class action for *The Class Act*, a publication of the National Association of Shareholders and Consumer Attorneys and appears monthly as a columnist for *Law 360*. Among his articles and writings are: *Further Thinking On Halliburton* (December, 2013); *State Mandated Student Pro Bono Programs Are Inefficient* (November, 2013); *Let’s Really Consider The Idea Of A 2 Year Law*



Degree (October, 2013); *Spotlight on Spoliation* (September, 2013); *More Restrictions for ERISA Fiduciaries* (August, 2013); *Questionable Constitutionality: Supreme Court's Amex Ruling* (co-authored with Alexander Schmidt of Wolf Haldenstein) (July, 2013); *How Facebook Informs Exclusive Jurisdiction Provisions* (May, 2013); *Sui Generis At Supreme Court* (May, 2013); *Another Look at Amgen* (April, 2013); *How Not To Plead A Multistate Class Action* (March, 2013); *Supreme Court Spotlight: Sex, Race And ... Commerce* (January, 2013); *Rule 23 'Preliminary' Requirement As Seen By 7th Circ.* (December, 2012); *Exhaustion - Patent And Copyright And The Supreme Court* (November, 2012); *Case Study: In Re AIG Securities Litigation* (October, 2012); *Case Study: Rosado V. China North East Petroleum* (September, 2012); *A Dissection Of Rule 23* (August, 2012); *A 2nd Look At Class Action Requirements* (July, 2012); *The Continued Robustness Of Rule 23(b)(2)* (June, 2012); *The Simmonds Case (§16 Ruling) In The Litigation Context* (May, 2012); *A Look At Litigated And Settled Class Certification* (April, 2012); *Concepcion Commands a Case-by-Case Analysis* (March, 2012); *Dec. 20, 2011 - 3 Big Decisions* (February, 2012); *Case Study: Damasco v. Clearwire* (January, 2012).

Further he is a lecturer called upon by the Academy and Bar. For example, *Class Actions with Caution*, (Touro School, 2011); *The Federal Pleading Standards after Twombly*; Touro Law School (2010). Panelist with the Antitrust Committee of the New York City Bar Association Regarding Private Equity Transactions and the Implications of the Supreme Court's Recent Decisions (2008); *Developments in Class Actions*; (NYSBA, 2007); *IPO Tie In/Claims Seminar*, Professional Liability Underwriter Society; *Securities Arbitration* New York State Bar Association; *Real Estate Exit Strategies*, American Conference Institute; *Fundamental Strategies in Securities Litigation* (NYSBA, CLE Program). He has been active in the Bar Association's activities: President's Committee on Access to Justice (2010); Committee on Evidence (2007 -); Committees on Legislation and Federal Courts, 1984-1988), Committee on Securities, The Association of the Bar of the City of New York (Committee on Federal Courts; Committee on Antitrust); New York County Lawyers' Association (Former Chair: Business Tort/Consumer Fraud-Tort Law Section); Brooklyn (Member: Committee on Civil Practice Law and Rules, 1983-1987; New York State (Member: Committee on Legislation, Trial Lawyers Section, 1981-); the District of Columbia Bar; and Legislation and Civil Practice Law and Rules Committee of the Brooklyn Bar Association; Vice President if the Institute for Law and Economic Policy. Mr. Isquith has been Chairman of the Business Tort/Consumer Fraud Committee of the Tort Law Section of the New York State Bar Association and is a member of that Association's Committees on Securities Law and Legislation. He also serves as a judge for the Moot Court Competition of Columbia University Law School.



Mr. Isquith served as President of the National Association of Securities and Commercial Law Attorneys in 2003 and 2004.

Mr. Isquith is frequently quoted in the Wall Street Journal, the New York Times, and other national publications.

The April 1987 issue of Venture magazine listed Mr. Isquith as among the nation's top securities class action attorneys. Since 2006 Mr. Isquith has been elected as among the top 5% of attorneys in the New York City metropolitan area chosen to be included in the Super Lawyers Magazine. Martindale Hubbell registers Mr. Isquith as one of the Preeminent Lawyers (2010), Avenue Magazine, Legal Elite (2010).

JEFFREY G. SMITH: *admitted:* New York; California; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Circuits; U.S. Tax Court; U.S. District Courts for the Southern and Eastern Districts of New York, Southern, Central and Northern Districts of California and the Districts of Colorado and Nebraska. *Education:* Woodrow Wilson School of Public and International Affairs, Princeton University (M.P.A., 1977); Yale Law School (J.D., 1978); Vassar College (A.B., *cum laude generali*, 1974). At Yale Law School, Mr. Smith was a teaching assistant for the Trial Practice course and a student supervisor in the Legal Services Organization, a clinical program. Member: The Association of the Bar of the City of New York; New York State and American (Section on Litigation) Bar Associations; State Bar of California (Member: Litigation Section); American Association for Justice. Mr. Smith has frequently lectured on corporate governance issues to professional groups of Fund trustees and investment advisors as well as to graduate and undergraduate business student groups, and has regularly served as a moot court judge for the A.B.A. and at New York University Law School. Mr. Smith has substantial experience in complex civil litigation, including class and derivative actions, tender offer, merger, and takeover litigation. Mr. Smith is rated "AV" by Martindale Hubble and, since its inception in 2006, has been selected as among the top 5% of attorneys in the New York City metropolitan area chosen to be included in the Super Lawyers Magazine.

FRANCIS M. GREGOREK (Retired): *admitted:* California; New York; United States Courts of Appeals for the Second and Ninth Circuits; United States District Courts for the Southern and Eastern Districts of New York and the Southern, Central, and Northern Districts of California. *Education:* University of Virginia (B.A., *magna cum laude*, 1975). Phi Beta Kappa, Phi Alpha Theta International Historical Honor Society;



University College, Durham University, England; New York University School of Law (J.D., 1978). Mr. Gregorek is the Managing Partner of the Firm's San Diego office. Throughout his 32 year career, Mr. Gregorek's practice has focused on complex commercial litigation and class action practice on both the trial and appellate court levels, in federal and state courts nationwide, in the areas of securities, antitrust, consumer protection, and technology. Mr. Gregorek has also represented foreign governments involved in complex commercial litigation in United States federal courts. As part of that representation, Mr. Gregorek has worked in conjunction with the heads of ministerial departments, ambassadors, and consular officials of those countries charged by their governments with overseeing the litigations, as well as the attorney general of a government he was representing. Throughout these litigations, Mr. Gregorek met with such government officials to advise and plan strategy in addition to keeping them fully up-to-date on the progress of the litigation.

Mr. Gregorek has served as lead counsel, co-lead counsel, or in other leadership positions in numerous class and other complex litigations throughout the United States. For example, *In re Dole Shareholder Litigation*, Case No. BC281949 (recovered \$172 million for shareholders) (Super. Ct. Los Angeles County, 2003). At the time of the case's settlement, the \$172 million recovered for the class was one of the top 10 recoveries ever achieved on behalf of a class. Judge Anthony J. Mohr, who presided over the action, stated at the final settlement hearing: "Co-Lead Counsel did excellent first class work." *Id.*

As an additional example, Mr. Gregorek and the Firm served as co-lead counsel in *Bamboo Partners LLC v. The Robert Mondavi Corp., et al.*, Case No. 26-27170 (Super. Ct. Napa County, 2004), a class action arising from an unsolicited \$1.3 billion offer (cash and debt assumption) from Constellation Brands, Inc. for The Robert Mondavi Corp.

Mr. Gregorek has successfully argued two matters to the California Supreme Court that established: (1) the right of taxpayers to file class claims under the Government Claims Act for the return of improperly collected taxes, *Ardon v. City of Los Angeles*, 52 Cal.4th 241 (2011) (challenging the City of Los Angeles' telephone users tax on behalf of the City's taxpayers) and (2) the Government Claims Act's pre-emption of ordinances seeking to bar class actions for the return of improperly collected taxes, *McWilliams v. City of Long Beach*, 2013 Cal. LEXIS 3510, Cal. Supreme Ct. No. S202037 (April 25, 2013) (challenging the City of Long Beach's telephone users tax on behalf of the City's taxpayers).



CHARLES J. HECHT: *admitted* New York, United States Supreme Court, United States Court of Appeals for the Second Circuit; United States Court of Appeals for the Fifth Circuit; United States Court of Appeals for the Seventh Circuit; United States Court of Appeals for the Sixth Circuit; United States Court of Appeals for the Third Circuit; United States Court of Appeals for the Ninth Circuit; United States Court of Appeals for the Eleventh Circuit; United States District Court for the Southern District of New York; United States District Court for the Eastern District of New York; United States District Court for the; Eastern District of Wisconsin and the United States Court of Appeals for the Seventh Circuit. **Education:** Mr. Hecht is a graduate of Cornell University and Cornell University Law. Charles J. Hecht is a partner of the firm, with over 40 years' experience in securities and commodities transactions, litigation, and arbitration. He has more than 50 published decisions on cases in which he was the sole or lead counsel, in areas ranging from securities and commodities fraud to constitutional and contract disputes.

Mr. Hecht has provided expert testimony before the Internal Revenue Service with respect to the impact of proposed tax regulations on preferred stock hedged with commodity futures and options. He has authored articles on mergers and acquisitions, earn outs, commodities, hedging, derivatives, and arbitration jurisdiction and damages. Since 2005 he has been the legal columnist for smartpros.com, an online newsletter for financial professionals.

He has been active in the New York State Bar Association's continuing legal education program, regularly speaking about class actions and serving as the Chairman of the program on securities arbitration in 1995. In 1996, Mr. Hecht was a principal coauthor of the New York Federal Practice Section's Report on Securities Class Fees. He is also an arbitrator for the American Arbitration Association and COMEX.

Before entering private practice, Mr. Hecht was with the Division of Corporate Finance (Washington, D.C. main office) of the Securities and Exchange Commission. He is actively involved with businesses in China and is a member of the United States-China Chamber of Commerce.

Notable Cases include, *CMIA Partners Equity Ltd. v. O'Neill*, 2010 NY Slip Op 52068(U) (Sup. Ct. N.Y. Co., 2010), *Hecht v. Andover Assocs. Mgmt. Corp.*, 27 Misc 3d 1202(A) (Sup. Ct. Nassau Co., 2010), and *Sacher v. Beacon Assoc. Mgmt. Corp.*, 27 Misc 3d 1221(A) (Sup. Ct. Nassau Co., 2010). The *CMIA* case is the first time that a New York state court examined shareholder derivative suits under Cayman Islands law.



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

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

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

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

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

Unique among his peers in the class action practice, Mr. Rifkin has extensive trial experience. Over the past thirty years, Mr. Rifkin has tried many complex commercial



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

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

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

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

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



corporate, securities, intellectual property, antitrust, regulatory, and enforcement matters.

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

Ms. Manifold served as co-lead counsel in the following cases to recovery on behalf of employees: *Miguel Garcia, et al. v. Lowe's Home Center, Inc. et al.* – Case No. GIC 841120 (Barton) (Cal. Sup. Ct, San Diego) (\$1.65 million settlement w/ average class member recovery of \$5,500, attorney fees and cost awarded separately) and *Neil Weinstein, et al. v. MetLife, Inc., et al.* – Case No. 3:06-cv-04444-SI (N.D. Cal) (\$7.4 million settlement). Ms. Manifold also served as co-lead counsel in the following derivative actions: *In re Atmel Corporation Derivative Litigation*, Master File No. CV 06-4592-JF (N.D. Cal.) (\$9.65 million payment to Atmel) and *In re Silicon Storage Technology Inc. Derivative Litig.*, Case No. C 06-04310 JF (N.D. Cal.) (cash payment and re-pricing of options with a total value of \$5.45 million). Ms. Manifold also worked as lead counsel on the following class action: *Lewis v. American Spectrum Realty*, Case No. 01 CC 00394, Cal. Sup. Ct (Orange County) (\$6.5 million settlement).

GREGORY M. NESPOLE: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Second, Fourth, and Fifth Circuits. *Education:* Bates College (B.A., 1989); Brooklyn Law School (J.D., 1993). Member: The Association of the Bar of the City of New York; New York State Bar Association. Mr. Nespole's experience includes complex civil and criminal litigation. Mr. Nespole is responsible for the investigation, initiation and prosecution of securities class actions and derivative litigations on behalf of the firm throughout the country. Mr. Nespole also devotes a considerable amount of time to litigating issues surrounding mergers and acquisitions. Mr. Nespole also represents corporate defendants with respect to class certification issues and structuring class-wide settlements. He has been approved as a panel attorney by a major insurance company to address certification issues. Mr. Nespole is the co-chair of the firm's *Madoff Litigation Task Force*. He has been elected a "Super Lawyer" each year since 2009.



