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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF SAN FRANCISCO**

20 **LASH BOOST CASES**

21 CARYN GORZO, KASEY MELIN (F/K/A
22 KASEY POE), ANNA DOHNKE, LIEN
23 SCHERR, JOLENE LEWIS VOLPE
24 (FORMERLY BARBARA LEWIS), BOBBIE
25 JOE HULING, CYNTHIA WHETSELL,
26 MARTHA MERLE, TERESA GATTUSO,
27 ELISSA WAGNER, and DIXIE WILLIAMS,
28 *individually and on behalf of themselves and all others*
similarly situated,

Plaintiffs,

v.

RODAN & FIELDS, LLC,

Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**PLAINTIFFS' NOTICE OF
APPLICATION AND APPLICATION
FOR FEES, COSTS, AND SERVICE
AWARDS**

Date: September 14, 2022
Time: 9:00 a.m.
Department: 304

Hon. Ethan P. Schulman

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

2 PLEASE TAKE NOTICE that on September 14, 2022, at 9:00 a.m., or as soon thereafter as
3 counsel may be heard by the above-captioned Court, located at 400 McAllister Street, San Francisco,
4 California 94102, Department 304, Plaintiffs will and hereby do move for an order:

- 5 1. Awarding attorneys' fees in the amount of \$12,500,000.00
- 6 2. Reimbursing costs in the amount of \$723,075.48; and
- 7 3. Awarding service awards to the Plaintiffs in the amount of \$15,000 each.

8
9 As detailed in the accompanying memorandum, the requested award of attorneys' fees is
10 reasonable. Plaintiffs' request for one-third of the fund in this case is reasonable because such
11 percentages are routinely awarded in cases with funds such as this one. In fact, Plaintiffs' request for
12 one-third of the fund in this case is conservative because it does not account for the value of the
13 injunctive relief achieved by the Settlement. Plaintiffs' fee request is also reasonable under the lodestar
14 method. Plaintiffs' requested fee, which applies a 1.08 multiplier to Class Counsel's "touchstone" or
15 base lodestar, is reasonable and consistent with attorneys' fee awards in California. Indeed, the payments
16 for Class Members from the credit and cash funds established by the Settlement could not have been
17 achieved without Plaintiffs' counsels' decision to undertake the risk of bringing this suit or without
18 Plaintiffs' counsels' efforts in this case.

19
20 The requested Service Awards of \$15,000 for each of the Class Representatives are similarly
21 appropriate because the Settlement could not have been achieved without Plaintiffs' efforts in bringing
22 this action, which required several years of commitment from each of them as discovery was conducted
23 in this heavily litigated case. By bringing the lawsuits resolved by the Settlement, Plaintiffs also
24 undertook financial and reputational risk.

25
26 This Application is based on this Notice of Application and Application; the Memorandum of
27 Points and Authorities being filed concurrently herewith; the concurrently filed Declaration of Annick
28

1 M. Persinger, Declaration of Juli Farris, Declaration of Allison Willett, Declaration of Peter Farnese,
2 Declaration of Marc Godino, Declaration of Rosemary Rivas, Declaration of Courtney Maccarone, and
3 the Declaration of Joseph Sauder, along with all exhibits attached to those declarations; the concurrently
4 filed declaration of all Plaintiffs; the papers and pleadings on file with the Court; and upon such other
5 evidence, information, or material as may be presented to the Court.¹
6
7

8 Dated: June 23, 2022

Respectfully submitted,

/s/ Annick M. Persinger

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25 _____
26 ¹ There is no specific proposed order associated with this fee application because the award of fees,
27 costs, and Service Awards is encompassed in the [Proposed] Final Approval Order. Plaintiffs will file
28 the Motion for Final Approval by the deadline on August 22, 2022. While this Application is being filed
in advance of the Motion for Final Approval, both this Application and the Motion for Final Approval
are set to be heard at the same time on September 14, 2022.

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26 WHETSELL, MARTHA MERLE, TERESA
27 GATTUSO, ELISSA WAGNER, and DIXIE
28 WILLIAMS, *individually and on behalf of themselves*
and all others similarly situated,

Plaintiffs,

v.

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Defendant.

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**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
FEES, COSTS, AND SERVICE
AWARDS**

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Hon. Ethan Schulman

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1 **I. INTRODUCTION**

2 Plaintiffs Caryn Gorzo, Kasey Melin (f/k/a/ Kasey Poe), Anna Dohnke, Lien Scherr, Jolene
3 Lewis Volpe (f/k/a Barbara Lewis), Bobbie Joe Huling, Cynthia Whetsell, Martha Merle, Teresa
4 Gattuso, Elissa Wagner, and Dixie Williams (“Plaintiffs”) all brought actions against Rodan + Fields
5 (“R+F”) alleging that R+F failed to disclose material information regarding the key ingredient in Lash
6 Boost, Isopropyl Cloprostenate (“ICP”).

7 On behalf of Plaintiffs, Settlement Class Counsel—including lawyers at Tycko & Zavareei LLP,
8 Keller Rohrback LLP, Glancy Prongay & Murray LLP, Gibbs Law Group LLP, Beshada Farnese LLP,
9 Levi & Korsinsky LLP, and Willett & Willett LLP—successfully litigated actions in both state and
10 federal court over the past four years. As a result of Settlement Class Counsel’s efforts, Plaintiffs
11 defeated R+F’s motion to dismiss in federal court, and R+F’s demurrers in state court. Counsel then
12 expended significant time and resources conducting coordinated discovery efforts in the state and
13 federal actions. Counsel in the state and federal actions reviewed over one hundred thousand pages of
14 documents produced by R+F and took over a dozen depositions. They also completed briefing on class
15 certification in both state and federal court. They then attended multiple mediations, as well as countless
16 other meetings with the mediators and each other, to reach the outstanding Settlement that has received
17 this Court’s preliminary approval.

18 The Settlement that Settlement Class Counsel negotiated resolves all of the overlapping state
19 and federal actions brought by Plaintiffs and provides significant monetary and injunctive relief to a
20 nationwide Settlement Class of Lash Boost users. The Settlement’s benefits—which include a non-
21 reversionary \$30 million cash fund, a non-reversionary \$8 million credit fund, and injunctive relief that
22 dramatically improves R+F’s disclosures about ICP—could not have been achieved without Settlement
23 Class Counsel’s development and pursuit of novel legal theories that raised complex legal issues related
24 to Plaintiffs’ consumer protection claims, as well as complicated factual issues related to ICP. These
25 benefits to Lash Boost consumers nationwide would also not have been obtained without Settlement
26 Class Counsel’s decision to undertake significant risk in dedicating time and money to Plaintiffs’
27 contingency actions with no guarantee of success.

28

1 The benefits to Settlement Class Members are also due to Plaintiffs' decision to bring lawsuits
2 to protect consumers who, like them, purchased Lash Boost without knowing the truth about the effects
3 of ICP. Plaintiffs, many of whom suffered adverse side-effects from Lash Boost, actively participated
4 in the litigation over the past four years. They responded to multiple rounds of discovery, produced
5 documents, including their sensitive medical records, and testified at their depositions. They assisted in
6 the litigation by providing declarations at various points and by staying involved in the negotiations of
7 the Settlement to ensure that it was fair to the Class.

8 Accordingly, Plaintiffs now seek \$12.5 million in attorneys' fees, \$723,075.48 in out-of-pocket
9 costs, and Service Awards in the amount of \$15,000 each for Plaintiffs.

10 This request for attorneys' fees represents a little less than one-third of the Total Settlement
11 Amount. California courts evaluating fee requests under the percentage-of-the-benefit method routinely
12 approve fees in the amount of one-third of settlement funds. Here, the one-third percentage of the \$38
13 million total monetary relief is, in fact, conservative because that percentage of the total monetary
14 amount does not account for the value of the injunctive relief obtained through Settlement Class
15 Counsel's efforts. Plaintiffs' fee request also amounts to a lodestar multiplier of 1.08, which is consistent
16 with, or even well below, the multipliers that California courts award when class counsel produce work-
17 product of this caliber after undertaking the inherent risk of these complex actions taken on a
18 contingency basis.

19 Service Awards in the amount of \$15,000 are also appropriate for Plaintiffs who: (i) suffered
20 monetary harm and adverse physical effects from Lash Boost, (ii) subjected themselves to financial and
21 reputational risk by bringing actions in state and federal court, and (iii) participated in litigating their
22 actions for several years. Thus, for these reasons, and as set forth below, Plaintiffs respectfully request
23 that the Court approve their requests for fees, costs, and Service Awards.

24 **II. RELEVANT BACKGROUND**

25 **A. Procedural Background**

26 In March, the Court granted preliminary approval of a proposed class-action settlement of this
27 action and provisionally certified a Settlement Class. Order Granting Prelim. Approval (Mar. 11, 2022).

1 It also set a deadline of July 14—i.e., 125 days from the preliminary-approval order—for Class Members
2 to file objections to the proposed settlement or requests for exclusions from it. *Id.* at 4-5. Plaintiffs are
3 filing this motion for fees and costs 21 days ahead of the objection deadline. Within seven days of filing,
4 a copy of this motion will be posted to the settlement website. Settlement Agreement § 5.2(a), *available*
5 *at* <https://lbsettlement.com/Content/Documents/Settlement%20Agreement.pdf>.

6 **B. An Overview of the Settlement**

7 **1. The litigation that led to the Settlement**

8 The Settlement arises out of two coordinated state court class actions (“*Scherr/Gorzo*” or the
9 “*Scherr/Gorzo* action”) and a similar class action pending in federal court, *Lewis v. Rodan & Fields, LLC*
10 (N.D. Cal.) No. 4:18-cv-02248 (“*Lewis*” or the “*Lewis* action”). The Plaintiffs in both actions alleged that
11 R+F made misrepresentations and omitted material information about ICP, a key ingredient in R+F’s
12 eyelash serum, Lash Boost. *See* Mem. in Supp. of Prelim. Approval at 7-9 (Sept. 21, 2021).

13 Plaintiffs in the state and federal actions coordinated their discovery to minimize costs.
14 Settlement Class Counsel took extensive discovery to support class certification and the underlying
15 merits of their claims—including, for example, the exchange of written discovery, the review of 111,258
16 pages of (often technical) documents, and depositions of twelve R+F employees. *See generally id.* at 9-10.

17 Because the federal and state actions asserted slightly different theories for relief under similar
18 consumer protection laws, Plaintiffs then filed two separate motions for class certification in state court
19 and in federal court.

20 Following the filing of those motions, Plaintiffs’ counsel in the actions prepared all of the
21 Plaintiffs for their depositions and then defended all of their depositions. *See id.* at 10. Counsel in the
22 federal action also prepped and defended their expert witness. *See id.*

23 R+F then filed its oppositions to class certification, and counsel for Plaintiffs in the state and
24 federal actions coordinated depositions of the experts on which R+F relied in its opposition. *Id.*
25 Plaintiffs also prepared and filed a reply in support of certification in both state and federal court.

26 Meanwhile, to explore the possibility of settlement, the parties engaged in months of hard-
27 fought negotiations, including four full-day mediations on August 12, August 25, and November 12,
28

1 from the Cash Settlement Fund or from the Credit Settlement Fund.

2 The Cash Settlement Fund—less attorneys’ fees and costs, Service Awards to the class
3 representatives, and the expenses of settlement administration—will be allocated pro rata in an amount
4 up to \$175 to Class Members who submit timely claims. *Id.* § 2.2. After that allocation, any money
5 remaining in the Fund will be allocated pro rata to claimants who bought more than one tube of Lash
6 Boost, up to another \$175 for an additional unit purchased. *Id.* In no event will less than \$14 million of
7 the Cash Settlement Fund go to paying Class Members’ claims. *See id.*

8 The Credit Settlement Fund, similarly, will be allocated pro rata—in an amount up to \$250—to
9 Class Members submitting timely claims. *Id.* § 2.3. After that allocation, any remaining funds will be
10 allocated pro rata to claimants who bought more than one tube of Lash Boost, up to another \$250 for
11 an additional unit purchased. *Id.* The credit available through the Credit Settlement Fund may be used
12 toward any R+F product, with no minimum purchase required. *Id.* § 2.6(b). The credit does not expire.