DEMET BASAR: *admitted:* New York; New Jersey; Southern District of New York; Eastern District of Wisconsin; Central District of Illinois; U.S. Court of Appeals for the Sixth, Seventh, and Eighth Circuits. *Education:* Fairleigh Dickinson University (B.A., *summa cum laude*, 1984), Phi Omega Epsilon; Rutgers University School of Law (J.D., 1990). Recipient, West's Scholarship Award, Senior Notes and Comments Editor, *Rutgers Law Review*. Member: The Association of the Bar of the City of New York. Languages: Turkish.

Ms. Basar's practice is primarily concentrated in securities class actions and derivative litigation. She is the co-chair of the firm's *Madoff Litigation Task Force*. Her recent cases include *In re Tremont Securities Law, State Law and Insurance Litigation*, No. 08-civ-11117 (TPG) (SDNY) (\$100 million settlement for investors in the Tremont family of Madoff feeder funds), *In re Beacon Associates Litigation*, Master File No. 09 Civ. 0777 (LBS) (SDNY) (\$219 million settlement for investors in the Beacon family of Madoff feeder funds, among others), and other Madoff feeder fund-related securities class actions, including *In re J. Ezra Merkin and BDO Seidman Securities Litigation*, No. 08-cv-10922 (SDNY) and *Newman v. Family Management Corp.*, No. 08-cv-11215 (SDNY). She has served as lead counsel, co-lead counsel or individual counsel in *In re American Pharmaceutical Partners, Inc. Shareholder Litigation*, Consolidated C.A. No. 1823-N (Del. Ch. Ct. (\$14.3 million settlement), *In re Loral Space & Communications Shareholders Securities Litigation*, 03-cv-8262 (SDNY) (\$3.45 million settlement), *Steed Finance LDC v. LASER Advisors*, No. 99-cv-4222 (SDNY), *In re AMBAC Financial Group, Inc.*, C.A. No. 3521 (Del. Ch. Ct.), and several multidistrict securities litigations, including *In re Mutual Fund Investment Litigation*, MDL No. 1586 (D. Md.) and *In re J.P. Morgan Chase Securities Litigation*, MDL No. 1783 (N.D. Ill.).

BENJAMIN Y. KAUFMAN: *admitted:* New York. *Education:* Yeshiva University, B.A.; Benjamin N. Cardozo School of Law, Yeshiva University, J.D. Mr. Kaufman focuses on class actions on behalf of defrauded investors and consumers. Mr. Kaufman's successful securities litigations include *In re Deutsche Telekom AG Securities Litigation*, No. 00-9475 (S.D.N.Y.), a complex international securities litigation requiring evidentiary discovery in both the United States and Europe, which settled for \$120 million. Mr. Kaufman was also part of the team that recovered \$46 million for investors in *In re Asia Pulp & Paper Securities Litigation*, No. 01-7351 (S.D.N.Y.); and \$43.1 million, with contributions of \$20 million, \$14.85 million and \$8.25 million from Motorola, the individual defendants, and defendant underwriters respectively, in *Freeland v. Iridium World Communications, Ltd.*



Mr. Kaufman's outstanding representative results in derivative and transactional litigations include: *In re Trump Hotels Shareholder Derivative Litigation* (Trump personally contributed some of his holdings; the company increased the number of directors on its board, and certain future transactions had to be reviewed by a special committee); *Southwest Airlines Derivative Litigation (Carbon County Employee Retirement System v. Kelly* (Dist. Ct. Dallas Cnty., Tex.)) (a derivative matter that resulted in significant reforms to the air carrier's corporate governance and safety and maintenance practices and procedures for the benefit of Southwest and its shareholders).

He argued the appeal in *In re Comverse Technology, Inc. Derivative Litig.*, 56 A.D.3d 49 (1st Dep't 2008) which led to the seminal New York Appellate Division opinion which clarified the standards of demand futility, and held that a board of directors loses the protection of the business judgment rule where there is evidence of self-dealing and poor judgment by the directors; and *In re Topps Company, Inc. Shareholders Litigation* which resulted in a 2007 decision which vindicated the rights of shareholders under the rules of comity and doctrine of forum non conveniens and to pursue claims in the most relevant forum notwithstanding the fact that jurisdiction might exist as well in the state of incorporation. Mr. Kaufman has also lectured and taught in the subjects of corporate governance as well as transactional and derivative litigation.

In addition, Mr. Kaufman represents many corporate clients in complex commercial matters, including *Puckett v. Sony Music Entertainment*, No. 108802/98 (Sup. Ct. N.Y. Cnty. 2002) (a complex copyright royalty class action); *Shropshire v. Sony Music Entertainment*, No. 06-3252 (S.D.N.Y.), and *The Youngbloods v. BMG Music*, No. 07-2394 (S.D.N.Y.); and *Mich II Holdings LLC v. Schron*, No. 600736/10 (Sup. Ct. N.Y. Cnty.) (represented certain defendants in connection with real estate dispute and successfully litigated motion to dismiss all claims against those defendants; he continues to represent those clients' interests in several related litigations in New York and Delaware). Mr. Kaufman has also represented clients in arbitrations and litigation involving oppressed minority shareholders in closely held corporations.

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

Mr. Kaufman is an active member of the Commercial and Federal Litigation Section of the New York State Bar Association, the International Association of Jewish Lawyers



and Jurists and the Jewish Lawyers Guild. He has also lectured on corporate governance issues to institutional investor conferences across the United States and abroad. Mr. Kaufman is a member of the Board of Trustees of the Hebrew Academy of the Five Towns and Rockaways.

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

RACHELE R. BYRD: *admitted:* California; U.S. District Courts for the Southern, Northern, Central and Eastern Districts of California; U.S. Court of Appeals for the Ninth Circuit. *Education:* Point Loma Nazarene College (B.A., 1994); University of California, Hastings College of the Law (J.D., 1997). Member: State Bar of California. Former Deputy Alternate Public Defender for the County of San Diego. Ms. Byrd is located in the firm's San Diego office. She practices corporate derivative and class action litigation including securities, consumer, antitrust, employment and general corporate and business litigation. Ms. Byrd has played a significant role in litigating numerous class and derivative actions, including *In re Apple & AT&TM Antitrust Litigation*, Master File No. C 07-05152 JW (N.D. Cal.) (antitrust class action against Apple Inc. and AT&T



Mobility LLC regarding aftermarkets for iPhone wireless service and applications); *Ardon v. City of Los Angeles* (2011) 52 Cal.4th 241 (challenging the City of Los Angeles' telephone users tax on behalf of the City's taxpayers); *McWilliams v. City of Long Beach*, 2013 Cal. LEXIS 3510, Cal. Supreme Ct. No. S202037 (April 25, 2013) (challenging the City of Long Beach's telephone users tax on behalf of the City's taxpayers); *DeFrees, et al. v. Kirkland, et al.*, No. CV 11-04272 GAF(SP_x) (C.D. Cal.) (shareholder derivative action); *Bamboo Partners LLC, et al. v. Robert Mondavi Corp., et al.* (shareholder class action that settled for \$10.8 million in 2007); and *Lewis, et al. v. American Spectrum Realty, Inc., et al.*, (shareholder class action that settled for \$6.5 million in 2004).

REGINA M. CALCATERRA: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts. *Education:* Seton Hall University School of Law (J.D. 1996); State University of New York at New Paltz (B.A. 1988).

For the past twenty-seven years, Ms. Calcaterra has spent her policy, managerial and legal career in both the private and public sector. Her previous private sector legal experience includes serving as a partner in a securities litigation practice where she represented defrauded public and labor pension funds. She served on the litigation teams of *In re WorldCom Securities Litigation*, *In re Merrill Lynch Securities Litigation* and *In re McKesson Securities Litigation* and represented shareholders in state court when seeking executive board, executive compensation and corporate governance changes in publicly traded corporations in an effort towards ensuring investor protections. Ms. Calcaterra has lectured on securities litigation, SEC regulatory matters and corporate governance.

Prior to joining Wolf Haldenstein she worked for the State of New York in various capacities including as Deputy General Counsel to the New York State Insurance Fund and Executive Director of two New York State Moreland Commissions – on Utility Storm Preparation and Response (CUSPR) and Investigating Public Corruption (CIPC). Under her guidance, the CUSPR investigated the response, preparation, and management of New York's power utility companies with respect to several major storms impacting the state including Hurricanes Sandy and Irene, and Tropical Storm Lee. Based upon detailed investigatory findings the CUSPR issued two reports that identified options for restructuring the Long Island Power Authority, put forth recommendations on strengthening regulatory oversight of the NYS Public Service Commission to substantially improve emergency preparedness and response for all utilities and provided policy recommendations on infrastructure needs, energy efficiency programs and consumer representation before the state's utility regulatory



body. Most recommendations were immediately enacted into law and adopted into New York's utility regulatory scheme.

The CIPC also put forth recommendations via a report that which were also based upon detailed investigatory findings, focused on addressing systematic public corruption. Recommendations were accepted and integrated into statute including strengthening the state penal law to better allow district attorneys to prosecute bribery; enhancing all sentences for offenses related to public corruption; barring those convicted of public corruption from doing business with or working for state and local government; and appointing and funding a NYS Board of Elections independent enforcement counsel and compliance unit.

Prior to her state appointments, she served as Chief Deputy to the Suffolk County Executive where she managed a county of over 1.6 million residents, a \$2.7 billion annual budget and a 9500 employee workforce. She assisted the County Executive in significantly reducing the county's newly discovered \$530 million deficit to \$140 million through vendor outlay reductions, streamlining and restructuring government services and obtaining state authority to implement revenue generating initiatives. She also assisted in the management of Superstorm Sandy storm preparation and recovery for the county that included coordinating federal, state and local resources.

She is a *New York Times* best-selling author of *Etched in Sand, A True Story of Five Siblings Who Survived an Unspeakable Childhood on Long Island* (HarperCollins, 2013). As a result of its messages of resiliency, perseverance and optimism it has been integrated into college, high school and middle school curricula throughout the United States. Her next book, *Etched in Sand's* sequel, *Girl Unbroken, A Sister's Harrowing Journey from the Streets of Long Island to the Farms of Idaho* will be released by HarperCollins in October 2016. She serves as board member to You Gotta Believe, an organization that works towards finding forever or adoptive parents for older foster children and to the SUNY New Paltz Foundation Board.

RANDALL S. NEWMAN: *admitted:* New York; California; U.S. Courts of Appeals for the Second, Seventh, Ninth and Federal Circuits; U.S. District Courts for the Southern and Eastern Districts of New York and the Central, Northern, Southern, and Eastern Districts of California; and the U.S. Tax Court. *Education:* Cleveland State University (B.B.A.,1992); University of Akron School of Law (J.D. *magna cum laude*, 1997) (American



Jurisprudence Award; Akron Law Review; New York University (LL.M. Taxation, 1997).

Mr. Newman has practiced law for more than 19 years and has been licensed as an accountant for more than 20 years. He has extensive experience representing clients in both transactional and litigation matters in diverse areas including securities, finance, intellectual property, and real estate. Before beginning his own practice, Mr. Newman worked at two of the nation's largest law firms and at one of the world's largest public accounting firms. His cases often involve novel or cutting-edge legal issues. For example, in 2006, Mr. Newman commenced a class action against American Tax Relief, LLC, captioned *Brown v. American Tax Relief, LLC*, Index No. 16771/2006, and assisted New York City in filing a companion case captioned *Comm'r Department of Consumer Affairs of the City of New York v. American Tax Relief, LLC*, Index No. 402140/2006 in the New York Supreme Court. Based on those two cases, on September 24, 2010, the United States Federal Trade Commission ("FTC") obtained a monetary judgment in excess of \$103 million.

More recently, before joining the firm, Mr. Newman initiated the first class action over a disputed copyright, *Good Morning To You Productions Corp. v. Warner/Chappell Music, Inc.*, No. CV 13-04460-GHK (MRWx), in federal court in Los Angeles, successfully challenging the copyright to "Happy Birthday to You," the world's most famous song. Mr. Newman and the firm have achieved worldwide acclaim for their groundbreaking work in the *Happy Birthday* litigation. In 2018, Mr. Newman represented the plaintiffs in *We Shall Overcome Foundation, et al. v. The Richmond Organization, Inc., et al.*, No. 16-cv-02725-DLC (S.D.N.Y.), which successfully challenged the copyright to "We Shall Overcome," called the "most powerful song of the 20th century" by the Librarian of Congress.

MATTHEW M. GUINEY: *admitted:* New York; U.S. District Courts for the Southern and Eastern District of New York. *Education:* The College of William & Mary (B.A. in Government and Economics 1998); Georgetown University Law Center (J.D. 2002). Mr. Guiney's primary areas of practice are securities class actions under the Securities Act of 1933 and the Exchange Act of 1934, complex commercial litigation, *Employee Retirement Income Security Act (ERISA)* actions on behalf of plan participants, *Fair Labor Standards Act* of 1938 actions concerning overtime payment, and fiduciary duty actions under various state laws. Mr. Guiney has helped recover hundreds of millions of dollars for victims of corporate fraud and abuse in federal and state litigation across the country.



Some of Mr. Guiney's notable results on behalf of investors include: *Mallozzi v. Industrial Enterprises of America, Inc. et al.*, 1:07-cv-10321-DLC (S.D.N.Y.) (\$3.4 million settlement on behalf of shareholders); *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (JBW) (MDG) (E.D.N.Y.) (\$18.5 million settlement on behalf of shareholders); *In re MBNA Corp. ERISA Litigation*, Master Docket No. 05-429 (GMS), (D. Del) (\$4.5 million settlement on behalf of plan participants). Recent publications include: *Citigroup and Judicial Immunity in ERISA: An Emerging Trend?*, Compensation and Benefits Review, Vol. 42, No. 3, 172-78 (May/June 2010) (with Mark C. Rifkin); *Case of the Moenchies: Moench Provision Expansion*, Employment Law360/Securities Law360 Newswires, Guest Column (June 2, 2010) (with Mark C. Rifkin).

MALCOLM T. BROWN: *admitted:* United States District Courts for the Southern and Eastern Districts of New York, District of New Jersey and Eastern District of Pennsylvania; United States Court of Appeals for the Second Circuit. **Education:** University of Pennsylvania (B.A., Political Science 1988) and Rutgers University School of Law (J.D. 1994). Mr. Brown's primary areas of practice are securities, derivative, M&A litigation and consumer class actions. Recent notable decisions include: *Johnson v. Ford Motor Co.*, 309 F.R.D. 226 (S.D. W. Va. 2015); *Thomas v. Ford Motor Co.*, 2014 U.S. Dist. LEXIS 43268 (D.S.C. Mar. 31, 2014); *In re Merkin Sec. Litig.*, 2015 U.S. Dist. LEXIS 178084 (S.D.N.Y. Aug. 24, 2015). Prior to joining Wolf Haldenstein, Mr. Brown was a business litigation attorney who represented financial institutions, corporations and partnerships and advised clients on business disputes, reorganizations, dissolutions and insurance coverage matters. Notable decisions include: *Garment v. Zoeller*, 2001 U.S. Dist. LEXIS 20736 (S.D.N.Y. June 19, 2001), *aff'd* 2002 U.S. App. LEXIS 9966 (2d Cir. May 24, 2002); *Bainton v. Baran*, 731 N.Y.S.2d 161 (1st Dep't 2001).

DANIEL TEPPER: *admitted:* New York. **Education:** University of Texas at Austin (National Merit Scholar); New York University School of Law. Mr. Tepper is Of Counsel to the firm concentrating on commercial litigation, FINRA arbitration and securities class actions. His reported cases include: *Zelouf Int'l Corp. v. Zelouf*, 45 Misc.3d 1205(A) (Sup. Ct. N.Y. Co., 2014), rejecting application of a discount for lack of marketability in an appraisal proceeding triggered by the freeze-out merger of a closely held corporation; *Sacher v. Beacon Assocs. Mgmt. Corp.*, 114 A.D.3d 655 (2d Dep't 2014), affirming denial of defendants' motion to dismiss shareholder derivative suit by Madoff feeder fund against the fund's auditor for accounting malpractice; *In re Belzberg v. Verus Investments Holdings*, 95 A.D.3d 713 (1st Dep't 2012), compelling a non-signatory to arbitrate a dispute arising out of a brokerage agreement under the doctrine of direct



benefits estoppel; *CMIA Partners Equity Ltd. v. O'Neill*, 2010 NY Slip Op 52068(U) (Sup. Ct. N.Y. Co., 2010), which was the first time that a New York state court examined shareholder derivative suits under Cayman Islands law; and *Hecht v. Andover Assocs. Mgmt. Corp.*, 27 Misc 3d 1202(A) (Sup. Ct. Nassau Co., 2010), *aff'd*, 114 A.D.3d 638 (2d Dep't 2014), which was the first Madoff-related feeder fund case in the country to survive a motion to dismiss.

SPECIAL COUNSEL

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

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

Justice Cahn is a member of the Council on Judicial Administration of the Association of the Bar of the City of New York. He has also recently been appointed to the Character and Fitness Committee of the Appellate Division, First Department. He is on the Register of Mediators for the United States Bankruptcy Court, Southern and Eastern Districts of New York.

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

OF COUNSEL



MICHAEL JAFFE: *admitted:* California; New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* University of California at Berkeley (B.S., with highest distinction, 1982); Hastings College of the Law, University of California (J.D., 1987). Judicial Extern to the Honorable Thelton E. Henderson, Northern District of California, 1986-1987. Member: The Association of the Bar of the City of New York. Languages: French.

LAWRENCE P. KOLKER: *admitted:* New York; U.S. Courts of Appeals for the Second, Third and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Western District of Michigan and the District of Colorado. *Education:* State University of New York at Binghamton (B.A., 1978); Brooklyn Law School (J.D., 1983). Editor, *Brooklyn Law Review*, 1982-1983. Panelist, Early Neutral Evaluator for the Eastern District of New York, 1992-1997. Lecturer, Brooklyn Law School, 1989. Assistant Corporation Counsel, City of New York, 1983-1987. Member: The Association of the Bar of the City of New York; New York State Bar Association.

Mr. Kolker has often represented investors in direct investments, such as REITs and limited partnerships, including Empire State Realty Associates, Inland Western REIT, Wells REIT, CNL Hotels & Resorts, Inc., General Electric (Polaris Aircraft limited partnerships), Jones Intercable, Nooney and Sierra Pacific (American Spectrum roll-up), Real Estate Associates (NAPICO roll-up), and Marriott Hotel Properties II. He was appointed Counsel to the Courtyard by Marriott Limited Partners Committee in its dealings with Host Marriott Corporation, and Special Counsel to the Windsor Park Properties 7 and 8 limited partners to insure the fairness of their liquidation transactions.

He has tried several securities actions to verdict. His notable judicial decisions include *Stepak v. Addison*, 20 F.3d 398 (11th Cir. 1994); *In re Comdisco Securities Litigation*, 2003 U.S. Dist. LEXIS 5097 (N.D. Ill. March 3, 2003); *City Partnership Co. v. Cable TV Fund 14-B*, 213 F.R.D. 576 (D. Colo. 2002); *Sturm v. Marriott Marquis Corp.*, 85 F. Supp. 2d 1356 (N.D. Ga. 2000); *In re Southeast Hotel Properties Limited Partnership Investor Litigation*, 151 F.R.D. 597 (W.D.N.C. 1993); *Prostic v. Xerox Corp.*, [1991 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 96,1967 (D. Conn. July 19, 1991); *In re Cencom Cable Income Partners, L.P. Litigation*, Consolidated C.A. No. 14634, 2000 Del. Ch. LEXIS 10 (Jan. 27, 2000); and *Wallace v. Wood*, 752 A.2d 1175 (Del. Ch. 1999). Mr. Kolker is a frequent speaker at conferences of the American Conference Institute, the Investment Program Association and the Strategic Research Institute, and has published articles in *Standard & Poor's Review of Securities and Commodities Regulation* entitled "Litigation Strategies for Limited



Partnership Tender Offers" (February 1996) and "Limited Partnership Five Percent Tender Offers" (October 1997). Mr. Kolker has acted as lead counsel in numerous class and derivative actions asserting the rights of investors since joining Wolf Haldenstein in 1989. He also counsels investment management firms in transactional and securities matters and represents them in corporate and business litigation.

ROBERT ABRAMS (Retired): *admitted:* New York; U.S. Court of Appeals for the Third Circuit; U.S. District Courts for the Southern and Eastern Districts of New York, Eastern District of Missouri, District of Maryland, and District of Delaware. *Education:* Haverford College (B.A., 1961); Columbia University (Ph.D., 1966), Brooklyn Law School (J.D., 1992). Woodrow Wilson Fellow; International Business Law Fellow. Adjunct Professor, Mediation Clinic, Brooklyn Law School, 1983-1984. Mr. Abrams was formerly a Professor of Political Science at Brooklyn College and the Graduate Center of the City University of New York. Member: New York State Bar Association. Mr. Abrams is the author of books on the theory of collective choice (Columbia University Press) and voting theory (Sage), as well as articles on Soviet politics, game theory and bargaining and negotiations. He has focused his practice on wage and hour litigation representing financial advisors in claims under the federal Fair Labor Standards Act and various state wage and hour laws. In addition, Mr. Abrams has participated in shareholder derivative litigation, partnership litigation and consumer class actions. Recently, Mr. Abrams participated with the Cardozo Law School Bet Tzedek Legal Services in a successful pro bono litigation in New York state court in defense of an elderly disabled person threatened with eviction.

He was co-lead counsel in *In re Tyson Foods, Inc.*, before the Delaware Chancery Court, which settled claims of breach of fiduciary duty in connection with related party transactions and spring loading of options for Tyson management.

He played a major role in litigation on behalf of securities brokers that successfully settled claims for overtime pay and improper deductions from compensation against six major brokerage houses under the federal Fair Labor Standards Act and various state wage and hour laws including New York and California. These cases included *Lavoie v. Citigroup Global Markets, Inc.*; *Basile v. A.G. Edwards, Inc.*; *Rosenthal v. A.G. Edwards & Sons, Inc.*; *Palumbo v. Merrill Lynch*; *Garrison v. Merrill Lynch*; *Roles v. Morgan Stanley*; *Lenihan v. Morgan Stanley*; *Klein v. Ryan Beck*; and *Badain v. Wachovia*. Currently, he is representing financial advisors in litigation against Morgan Stanley (MDL New Jersey), Merrill Lynch (C.D. Cal.) and UBS (S.D.N.Y.). The UBS litigation is currently *sub judice*



before the Second Circuit which is considering the important issue of forced arbitration and waiver of class and collective actions in employment contracts of adhesion.

Mr. Abrams was the firm's primary representative to the executive committee representing NationsBank shareholders in *In re BankAmerica Corp. Sec. Litig.*, which resulted in an award of \$490 million to NationsBank and BankAmerica shareholders. He was also co-lead counsel in a New York state consumer protection class action against AT&T Wireless Corp., *Naevus v. AT&T Corp.*, which resulted in an award valued at \$40 million for the class members. Mr. Abrams was named a Super Lawyer from 2010 through 2015.

ANITA B. KARTALOPOULOS: *admitted:* New York. *Education:* University of Toledo, B.A.; Seton Hall University, (J.D., 1982). Ms. Kartalopoulos, a former member of Milberg LLP, litigates claims in the areas of securities fraud, derivative litigation, and mergers and acquisitions. She focuses her practice on lead plaintiff litigation, as well as breach of fiduciary and transactional litigation. She works closely with the institutional investor clients, including trustees of public and private funds, throughout the U.S. providing counsel on asset recovery, fiduciary education, and risk management.

Ms. Kartalopoulos has extensive experience in litigating complex securities cases including *In re Sears, Roebuck & Co. Securities Litigation* (\$215 million settlement), *In re Chiron Corp. Securities Litigation* (\$30 million settlement), and others. Ms. Kartalopoulos has also achieved noteworthy results including improved corporate governance and disclosures as well as increased share value in recent litigations including in *In re Topps Co. Shareholder Litigation*, *In re Anheuser-Busch Cos. Shareholders Litigation*, *In re Net Logic*, *In re Smith International*, *In re L-3 Communication Holdings, Inc.*, *In re Republic Services*, *Derivative Litigation*, and many others.