13 **(c) Injunctive relief.** The Settlement Agreement requires R+F to change the labeling of Lash
14 Boost to better inform consumers that it contains ICP, a synthetic prostaglandin analog. In addition,
15 the Lash Boost label and the R+F website must inform consumers that users of Lash Boost have
16 reported a number of adverse effects, and that some of these adverse effects have been associated with
17 prostaglandin analogs like the ICP in Lash Boost. *See id.* § 2.5 & Ex. F.

18 **(d) Fees, costs, and Service Awards.** The parties’ Settlement Agreement contemplates that
19 Plaintiffs will apply for, and the Court award, reasonable attorneys’ fees and costs. *Id.* §§ 1.27, 2.9. It
20 also provides that Plaintiffs will ask that the class representatives be awarded \$15,000 each for their
21 service to the class. *Id.* § 2.8.

22 **III. ARGUMENT**

23 **A. Plaintiffs’ Fee Request Is Fair and Reasonable.**

24 The Settlement provides Class Members with a non-reversionary fund of \$38 million in
25 monetary relief, as well as valuable injunctive relief that benefits both them and other consumers. Out
26 of the Total Settlement Amount, Plaintiffs request an award of \$12.5 million in attorneys’ fees, an
27 amount that represents slightly less than 33% of the total monetary settlement. This percentage is
28

1 routinely awarded to counsel for settlements of similar caliber to this one. *See, e.g., Chavez v. Netflix, Inc.*
2 (2008) 162 Cal.App.4th 43, 66, fn. 11.

3 The attorneys' fees requested will compensate Plaintiffs' counsel for work already performed
4 (including the briefing of the instant application), in addition to all of the remaining work to be
5 completed in connection with the Settlement, which includes but is not limited to: (1) insuring that such
6 Settlement is fairly administered and implemented; (2) preparing final approval papers; (3) responding
7 to objections to the settlement; and (4) preparing for and subsequently attending the final hearing.

8 There are "[t]wo primary methods of determining a reasonable attorney fee in class action
9 litigation." *Laffitte v. Robert Half Int'l Inc.* (2016) 1 Cal.5th 480, 489. First, "the lodestar-multiplier
10 method[] calculates the fee by multiplying the number of hours reasonably expended by counsel by a
11 reasonable hourly rate," a figure that the court may then "increase or decrease . . . by applying a positive
12 or negative 'multiplier' to take into account a variety of other factors." *Id.* (quotation marks and citation
13 omitted). Second, the "percentage method calculates the fee as a percentage share of a recovered
14 common fund or the monetary value of plaintiffs' recovery." *Id.*

15 While the lodestar method has long been accepted as appropriate, *see Lealao v. Beneficial Cal., Inc.*
16 (2000) 82 Cal.App.4th 19, 26, our Supreme Court has approved a percentage-based fee in common-
17 fund settlements like this one, *see Laffitte*, 1 Cal.5th at 503. Here, the \$38 million settlement constitutes
18 a common fund. It is the total amount that R+F will pay in settlement of this action, it will not revert
19 to R+F, and it is the money out of which Plaintiffs' counsel will be awarded fees and costs. *See Serrano*
20 *v. Priest* (1997) 20 Cal.3d 25, 34 ("[W]hen a number of persons are entitled in common to a specific
21 fund, and an action brought by a plaintiff or plaintiffs for the benefit of all results in the creation or
22 preservation of that fund, such plaintiff or plaintiffs may be awarded attorney's fees out of the fund.").

23 While fees will be paid out of the \$30 million Cash Settlement Fund rather than the \$8 million
24 Credit Settlement Fund, that fact does not make the total amount any less of a common fund.² Because
25 the credit will not expire, and because all \$8 million of it will go to class members who file claims, the

26 _____
27 ² *See Hendricks v. Starkist Co.* (N.D. Cal. Sept. 29, 2016) 2016 WL 5462423, at *10 n.3 (valuing \$4 million
28 vouchers "at 100 cents on the dollar" for purposes of assessing attorneys' fees request), *aff'd sub nom.*
Hendricks v. Ference (9th Cir. 2018) 754 F. App'x 510.

1 value of Credit Settlement Fund is a “certain or easily calculable sum of money.” *Id.* at 35; *cf. Laffitte*, 1
2 Cal.5th at 503 (stating that a common fund is not created when counsel is paid apart from the settlement
3 fund or when portions of the fund that are “not distributed in claims revert to the defendant or be
4 distributed to a third party or the state, making the fund’s value to the class depend on how many claims
5 are made and allowed”); *cf. Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1809 (value of settlement
6 was not calculable where value could not be ascertained until the one-year redemption period expired).

7 Thus, Plaintiffs will use the percentage method here, while cross-checking it against the lodestar
8 amount, as courts often do. *See Laffitte*, 1 Cal.4th at 506. While the Court may use the percentage of the
9 fund method as the primary method here, the Court also has the discretion to use the lodestar amount
10 and adjust it with a multiplier in light of numerous factors—including “the quality of the representation,
11 the novelty and complexity of the issues, the results obtained, and the contingent risk presented.” *Id.* at
12 489. Whatever the method this Court decides to use, Plaintiffs’ requested fee is reasonable. *See Apple*
13 *Computer, Inc. v. Superior Ct.* (2005) 126 Cal.App.4th 1253, 1270 (“[T]he ultimate goal . . . is the award of
14 a ‘reasonable’ fee to compensate counsel for their efforts, irrespective of the method of calculation.”
15 (quotation marks and citation omitted)).

16 **1. The requested fee represents a reasonable percentage of the Total**
17 **Settlement Amount.**

18 The requested award of approximately 33% of the Total Settlement Amount fairly and
19 reasonably compensates Plaintiffs’ counsel for their investment of significant resources in this case with
20 the risk of no recovery. It is also consistent with fees awarded by California courts in other common-
21 fund class actions. Although California courts have not established a “benchmark” percentage of the
22 fund, “California courts routinely award attorneys’ fees of one-third of the common fund.” *Beaver v.*
23 *Tarsadia Hotels* (S.D. Cal., Sept. 28, 2017) No. 11-CV-01842-GPC-KSC, 2017 WL 4310707, at *9.
24 Indeed, the Court of Appeal has observed that “[e]mpirical studies show that, regardless whether the
25 percentage method or the lodestar method is used, fee awards in class actions average around one-third
26 of the recovery.” *Chavez*, 162 Cal.App.4th 66, fn. 11; *see also Laffitte*, 1 Cal.5th at 503-04 (affirming an
27 award of one-third of a \$19 million fund).

28 The propriety of the requested fee is further supported by other considerations, including the

1 risks and potential value of the litigation, the contingent nature of the representation, the skill shown
2 by counsel, the novelty and difficulty of the issues presented, and the hours worked and asserted hourly
3 rates. *See Laffitte*, 1 Cal.5th at 504.

4 **(a) In light of the risks and potential value of the litigation, the Settlement provides**
5 **substantial benefits, including monetary and injunctive relief.** Plaintiffs in the *Scherr/Gorzo* and
6 *Lewis* actions faced significant risks if they had not settled. In *Scherr/Gorzo*, for example, R+F argued
7 that Plaintiffs’ request for an injunction was preempted by the Food Drug and Cosmetic Act—an issue
8 courts have gone both ways on. Even if the *Scherr/Gorzo* Plaintiffs had succeeded in obtaining a verdict,
9 R+F would likely have appealed any decision favorable to Plaintiffs on the issue of preemption.
10 Moreover, the highest recovery that the Plaintiffs in the state actions could have obtained, if successful,
11 was a full refund of the purchase price for each class member in California only. And, while Plaintiffs
12 claimed in the state court actions that they were owed a full refund because they were sold a rhinestone
13 when they thought they were buying a diamond, R+F contended that Plaintiffs had received some value
14 from Lash Boost and thus were not entitled to a full refund. If R+F’s arguments had succeeded,
15 Plaintiffs would have lost at either class certification or summary judgment, would not have recovered
16 anything for consumers, and would not have been reimbursed for any expended fees or hard costs.

17 Similarly, in the federal *Lewis* action, R+F argued that the Plaintiffs’ expert witness, who supplied
18 a damages model, should be excluded—and that, even if his testimony was admissible, his damages
19 model could not support class certification. Given these arguments, continuing to litigate risked
20 recovering nothing, whether at summary judgment or trial or on appeal.

21 In addition, the highest recovery that class members could likely have received in the *Lewis*
22 action, in any state for which a class was ultimately certified, was the amount of the price premium—
23 i.e., the percentage of the purchase price representing the difference between the actual purchase price
24 and the value of the product if R+F had not omitted to disclose Lash Boost’s potential side effects.
25 Initial estimates from the damages expert retained by the federal Plaintiffs suggest that the maximum
26 price premium that could reasonably have been achieved would have been approximately 25% of the
27 purchase price. *See Decl. of Juli E. Farris in Supp. of Mot. for Prelim. Approval* ¶ 13 (Sept. 21, 2021).

1 Considering these maximum recoveries, the pecuniary benefits secured by the Settlement are
2 significant. While the precise per-claimant recovery cannot be determined without final information on
3 the number of valid claims filed, the number of claims seeking a cash benefit versus the number seeking
4 a credit benefit, and other factors, average claims rates in similar class actions suggest that claimants
5 who choose the cash option can expect to receive at least \$150 on a per claimant basis, an amount
6 equivalent to the average purchase price of one tube of Lash Boost. Decl. of Cameron R. Azari
7 Regarding Adequacy of Settlement Notice Program ¶¶ 26-27 (Oct. 25, 2021). If Claimants select the
8 Credit option, they are expected to receive credit of more than \$150, based upon average claim rates,
9 which is more than the average purchase price of one tube of Lash Boost. *See id.*

10 The value of the Settlement, however, includes not only the Total Settlement Amount of \$38
11 million, but also the injunctive relief it supplies in the form of changes to Lash Boost’s labeling and
12 marketing. The whole reason that Plaintiffs brought their actions in the first place was that R+F had
13 not adequately disclosed (1) that Lash Boost contained ICP, a prostaglandin analog; and (2) that certain
14 side effects have been associated with prostaglandin analogs like ICP. It is precisely these disclosures
15 that R+F will now make under the Settlement. In this sense, the Settlement shows that Plaintiffs have
16 been completely successful. The success on the issue of injunctive relief is also not accounted for in
17 taking a one-third percentage of the Total Settlement Amount—making Plaintiffs’ request for one-third
18 of the Total Settlement Amount especially conservative.

19 ***(b) Settlement Class Counsel assumed substantial risks by litigating the actions on***
20 ***a fully contingent basis.*** Likewise supporting Plaintiffs’ requested fee award is the fact that Settlement
21 Class Counsel worked on contingency. The risks involved in these cases created a real possibility that
22 Plaintiffs would lose outright and Settlement Class Counsel would thus receive no fees or
23 reimbursement of costs of any kind. Even so, counsel litigated these cases for years, investing a great
24 many hours and great deal of expenses into them—all while knowing full well that all this work might
25 come to nothing. *See, e.g.,* Decl. of Annick Persinger in Supp. of Mot. for Attys’ Fees (“Persinger Decl.”)
26 ¶¶ 110-117, 125-126 (submitted herewith); Decl. of Juli E. Farris in Supp. of Mot. for Attys’ Fees
27 (“Farris Decl.”) ¶¶ 74-77 (submitted herewith). To dedicate the time and resources to litigate these
28

1 actions, Plaintiffs' counsel had to forego taking work on other cases contingency cases. In other words,
2 the time spent litigating this matter during the four years that it has been pending has forced counsel to
3 preclude other employment. *See id.*

4 ***(c) Litigating these cases, which involve a number of complex factual and legal***
5 ***questions, required considerable skill.*** The *Scherr/Gorzo* and *Lewis* actions were large, complex class
6 actions. At the core of the cases were questions about the legal status and likely effects of ICP, the
7 prostaglandin analog in Lash Boost. Understanding the scientific underpinnings of the Plaintiffs' claims
8 required intelligence and persistence. These cases also raised complex legal questions about what
9 constitutes a drug under state and federal law and how the amount of a price premium may be
10 ascertained on a class basis. The substantial benefits secured by the Settlement by themselves indicate
11 that Settlement Class Counsel are seasoned class-action litigators. Opposing counsel, in addition, were
12 both highly experienced and highly competent. As such, bringing this litigation to a successful
13 conclusion required considerable skill. *See, e.g.,* Persinger Decl. ¶¶ 118-123; Farris Decl. ¶¶ 78-84.

14 ***(d) Settlement Class Counsel spent a significant number of hours litigating this***
15 ***action over the last four years even though all the while they risked recovering nothing.***
16 Settlement Class Counsel have litigated efficiently by, for example, coordinating discovery between the
17 *Scherr/Gorzo* and *Lewis* actions. Farris Decl. ¶¶ 20, 22. Plaintiffs' counsel in the two actions worked a
18 combined 18,649.6 hours. Farris Decl. ¶ 104. Counsel have assigned and performed work sensibly;
19 partners and more senior team members have performed tasks suitable to their experience, with other
20 team members supporting their efforts and providing essential day-to-day work. *See, e.g.,* Farris Decl. ¶¶
21 19-50; Persinger Decl. ¶ 79.

22 This litigation required long hours. Before discovery began, counsel successfully opposed
23 demurrers in the *Scherr/Gorzo* action and a motion to dismiss in the *Lewis* action. *See* Persinger Decl. ¶¶
24 20-27; Farris Decl. ¶¶ 20-21. Document discovery required detailed negotiations over which electronic
25 custodians' files would be searched and what search terms would be used in those searches. *See* Persinger
26 Decl. ¶¶ 34, 37-38, 42; Farris Decl. ¶¶ 22-23. It also involved collecting and producing certain of the
27 named Plaintiffs' medical records at the insistence of R+F. *See* Persinger Decl. ¶¶ 31, 92; Farris Decl.

1 ¶ 30. Plaintiffs also gathered documents from several third parties. *See* Persinger Decl. ¶ 36; Farris Decl.
2 ¶ 24. Once documents were produced, counsel had to review them and determine which R+F
3 employees to depose. *See* Persinger Decl. ¶¶ 39-41; Farris Decl. ¶¶ 25-28. These depositions, in turn,
4 required intensive preparation and research, and sometimes consultation with an expert. *See* Persinger
5 Decl. ¶¶ 42-43, 55-56; Farris Decl. ¶ 29.

6 The motions for class certification filed in the two actions likewise required legal research,
7 careful drafting, and the compilation of extensive supporting documentation, including declarations
8 from the named Plaintiffs and reports from two experts for Plaintiffs in both actions. *See* Persinger
9 Decl. ¶¶ 39-43, 45-47; Farris Decl. ¶¶ 31-33. After those motions were filed, counsel defended the
10 deposition of all eleven of the Plaintiffs and of one of the two experts in the *Lewis* action. *See* Persinger
11 Decl. ¶¶ 48-52; Farris Decl. ¶ 34. Meanwhile, other discovery disputes arose, and one even required
12 motion practice. *See* Farris Decl. ¶ 35.

13 After R+F filed formidable oppositions to the motions for class certification, counsel had to
14 scramble to perform further legal research, to gather more documents, to work with the experts to
15 produce rebuttal reports, to depose R+F's experts, to depose R+F's Senior Vice President for
16 Corporate Strategy and Insights, and to draft replies in support of class certification. *See* Persinger Decl.
17 ¶¶ 55-58; Farris Decl. ¶¶ 37-39.

18 Settlement negotiations—overseen by JAMS mediators—began in August 2020 and continued
19 for months thereafter. These negotiations, which included four full-day mediation sessions, required a
20 great deal of time and the experience of the most senior attorneys on the team. *See* Persinger Decl. ¶¶
21 54, 59-65; Farris Decl. ¶¶ 40-44. Even after a settlement in principle was reached, vigorous negotiations
22 over the language of the settlement agreement continued. *See, e.g.*, Persinger Decl. ¶¶ 65-66; Farris Decl.
23 ¶ 45. The requested fees are reasonable in light of the sheer amount of work required by the two cases.³

24 In sum, Plaintiffs' request for one-third of the Settlement Amount is reasonable and should be

25 _____
26 ³ While Plaintiffs cite to the Persinger Declaration and the Farris Declaration herein, further evidence
27 of the risks undertaken by Plaintiffs' counsel, and the work performed by Settlement Class Counsel can
28 be found in the Declarations of Allison Willett, Peter Farnese, Marc Godino, Rosemary Rivas, Courtney
Maccarone, and Joseph Sauder.

1 approved, especially since an award of one-third of the non-reversionary Total Settlement Amount does
2 not account for the significant but priceless injunctive relief. The requested fee is further supported by
3 other considerations, including the risks and potential value of the litigation, the contingent nature of
4 the representation, the skill shown by counsel, the novelty and difficulty of the issues presented, and
5 the time spent litigating this case. Additionally, as detailed below, a lodestar cross-check further confirms
6 the reasonableness of the requested fee award.

7 **2. A lodestar cross-check confirms that Plaintiffs' requested fees are**
8 **reasonable.**

9 While a so-called "lodestar cross-check" is not required, "trial courts have discretion to
10 conduct" one "on a percentage fee." *Laffitte*, 1 Cal.5th at 506. In a lodestar cross-check, the initial
11 lodestar is calculated by multiplying the reasonable hours expended in the action by a reasonable hourly
12 rate for each attorney. *Lealao v. Beneficial Cal., Inc.* (2000) 82 Cal.App.4th 19, 26-27. After the court has
13 calculated the lodestar, "it may increase or decrease that amount by applying a positive or negative
14 'multiplier' to take into account a variety of other factors." *Laffitte*, 1 Cal.5th at 506.

15 "[T]rial courts conducting lodestar cross-checks have generally not been required to closely
16 scrutinize each claimed attorney-hour, but have instead used information on attorney time spent to
17 focus on the general question of whether the fee award appropriately reflects the degree of time and
18 effort expended by the attorneys." *Id.* at 505 (quoting 5 *Newberg on Class Actions* § 15:86). Thus, the Court
19 may properly perform a lodestar cross-check based on information about lodestar provided in counsels'
20 declarations. *See id.* (noting that the trial court had "exercised its discretion" by "performing the cross-
21 check using counsel declarations summarizing overall time spent"); *see also Wershba v. Apple Computer,*
22 *Inc.* (2001) 91 Cal.App.4th 224, 255 ("California case law permits fee awards in the absence of detailed
23 time sheets.").

24 Here, a lodestar cross-check confirms that the requested award is reasonable. Plaintiffs' counsel
25 have logged a combined total of 18,649.6 hours in billable time, resulting in a lodestar of \$11,588,953.80.
26 Farris Decl. ¶ 104. This lodestar figure, when compared to the request fee of \$12.5 million, results in a
27 modest multiplier of 1.08.

28 **(a) Reasonable rates.** For the purpose of a lodestar check, Settlement Class Counsel have used

1 the rates prescribed by the Adjusted Laffey Matrix, a D.C.-based tool commonly employed by state and
2 federal courts in the Bay Area.⁴ *See, e.g.*, Persinger Decl. ¶¶ 129-130. Indeed, the rates in the Adjusted
3 Laffey Matrix have been described as a “*conservative estimate*” of the actual cost of legal services. *Salazar*
4 *ex rel. Salazar v. District of Columbia* (D.C. Cir. 2015) 809 F.3d 58, 65. The hourly rates given by the Matrix
5 range from \$208 for paralegals to \$919 for the most senior partners. *See, e.g.*, Persinger Decl. ¶ 126.

6 **(b) Reasonable hours.** Plaintiffs’ counsel spent a total of 18,649.6 hours in this litigation,
7 during which they investigated and researched novel case ideas, corresponded with affected consumers,
8 defeated demurrers and a motion to dismiss, took numerous depositions, defended many depositions,
9 worked with several experts on reports, negotiated and obtained electronic discovery using search terms,
10 reviewed over a hundred thousand pages of documents, moved for class certification, filed a reply in
11 support of class certification, negotiated the Settlement, and obtained preliminary approval. *See, e.g.*,
12 Farris Decl. ¶¶ 19-50; *see also supra* pp. 2-4, 10-11. These hours billed are reasonable because they
13 represent time spent on tasks that were essential to the litigation and settlement.⁵ *Roberts v. Marshalls of*
14 *CA, LLC* (N.D. Cal. Jan. 23, 2018) 2018 WL 510286, at *15 (“[T]rial courts need not, and indeed
15 should not, become green-eyeshade accountants. The essential goal in shifting fees (to either party) is
16 to do rough justice, not to achieve auditing perfection.”) (quoting *Fox v. Vice* (2011) 563 U.S. 826, 838).

17 **(c) A modest, reasonable multiplier.** The relevant factors support application of a modest
18 1.08 multiplier. *See, e.g., Wershba*, 91 Cal.App.4th at 229 (“Multipliers can range from 2 to 4 or even
19 higher”). These factors—“the quality of the representation, the novelty and complexity of the issues,
20 the results obtained, and the contingent risk presented,” *Laffitte*, 1 Cal.5th at 506—track the factors

22 ⁴ The usual and customary rates of some of the firms involved in litigating these actions are different
23 from the rates provided in the Adjusted Laffey Matrix. Those rates have been repeatedly approved by
24 numerous courts evaluating similar fee petitions. Farris Decl. ¶¶ 90-91. Thus, while a request based on
25 their actual rates would be appropriate, the Adjusted Laffey Matrix has been applied to all billing rates
for the sake of consistency and convenience and for the limited purpose of providing an intentionally
conservative lodestar cross check. *Id.* ¶ 94. If actual normal hourly rates were used, the lodestar would
be \$12,069,676.80 and the multiplier would be approximately 1.04. *Id.* ¶ 105.

26 ⁵ The lodestar hours includes 50 hours each from Tycko & Zavareei LLP and Keller Rohrback LLP as
27 conservative estimates for future time spent on seeking final approval, assisting in the administration of
the Settlement, and other work. Farris Decl. ¶¶ 91, 94.

1 considered in determining a percentage fee. Just as each of those factors favors a larger percentage fee,
2 *see supra* pp. 8-12, so they also favor the application of a 1.08 multiplier. *See, e.g., Ridgeway v. Wal-mart*
3 *Stores Inc.* (N.D. Cal. 2017) 269 F. Supp. 3d 975, 995-99 (concluding that “the contingent risk, the
4 novelty, difficulty and complexity of the litigation, and the preclusion of other employment—support
5 a multiplier of 2.0”); *Sonoma Land Tr. v. Thompson* (2021) 63 Cal.App.5th 978, 988 (finding that skill could
6 justify enhancement where attorneys obtained “complete and comprehensive victory” against a “well-
7 funded, vigorous, hardline defense;” in a case with novel and complex questions that “required special
8 knowledge”). Indeed, California courts routinely award higher multipliers. *See, e.g., Wershba*, 91
9 Cal.App.4th at 229. *See also City of Oakland v. Oakland Raiders* (1988) 203 Cal.App.3d 78, 82-83 (2.34
10 multiplier); *Sutter Health Uninsured Pricing Cases* (2009) 171 Cal.App.4th 495, 512 (affirming multiplier of
11 2.52); *Craft v. County of San Bernardino* (C.D. Cal. 2008) 624 F.Supp.2d 1113, 1123-25 (multiplier of 5.2).

12 **B. Plaintiffs’ Request for Costs Is Reasonable.**

13 Plaintiffs also seek reimbursement of out-of-pocket expenses incurred in the litigation and
14 settlement of this matter. *See Harris v. Marboefer* (9th Cir. 1994) 24 F.3d 16, 19; *Trs. of Const. Indus. and*
15 *Laborers Health and Welfare Trust v. Redland Ins. Co.* (9th Cir. 2006) 460 F.3d 1253, 1258-59 (legal research
16 costs reimbursable); *In re Immune Response Sec. Litig.* (S.D. Cal. 2007) 497 F. Supp. 2d 1166, 1177-78
17 (expert fees, legal research, copies, postage, filing fees, messenger, delivery, meals, hotels, and
18 transportation reimbursable). In total, Plaintiffs’ counsel incurred approximately \$723,075.48 in
19 reasonable costs. Farris Decl. ¶¶ 99-103, 106. These costs were incurred over the course of some 4 years
20 of litigation and are itemized by category of expense in supporting declarations. Plaintiffs’ counsel will
21 incur additional costs between now and the end of settlement administration, but ask only that costs be
22 awarded up to the present. This makes an already-reasonable request for costs only more so.