Prior to entering private practice, Ms. Kartalopoulos served in senior regulatory positions involving insurance and health in the State of New Jersey, including serving as Deputy Commissioner of Insurance, for Life and Health; Director of Legal and Regulatory Affairs (Department of Health); and Executive Director of the New Jersey State Real Estate Commission. She managed the New Jersey Insurance Department's Multi-State Task Force investigating the sales practices of the Prudential Insurance Company, which resulted in a \$50 million fine against Prudential and a \$4 billion recovery for policyholders. She also served on the Board of Directors of MBL Insurance Company as a rehabilitator and managed litigation on behalf of the company.



Ms. Kartalopoulos is a regular speaker at numerous conferences focused on fiduciary education, ethics, and U.S. securities litigation, including the Investment Education Symposium, the Institutional Investor European Pensions Symposium, the Canadian Hedge Funds Investment Roundtable, the New York Hedge Funds Roundtable, and the AEDBF (*Association Europeenne de Droit Bancaire et Financier*), FPPTA Trustee School, GAPPT, MATTER, LATEC. She also speaks regularly on the complex legal environment that institutional investors face when addressing losses due to securities fraud as well as their proactive and reactive alternatives.

Ms. Kartalopoulos has co-authored “Deterring Executive Compensation Excesses: Regulatory Weaknesses, Litigation Strengths” (03/05, NY, NY), and “Vintage Wine in New Bottles: The Curious Evolution of the Concept of Loss Causation” (11/05, NY, NY).

Ms. Kartalopoulos is admitted to the bar of the State of New Jersey, the U.S. Courts of Appeals for the Federal and Third Circuits.

ROBERT ALTCHILER: *admitted:* New York; Connecticut. *Education:* State University of New York at Albany (B.S., 1985); George Washington University Law School (J.D., 1988). Mr. Altchiler heads the firm’s White Collar and Investigations practice group. Robert’s practice focuses primarily in the areas of White Collar criminal investigations, corporate investigations, litigation, tax and general corporate counseling. Robert has successfully defended individuals and corporations in a wide array of multifaceted investigations in areas such as mortgage fraud, securities fraud, tax fraud, prevailing wage, money laundering, Bank Secrecy Act, embezzlement, bank and wire fraud, theft of trade secrets, criminal copyright infringement, criminal anti-counterfeiting, Foreign Corrupt Practices Act (FCPA), International Traffic In Arms Regulations (ITAR), racketeering, continuing criminal enterprises, and circumvention of trade restrictions, among many others. Robert also specializes in non-criminal investigations related to various topics, including finding money allegedly being hidden by individuals, ascertaining the identities of individuals actually involved in corporate matters (when a client believes those identities are being concealed), and running undercover “sting” operations as part of civil and commercial litigation support.

Robert conducts corporate investigations and, when appropriate, when the client instructs, refers the results to law enforcement for prosecution. In one recent example, a corporate CEO came to learn assets and materials were being diverted by employees, and that the corporation was “bleeding” money as a result. The CEO needed assistance in ascertaining the identities and extent of involvement of the wrongdoers, as well as



the level of theft involved. Robert directed a corporate investigation that revealed the nature of the problem. He then referred the investigation to federal authorities, which arrested the wrongdoers and prosecuted them. The wrongdoers were convicted. In addition, the amount of the theft was included in a court ordered restitution judgment and the corporation will be repaid in full.

In 1988, Robert started his legal career as a prosecutor in New York City. As a prosecutor, in addition to trying several dozen serious cases, ranging from murder to fraud to narcotics violations, he also ran wiretap and grand jury investigations involving money laundering and other financial crimes, as well as a wiretap and investigation concerning a plot to assassinate a prominent NYC judge.

In addition to his practice, Robert has been an adjunct law professor at Pace University Law School since 1998, where he teaches trial advocacy. Robert has also been a featured participant and lecturer at Cardozo Law School's acclaimed Intensive Trial Advocacy Program in New York City, and has also taught at Yale Law School. Robert's trial advocacy teaching requires him to constantly integrate new developments in communication theory and trial techniques into his pedagogical methods. Given the changing way students (and prospective jurors) communicate and digest information (via Twitter, Instagram and Snapchat, for example) Robert is able to adapt his teaching to the needs of his students. By actively participating in the mock trials and by frequently demonstrating methods, he is able to continually adapt his own communication skills and integrate cutting-edge developments into his own practice.

Robert graduated from the George Washington University Law School, and graduated with honors from the Business School at the State University of New York at Albany in 1985. He is also a 1996 graduate of the National Criminal Defense College and a 1997 graduate of the National Institute for Trial Advocacy's Harvard Teacher Training Program. In 2014, Robert was asked to teach at the prestigious EATES Program at Stetson University Law School, a program designed to teach trial advocacy professors how to better teach their students. Robert has also made dozens of television appearances on Fox, Court TV, and Tru TV, providing legal commentary on televised trials, and participating in discussions related to pertinent issues.

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



GLORIA KUI MELWANI: *admitted:* New York (2006), New Jersey (2005), United States District Courts for the Southern and Eastern Districts of New York, District of New Jersey. *Education:* New York University (B.M., Piano Performance, 2000); Benjamin N. Cardozo School of Law (J.D., 2005), where she served as a Notes Editor on the Cardozo Public Law, Policy and Ethics Journal. Ms. Melwani's primary areas of focus are securities, stockholder derivative litigation, M&A litigation, and consumer litigation.

In 2018, Ms. Melwani represented the plaintiffs in *We Shall Overcome Foundation, et al. v. The Richmond Organization, Inc., et al.*, No. 16-cv-02725-DLC (S.D.N.Y.), which successfully challenged the copyright to "We Shall Overcome," called the "most powerful song of the 20th century" by the Librarian of Congress.

LYDIA KEANEY REYNOLDS: *admitted:* New York, U.S. District Courts for the Southern and Eastern Districts of New York and the Northern and Central Districts of Illinois. *Education:* Temple University (B.A. *magna cum laude*, Phi Beta Kappa, English, 2004); University of Pennsylvania Law School (J.D. 2007), where she was a Production Editor of the *University of Pennsylvania Journal of Constitutional Law*. Prior to joining Wolf Haldenstein, Ms. Reynolds was an associate at SNR Denton US LLP, n/k/a Dentons.

Ms. Reynolds has substantial experience litigating complex class actions in a variety of practice areas, including consumer fraud and securities litigation.

Ms. Reynolds joined Wolf Haldenstein as an associate in 2011. In 2015, she left Wolf Haldenstein to serve as an Assistant Attorney General in the Consumer Frauds and Protection Bureau of the Office of the New York Attorney General, and returned to the Firm in 2017. As an Assistant Attorney General, Ms. Reynolds investigated and litigated actions against financial services corporations and manufacturers and retailers who engaged in unfair or deceptive practices.

As an attorney at Wolf Haldenstein, Ms. Reynolds represented the plaintiffs in *In re Empire State Realty Trust, Inc. Investor Litig.*, No. 650607/2012 (N.Y. Sup. Ct.), arising out of the historic IPO of the Empire State Building and other properties and resulting in a \$55 million recovery for the original investors. Ms. Reynolds also has significant experience litigating consumer fraud actions, including *Milman v. Thermos LLC*, No. 1:13-cv-7750 (N.D. Ill.), a consumer fraud action alleging that Thermos bottles advertised as leak-proof were not, resulting in a settlement of over \$1 million in cash and products for consumers.



ASSOCIATES

KEVIN COOPER: *admitted:* New York; New Jersey; U.S. District Courts for the Southern District of New York and the District of New Jersey. *Education:* Fordham University (B.A., Legal and Policy Studies, 2011); Brooklyn Law School (J.D., 2014), where he served as an Associate Managing Editor on the Brooklyn Journal of Corporate, Financial & Commercial Law and as a Barry L. Zaretsky Fellow in Commercial and Bankruptcy Law. Mr. Cooper's primary areas of focus are securities, derivative and M&A litigation.

BRITTANY N. DEJONG: *admitted:* California; U.S. District Courts for the Southern, Northern, Central and Eastern Districts of California. *Education:* University of Phoenix (B.S. 2005); Golden Gate University, School of Law (J.D. 2008), Graduated with Highest Honors, Editor – Law Review, Merit Scholarship Recipient, Member: State Bar of California. Prior to joining WHAFH, Ms. DeJong was an associate at a boutique trial firm in San Francisco where her practice focused on multiparty litigation involving catastrophic property damage. Prior to entering private practice, Ms. DeJong worked as a Research Attorney for the Honorable Peter Busch in the Law & Motion Department at the San Francisco Superior Court. Additionally, while in law school, Ms. DeJong externed for the Honorable Susan Illston of the Northern District of California and the U.S. Securities and Exchange Commission.

PATRICK DONOVAN: *admitted:* New York (2012). *Education:* Iona College (B.A., Business Management, 2007); St. John's University School of Law (J.D., 2011). Mr. Donovan's primary areas of focus are securities, derivative and M&A litigation.

CORREY A. KAMIN: *admitted:* New York (2012); New Jersey (2011); United States District Courts for the Southern and Eastern Districts of New York. *Education:* Georgetown University (B.S.B.A., Finance & Management, 2008) and Ohio State University Moritz College of Law (J.D., 2011) (student note published in *The Ohio State Journal of Criminal Law*).

MARISA LIVESAY: *admitted:* California; United States District Courts for the Southern, Central and Northern District of California; Ninth Circuit. *Education:* University of Arizona (B.A., History & Spanish, 1999); University California Los Angeles Law School (J.D. 2002).

CARL MALMSTROM: *admitted:* Illinois; Minnesota; Northern District of Illinois. *Education:* University of Chicago (B.A., Biology, 1999; M.A., Social Science, 2001);



University of Hawaii at Manoa (M.A. Anthropology, 2004); Loyola University Chicago (J.D., 2007).

VERONICA BOSCO: *admitted:* New York. *Education:* Fordham University (B.A., Political Science, Spanish Language & Literature, 2014); Fordham University School of Law (J.D., 2018). Ms. Bosco joined Wolf Haldenstein in 2018. Prior to joining the Firm, she worked as a Judicial Law Clerk for the Honorable Claire C. Cecchi in the U.S. District Court for the District of New Jersey. She also interned for the New York County District Attorney's Office, and for the Honorable Arthur D. Spatt in the U.S. District Court for the Eastern District of New York. While at Fordham Law, she served as an Editor on the Moot Court board, was a Teaching Assistant for Legal Writing, and worked in the Legislative & Policy Advocacy Clinic.



NON-DISCRIMINATION POLICIES

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

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

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

SYMPHONY TOWERS
750 B STREET, SUITE 2770
SAN DIEGO, CA 92101
TELEPHONE: 619-239-4599
TELECOPIER: 619-234-4599

70 WEST MADISON STREET
SUITE 1400
CHICAGO, IL 60602
TELEPHONE: 312-984-0000
TELECOPIER: 312-214-3110



BACKGROUND AND RELEVANT EXPERIENCE

I. Background of Beasley Allen

In 1978, Jere Locke Beasley founded the firm now known as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., which is located in Montgomery, Alabama and Atlanta, Georgia. From 1970 through 1978, Jere served as Lieutenant Governor of the State of Alabama, and for a short period as Governor. In 1978, he re-entered the private practice of law representing plaintiffs and claimants in civil litigation. This was the genesis of the present law firm, which is now made up of seventy-seven attorneys and approximately two hundred support staff representing clients all over the country. Beasley Allen has thirty-nine principals, one managing partner, four supervising attorneys, five Board of Directors, and six non-attorney supervisors. Our support staff includes full time legal secretaries, paralegals, nurses, investigators, computer specialists, technologists, a public relations department, and a comprehensive trial graphics department. Beasley Allen is adequately qualified, prepared, and equipped to handle complex litigation on a national scale.

II. Experience of Beasley Allen

Beasley Allen's highly qualified attorneys and staff work tirelessly for clients throughout the country, representing plaintiffs and claimants in the following areas: Personal Injury, Products Liability, Consumer Fraud, Class Action Litigation, Toxic Torts, Environmental Litigation, Business Litigation, Mass Torts Drug Litigation, and Nursing Home Litigation. We have handled cases involving verdicts and settlements amounting to nearly \$30 billion. For instance, Beasley Allen has played an integral role in this nation's most important consumer litigation such as Vioxx MDL, BP MDL, Toyota SUA MDL, VW MDL, Chrysler Fiat MDL and many others. Beasley

Allen has recovered multi-million dollar verdicts for our clients against many corporate wrongdoers including Exxon, \$11.9 billion, AstraZeneca, \$216 million, G.M., \$155 million, GSK, \$83 million and most recently against Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., and Imerys Talc America, Inc \$72 million in February of 2016, \$55 million in May of 2016, \$70 million in October of 2016, and \$110 million in May of 2017, just to name a few.