23 **C. Each of the Plaintiffs Merits a Service Award.**

24 Plaintiffs also ask that they each receive a Service Award of \$15,000 in recognition of the
25 benefits they have helped to provide the class. Such awards are intended to compensate class
26 representatives for work done on behalf of the class, to make up for financial or reputational risk
27 undertaken in bringing the action, and to recognize their willingness to act as a private attorney general.

28

1 *Reed v. 1-800 Contacts, Inc.* (S.D. Cal. Jan. 2, 2014) 2014 WL 29011, at *10. The availability of these awards
2 also encourages others to be diligent class representatives in future class actions, where, almost by
3 definition, the individual amount of money at stake is negligible. *See Allapattah Servs., Inc. v. Exxon Corp.*
4 (S.D. Fla. 2006) 454 F.Supp.2d 1185, 1222 (in making an award, relying on the class action’s “relatively
5 small personal benefit” to the class representatives).

6 In deciding whether to approve a service award, a court should consider “1) the risk to the class
7 representative in commencing suit, both financial and otherwise; 2) the notoriety and personal
8 difficulties encountered by the class representative; 3) the amount of time and effort spent by the class
9 representative; 4) the duration of the litigation and; 5) the personal benefit (or lack thereof) enjoyed by
10 the class representative as a result of the litigation.” *Cellphone Termination Fee Cases* (2010) 186 Cal.App.4th
11 1380, 1394-95. Here, these factors favor a service award.⁶ The class representatives each faced some
12 risk of being responsible for paying R+F’s costs, including expert witness fees, if R+F prevailed. They
13 were subjected to intrusive discovery into their medical histories, both through document requests and
14 in their depositions. Over the course of some four years, they each spent a considerable amount of time
15 reviewing and approving responses to discovery, preparing for their depositions, and reviewing and
16 revising declarations submitted in support of various motions. The personal benefit each will receive as
17 a Settlement Class Member is meaningful—the cash or credit they are entitled to under the Settlement—
18 but far less than the opportunity cost of the time they have spent on this case. Moreover, courts
19 routinely grant service awards in similar amounts, especially if inflation is accounted for. *See, e.g., id.*;
20 *Garner v. State Farm Mut. Auto. Ins. Co.* (N.D. Cal. Apr. 22, 2010) 2010 WL 1687832, at *17 n.8 (observing
21 that numerous courts in the Ninth Circuit and elsewhere have approved awards of \$20,000 or more).

22 **IV. CONCLUSION**

23 For these reasons, Plaintiffs respectfully ask that the Court award \$12.5 million in reasonable
24 attorneys’ fees, \$723,075.48 in reasonable costs, and a service award of \$15,000 to each of the Plaintiffs.

26 ⁶ *See* Declarations of Plaintiffs Caryn Gorzo, Kasey Melin (f/k/a/ Kasey Poe), Anna Dohnke, Lien
27 Scherr, Jolene Lewis Volpe (f/k/a Barbara Lewis), Bobbie Joe Huling, Cynthia Whetsell, Martha Merle,
28 Teresa Gattuso, Elissa Wagner, and Dixie Williams.

1 Dated: June 23, 2022

Respectfully submitted,

/s/ Annick M. Persinger

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10
11 *Attorneys for Plaintiffs and the Proposed Class*
(Additional Attorneys Listed in Joint Supplemental Submission)

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN FRANCISCO

14
15 **LASH BOOST CASES**

16 CARYN GORZO, KASEY MELIN
17 (FORMERLY KASEY POE), ANNA
DOHNKE, LIEN SCHERR, JOLENE LEWIS
18 VOLPE (FORMERLY BARBARA LEWIS),
BOBBIE JOE HULING, CYNTHIA
19 WHETSELL, MARTHA MERLE, TERESA
GATTUSO, ELISSA WAGNER, and DIXIE
20 WILLIAMS, *individually and on behalf of themselves*
and all others similarly situated,

21 Plaintiffs,

22 v.

23 RODAN & FIELDS, LLC,

24 Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF ANNICK M.
PERSINGER IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
FEES, COSTS, AND SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan P. Schulman

1 DECLARATION OF ANNICK M. PERSINGER

2 I, Annick M. Persinger, declare and state that:

3 1. I am an attorney licensed to practice law in the State of California and in this Court,
4 and I am counsel of record for Plaintiffs in both the *Lash Boost Cases*, Judicial Counsel Coordination
5 Proceeding No. 4981, and in the overlapping *Lewis* action filed in federal court. At preliminary
6 approval, this Court named Juli Faris of Keller Rohrback and I as the two Co-Leaders of proposed
7 Settlement Class Counsel, which includes a larger group of law firms who filed similar overlapping
8 lawsuits in state and federal court. I submit this declaration in support of Plaintiffs' Application for
9 Fees, Costs, and Service Awards. Unless otherwise noted, I have personal knowledge of the facts set
10 forth in this declaration and could and would testify competently to them if called upon to do so.

11 2. I actively participated in this action as the lead attorney in the *Lash Boost Cases* that
12 were extensively litigated in state court. I also participated in negotiating the Settlement. I am also now
13 counsel of record in the overlapping federal action resolved by this Settlement. I am thus fully familiar
14 with the proceedings being resolved. Given my role in this litigation, I have personal knowledge of
15 the legal services rendered by the attorneys requesting fees and expenses.

16 3. In **Part A**, I summarize the work performed by TZ in this litigation that led to the
17 benefits provided to the Class under the Agreement. To draft the below summary of the time TZ
18 spent litigating this action, I carefully reviewed all of TZ's contemporaneous time records that were
19 kept by all attorneys and staff who worked on this matter. TZ's contemporaneous time records are
20 available to the Court should it request that they be submitted.

21 4. In **Part B**, I identify the well-qualified lawyers and staff members at TZ who assisted
22 in this litigation. TZ's current firm resume is also attached hereto as **Exhibit 1**.

23 5. In **Part C**, I discuss the risks borne by TZ in bringing this action, and the skill required
24 to navigate the complex issues raised both by the litigation itself and by the fact that multiple lawsuits
25 were filed regarding the same product—Lash Boost.

26 6. In **Part D**, I delineate TZ's total base lodestar, the hours I removed from the base
27 lodestar in an exercise of billing discretion, and final cost information.

1 ***A. The Time Tycko & Zavareei LLP (“TZ”) Time Spent Litigating This Action***

2 7. In January 2018, TZ began investigating this matter. My law partner, Ms. Andera Gold,
3 supervised TZ Fellow, Rebecca Azhdam, in investigating the facts underlying this matter, including
4 researching the Lash Boost product, the prostaglandin analogue Isopropyl Cloprostenate, and the
5 ingredient’s side effects. Ms. Azhdam also researched Rodan + Fields, its marketing, and its
6 advertising. Ms. Gold then supervised Ms. Azhdam’s legal research into issues related to primary
7 jurisdiction, preemption, standing, reliance, the Sherman Law, the UCL and the CLRA, breach of
8 express warranty, and unjust enrichment. Ms. Gold and Ms. Azhdam also worked on drafting the
9 initial complaint.

10 8. Ms. Gold and Ms. Azhdam consulted with potential clients and interviewed numerous
11 consumers regarding their experiences with Lash Boost. In developing this matter, Ms. Gold also
12 consulted with Mr. Hassan Zavareei—a named, founding partner at TZ who manages TZ’s class
13 action practice. The TZ team investigating this case consulted with me because I was (and am) the
14 manager of the California office based in Oakland. At this stage, the TZ team also consulted with me
15 because, as a long-time California practitioner, I had expertise in bringing California consumer
16 protection claims in state court.

17 9. With assistance from TZ’s California paralegal at that time, Ms. Chloe Noh, on April
18 9, 2018, TZ filed an initial complaint in San Francisco Superior Court on behalf of Plaintiffs Caryn
19 Gorzo, Anna Dohnke, and Kasey Melin (formerly Kasey Poe).

20 10. After the initial complaint was filed, Ms. Azhdam and Ms. Gold, worked on filing an
21 application for complex designation. They also worked on preparing a CLRA letter to send to Rodan
22 + Fields. Ms. Noh sent the CLRA letter via First Class Mail as prescribed by the rules.

23 11. In April and May 2018, the lawyers at TZ, including Ms. Azhdam, Ms. Gold, and Mr.
24 Zavareei, observed that other law firms had filed claims against Rodan + Fields concerning the
25 product Lash Boost. The TZ team thus consulted with each other, as well as the other lawyers who
26 had filed suit, concerning the similarity and differences among the claims levied against Rodan +
27 Fields.

1 12. After TZ was contacted by lawyers for Rodan + Fields, in May 2018, Ms. Gold and I
2 worked with opposing counsel to prepare a stipulation to extend the deadline for Rodan + Fields to
3 demurrer to the action. Later, in May 2018, we conferred with Rodan + Fields regarding the substance
4 of their planned demurrer.

5 13. Also, in May 2018, Ms. Gold and Ms. Azhdam worked on preparing a First Amended
6 Complaint that now included a claim for damages following the expiration of the CLRA statutory
7 notice period triggered by the mailing of the CLRA letter.

8 14. On May 25, 2018, with Ms. Noh's assistance, TZ filed the First Amended Complaint.
9 At the end of May, Ms. Gold and Ms. Azhdam also worked on a waiver of service with defense
10 counsel. Plaintiffs Anna Dohnke, Caryn Gorzo, and Kasey Melin (f/k/a Kasey Poe) filed affidavits
11 attesting to CLRA venue.

12 15. In June 2018, TZ worked on preparing a joint statement with counsel for Rodan +
13 Fields. As part of that statement, TZ addressed the difference between the actions filed in federal
14 court and the other action filed in state court down in San Bernardino. The state court case in San
15 Bernardino, filed by Ms. Allison Willett and Mr. Peter Farnese, was nearly identical to the one filed on
16 behalf of TZ's clients. On the other hand, the actions filed in federal court made slightly different
17 claims based on California consumer protection law, as well as claims based on other states' consumer
18 protection laws. While the state court cases alleged an underlying breach of the Sherman Law, which
19 incorporates FDA regulations by reference, the federal actions, which included claims under California
20 as well as other consumer protection laws, expressly excluded any reference to FDA regulations.

21 16. On June 21, 2021, after the TZ team worked on a CMC statement, I appeared at the
22 CMC in this matter.

23 17. Also, in June 2018, TZ began researching JCCP procedures and consulting with Ms.
24 Allison Willett and Mr. Peter Farnese (hereafter "state court co-counsel") who had filed a nearly
25 identical action in state court down in San Bernardino.

26 18. Thereafter, starting in early July 2018, TZ filed notices of related cases after they
27 continued to learn of related actions.

1 19. In July 2018, TZ worked with state court co-counsel to draft and file JCCP documents.

2 20. On July 10, 2018, Rodan + Fields filed a demurrer to the First Amended Complaint.

3 21. In July and August 2018, TZ began addressing Rodan + Fields' demurrer, which
4 included numerous issues related to class-wide reliance, the materiality of omissions, standing, as well
5 as other issues. Ms. Gold, Ms. Azhdam, TZ Associate Tanya Koshy, and I divided up the issues and
6 then worked together to research and draft an opposition to Rodan + Fields' demurrer. We also
7 worked on an opposition to Rodan +Fields' request for judicial notice.

8 22. On August 1, 2018, TZ filed an opposition to Rodan + Fields' demurrer and request
9 for judicial notice.

10 23. On August 8, 2018, Rodan + Fields filed a reply.

11 24. The TZ team reviewed the reply, researched the additional citations in Rodan + Fields'
12 papers and prepared internal memoranda to address their arguments at the hearing.

13 25. In addition, TZ worked on preparing and filing an ex parte seeking a continuance. On
14 August 15, 2018, I appeared at the ex parte hearing.

15 26. After preparing for oral argument, on August 16, 2018, I argued in court in opposition
16 to the demurrer.

17 27. On August 16, 2018, this Court entered a detailed order overruling Rodan + Fields'
18 demurrer with respect to the California consumer protection and fraud claims, and sustaining it with
19 respect to Plaintiffs' claims for breach of express warranty.

20 28. Since Rodan + Fields opposed coordination of this action with a nearly identical one
21 filed by Lien Scherr in state court in southern California (San Bernadino), TZ worked on a draft reply
22 in support of the petition to coordinate. In September 2018, TZ then conferred with our state court
23 co-counsel, and prepared for and attended a coordination hearing.

24 29. In November 2018, Ms. Azhdam and I worked on drafting an initial set of discovery
25 to serve on Rodan + Fields.

26 30. In early 2019, a Senior Associate at TZ at the time, Ms. Tanya Koshy, and I worked
27 with our clients to respond to the first set of requests for production, first set or requests for
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1 admission, and first set of interrogatories that Rodan + Fields served on each of TZ's three clients
2 (totaling nine sets of discovery).

3 31. Later in 2019, Ms. Koshy and I conferred with defense counsel regarding those
4 responses and then worked with our clients to provide further supplemental responses. Ms. Koshy
5 worked on issues related to Ms. Dohnke's medical records, which she had to obtain from a medical
6 clinic.

7 32. In April 2019, I worked with my TZ team, state court co-counsel, and defense counsel
8 to prepare a CMC statement. Then, on April 26, 2019, I appeared at a CMC. Afterward, I conferred
9 with my state court co-counsel, who had not spent time traveling to SF from LA for the CMC,
10 regarding the court's views at the CMC.

11 33. Also, in the winter and spring of 2019, I worked with state court co-counsel and
12 defense counsel on developing an ESI protocol, and on stipulating to a protective order.

13 34. My state court co-counsel and I also worked extensively with counsel in the federal
14 action to coordinate discovery. This involved multiple calls to coordinate Plaintiffs' counsel and then
15 multiple calls to negotiate an ESI protocol and other electronic search issues with defense counsel.
16 We also conferred with defense counsel regarding their responses to our discovery.

17 35. In June of 2019, I again worked with state court co-counsel, my team, and defense
18 counsel to file a CMC statement. On June 26, 2019, I appeared at a CMC in this matter.

19 36. In July 2019, my state court co-counsel and I also worked on a subpoena to Lifetech—
20 the manufacturer of Lash Boost.

21 37. In August and September of 2019, Plaintiffs' counsel in both the state and federal
22 actions coordinated their efforts to confer with defense counsel regarding search terms. This involved
23 multiple calls negotiating those terms. At this point, a Senior Associate at TZ, Maren Christensen,
24 replaced Ms. Koshy as the associate assigned to this matter. After being added to this matter, Ms.
25 Christensen immediately began assisting me in conducting the meet and confer efforts regarding
26 search terms and other document production issues. Ms. Christensen worked with TZ paralegal,
27 Collin Hoover, to download multiple productions from Rodan + Fields and to ensure that they were
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1 hosted on a platform for review. Ms. Christensen would also provide bi-weekly updates to the Court
2 and coordinate deadlines with defense counsel and the Court as the parties' efforts on search terms
3 and the production of documents progressed.

4 38. To save time for Rodan + Fields' witnesses, Ms. Christensen and I worked on the plan
5 to coordinate depositions with federal counsel for Plaintiffs so that witnesses would only be subjected
6 to questioning once on overlapping issues.

7 39. To develop a document review protocol and list of known objectives for testimony at
8 upcoming depositions, in August 2019, Ms. Christensen and I reviewed Ms. Willett's initial draft of
9 the motion for class certification for the state court actions, which outlined our preliminary
10 understanding of the issues.

11 40. Thereafter, as Rodan + Fields made multiple productions through the remainder of
12 the litigation, Ms. Christensen, a TZ Fellow (Jennifer Thelusma), and state court co-counsel (Ms.
13 Willett and Mr. Farnese), reviewed over one hundred thousand pages of documents produced by
14 Rodan + Fields.

15 41. The reviewers collaborated to identify documents to support certification and to
16 prepare for the numerous depositions of fact and PMK witnesses taken in advance of moving for
17 class certification. I reviewed the most relevant documents identified by the reviewers. From the list
18 of the most relevant documents, we identified the documents we planned to use at depositions that
19 Plaintiffs' counsel would take in the above captioned state court coordinated proceeding.

20 42. Starting in December 2019 and into the first quarter of 2020, TZ coordinated with
21 state court co-counsel, as well as federal Plaintiffs' counsel (who would be splitting the depositions
22 with state court counsel), to prepare for depositions as they took place throughout that time period.
23 In that regard, for the state court action, I prepared for and then took the following depositions during
24 this phase of the case: the December 17, 2019 Deposition of Dalia Stoddard; the December 18, 2019
25 Deposition of Ghazaleh Kermaani; the January 9, 2020 Deposition of Mary Radford; and the January
26 30, 2020 Deposition of Jacqueline Biner.

27 43. With my assistance, Ms. Christensen prepared to take the multi-day deposition of Mia
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1 Sharkey, which she took on behalf of state court counsel on December 19, 2019, and December 30,
2 2019. Ms. Christensen later represented state court in taking the deposition of a PMK on the issue of
3 sales. Ms. Christensen also attended the depositions of Timothy Falla, George Majewski, and Danielle
4 Ong so that she could keep the TZ team up to date on the testimony being taken and the exhibits
5 being authenticated in the case as we simultaneously worked on the motion for class certification and
6 to prepare for other depositions.

7 44. At the end of December 2019, Ms. Christensen and I also worked with our clients to
8 respond to an additional set of written discovery served on them by Rodan + Fields.

9 45. In early 2020, as depositions continued, together with the TZ team, I researched and
10 worked on state court Plaintiffs' theory of damages and theory of injunctive relief. TZ Fellow, Ms.
11 Thelusma, assisted me in conducting research on Plaintiffs' theory of injunctive relief, including by
12 following the procedural history of the *Allergan* cases that Plaintiffs planned to rely on in state court.
13 At the same time, Ms. Christensen and I spent time working with a damages expert to submit in
14 support of class certification. The TZ team, including Ms. Christensen, Ms. Thelusma, and I, also
15 worked together to ensure that all of the transcripts in this matter and all exhibits marked at the
16 depositions were carefully reviewed to identify testimony and evidence to support Plaintiffs' motion
17 for class certification. Ms. Christensen worked with our clients to prepare declarations in support of
18 class certification and to coordinate their availability for depositions.

19 46. In February 2020, TZ and state court co-counsel worked to review and incorporate
20 the evidentiary record as well as additional research and support into Plaintiffs' motion for class
21 certification—the initial draft of which had existed since the summer of 2018. The group exchanged
22 several drafts of the sections of the motions, as well as combined versions of the brief, to make sure
23 that they had met their burden on class certification and represented the class well. The TZ team also
24 coordinated with Plaintiffs to prepare declarations to submit in support of class certification

25 47. On February 14, 2020, Plaintiffs filed a motion for class certification in the coordinated
26 state court proceeding. The filing relied on a significant amount of testimony and authenticated
27 documents (exhibits) from the extensive discovery taken by Plaintiffs related to the complex factual

1 issues in this case related to the properties of the ingredient ICP and Rodan + Fields' use of a team of
2 consultants to market Lash Boost.

3 48. At the end of February 2020, we began to prepare for defense counsel to take the
4 depositions of the state court Plaintiffs, including TZ's three clients. To prepare for these depositions,
5 I drafted a deposition prep outline and reviewed it with the team. A TZ staff member prepared binders
6 to review with Plaintiffs and scheduled in-person meetings with each of them.

7 49. On February 27, 2020, I met with my client Anna Dohnke in Bakersfield to prepare
8 for her deposition, which took place the following day on, February 28, 2020.

9 50. On May 2, 2020, Ms. Christensen also attended our state court co-counsel's client's
10 deposition to share her knowledge of Ms. Dohnke's deposition, which she had attended a few days
11 earlier with me.

12 51. Meanwhile, on May 2, 2020, I met in person with Ms. Kasey Melin to prepare her for
13 her deposition, which Ms. Christensen then defended on May 3, 2020.

14 52. Later, in March 2020, Ms. Christensen met with Ms. Caryn Gorzo to prepare her and
15 then defend her deposition.

16 53. Then, on March 10, 2020, Rodan + Fields sought formal coordination of *Ivy Barrett,*
17 *Elizabeth Tabet, Gretchen Kruger, Elaine Longo, and Sharon Purcell v. Rodan & Fields, LLC*, Case No. CGC-
18 19-579766 (Cal. Super. Ct., S.F. Cty.) ("*Barrett*") filed October 3, 2019; with *Lash Boost Cases* through
19 a Petition for Coordination of Add-On Case and Application for Stay Order, further requesting a stay
20 of *Lash Boost Cases* pending decision on its Petition. *Barrett* alleged personal injury on behalf of five
21 plaintiffs arising out of the use of LB and was not designed as complex. In March and April 2020, TZ
22 worked on Ms. Willett's successful Opposition to Defendant's Petition for Coordination of an Add-
23 On Case and Application for Stay Order and Proposed Order, filed on April 3, 2020. On June 3, 2020,
24 the Court denied Rodan + Fields' Petition for Coordination of an Add-On Case and Application for
25 Stay Order.

26 54. During the spring and summer of 2020, I also spent time conferring with federal
27 counsel for Plaintiffs, state court co-counsel, and defense counsel regarding mediators and scheduling

1 a mediation.

2 55. At the end of June 2020, Rodan + Fields filed its opposition to class certification—an
3 extensive filing numbering in the hundreds of pages. Directly afterward, TZ began working to retain
4 an additional expert in rebuttal to Rodan + Fields survey expert filed in opposition to class
5 certification.

6 56. In July 2020, I prepared and took the virtual deposition of one of Rodan + Fields’
7 experts, Ms. Butler, while my law partner, Kristen Simplicio, pitched in by preparing and taking the
8 virtual deposition of another of Rodan + Fields’ experts, Mr. Sher. At the same time, Ms. Christensen
9 and state court co-counsel, Ms. Willett, worked together to depose a declarant in opposition to class
10 certification (Courtney Moore).

11 57. In July and early August 2020, Ms. Simplicio and I also worked together to perform
12 research and draft Plaintiffs’ reply in support of class certification. Simultaneous to this, Ms. Simplicio
13 and I worked together to draft an extensive mediation statement in consultation with Mr. Zavareei, a
14 senior partner at TZ in charge of TZ’s class action practice.

15 58. On August 10, 2020, with the help of TZ paralegal Collin Hoover, Plaintiffs filed their
16 reply brief in support of class certification and a related motion to seal.

17 59. Soon after Plaintiffs filed their reply in state court, but before a hearing on class
18 certification, on August 12, 2020, the parties met for their first mediation with Hon. Jay Gandhi (Ret)
19 and Peter Rosen. Mr. Zavareei and I attended to represent TZ’s clients in those discussions. Although
20 the parties did not reach a settlement, we agreed to a second mediation.

21 60. The parties continued negotiations in advance of a second mediation that Mr. Zavareei
22 and I attended on August 25, 2020. We continued conferring among Plaintiffs’ counsel and discussing
23 with the mediators in between this second mediation in August and a third mediation that took place
24 on November 12, 2020, and a fourth mediation that took place on February 11, 2021.

25 61. During the course of all of these mediations and negotiations, I stayed in touch with
26 TZ’s three clients to update them on the status of the negotiations as well as on the status of the
27 hearing on class certification, which was repeatedly continued to advance settlement negotiations

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1 among the parties.

2 62. Then, when the class certification hearing and the issuance of this Court’s tentative
3 approached yet again, in May 2021 the parties reached an agreement in principle. Instead of a class
4 certification hearing, on May 13, 2021, the Court conducted a case management conference to discuss
5 the timing of preliminary approval.