Beasley Allen has extensive experience handling complex litigation, pharmaceutical and antitrust litigation, multidistrict litigation throughout the U.S., including district and federal courts, *qui tam* litigation, and class-action lawsuits. Our attorneys have also represented clients testifying before U.S. Congressional committees on Capitol Hill in Washington, D.C. Beasley Allen has also been appointed to the Plaintiff's Steering Committee in many complex litigations.

i. Beasley Allen's Experience as Lead or Co-Lead Counsel in Nationwide Complex Litigation

Beasley Allen is one of the country's leading firms involved in complex civil litigation on behalf of claimants, having represented hundreds of thousands of people and having worked with Attorney Generals in the representation of at least nine states. Our firm has a proven track record of leadership in complex business, consumer, and pharmaceutical cases throughout the country. Attorneys from Beasley Allen have been selected by Federal Courts as lead counsel or co-lead counsel in the following complex multidistrict litigations:

- a. *In Re Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657; (Andy Birchfield, Shareholder of Beasley Allen);
- b. *In Re Reciprocal of America (ROA) Sales Practices Litigation*, United States District Court for the Western District of Tennessee, Judge J. Daniel Breen, MDL No. 1551; (Dee Miles and Jere Beasley, both Shareholders in Beasley Allen);

- c. *In Re American General Life and Accident Insurance Company Industrial Life Insurance Litigation*, United States District Court for the District of South Carolina, Judge Cameron McGowan Currie, MDL No. 11429; (Dee Miles, Shareholder of Beasley Allen);
 - d. *In Re Dollar General Corp. Fair Labor Standards Acts Litigation*, United States District Court for the Northern District of Alabama, Western Division, Judge U.W. Clemon, MDL No. 1635; (Dee Miles, Shareholder of Beasley Allen);
 - e. *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- ii. *Beasley Allen's Leadership Appointments on Executive and/or Plaintiff Steering Committees in Complex Multidistrict Litigation***

Beasley Allen has been appointed to the Plaintiff's Executive Committee and/or Steering Committee in many complex litigations. All of these multidistrict litigations involved multiple claims against multiple defendants, which required excellent organization and leadership from our attorneys. Beasley Allen has been appointed to the following MDL complex litigation cases:

- a. *In Re: Motor Fuel Temperature Sales Practices Litigation*, United States District Court for the Middle District of Kansas, Judge Kathryn Vratil, MDL No. 1840;
- b. *Bextra/Celebrex, Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, United States District Court for the Northern District of California, Judge Charles R. Breyer, MDL No. 1699;
- c. *In Re: Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657;
- d. *In Re: Actos (Pioglitazone) Products Liability Litigation*, United States District Court for the Western District of Louisiana, Judge Rebecca F. Doherty, MDL No. 2299;
- e. *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, United States District Court for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe, MDL No. 2342;

- f. *In Re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)*, United States District Court District of New Jersey, Judge Garrett E. Brown, Jr., MDL No. 2243;
- g. *In Re: Fosamax Products Liability Litigation*, United States District Court, Southern District of New York, Judge John F. Keenan, MDL No. 1789;
- h. *In Re: Depuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, United States District Court for the Northern District of Ohio, Judge David A. Katz, MDL No. 2197;
- i. *In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, US District Court for the Northern District of Texas, Judge Ed Kinkeade, MDL No. 2244;
- j. *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation*, US District Court for the Northern District of Indiana, Judge Robert L. Miller, Jr., MDL No. 2391;
- k. *In Re: Prempro Products Liability Litigation*, United States District Court, Eastern District of Arkansas, Western Division, Judge Billy Roy Wilson, MDL No. 1507;
- l. *In Re: Mirena IUD Products Liability Litigation*, United States District Court, Southern District of New York, Judge Cathy Seibel, MDL No. 2434;
- m. *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, United States District Court, District of Massachusetts, Judge Douglas P. Woodlock, MDL No. 2428;
- n. *In Re: American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of Ohio, Judge Joseph R. Goodwin, MDL No. 2325;
- o. *In Re: C.R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2187;
- p. *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of West Virginia, Judge Joseph R. Goodwin, MDL No. 2326;
- q. *In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2327;

- r. *In Re: Coloplast Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2387;
- s. *In Re: Google Inc. Gmail Litigation*; United States District Court for the Northern District of California, San Jose Division, Judge Lucy H. Koh, MDL No. 2430;
- t. *In Re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Central District of California, Judge James V. Selna, MDL No. 2151;
- u. *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*; California Northern District (San Francisco), Hon. Charles R. Breyer, Case No. 3:15-md-02672-CRB;
- v. *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- w. *In re: Target Corporation Customer Data Security Breach Litigation*, United States District Court for the District of Minnesota, Judge Paul A. Magnuson, MDL No. 2522;
- x. *In re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the District of South Carolina, Judge Richard M. Gergel, MDL No. 2502;
- y. *In re: Blue Cross Blue Shield Antitrust Litigation*, United States District Court for the Northern District of Alabama, Judge R. David Proctor, MDL No. 2406;
- z. *In re: Androgel Products Liability Litigation*, United States District Court for the Northern District of Illinois, Judge Matthew F. Kennelly, MDL No. 2545;
- aa. *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, United States District Court for the Northern District of Georgia, Judge, Thomas W. Thrash, Jr., MDL No. 2583;

- bb. *In re: Takata Airbag Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Federico A. Moreno, MDL No. 2599, serving on a discovery committee responsible for two Auto Manufacturer's discovery¹; and
- cc. *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the Northern District of California, Judge Edward Chin, MDL No. 2777.

iii. Beasley Allen's Involvement as Lead or Co-Lead Counsel Representing States in Complex Litigation and Class Action Litigation Experience

Beasley Allen is also a proven leader in complex litigation involving the manufacture, marketing, pricing, and sale of pharmaceuticals, pharmaceutical devices, and cosmetics on a national level. Beasley Allen has successfully represented the States of Alabama, Louisiana, Mississippi, Alaska, Hawaii, South Carolina, Kansas, Utah, and Kentucky involving various issues within the healthcare arena. Beasley Allen's experience representing states with complex legal theories involving Medicaid, pharmaceuticals and healthcare, antitrust, and consumer protection issues includes the Average Wholesale Price litigations concerning the fraudulent pricing of prescription drugs, the Usual and Customary litigations regarding the false reporting of pharmacy price lists, the Unapproved Drugs litigations concerning the states' reimbursement of drugs with a fraudulently obtained Medicaid reimbursement approval status, and many others. Beasley Allen serves or served as lead counsel in the following cases:

- a. *State of Louisiana, ex rel. v. Fresenius Medical Care Holdings, Inc., et al.*, Suit No. 631,586, Div. "D"; 19th JDC; Parish of East Baton Rouge, Judge Janice Clark;
- b. *In Re Alabama Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Circuit Court of Montgomery, Alabama, Master Docket No. CV-2005-219, Judge Charles Price;

¹ Discovery Committee appointment only.

- c. *In Re Kansas Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the District Court of Wyandotte County, Kansas, Master Docket No. MV-2008-0668, Division 7, Judge George A. Groneman;
- d. *In Re Mississippi Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Chancery Court of Rankin County, Mississippi, Master Docket No. 09-444, Judge W. Hollis McGehee;
- e. *The State of Utah v. Apotex Corporation, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 08-0907678, Judge Tyrone E. Medley;
- f. *The State of Utah v. Abbott Laboratories, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0915690, Judge Robert Hilder;
- g. *The State of Utah v. Actavis US, et al.*, filed in Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0913717, Judge Kate A. Toomey;
- h. *The State of Louisiana, et al. v. Molina Healthcare, Inc., et al.*, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 631612, Judge Janice Clark;
- i. *The State of Louisiana, et al. v. Takeda Pharmaceuticals America, Inc., et al.*, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 637447, Judge R. Michael Caldwell;
- j. *The State of Mississippi v. CVS Health Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01392, Judge Mitchell M. Lundy, Jr.;
- k. *The State of Mississippi v. Fred's, Inc., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01389, Judge Mitchell M. Lundy, Jr.;
- l. *The State of Mississippi v. Rite Aid Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01390, Judge Percy L. Lynchard, Jr.;
- m. *The State of Mississippi v. Walgreen Co., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01391, Judge Mitchell M. Lundy, Jr.;

- n. *In the Matter of the Attorney General's Investigation*, AGO Case No. AN2014103885, Alaska Pay-for-Delay Antitrust Investigation;
- o. *State of Louisiana v. Pfizer, Inc., et al.*, Docket No. 625543, Sec. 24, 19th Judicial District Court, Parish of East Baton Rouge, Judge R. Michael Caldwell;
- p. *State of Louisiana v. Abbott Laboratories, Inc., et al.*, Docket No. 596164, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- q. *State of Louisiana v. McKesson Corporation*, Docket No. 597634, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- r. *State of South Carolina v. Abbott Laboratories, Inc., et al., In re: South Carolina Pharmaceutical Pricing Litigation*, Master Caption Number: 2006-CP-40-4394, State of South Carolina, County of Richland, Fifth Judicial Circuit, Judge J. Cordell Maddox, Jr.;
- s. *State of Alaska v. Alpharma Branded Products Division, Inc., et al.*, Case No.: 3AN-06-12026, Superior Court for the State of Alaska, Third Judicial District at Anchorage, Judge William F. Morse;
- t. *State of Alaska v. McKesson Corporation and First DataBank, Inc.*, Case No. 3AN-10-11348-CI, Superior Court for the State of Alaska, Third Judicial Circuit of Anchorage, Judge Peter A. Michalski;
- u. *State of Kansas, ex rel. v. McKesson Corporation, et al.*, Case No. 10-CV-1491, Division 2, District Court of Wyandotte County, Kansas, Judge Constance Alvey;
- v. *State of Hawaii, ex rel. v. McKesson Corporation, et al.*, Civil Action No. 10-1-2411-11, State of Hawaii, First Circuit, Judge Gary W. B. Chang;
- w. *Commonwealth of Kentucky. v. Fresenius Medical Care Holdings, Inc., et al.*, Civil Action No. 16-CI-00946, Franklin Circuit Court, Div. 2, Judge Thomas D. Wingate;
- x. *State of Mississippi v. Actavis Pharma, Inc., et al.*, Civil Action No. 17-cv-000306, Hinds County Chancery Court, District 1, Judge Patricia D. Wise;
- y. *State of Mississippi v. Barr Laboratories, Inc., et al.*, Civil Action No. 17-cv-000304, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;

- z. *State of Mississippi v. Camline, L.L.C. (f/k/a PamLab, L.L.C.)*, Civil Action No. 17-cv-000307, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- aa. *State of Mississippi v. E. Claiborne Robins Company, Inc., et al.*, Civil Action No. 17-cv-000305, Hinds County Chancery Court, District 1, Judge Denise Owens;
- bb. *State of Mississippi v. Endo Pharmaceuticals, Inc.*, Civil Action No. 17-cv-000309, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas; and
- cc. *State of Mississippi v. United Research Laboratories, Inc., et al.*, Civil Action No. 17-cv-000308, Hinds County Chancery Court, District 1, Judge Denise Owens.

Through the various representations of the nine states listed in the previous paragraph, our firm has recovered over \$1.5 billion for the states. Beasley Allen continues to represent states with complex litigation involving the manufacture and marketing of pharmaceuticals and pharmaceutical devices, including, but not limited to, allegations of unfair and deceptive trade practices, false and fraudulent claims made to the state, false advertising, antitrust, conspiracy, unjust enrichment, and various consumer protection claims.



DiCello Levitt & Casey

Chicago

Ten North Dearborn Street
Eleventh Floor
Chicago, Illinois 60602
312.214.7900

Cleveland

Western Reserve Law Building
7556 Mentor Avenue
Mentor, Ohio 44060
440.953.8888

DiCello Levitt & Casey LLC's Experience and Representative Cases

Representing institutional investors, individuals, businesses, and public clients, DiCello Levitt & Casey's ("DLC") attorneys have successfully prosecuted and settled numerous complex cases and class actions, resulting in billions of dollars in recoveries for their clients and other class members. Founders Mark DiCello, Adam Levitt, and James Casey lead a top-notch team of recognized leaders who share a collective depth of experience and steadfast commitment to justice. Their tireless advocacy on behalf of their clients is well-known, most recently leading Mike Bowers, Georgia's former Attorney General, to characterize a settlement obtained by Adam Levitt and Amy Keller a "work of art," and "one of the best pieces of legal work I have ever observed." *Champs Sports Bar & Grill v. Mercury Payment Systems, LLC*, No. 16-cv-00012 (N.D. Ga.).