6 63. Starting in May and continuing for a few months afterward, TZ and their now agreed
7 Co-Lead counsel from the federal case, Keller Rohrback, took the lead in negotiating a detailed term
8 sheet with Rodan + Fields. The term sheet was executed on July 8, 2021.

9 64. Starting in June 2021, with the help of TZ associate, Allison Parr, my state co-counsel
10 and I began working on preliminary approval papers, a motion for leave to amend, and a Second
11 Amended complaint that was contemplated by the settlement and necessary to conform the operative
12 pleadings to the terms of the settlement. Numerous claims administrators submitted bids in this case.
13 In August 2021, Plaintiffs’ counsel, in consultation with defense counsel, selected one of the several
14 claims administrators—Epiq. Plaintiffs’ counsel also worked together to finalize the full notice, e-mail
15 notice, postcard notice, and claim form used to provide notice to the Class.

16 65. Although a term sheet had been executed, the Parties continued fiercely negotiating
17 certain terms of the full Settlement Agreement until the filing of preliminary approval on September
18 21, 2021. At the same time that we filed preliminary approval, on behalf of Plaintiffs, TZ filed a motion
19 for leave to amend contemplated by the Settlement as well.

20 66. On September 27, 2021, the Parties received the first tentative from this Court on the
21 issue of preliminary approval and leave to amend. Based on the Court’s tentative on the issue of
22 preliminary approval, negotiations resumed as the Parties worked to address the Court’s concerns in
23 a modified version of the Agreement. I reviewed the revised Agreement with Ms. Dohnke, Ms. Gorzo,
24 and Ms. Melin.

25 67. In October 2021, TZ worked on supplemental papers in support of preliminary
26 approval. With the help of TZ’s paralegal, Connor Rowe, on October 25, 2021, TZ filed those
27 supplemental papers on behalf of all Plaintiffs.

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1 members discussed below as this matter was litigated over the course of four years.

2 80. **My Qualifications:** I am the Managing Partner of TZ's California offices. I graduated
3 magna cum laude, as a member of the Order of the Coif, from the University of California Hastings
4 College of the Law in 2010. Since then, I have been practicing complex litigation in California. After
5 law school, I worked as a research attorney for the Hon. John E. Munter who was then assigned to
6 Dept. 305, complex litigation, in the Superior Court of California, County of San Francisco. I have
7 been managing partner of TZ's California offices since 2018. Prior to joining TZ, I worked as a
8 litigation associate for Bursor & Fisher, P.A., which, like TZ, specializes in consumer class action
9 litigation and has been named class counsel countless times in state and district courts in California
10 and nationwide. I have also been recognized as a Super Lawyers Rising Star. Recently, The National
11 Law Journal named me among the 2022 Elite Women of the Plaintiffs' Bar—an Elite Trial Lawyers
12 Award.

13 81. I dedicate my practice to advocating for consumers and to representing whistleblowers
14 who expose their employer's fraudulent practices. During my twelve years of practice, I have litigated
15 a wide array of class actions, including actions for breach of contract, consumer protection, product
16 defect, privacy, false advertising, TCPA violations, and more. I understand the responsibility of
17 representing a class of consumers and have approached this litigation with professionalism. I have
18 delivered high quality work product on behalf of Plaintiffs and the Settlement Class.

19 82. Recently, I have been named Settlement Class Counsel and achieved excellent results
20 for classes of consumers in many types of cases filed in state and federal courts. *See, e.g., Wang v.*
21 *StubHub, Inc.* (Cal. Super. Ct.) No. CGC-18-564120 (named as Class Counsel in preliminarily approved
22 class settlement that provides up to \$20 as a cash option, or the option of a pro rata share of a \$20
23 million credit common fund in false advertising case alleging that StubHub conducted an unlawful
24 bait and switch by only listing the amount of fees at the very end of web-based transactions); *Wallace*
25 *v. Wells Fargo & Co.*, No. 17-CV-317775 (Cal. Super. Ct.) (finally approved \$10 million class settlement
26 in overdraft fee litigation); *Simmons v. Apple Inc.* (Cal. Super. Ct.) No. 17-CV-312251 (finally approved
27 \$9.75 million settlement in case alleging false advertising of Apple Powerbeats 2 earphones); *see also*

1 *Vasquez v. Libre by Nexus, Inc.* (N.D. Cal.) 4:17-cv-00755-CW (finally approved \$3.2 million settlement
2 in action involving exorbitant fees, invasive monitoring, and other deceptive practices in connection
3 with company's offer of credit to consumers for immigration bonds); *In re GEICO Insurance Co. Litig.*,
4 No. 4:19-cv-03768-HSG (negotiated settlement with estimated monetary value of approximately \$19.5
5 million in compensatory damages in case alleging breach of insurance contract).

6 83. I have also been named class counsel in cases where classes of consumers were
7 certified by the courts. *Spielman v. USAA*, Case No. 2:19-cv-01359-TJH-MAA (C.D. Cal. Dec. 2021)
8 (certifying class in breach of contract case involving car insurance policies); *Stathakos v. Columbia*
9 *Sportswear Co.* (N.D. Cal. May 11, 2017) 2017 WL 195706 (certifying a class of discount clothing
10 shoppers); *Melgar v. Zicam, LLC* (E.D. Cal. Mar 31, 2016) 2016 WL 1267870 (certifying a class of
11 purchasers of Zicam cold medicine); *Dei Rossi v. Whirlpool Corp.* (E.D. Cal. Apr. 28, 2015) 2015 WL
12 1932484 (certifying a class of refrigerator purchasers); *Forcellati v. Hyland's* (C.D. Cal. Dec. 19, 2013)
13 2013 WL 12121973 (certifying a class of purchasers of homeopathic products marketed for children).

14 84. In addition, I have been named interim class counsel in situations where naming class
15 counsel at an early stage of the litigation was in the best interests of the class. *See, e.g., Dusko v. Delta*
16 (N.D. Ga.) No. 1:20-cv-01664-ELR (selecting Ms. Persinger and the BPKT Group over two other
17 applications for leadership in case alleging that airline failed to refund consumers for flights cancelled
18 due to Covid-19); *Melgar v. Zicam, LLC* (E.D. Cal. Oct. 29, 2014) 2014 WL 5486676 (naming Ms.
19 Persinger and her firm interim class counsel).

20 85. **Hassan Zavareei's Role:** Mr. Zavareei is a founding partner of TZ who manages the
21 firm's class action practice. Throughout 2020 and 2021, Mr. Zavareei and I worked closely together
22 on the multiple mediations, and negotiations between the complex-arrangement of parties in parallel
23 state and federal matters. In particular, Mr. Zavareei assisted in obtaining a joint prosecution
24 agreement with counsel in the federal action. Mr. Zavareei and I also had many conference calls with
25 Plaintiffs' counsel, and with mediators Hon. Jay Gandhi (Ret.) and Peter Rosen, as part of the efforts
26 to reach resolution in this matter. Without Mr. Zavareei's thought-leadership and efforts at
27 negotiation, Plaintiffs would not have achieved the deal they propose to the Court for approval. Back

1 in 2018, Mr. Zavareei also consulted during Ms. Gold’s investigation of this matter. He continued to
2 consult with me on case strategy through the years that this case had been pending. Mr. Zavareei
3 reviewed and revised significant drafts in the action, including Plaintiffs’ mediation statement, and
4 Plaintiffs’ reply in support of class certification. Mr. Zavareei attended four mediations in this matter—
5 two in August 2020, one in November 2020, and one in February 2021. Mr. Zavareei then helped
6 reach an agreement in principle with defense counsel in June 2021.

7 **86. Mr. Zavareei’s Qualifications:** Mr. Zavareei is one of the founders of Tycko &
8 Zavareei LLP who is licensed to practice in California. He is a 1995 graduate of Boalt Hall Law School
9 at the University of California, Berkeley in 1995. He graduated from Berkeley Law as a member of the
10 Order of the Coif. He received his Bachelor of Arts degree from Duke University in 1990, cum laude.
11 Over the past twenty years, he has gained substantial experience handling complex civil litigation and
12 class action litigation. He has taken several cases to trial, including jury trials that have lasted several
13 months. He has argued appeals in both the D.C. Circuit and the Fifth Circuit. He is a member in
14 good standing of the District of Columbia, Maryland, and California bars. After law school, Mr.
15 Zavareei worked as a litigation associate at Gibson, Dunn & Crutcher in Washington, D.C. In 2002,
16 he formed TZ with Jonathan K. Tycko. Mr. Tycko was Mr. Zavareei’s colleague at Gibson, Dunn &
17 Crutcher and a graduate of Columbia Law School. In addition to his work at TZ, he has also testified
18 before the Judicial Committee of the U.S. House of Representatives and the Civil Rules Advisory
19 Committee. He is on the Board of Public Justice, P.C., and he serves as an editor of Duke Law
20 Review’s Guidance on New Rule 23 Class Action Settlement provisions.

21 **87.** By way of example, as co-lead counsel in *Farrell v. Bank of America*, Mr. Zavareei led a
22 team that secured a class action settlement valued at \$66.6 million along with injunctive relief—a result
23 that the court described as a “remarkable” accomplishment achieved through “tenacity and great skill.”
24 *Farrell v. Bank of America* (S.D. Cal. 2018) 327 F.R.D. 422, 432 (over \$1 billion in practice changes).

25 **88. Andrea Gold’s Role:** Ms. Gold worked on originating and investigating this matter
26 starting in early 2018. She worked with clients, spoke to numerous consumers, assisted in drafting
27 both the original and First Amended complaint, assisted in opposing Rodan + Fields’ demurrer,
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1 helped prepare coordination papers, and more. In 2018, when all Plaintiffs in state court agreed to
2 coordinate the two state court actions, Ms. Gold was responsible for developing the relationship with
3 state court co-counsel, Ms. Willett and Mr. Farnese. After passing full management responsibility to
4 me in August 2018, Ms. Gold remained available for consultation and strategy discussions, including
5 with regard to settlement negotiations, as the case continued to be litigated for the next four years in
6 California state court.

7 89. **Ms. Gold’s Qualifications:** Andrea Gold is a partner in TZ’s Washington, D.C.
8 office. Ms. Gold has spent her legal career advocating for consumers, employees, and whistleblowers.
9 Ms. Gold has litigated numerous complex cases and has served as trial counsel in two lengthy jury
10 trials. Her class action cases have involved unlawful bank fees, product defects, violations of the
11 Telephone Consumer Protection Act, and deceptive advertising and sales practices. Ms. Gold was
12 recently appointed as Chair of the Plaintiffs’ Executive Committee in three consolidated actions
13 involving online casino-style games. *In re: Apple Inc. App Store Simulated Casino-Style Games Litig.*, 5:21-
14 md-02985-EJD (N.D. Cal. Sept. 23, 2021); *In re: Google Play Store Simulated Casino-Style Games Litig.*,
15 5:21-md-03001-EJD (N.D. Cal. Sept. 23, 2021); *Wilkinson v. Facebook*, 5:21-cv-02777-EJD (N.D. Cal.
16 Sept. 23, 2021). Ms. Gold earned her law degree from the University of Michigan Law School in 2004,
17 and she graduated from the University of Michigan Ross School of Business in 2001 with high
18 distinction.

19 90. **Kristen Simplicio’s Role:** During the summer of 2020, when I needed a more senior
20 team member to pitch in during the short time period between the filing of Rodan + Fields’
21 opposition, and Plaintiffs’ deadline to reply, Ms. Simplicio, a partner in TZ’s DC office with a
22 California bar number, collaborated with me on a few major projects for the litigation. In that regard,
23 there was a short turn around between the time that Rodan + Fields filed their extensive opposition
24 and the deadline for Plaintiffs to file a reply. To add to the time pressure, the parties were preparing
25 mediation statements for the first mediation that was scheduled to take place two days after the
26 deadline for Plaintiffs’ reply. To aid me during this time, Ms. Simplicio pinch-hit by preparing for and
27 taking the expert deposition of Ben Scher—while at the same time I prepared to take the expert
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1 Civil Division, in San Jose, California

2 96. **Allison Parr's Role:** Starting in May 2021 until the present, Ms. Parr has been serving
3 as the assigned Associate on this matter. Ms. Parr started her work on this matter by doing a research
4 memo on an issue related to the release the parties were negotiating. Ms. Parr also searched for
5 example settlements in other class action cases that that the parties could use for their negotiations.
6 Ms. Parr worked on seeking preliminary approval of the Settlement proposed by the parties, as well
7 as on sealing papers related to preliminary approval briefing. Since the Settlement contemplated filing
8 a Second Amended Complaint, Ms. Parr worked on drafting that document. Ms. Parr has also assisted
9 in the comparison of the multiple claims administrators who submitted bids in this case. She has also
10 been working on the instant application.

11 97. **Ms. Parr's Qualifications:** Prior to joining TZ, Ms. Parr practiced law in the
12 Washington, D.C. office of a large international firm. While at that firm, she worked on complex
13 commercial litigation matters, including cases involving unfair competition and false advertising
14 claims. Ms. Parr graduated from the Georgetown University Law Center in 2018. While in law school,
15 Ms. Parr served as the Articles and Notes Editor for the Food and Drug Law Journal. Ms. Parr
16 received her undergraduate degree from the Peabody Institute of the Johns Hopkins University in
17 2013. Ms. Parr is a member of the District of Columbia and New York bars.

18 **Junior Lash Boost Team Members: TZ's Two-Year Fellows**

19 98. **Rebecca Azhdam's Role:** Ms. Azhdam was a Two-Year Fellow with TZ who served
20 as a junior team member on this matter from its inception in January 2018 until May 2019. Ms.
21 Azhdam worked closely with my law partner, Ms. Gold, to investigate and bring this case. Ms. Azhdam
22 interviewed close to 100 consumers. She researched and drafted the initial complaint, and worked with
23 me, Ms. Gold, and Ms. Koshy on opposing Rodan + Fields demurrer. She coordinated, and finalized
24 CMC statements. Ms. Azhdam also assisted me by drafting a memo to prepare for the hearing on the
25 demurrer. In addition, she worked on the coordination papers, including the motion, the reply, and
26 the proposed order. Ms. Azhdam researched sample discovery requests and then did an initial draft
27 of those requests to propound on Rodan + Fields.

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1 vice president of Duke's Black Law Students Association. Jennifer received her a B.A. in political
2 science and history from the University of Florida. Jennifer is a member of the District of Columbia
3 and Florida State Bars.

4 *TZ Staff Team Members*

5 103. **Chloe H. Noh's Role:** Ms. Noh was the paralegal assigned to this matter for TZ
6 when it was first filed in 2018 until April 2019. During that time, Ms. Noh helped file the complaint,
7 the civil cover sheet, and the summons. She assisted in filing pro hac vices, and judicial counsel
8 coordination papers. After she helped by sending the CLRA letter, she also assisted in filing the First
9 Amended Complaint and helped coordinate a waiver of service with defense counsel. She also
10 formatted, ran tables, and filed Plaintiffs' opposition to the demurrer in this matter. She prepared
11 CMC and hearing binders for me for my 2018 and early 2019 court appearances in this case. She filed
12 multiple CMC statements, a complex designation application, and notices of related cases. She sent all
13 necessary courtesy copies to the Court. She prepared templates for the nine sets of discovery served
14 on TZ's three Plaintiffs and put together the documents that they gathered for service to Rodan +
15 Fields. She was also responsible for calendaring and maintaining our files until paralegal Collin Hoover
16 took over from her as assigned paralegal in May 2019.

17 104. **Ms. Noh's Qualifications:** Ms. Noh graduated from UC Berkeley. While an
18 undergraduate she gained legal experience as an intern in a family law group. Additionally, Ms. Noh is
19 fluent in both English and Korean, and she wrote for a Korean language newspaper aimed at a Korean
20 American audience while a student.

21 105. **Collin Hoover's Role:** Mr. Hoover took over from Ms. Noh in June 2019 and served
22 as paralegal on the file until July 2021. As the paralegal on the file during that time period, Mr. Hoover
23 was responsible for coordinating with vendors to serve courtesy copies, for calendaring the deadlines
24 in the action on TZ's firm calendar, and in organizing TZ's files maintained for the action. Mr. Hoover
25 finalized and filed CMC statements, stipulations, and notices of appearance. He also assisted Ms.
26 Christensen in downloading and uploading over thirty productions made by Rodan + Fields, as well
27 as by coordinating with Precise Discovery, Plaintiffs' document hosting vendor. He communicated
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1 Panel. Mr. Rowe is a licensed member of the U.S. Merchant Marine, having served on a number of
2 sailing vessels of historic significance around California and across the Pacific Ocean. He received his
3 bachelors degree from UC Berkeley in anthropology, where he founded the not-for-profit Center for
4 Digital Archaeology as part of an international group of faculty and research staff.

5 ***C. The Risks Borne by TZ and the Skill Shown by TZ in this Litigation***

6 109. From the outset, TZ anticipated spending hundreds of hours litigating these claims
7 with no guarantee of success, knew that prosecution of this case would require that work on other
8 matters be foregone, understood that there was substantial uncertainty regarding the applicable legal
9 and factual issues, and continued to prosecute the litigation in the face of substantial opposition by a
10 well-funded defense team. Indeed, because of the time needed to prosecute this case, and the financial
11 realities of litigating this complex case, TZ was limited in its ability to take on other contingency cases.
12 In addition to taking great risk, TZ demonstrated great skill in litigating the complex issues presented
13 here. As discussed above, Rodan + Fields made arguments regarding preemption, and the availability
14 of class-wide damages and injunctive relief that required complex legal research and analysis. The case
15 also raised complex factual issues related to the properties and effects of the key ingredient in Lash
16 Boost—Isopropyl Cloprostenate.

17 ***TZ's Risk***

18 110. TZ took this case on a fully contingent basis, meaning that we were not paid for any
19 of our time, and that we paid all costs and out-of-pocket expenses without any reimbursement to date.

20 111. TZ bore substantial risk in bringing this lawsuit, and had to forego other work to spend
21 the significant time required to litigate this action, which included investigating, researching, and
22 drafting a complaint, successfully opposing a demurrer, taking numerous fact and PMK depositions,
23 defending several Plaintiffs' depositions, reviewing tens of thousands of pages of documents, filing a
24 motion for class certification, filing a reply in support of class certification, preparing a mediation
25 statement, attending four mediations, spending many hours negotiating outside of mediation,
26 preparing a term sheet, preparing an Agreement, preparing a modified Agreement, and then preparing
27 several briefs in support of preliminary approval. TZ spent hundreds of hours conducting this
28

1 litigation. No compensation for these hours would have been recoverable if Plaintiffs had lost at an
2 stage of the litigation, including at demurrer, class certification, motion for summary judgment, or
3 trial.

4 112. TZ also bore significant out of pocket costs hiring two experts in support of class
5 certification, in paying court reporters, buying transcripts and more (detailed in Part D below). Like
6 the time that TZ lawyers and staff spent litigating this action, none of these hard costs would have
7 been recoverable if Plaintiffs had lost at any phase in the litigation. These hard costs also meant that
8 TZ had to limit other employment to ensure they were able to litigate this matter to successful
9 completion.

10 113. TZ filed the action knowing that they would first have to take the time and effort to
11 extensively research make complex arguments related to the Federal Food Drug and Cosmetics Act,
12 as well as the parallel Sherman Law.

13 114. When TZ filed the case, TZ also knew that they were at immediate risk from Rodan
14 + Fields' demurrer. If Rodan + Fields had prevailed on its demurrer, Plaintiffs would have recovered
15 none of their time spent preparing the action and opposing the demurrer.

16 115. There was significant risk that TZ would not recover any fees for their time spent
17 working on the case and the cost that they outlaid because Rodan + Fields made arguments in
18 opposition to class certification related to preemption, the availability of injunctive relief and damages,
19 as well as about the popularity of Lash Boost that put Plaintiffs at risk of losing at class certification.
20 If Rodan + Fields had succeeded with its arguments in opposition to class certification, Plaintiffs
21 would have obtained nothing at all.

22 116. Had the case continued to summary judgment trial, Plaintiff's would have also faced
23 significant risk and would be subject to multiple lines of attack. Even if Plaintiffs had obtained a
24 verdict at trial, Rodan + Fields would likely have appealed any decision on preemption by this Court
25 that was favorable to Plaintiffs.

26 117. TZ also faced a unique risk here because so many other overlapping lawsuits were also
27 filed. If Rodan + Fields had been able to divide and conquer by settling with any other of Plaintiffs'

1 counsel in the myriad actions, TZ also could have obtained nothing.

2 *Examples of TZ's Skill*

3 118. TZ first demonstrated their skill by filing this complex action, and then surviving
4 Rodan + Fields' demurrer which raised complicated issues related to reliance, and standing to seek
5 relief.

6 119. TZ also showed great skill by coordinating with federal counsel to obtain electronic
7 discovery based on a search of Rodan + Fields' records, and by deposing witnesses with knowledge
8 of Rodan + Fields' allegedly deceptive and unlawful sale of Lash Boost. Indeed, TZ obtained sufficient
9 evidence to support of class certification and, likely, the merits of Plaintiffs' underlying claims. TZ
10 also effectively prepared and defended three Plaintiffs' depositions.

11 120. TZ further proved to be effective oral advocates—presenting argument in Court
12 against Rodan + Fields' demurrer, and in support of preliminary approval. Additionally, at regular case
13 management conferences with the Court, TZ demonstrated experience in organizing and coordinating
14 the conduct of this complex litigation.

15 121. In addition, TZ showed great skill retaining and working with two qualified expert in
16 support of class certification—including an expert on the issue of class wide damages, as well as a
17 survey expert who assisted Plaintiffs in responding to a defense expert who conducted a survey for
18 Rodan + Fields.

19 122. TZ also demonstrated great skill with Plaintiffs' motion for class certification, and
20 Plaintiffs' reply, which helped bring Rodan + Fields to the settlement table.

21 123. TZ's work negotiating the settlement with a complex combination of federal and state
22 Plaintiffs also underlines the skill required of the lawyers at TZ in this litigation. Due to TZ lawyers'
23 skill in both negotiations and in developing collegial relationships, a joint prosecution agreement was
24 reached among the Plaintiffs in this action, and then the global Settlement Agreement was reached
25 with other Plaintiffs' counsel and defense counsel. TZ's ability to obtain such a favorable Settlement
26 for the Class in the face of a formidable opponent further confirms the high quality of Class Counsel's
27 representation.

1 **D. TZ's Base Lodestar and Out-of-Pocket Costs.**

2 124. Under my supervision, paralegal Connor Rowe created a spreadsheet with all of TZ's
3 contemporaneous time entries.

4 125. In an exercise of reasonable billing discretion, I cut 123.20 hours, which would have
5 equaled an additional lodestar of \$79,082.90.

6 126. The total number of hours making up the base lodestar that Plaintiffs seek in this case
7 and TZ's 2022 rates are shown in the table below.

Name	Title	Graduation Year	Hours Worked	Rate (Adjusted Laffey)	Lodestar
Allison Parr	Associate	2018	81.90	\$468.00	\$38,329.20
Andrea Gold	Partner	2004	124.30	\$764.00	\$94,965.20
Annick Persinger	Partner	2010	1,153.00	\$764.00	\$880,892.00
Chloe Noh	Legal Assistant	n/a	83.60	\$208.00	\$17,388.80
Collin Hoover	Paralegal	n/a	169.00	\$208.00	\$35,152.00
Connor Rowe	Paralegal	n/a	107.30	\$208.00	\$22,318.40
Hassan Zavareei	Partner	1995	104.60	\$919.00	\$96,127.40
Jennifer Thelusma	Fellow	2019	134.80	\$381.00	\$51,358.80
Kristen Simplicio	Partner	2007	114.40	\$764.00	\$87,401.60
Maren Christensen	Associate	2013	588.70	\$676.00	\$397,961.20
Rebecca Azhdam	Fellow	2017	126.60	\$208.00	\$59,248.80
Tanya Koshy	Associate	2011	84.40	\$764.00	\$64,481.60
Total Hours			2,872.60	Total "Touchstone" Lodestar (before multiplier)	\$1,845,625.00

21 127. The hours billed represent time spent on tasks essential to the litigation and settlement.
22 We also anticipate spending additional hours investigating and responding to objections, responding
23 to Class Member inquiries, preparing and filing a motion for final approval, and briefing objector
24 appeals, if any.