Based in Chicago and Cleveland with a nationwide practice, the firm's attorneys have successfully led—and are presently leading—many large class and multidistrict actions, including against industry titans such as Apple, Intel, General Motors, and Equifax, involving complex legal issues and sophisticated theories of liability.

REPRESENTATIVE MULTI-DISTRICT AND CLASS ACTION CASES

<i>In re Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation</i> , No. 18-md-02828 (D. Or.)	Nationwide class action related to security flaws in Intel-manufactured CPUs.	Plaintiffs' Steering Committee
<i>In re Apple Inc. Device Performance Litigation</i> , No. 18-md-02827 (N.D. Cal.)	International class action concerning device performance throttling.	Plaintiffs' Executive Committee
<i>In re Polaris Marketing, Sales Practices, and Products Liability Litigation</i> , No. 18-0939 (D. Minn.)	Nationwide class action against off-road vehicle manufacturer related to design defects impacting driver safety.	Co-Lead Counsel
<i>In re Equifax, Inc. Customer Data Security Breach Litigation</i> , No. 17-MD-02800 (N.D. Ga.)	Data breach affecting 145.5 million people.	Co-Lead Counsel
<i>Champs Sports Bar & Grill v. Mercury Payment Systems, LLC</i> , No. 16-cv-00012 (N.D. Ga.)	Card processing fee class action resulting in nationwide settlement of \$52 million.	Co-Lead Counsel
<i>Sloan v. General Motors LLC</i> , No. 16-cv-07244-EMC (N.D. Cal.)	Excessive oil consumption defect class action.	Co-Lead Counsel
<i>In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation</i> , No. 15-md-2672 CRB (JSC) (N.D. Cal.)	Vehicle emissions/defeat device class action litigation resulting in over \$16 billion in total settlements for consumers.	Plaintiffs' Steering Committee
<i>In re General Motors LLC Ignition Switch Litigation</i> , No. 14-md-2542 (S.D.N.Y.)	Ignition switch defect class action.	Executive Committee
<i>In re Navistar MaxxForce Litigation</i> , No. 14-cv-5249 (N.D. Ill.)	Nationwide truck emissions control system defect class action.	Co-Lead Counsel
<i>In re Adobe Systems, Inc. Privacy Litigation</i> , No. 13-cv-05226 (N.D. Cal.)	Data breach affecting 38 million customer accounts.	Executive Committee

<i>Roberts v. Electrolux Home Products, Inc.</i> , No. 12-cv-1644 CAS (C.D. Cal.)	Defective dryer class action resulting in \$35.5 million nationwide settlement.	Co-Lead Counsel
<i>In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation</i> , MDL No. 2284 (E.D. Pa.)	Tree and shrub damage from defective herbicide class action resulting in \$550 million settlement.	Co-Lead Counsel
<i>In re Sony Gaming Networks and Customer Data Security Breach Litigation</i> , No. 11-md-02258 (S.D. Cal.)	Data breach case affecting 77 million accounts.	Co-Lead Counsel
<i>In re Michaels Stores Pin Pad Litigation</i> , No. 11-C-3350 (N.D. Ill.)	Data breach lawsuit concerning compromised payment information.	Co-Lead Counsel
<i>In re StarLink Corn Products Liability Litigation</i> , MDL No. 1403 (N.D. Ill.)	Biotechnology class action concerning contamination of U.S. corn supply with unapproved genetically modified trait resulting in \$110 million settlement.	Co-Lead Counsel
<i>In re Genetically Modified Rice Litigation</i> , MDL No. 1811 (E.D. Mo.)	Biotechnology mass tort concerning contamination of U.S. rice supply resulting in aggregate settlements exceeding \$1.1 billion.	Co-Lead Counsel
<i>In re Porsche Cars Plastic Coolant Tubes Litigation</i> , MDL No. 2233 (S.D. Ohio)	Nationwide class action involving defective engine coolant tubes resulting in \$45 million settlement.	Co-Lead Counsel
<i>In re: Reebok Easytone Litigation</i> , No. 10-CV-11977 (D. Mass.)	False advertising class action resulting in \$25 million, non-reversionary settlement fund.	Class Counsel
<i>In re Pharmatrak, Inc. Privacy Litigation</i> , No. 00-11672 (D. Mass.)	Internet privacy lawsuit related to collection of personal information without consent.	Co-Lead Counsel
<i>In re DoubleClick, Inc. Privacy Litigation</i> , No. 00-civ0641 (S.D.N.Y.)	Internet privacy class action.	Class Counsel
<i>Supnick v. Amazon.com, Inc.</i> , No. C00-0221P (W.D. Wash.)	Internet privacy lawsuit related to installation of tracking software.	Co-Lead Counsel

DiCello Levitt & Casey LLC's Experienced Roster of Attorneys

Acknowledged as Super Lawyers and Leading Lawyers by Law Dragon, and AV-Rated by Martindale-Hubbell, the attorneys of DLC are recognized as best in their field by prominent legal publications. In addition, DLC's attorneys have been included in the Law Bulletin's 40 Under 40 award, National Trial Lawyers 40 Under 40 list, and the *Best Lawyers in America* publication.

Beyond recognition from legal publications, DLC's attorneys have contributed to the legal community through scholarship and speaking engagements, including as a panelist for the Women's Bar Association of Illinois, testifying before the Illinois Supreme Court Rules Committee on class action practice, and chairing an annual class action litigation conference in Chicago.

Biographies for DLC's Chicago-based attorneys follow below:



Adam J. Levitt
Partner

EMAIL:

alevitt@dlcfirm.com

EDUCATION

Northwestern University Law
School, J.D.

Columbia College, Columbia
University, A.B., *magna cum laude*

Adam operates one of the nation's leading commercial litigation practices, having achieved billions in recoveries for his clients.

A founding partner of DiCello Levitt & Casey, Adam Levitt is one of the nation's leading advocates for plaintiffs in class action, mass tort, public client, and commercial litigation. He has extensive experience leading multidistrict and other nationwide class action lawsuits, with a substantial focus on deceptive trade practices, financial fraud, sophisticated technology issues, and new approaches to complex legal issues.

A leader in the field of developing novel approaches to damages methodologies, Mr. Levitt has recovered billions of dollars for clients and class members. As co-lead counsel in three of the largest biotechnology class actions in history, he recovered more than \$1.7 billion for class members: *In re Genetically Modified Rice Litig.* (E.D. Mo.) (securing settlements exceeding \$1.1 billion); *In re Imprelis Herbicide, Sales Practice and Products Liability Litig.* (E.D. Pa.) (\$550 million settlement); and *In re StarLink Corn Products Liability Litig.* (N.D. Ill.) (\$110 million settlement). In those cases, Mr. Levitt devised the market loss damages model used in every similar case since *StarLink*. His legal writing related to these novel theories and damages modeling earned Mr. Levitt the Burton Award for Finest Law Firm Writer (2017) and the American Agricultural Law Association's Professional Scholarship Award (2017).

Recognized as a "pioneer" in litigation involving complex technology issues by Judge James Ware, former Chief Judge of the United States District Court for the Northern District of California, Mr. Levitt has served in leadership roles in a variety of multidistrict class action cases related to sophisticated frauds committed through the utilization of technology. For example, Mr. Levitt was recently appointed to the Plaintiffs' Steering Committee in the nationwide class action against Intel Corp. related to security vulnerabilities in the company's ubiquitous CPUs. *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation* (D. Or.).

Mr. Levitt's victories extend to other areas of practice, including in automotive cases, where he served as a member of the Plaintiffs' Steering Committee in *In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litig.* (N.D. Cal.), a case resulting in over \$16 billion in total settlements for consumers. Mr. Levitt has also served in leadership positions in a number of other cases, including *In re Polaris Mktg., Sales Practices, and Prods. Liab. Litig.* (D. Minn.) (Co-Lead Counsel); *In re Navistar Maxxforce Engines, Sales Practices and Products Liability Litig.* (N.D. Ill.) (Co-Lead Counsel); and *In re General Motors LLC Ignition Switch Litig.* (S.D.N.Y.) (Executive Committee).

Nationally recognized as an authority on class action litigation, Mr. Levitt is the President of Class Action Trial Lawyers, an elected member of the American Law Institute and the Economic Club of Chicago and serves on advisory boards for the Duke Law Center for Judicial Studies, the American Constitution Society, and the Institute for Consumer Antitrust Studies. He has testified before the Illinois Supreme Court Rules Committee on class action practice and chairs an annual class action litigation conference in Chicago. Mr. Levitt has an "AV" rating from Martindale-Hubbell and has been named an Illinois Super Lawyer every year since 2012.

Adam J. Levitt,
continued

PRACTICE AREAS

- Antitrust Litigation
- Appellate Litigation
- Commercial Litigation
- Class Action Litigation
- Product Liability Litigation
- Public Client Litigation
- Securities Litigation

HONORS

- Burton Award, Finest Law Firm Writer (2017)
- “AV” rating, Martindale-Hubbell
- Super Lawyer: Class Actions & Mass Torts, Illinois (2012-present)
- 500 Leading Lawyers in the U.S., Lawdragon (2011)
- Litigator of the Week, American Lawyer (2011)

SELECTED WRITINGS AND PRESENTATIONS

Law review articles

- *The Gift That Keeps on Giving: Price Overhang Damages in Commodity Crop Cases*, 51 VAL. U. L. REV. 375 (2017) (co-authored with Russell L. Lamb)
- *Agricultural “Market Touching”: Modernizing Trespass to Chattels in Crop Contamination Cases*, 38 U. HAW. L. REV. 409 (2016) (co-authored with Nicole Negowetti)
- *CAFA and Federalized Ambiguity: The Case for Discretion in the Unpredictable Class Action*, 120 YALE L.J. ONLINE 231 (2011)

Other recent writings

- *March of the Machines – Robotic Vehicles and the Changing Landscape of Motor Vehicle Liability*, TRIAL, Vol. 53, No. 2 (2017)
- *The Volkswagen Emissions Scandal: What’s Next?*, TRIAL, Vol. 52, No. 2 (2016)
- *Volkswagen Scandal is Perfect Fit for a Damages Class Action*, Portfolio Media (Law360) (September 2015)

Recent notable presentations

- *Analysis and Application of the Ninth Circuit’s Briseño v. ConAgra Opinion*, Rapid Response: Analysis of the Ninth Circuit Rejection of Ascertainability Webinar (2017)
- *Criteria for Approving Class Action Settlements*, The Duke Law Center for Judicial Studies – Class Action Settlement Conference (2016)
- *Proving Class-Wide Damages After Comcast in Consumer Products Class Actions*, AAJ Summer Conference (2016)

ADMISSIONS

- United States Supreme Court
- United States Courts of Appeals for the First, Second, Third, Seventh, Eighth, Ninth, Eleventh, and Federal Circuits
- United States District Courts for the District of Colorado; Northern, Central, and Southern Districts of Illinois; Northern District of Indiana; Eastern District of Michigan; District of Nebraska; Eastern and Northern Districts of Texas; and the Western District of Wisconsin.
- Illinois



John E. Tangren
Partner

EMAIL:

jtangren@dlcfirm.com

EDUCATION

University of Chicago Law School,
J.D.

University of Chicago, B.A.

John has gained widespread recognition as an extraordinary attorney with particular success in nationwide consumer and antitrust class actions.

John Tangren maintains a national practice in antitrust and consumer class action litigation, with vast experience in the field of automotive defect litigation. Mr. Tangren—who has spent the last decade advocating for plaintiffs—is presently leading DLC’s efforts in three nationwide class cases: *Sloan v. Gen. Motors LLC* (N.D. Cal.), *In re Polaris Mktg., Sales Practices, and Prods. Liab. Litig.* (D. Minn.), and the current Fourth Circuit appeal in *Belville v. Ford Motor Co.*, where he will argue on behalf of a national team of plaintiffs’ counsel from twenty different firms.

Mr. Tangren always takes a “deep dive” into both the legal and technical aspects of each of his cases. For example, he shined a light on Ford Motor Company’s blatant misrepresentation and abuse of discovery when he led a briefing effort on a motion to suppress plaintiffs’ ability to accurately review Ford’s source code. *Johnson v. Ford Motor Co.* (S.D. W. Va.). The district court granted the motion for relief related to Ford’s discovery misconduct, and Ford was consequently ordered to pay nearly half a million dollars to recompense Plaintiffs’ costs and fees relating to the discovery misconduct.

Mr. Tangren has also successfully represented consumer plaintiffs on the appellate level. He played a significant role in the briefing for two impactful Seventh Circuit decisions in the class action field: *Messner v. Northshore University HealthSystem*, 669 F.3d 802 (7th Cir. 2012), which reversed the district court’s denial of class certification and has been cited in over 400 cases since then for its guidance regarding class certification; and *In re Text Messaging Antitrust Litigation*, 630 F.3d 622 (7th Cir. 2010), which was decided on the briefs in an opinion written by Judge Posner. In both cases, Mr. Tangren crafted successful narratives regarding highly technical facts (in the health care and cellular services contexts) and applied them to complex areas of law (the sufficiency of complaint allegations and class certification showings in antitrust cases) in such a way as to demonstrate to the appeals court why the consumer plaintiffs should carry the day.

Among other recognition, he has been named a class action *Super Lawyer* in Illinois for his effective representation of consumer classes in automotive and other cases, was named by the National Trial Lawyers as a “Top 40 Under 40” attorney in 2012, and an Emerging Lawyer by the Law Bulletin Publishing Company. Mr. Tangren is frequently asked to speak on topics relating to class action litigation. He has presented “CAFA: 12 Years Later” at the Chicago Bar Association Class Action Committee Meeting (2017) and a 2018 Strafford CLE Webinar titled “Class Action Litigation: Avoiding Legal Ethics Violations and Malpractice Liability,” as well as presented on electronic discovery and topics relating to car defect cases.

John E. Tangren,
continued

PRACTICE AREAS

- Antitrust Litigation
- Appellate Litigation
- Class Action Litigation
- Product Liability Litigation

HONORS

- Super Lawyer: Class Actions & Mass Torts, Illinois (2017-2018)
- Super Lawyer: Rising Star, Illinois (2011, 2013-2016)
- Emerging Lawyer, *Law Bulletin Publishing Company* (2015-2018)
- National Trial Lawyers, Top 40 Under 40 (2012)

SELECTED WRITINGS AND PRESENTATIONS

- *Class Action Litigation: Avoiding Legal Ethics Violations and Malpractice Liability*, Strafford CLE Webinar (2018)
- *CAFA: 12 Years Later*, Chicago Bar Association Class Action Committee (2017)
- *The Use of Absent Class Member Discovery on Issues of Class Certification*, National Consumer Class Action Litigation & Management Conference (2013)
- *ESI For Beginners*, Seventh Circuit Conference of the National Employment Lawyers Association (2013)
- *Lessons on Motions to Dismiss from Other Car Defect Cases*, HarrisMartin MDL Conference: General Motors Ignition Switch Recall Litigation (2014)

ADMISSIONS

- United States Supreme Court
- United States Courts of Appeals for the Fourth, Seventh, Eighth, and Ninth Circuits
- United States District Courts for the District of Colorado; Northern District of Illinois; and Eastern District of Michigan.
- Illinois



Amy Keller
Partner

EMAIL:

akeller@dlcfirm.com

EDUCATION

John Marshall Law School, J.D.

University of Michigan, B.A.

Amy is a SuperLawyers Rising Star, developing a national profile in consumer protection litigation.

Amy Keller has experience successfully litigating a variety of class action cases in leadership positions across the United States. Recently, Ms. Keller was appointed to serve as co-lead counsel in the pending nationwide litigation against Equifax related to its 2017 data breach. In that case, Ms. Keller represents over 147 million class members. *In re Equifax, Inc. Customer Data Security Breach Litig.*, No. 17-MD-02800 (N.D. Ga.). As the recently-appointed Co-Chair of Law and Briefing on the Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litigation* (N.D. Cal.), Ms. Keller employed her technical savviness in directing an effort to craft a nationwide and international consolidated complaint. Ms. Keller's numerous other leadership positions have also required sophistication in not only understanding complex technology, but also presenting multifaceted legal theories to ensure a favorable result to class members. *See, e.g., Gengler v. Windsor Window Company, et al.*, No. 16-cv-00180 (E.D. Wis.) (plaintiffs' steering committee; case resulted in nationwide settlement); *Catalano v. BMW of North America, LLC, et al.*, No. 15-cv-04889 (S.D.N.Y.) (interim settlement counsel for nationwide settlement providing repair and replacement of certain electrical parts in automobiles); *Roberts, et al. v. Electrolux Home Prods., Inc.*, No. 12-cv-01644 (C.D. Cal.) (co-lead settlement counsel in nationwide settlement benefitting owners of certain allegedly-defective clothes dryers).

Ms. Keller's expertise spans a wide variety of practice areas and topics—including benefit of the bargain analysis and consumer protection. *See Grasso, et al. v. Electrolux Home Prods., Inc.*, No. 16-cv-00911 (M.D. Fla.). Ms. Keller's experience also extends to the development of briefing and strategy at the district and appellate court level concerning ascertainability of class members in consumer class actions, complex personal jurisdiction challenges in multi-state cases, the use of conjoint analysis in determining damages, and the enforceability of arbitration clauses in consumer contracts. *See, e.g., Conagra Brands, Inc. v. Briseno, et al.*, 138 S. Ct. 313 (2017); *Bell v. PNC Bank, Nat. Ass'n*, 800 F.3d 360 (7th Cir. 2015); and *Elward v. Electrolux Home Prods., Inc.*, No. 15-cv-09882 (N.D. Ill.); among others.

As a two-time chair of the Chicago Bar Association Class Action Committee, Ms. Keller gave a number of presentations on topics impacting large-scale consumer class actions, including presentations on emerging legal issues in technology and privacy matters and in consumer cases. Chicago Bar Association Class Action Committee Winter Seminar, Class Actions and the Trump Administration (2017); Women's Bar Association of Illinois, Panel on Emerging Issues in Privacy and Technology Law (2017); Perrin Class Action Litigation Conference, Current Trends in Product Liability Class Action Litigation (2016); Chicago Bar Association, 2015 Annual Spring Seminar on Class Action Litigation (2015).

Ms. Keller has been recognized by Illinois Super Lawyers for the past two years as a "Rising Star," and currently serves as a board member of Public Justice, a not-for-profit legal advocacy organization protecting consumers, employees, civil rights, and the environment. In 2018, Ms. Keller was named as a *National Law Journal* Plaintiff Trailblazer, and a one of the "Top 40 Under 40" trial lawyers in Illinois by National Trial Lawyers.

Amy Keller,
continued

PRACTICE AREAS

- Antitrust Litigation
- Appellate Litigation
- Class Action Litigation
- Commercial Litigation
- Food Labeling Litigation
- Employment Litigation

HONORS

- Super Lawyer: Rising Star, Illinois (2016-2018)
- National Trial Lawyers, Top 40 Under 40 (2018)
- Plaintiff Trailblazer, *National Law Journal* (2018)

SELECTED WRITINGS AND PRESENTATIONS

- *Class Actions and the Trump Administration*, Chicago Bar Association Class Action Committee Winter Seminar (2017)
- *Emerging Issues in Privacy and Technology Law*, Women's Bar Association of Illinois (2017)
- *Current Trends in Product Liability Class Action Litigation*, Perrin Class Action Litigation Conference in Chicago, Illinois (2016)
- *A Funny Thing Happened on the Way to the Forum: When to Choose Federal Over State Court*, American Bar Association Section of Litigation Annual Conference in Chicago, Illinois (2016)
- Chicago Bar Association 2015 Annual Spring Seminar on Class Action Litigation in Chicago, Illinois (2015)
- *Circuit Court Update, ABA Section of Labor and Employment Law*, 6th Annual Section Conference in Coronado, California (2013)
- *Preemptive Collateral Estoppel Blocks Consumer Class Action in Thorogood*, CADS Report, Vol. 21, Winter 2011 (Co-authored by associate Dawn M. Goulet)
- *The Criminal Law Edit, Alignment and Reform Initiative: A Symposium on the New Criminal Code*, 41 J. MARSHALL L. REV. 610-935 (Spring 2008) (as Chair of the Symposium)

ADMISSIONS

- United States Courts of Appeals for the Third, Seventh, and Ninth Circuits
- United States District Courts for the Northern District of Florida, Southern District of Florida, Northern District of Illinois, Southern District of Illinois, District of Nebraska, Eastern District of Michigan, Western District of Michigan
- Illinois
- Michigan



Greg Gutzler
Of Counsel

EDUCATION

University of Michigan Law
School, J.D.

University of California, Berkeley,
B.A.

Greg Gutzler is a well-known and well-respected litigator, having represented both large, corporate clients and consumers in some of the largest cases in the country.

Mr. Gutzler is an experienced trial lawyer with a proven record of results handling all aspects of complex commercial litigation, including securities litigation, antitrust claims, Lanham Act litigation, patent license disputes, and patent infringement trials, as well as breach of contract and unfair competition litigation. He represents Fortune 100 companies, individuals, and governmental entities in complex lawsuits across the country.

Mr. Gutzler is currently litigating over a dozen high-profile securities actions against international investment banks for misrepresentations made to investors in connection with billions of dollars of residential mortgage-backed securities. Mr. Gutzler also represents victims of terrorism in innovative actions brought under the Anti-Terrorism Act.

Before joining the firm, Mr. Gutzler was a partner at one of the nation's most prestigious plaintiffs' firms. Prior to that, Mr. Gutzler was a partner at a large defense firm, trying a variety of lawsuits while serving in various leadership roles. Mr. Gutzler was trial counsel for a leading biotechnology company in antitrust, patent infringement, breach of contract and unfair competition trials. He also has extensive experience in the energy and pharmaceuticals sectors.

Mr. Gutzler was a member of the trial team that won a \$1 billion jury verdict on behalf of Monsanto in *Monsanto Co. v. E.I. duPont de Nemours & Co.*, the fourth largest patent infringement jury verdict in U.S. history. The verdict was also recognized as the number three verdict in *The National Law Journal's* Top 100 Verdicts of 2012, and was featured as the cover story in the Spring 2013 *Am Law* Litigation supplement. In addition, Mr. Gutzler was a recipient of the 2013 *Missouri Lawyers Award* for biggest plaintiffs' verdict.

PRACTICE AREAS

- Antitrust Litigation
- Appellate Litigation
- Class Action Litigation

HONORS

- Missouri Lawyers Award for Biggest Plaintiffs' Verdict (2013)
- Benchmark Litigation Local Litigation Star (2012)

ADMISSIONS

- Missouri, Illinois, New York



Adam Prom
Associate

EMAIL:

aprom@dlcfirm.com

EDUCATION

The University of Texas Law
School, J.D.

Marquette University, B.A.

A zealous advocate for consumers in complex class actions, Adam employs his skills as a young trial attorney to achieve favorable results for his clients.

Beyond his frequent trial work in the Circuit Court of Cook County, Law Division, Adam Prom's practice is focused on representing plaintiffs in complex litigation in federal courts throughout the country.

He has been deeply involved in nationwide class actions regarding the use of sophisticated damages modeling in consumer product and vehicle defect lawsuits, where he played a key role in motion practice regarding plaintiffs' expert witnesses, class certification, and summary judgment. *See, e.g., Elward, et al. v. Electrolux Home Products, Inc.* (N.D. Ill.); *Ryseweyk, et al. v. Sears Holdings Corp., et al.* (N.D. Ill.); and *Catalano, et al. v. BMW of North America, et al.* (S.D.N.Y.) (resulted in nationwide settlement). He also represented plaintiffs in an ERISA class action concerning misclassification of insurance agents, which resulted in a jury verdict in favor of the plaintiffs that was confirmed by the Court. *Jammal, et al. v. American Family Ins. Group, et al.* (N.D. Ohio).

Mr. Prom has demonstrated a commitment to serving underrepresented communities, volunteering as a mentor for high school students at the Legal Prep Charter Academy, a free, open-enrollment public high school in the West Garfield Park neighborhood of Chicago. He is a graduate of Marquette University in Milwaukee, Wisconsin, where he was a Burke Scholar, and The University of Texas School of Law where he earned National Order of the Barristers distinction.

Prior to joining DiCello Levitt & Casey, Adam served as a judicial extern to a federal judge in the Northern District of Illinois and a federal magistrate judge in the Eastern District of Wisconsin.

PRACTICE AREAS

- Antitrust Litigation
- Class Action Litigation
- Commercial Litigation
- Product Liability Litigation
- Public Client Litigation
- Securities Litigation

HONORS

- National Order of the Barristers, The University of Texas School of Law
- *Pro Bono* Superstar: Beacon Distinction, The University of Texas School of Law
- Judge Quentin Keith Endowed Presidential Scholarship in Law for Excellence in Advocacy, The University of Texas School of Law

ADMISSIONS

- United States Court of Appeals for the Seventh Circuit
- United States District Courts for the Northern District of Illinois; Eastern and Western Districts of Michigan; and the Eastern and Western Districts of Wisconsin.
- Illinois

Additional Members of the Firm

Our attorneys have the ability to successfully try cases across the spectrum of complex commercial litigation, financial fraud and securities litigation, public litigation, class actions, defective drug and device cases, catastrophic injuries, and other areas of law. By bringing together top plaintiffs' attorneys in our Chicago and Cleveland offices, we strive to obtain justice for our clients across the United States and around the world who have experienced significant injuries at the hands of powerful defendants.

While partners Adam Levitt, John Tangren, and Amy Keller and associate Adam Prom will be litigating the case on behalf of the firm, DLC boasts an impressive roster of attorneys.



Mark A. DiCello
Partner

EDUCATION
Cleveland-Marshall College of
Law, J.D.

University of Dayton, B.A.

One of the nation's leading plaintiffs' attorneys, Mark regularly acts as lead and co-lead counsel in major personal injury and mass tort actions, with substantial recoveries for victims of injustice.

Mark DiCello has established a national practice representing victims ranging from individuals suffering catastrophic personal injuries to classes of plaintiffs affected by harmful medical devices, pharmaceutical products, chemicals, and automobiles. In recent years, he has been appointed co-lead counsel in massive multidistrict litigation involving defective pelvic mesh devices and was appointed to a plaintiffs' committee in a products liability litigation over metal hip implants, which ultimately led to over \$12 billion in settlements. Always seeking to improve his craft, he has completed the curriculum of the Trial Lawyers College.

Mr. DiCello holds leadership positions in the Association of Plaintiffs' Interstate Trucking Lawyers of America, as well as The National Trial Lawyers.



James S. Casey
Partner

EDUCATION
University of Akron School of Law,
J.D.

Bowling Green State University,
B.S.

James is a trial lawyer with a passion for representing victims of medical malpractice and other injured parties.

A natural trial lawyer, Mr. Casey has spent the majority of his career representing victims of medical malpractice. Cumulatively, he has recovered more than \$500 million for his clients, participating in 25 verdicts of more than \$1 million and three of more than \$10 million.

Mr. Casey has cumulatively recovered more than \$55 million representing the families of infants injured at birth and earned a jury verdict of \$10 million for a single plaintiff paralyzed during spine surgery. In addition to representing individual plaintiffs, Mr. Casey previously represented hospitals and institutions.



Robert F. DiCello
Partner

EDUCATION
Cleveland-Marshall College of
Law, J.D.

Northwestern University, M.A.
University of Dayton, B.A.

A powerful storyteller and trial lawyer, Robert has earned multi-million-dollar recoveries for victims of police abuse, catastrophically injured people, and class plaintiffs.

Mr. DiCello has extensive experience advocating for clients in mass tort and class action litigation, in addition to maintaining a growing practice focused on curbing police misconduct, government abuse, and catastrophic injury. He represents victims of police abuse around the country, earning jury verdicts of \$22 million in 2016, and \$8.7 million in 2017, for various cases involving police misconduct. A powerful storyteller before juries, he also frequently represents clients before appellate courts.

Working in the largest prosecutor's office in the country out of law school—the Cuyahoga County Prosecutor's Office—Mr. DiCello rose to manage as many as eight prosecutors in four different courts. During that time, he tried more than 40 jury trials, involving major felonies from financial crimes to violent crimes to drug offenses.

He received a master's degree in music from Northwestern University, and his law degree from Cleveland-Marshall College of Law, where he served as Editor-in-Chief of *The Cleveland State Law Review*. In 2014, he attended and completed the curriculum of the Trial Lawyer's College. He was named an Ohio SuperLawyer in 2017 for his Civil Rights work.



Kenneth P. Abbarno
Partner

EDUCATION
Cleveland-Marshall College of
Law, J.D.

Canisius College, B.A.

Kenneth has led multiple million-dollar trials involving medical malpractice, products liability, and transportation claims.

Mr. Abbarno's practice includes a wide range of civil litigation including, but not limited to, catastrophic injury cases, transportation industry litigation, toxic torts, products liability, professional liability, employer intentional tort, and other complex litigation. He has tried well over 50 civil lawsuits, and has handled cases in Ohio, Pennsylvania, West Virginia, Virginia, Kentucky, Indiana and New York.

Selected as an Ohio SuperLawyer every year since 2010, Mr. Abbarno is also an Inside Business Leading Lawyer, rated by The Best Lawyers in America, and named Transportation Lawyer of the Year in Cleveland. He has a Superb Avvo rating of 10 out of 10.

Chris Stombaugh
Partner

EDUCATION
Drake University School of Law,
J.D., *with honors*

University of Wisconsin, B.A.

Chris utilizes a multidisciplinary approach to trial advocacy through the use of cognitive neuroscience.

Mr. Stombaugh concentrates his practice in the areas of personal injury, wrongful death, medical negligence and product liability. He has been a consistent thought leader on applying cognitive neuroscience techniques to trial advocacy as a trial lawyer and as a frequent instructor to other trial lawyers trial lawyers for most of his 25-year career.

His expertise has led to several record setting jury verdicts, often seven and eight figures. The Wisconsin native's professional passion is to empower deserving people to have their stories heard and cared about by juries in courtrooms across America.

A member of the Wisconsin Association for Justice since 1997, Mr. Stombaugh served as the organization's President for the 2014 term. He is also a member of the Iowa Association for Justice as well as the American Association for Justice. He has been chosen as a Wisconsin SuperLawyer every year since 2010 and has a 10/10 Avvo Rating. Stombaugh speaks regularly to state bar and trial lawyer associations nationwide on modern and effective trial advocacy.



Laura Reasons
Senior Counsel

EDUCATION
Chicago-Kent College of Law, J.D.
Order of the Coif

Washington University in St.
Louis, B.A.

Laura has over a decade of experience as a labor and employment attorney in matters ranging from workplace discrimination matters to counseling on compliance and best practices.

Previously representing companies in collective and class action lawsuits under the Fair Labor Standards Act and state wage and hour laws, Ms. Reasons' experience spans multiple industries, including healthcare and hospitality. Now, as a plaintiffs' attorney, Ms. Reasons' experience has given her a unique perspective that translates well into pursuing justice for individual claimants.

Before joining private practice, Ms. Reasons served as a judicial extern to the Honorable George W. Lindberg of the Northern District of Illinois. She also has a history of performing pro bono work and community service. Throughout her career, she has served as a Public Interest Law Initiative (PILI) fellow at Domestic Violence Legal Clinic, having previously served on the organization's young professionals board. She has also represented individuals in immigration cases pro bono, including asylum seekers who were persecuted in their home countries for their sexual orientation and political party affiliation, DACA applicants, and incarcerated individuals.



Mark M. Abramowitz
Associate

EDUCATION

The University of Toledo College of Law, J.D.

University of Guelph, B.A.

Mark is an emerging leader in national mass tort and technology litigation.

Mark M. Abramowitz has established a national profile in class action and mass tort litigation, having represented plaintiffs in actions involving automotive and Internet technology issues. He has been selected to serve on national discovery review teams and participated in national mediations, resolving hundreds of cases and distributing millions of dollars to clients injured by corporations. See *In re Imprelis Herbicide, Sales Practice and Products Liability Litig.* (E.D. Pa.).

Outside of his own cases, Mr. Abramowitz actively investigates ways to integrate technology into the practice of law. Regularly consulted on cloud-based systems, discovery technology, the Internet of Things, and litigation concerning the storage and security of data, Mr. Abramowitz is developing a reputation as an authority on computing issues. See *Electronics in the Courtroom*, 29th Annual accredited CLE (2016); *How to manage a mass tort inventory*, OAJ Annual Convention (2015); *Professional Conduct – efilng*, 27th Annual CLE Update (2014); *Marketing & Electronic Communications*, 26th Annual Accredited CLE (2013).



Daniel R. Ferri
Associate

EDUCATION

University of Illinois College of Law, J.D., *magna cum laude*

New York University, B.A., *cum laude*

Daniel litigates consumer class actions, public client cases, and other complex commercial lawsuits.

Mr. Ferri focuses his practice on national and statewide consumer class action litigation. Among other recent class action engagements, he has represented plaintiffs asserting class claims against Volkswagen arising from the carmaker's installation of "defeat devices" to evade federal and statewide emissions standards.

Apart from the class action context, he has successfully represented inventors and companies in intellectual property disputes throughout the country.



Justin J. Hawal
Associate

EDUCATION

Cleveland-Marshall School of Law,
J.D., *cum laude*

St. Louis University, B.A.

Justin fights for individuals who have suffered harm from negligence, defective products, and civil rights abuses.

Mr. Hawal brings a passion for justice to his work on behalf of victims of corporate and government wrongdoing. His work has spanned personal injury, product liability, and civil rights litigation. He has particular experience in cases involving defendants in the pharmaceutical and automotive industries.

During law school, Justin was selected to join *The Cleveland State Law Review* and published a scholarly article on independent tort actions for spoliation of evidence under Ohio law. He was also an active member of the civil litigation clinic, through which he represented an asylum-seeking immigrant from Honduras, among other clients.

Tiffany R. Wunderlin
Associate

EDUCATION

University of South Dakota School
of Law, J.D.

Saint Mary's University of
Minnesota, B.A.

Tiffany is a committed advocate, representing injured individuals in cases across the country.

Since coming to the private sector, Ms. Wunderlin has established a nationwide practice representing victims of injustice. She has developed a wide array of experience representing victims of car collisions, trucking collisions, medical malpractice, dog-bites, excessive force, and premises liability both at the trial court and appellate court level. In addition to representing victims in the courtroom, Ms. Wunderlin has worked extensively in the area of legal focus groups, having planned and coordinated more than 100 focus groups.

Dual licensed in Wisconsin and Iowa, Tiffany began her legal career with Iowa Legal Aid where she represented clients who would have nowhere else to turn in cases involving their basic necessities, fundamental rights, and safety.

Tiffany is a member of the Wisconsin Association for Justice. She is committed to using her passion and knowledge of the law to zealously represent her clients who have suffered injuries as a result of the carelessness of others.



Robert J. DiCello
Of Counsel

EDUCATION
Cleveland-Marshall College of
Law, J.D.

John Carroll University, B.A., *cum
laude*

Robert has been one of the leading personal injury and class action attorneys in the state of Ohio for the last four decades.

A co-founder of one of DiCello Levitt & Casey's predecessor firms, Mr. DiCello has amassed more than 45 years of professional experience and an extensive list of seven- and eight-figure recoveries for victims of injustice. He has deep experience in a wide range of class actions, personal injury cases, complex mass torts, and probate matters. Over his long and successful career, he has won multiple appeals before the Ohio Supreme Court.

Robert put himself through Cleveland-Marshall College of Law while working as a safety director at U.S. Steel Corp. While in law school, he was selected to join *The Cleveland-Marshall Law Review*. He began his legal career as an assistant prosecutor in the Lake County Prosecutor's Office and later become President of the Lake County Bar Association. He formed his own firm in 1978, managing it with great success over nearly 40 years until its members founded DiCello Levitt & Casey.



Leo J. Clark, M.D.
Of Counsel

EDUCATION
University of Toledo College of
Law, J.D.

George Washington University
School of Medicine, M.D.

An accomplished neurosurgeon in addition to being a lawyer, Dr. Leo Clark lends an invaluable perspective to cases involving brain and spinal injuries.

Dr. Clark maintains active practices as both a medical doctor and lawyer, treating vulnerable individuals with brain and spinal cord injuries in both the hospital and courtroom settings. His experience as a highly-respected neurosurgeon adds a unique and invaluable dimension to his legal representation of those who have suffered catastrophic injuries and paralysis as result of medical malpractice, truck or car accidents, police misconduct, and other misfortune. He also advises and serves as an expert witness for attorneys across the country, who regularly seek his assistance in cases involving brain and spinal injuries.

Leo performed his neurosurgical residency at Yale University, where he later conducted spinal cord research and held a teaching position at the Yale University School of Medicine. He has also taught at the University of Connecticut and New York University. He later chaired the departments of neurosurgery at St. Vincent Mercy Medical Center and St. Luke's Hospital in Toledo, Ohio.