25 128. TZ anticipates spending an additional 50 hours preparing a motion for final approval,
26 investigating, and responding to objections, if any, responding to Class Member inquiries, and working
27 with the Settlement Administrator to provide additional notice and to distribute the benefit after Final
28

1 Approval.

2 **The Adjusted Laffey Matrix Is a Reasonable Rate Awarded to Class Counsel**

3 129. TZ's 2022 rates are set forth as delineated by the Adjusted Laffey Matrix, which is the
4 most commonly used fee matrix for determining fees in complex cases in the D.C. Circuit. The
5 Adjusted Laffey Matrix provides the standard hourly rates for attorneys practicing in Washington,
6 D.C., which is where TZ maintains its head office. These rates are reasonable and fall well within the
7 rate that courts in California have approved. *See, e.g., Stathakos v. Columbia Sportswear Co.* (N.D. Cal.
8 Apr. 9, 2018) No. 15-CV-04543-YGR, 2018 WL 1710075, at *6 (“*Stathakos*”) (approving these rates
9 and stating that “[S]everal courts in this district have approved hourly rates equal to or greater than
10 the rates at issue here in similar cases.”); *Kumar v. Salov N. Am. Corp.* (N.D. Cal. July 7, 2017) No. 14-
11 CV-2411-YGR, 2017 WL 2902898, at *7 (finding Class Counsel’s rates were “reasonable and
12 commensurate with those charged by attorneys with similar experience in the market”).

13 130. Numerous courts have approved Adjusted Laffey Matrix rates for my firm. *See, e.g.,*
14 *Customs Fraud Investigations, LLC v. Victaulic Co.* (E.D. Pa. Sept. 9, 2019) No. 13-2983, 2019 WL
15 4280494, at *8 (approving TZ’s hourly rates as “reasonable”); *Stathakos*, 2018 WL 1710075, at *6; *Meta*
16 *v. Target Corp.* (N.D. Ohio Aug. 7, 2018) No. 14-cv-0832, Dkt. 179; *Kumar*, 2017 WL 2902898, at *7;
17 *Brown v. Transurban USA, Inc.* (E.D. Va. Sept. 29, 2016) 318 F.R.D. 560, 575-76 (finding Class Counsel’s
18 rates “within the range of reasonable rates”); *Small v. BOKF, N.A.* (D. Colo.) No. 1:13-cv-01125-REB-
19 MJW; *Soule v. Hilton Worldwide, Inc.* (D. Haw. Aug. 25, 2015) No. CV 13-00652 ACK-RLP, 2015 WL
20 12827769, at *1 (approving requested rates given “the performance of Plaintiff’s attorneys”); *Kumar v.*
21 *Salov N. Am. Corp.*, No. 14-CV-2411-YGR, 2017 WL 2902898 (N.D. Cal. July 7, 2017); *In re Think*
22 *Fin., LLC, et al.*, No. 17-bk-33964 (Bankr. N.D. Tex.); *Beck v. Test Masters Educ. Servs., Inc.*, 73 F. Supp.
23 3d 12 (D.D.C. 2014); *Harkey v. General Elec. Co.*, No. 3:13-cv-01799 (D. Conn.); *Harris v. Farmers Ins.*,
24 No. BC579498 (Super. Ct. State of CA); *Roberts v. Capital One Fin. Corp.* 1:16-cv-04841 (S.D.NY);
25 *Hamm, et al. v. Sharp Elecs. Corp.*, No. 5:19-cv-00488-JSM-PRK (M.D. Fla.); *Juan Quintanilla Vazquez et*
26 *al. v. Libre by Nexus, Inc.*, No. 17-cv-00755 CW (N.D. Cal.); *Smith v. Fifth Third Bank*, No. 1:18-cv-464-
27 DRC-SKB (S.D. Ohio); *Silveira v. Me&T Bank*, No. 2:19-cv-06958-ODW-KS (C.D. Cal.); *Jette v. Bank*

28

1 of Am., N.A., No. 20-cv-6791-LDW (D.N.J.); *Morris, et al., v. Bank of Am., N.A.*, No. 3:20-cv-00157-
2 RJC-DSC (W.D.N.C.).

3 **TZ's Costs**

4 131. As of June 20, 2022, TZ has incurred a total of \$146,876.48 in unreimbursed actual
5 third-party expenses in connection with the prosecution of this case, as set forth here:

6 Cost	Amount
7 Air Travel	\$1,904.68
8 Conference Calls	\$412.59
9 Depositions, Court Reporting, and Transcripts	\$41,835.20
10 E-Discovery Expenses	\$8,881.65
11 Expert Services	\$13,950.00
12 FedEx, Courier, and Courtesy Copies	\$3,588.66
13 Filing, CourtCall, and other court-related fees	\$4,489.07
14 Ground Travel	\$700.36
15 Hotels	\$3,394.24
16 Mediation Costs	\$59,685.78
17 PACER and document-retrieval fees	\$1,074.03
18 Photocopies	\$3,126.74
19 Postage	\$988.83
20 Travel expenses	\$25.95
21 Westlaw fees	\$2,818.70
22 Total	\$146,876.48

23 132. The actual expenses incurred in prosecuting these cases are reflected on the
24 computerized accounting records of my firm prepared by bookkeeping staff, based on receipts and
25 check records, and accurately reflect all expenses incurred.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing
27 is true of my own personal knowledge.

28 Executed at Oakland, California, this 23rd day of June, 2022.



Annick M. Persinger, Esq.

EXHIBIT 1

Firm Resume

Jonathan Tycko and Hassan Zavareei founded Tycko & Zavareei LLP in 2002 when they left a large national firm to form a private public interest law firm. Since then, a wide range of clients have trusted the firm with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

The firm's practice focuses on complex litigation, with a particular emphasis on consumer and other types of class actions, and *qui tam* and False Claims Act litigation. In its class action practice, the firm represent consumers who have been victims of corporate wrongdoing. The firm's attorneys bring a unique perspective to such litigation because many of them trained at major national defense firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables the firm to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation. Tycko & Zavareei LLP's attorneys have successfully obtained class certification, been appointed class counsel, and obtained approval of class action settlements with common funds totaling over \$500 million.

Tycko & Zavareei LLP's nineteen attorneys graduated from some of the nation's finest law schools, including Harvard Law School, Columbia Law School, Duke University School of Law, UC Berkeley School of Law, UC Hastings College of the Law, Georgetown Law, the University of Michigan Law School, and the University of Miami School of Law. They have served in prestigious clerkships for federal and state trial and appellate judges and have worked for low-income clients through competitive public interest fellowships. The firm's diversity makes it a leader amongst its peers, and the firm actively and successfully recruits attorneys who are women, people of color, and LGBTQ. To support its mission of litigating in the public interest, Tycko & Zavareei LLP offers a unique public interest fellowship for recent law graduates. Tycko & Zavareei LLP's attorneys practice in state and federal courts across the nation.

Jonathan Tycko

Partner

202.973.0900

jtycko@tzlegal.com

In his 25 years of practice, Jonathan Tycko has represented a wide range of clients, including individuals, Fortune 500 companies, privately-held business, and non-profit associations, in both trial and appellate courts around the country. Although he continues to handle a variety of cases, his current practice is focused primarily on helping whistleblowers expose fraud and corruption through qui tam litigation under the False Claims Act and other similar whistleblower statutes. Mr. Tycko's whistleblower clients have brought to light hundreds of millions of dollars in fraud in cases involving healthcare, government contracts, customs and import duties, banking and tax.

Prior to founding Tycko & Zavareei LLP in 2002, Mr. Tycko was with Gibson, Dunn & Crutcher LLP, one of the nation's top law firms. He received his law degree in 1992 from Columbia University Law School, and earned a B.A. degree, with honors, in 1989 from The Johns Hopkins University. After graduating from law school, Mr. Tycko served for two years as law clerk to Judge Alexander Harvey, II, of the United States District Court for the District of Maryland.

In addition to his private practice, Mr. Tycko is an active participant in other law-related and community activities. He currently serves on the Conference Committee of the Taxpayers Against Fraud Education Fund, charged with planning the premier annual conference of whistleblower attorneys and their counterparts at the United States Department of Justice and other government agencies. He has taught as an Adjunct Professor at the George Washington University Law School. He is a former member and Chairperson of the Rules of Professional Conduct Review Committee of the District of Columbia Bar, where he helped draft the ethics rules governing members of the bar. And Mr. Tycko is a member of the Board of Trustees of Studio Theatre, one of the D.C. area's top non-profit theaters.

Mr. Tycko is admitted to practice before the courts of the District of Columbia, Maryland and New York, as well as before numerous federal courts, including the Supreme Court, the Circuit Courts for the D.C. Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Seventh Circuit, Ninth Circuit, Eleventh Circuit and Federal Circuit, the District Courts for the District of Columbia and District of Maryland, the Southern District of New York, the Northern District of New York, the Western District of New York, and the Court of Federal Claims.



Education

Columbia University Law School,
1992

The Johns Hopkins University, 1989,
with Honors

Bar Admissions

District of Columbia
Maryland
New York
Supreme Court of the United States

Memberships

American Association for Justice
(AAJ)
Public Justice
Taxpayers Against Fraud Education
Fund (TAFEF)

Awards

Stone Scholar (all three years),
Columbia Law School
Thomas E. Dewey Prize for Best
Brief, Harlan Fiske Stone Moot Court
Competition, Columbia Law School
Award of Litigation Excellence,
CARECEN-The Central American
Resource Center
Super Lawyers, 2012-current
Member of the D.C. Bar Leadership
Academy

Hassan A. Zavareei

Partner

202.973.0900

hzavareei@tzlegal.com

Mr. Zavareei has devoted the last eighteen years to recovering hundreds of millions of dollars on behalf of consumers and workers. He has served in leadership roles in dozens of class action cases and has been appointed Class Counsel on behalf of numerous litigation and settlement classes. An accomplished and experienced attorney, Mr. Zavareei has litigated in state and federal courts across the nation in a wide range of practice areas; tried several cases to verdict; and successfully argued numerous appeals, including in the D.C. Circuit, the Fourth Circuit, and the Fifth Circuit.

After graduating from UC Berkeley School of Law, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. There, he managed the defense of a nationwide class action brought against a major insurance carrier, along with other complex civil matters. In 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner Jonathan Tycko.

Mr. Zavareei has served as lead counsel or co-counsel in dozens of class actions involving deceptive business practices, defective products, and/or privacy. He has been appointed to leadership roles in multiple cases. As Lead Counsel in an MDL against a financial services company that provided predatory debit cards to college students, Mr. Zavareei spearheaded a fifteen-million-dollar recovery for class members. He is currently serving as Co-Lead Counsel in consolidated proceedings against Fifth Third Bank, and on the Plaintiffs' Executive Committee in MDL litigation against TD Bank. As Co-Lead Counsel in *Farrell v. Bank of America*, a case challenging Bank of America's punitive overdraft fees, Mr. Zavareei secured a class settlement valued at \$66.6 million in cash and debt relief, together with injunctive relief forcing the bank to change a practice that will save millions of low-income consumers approximately \$1.2 billion in overdraft fees. In his Order granting final approval, Judge Lorenz of the U.S. District Court for the Southern District of California described the outcome as a "remarkable" accomplishment achieved through "tenacity and great skill."



Education

UC Berkeley School of Law, 1995,
Order of the Coif

Duke University, 1990, *cum laude*

Bar Admissions

California

District of Columbia

Maryland

Supreme Court of the United States

Memberships

Public Justice, Board Member

American Association for Justice

Awards

Washington Lawyers Committee,
Outstanding Achievement Award

Super Lawyer

Lawdragon 500

Presentations & Publications

Witness Before the Subcommittee on
the Constitution and Civil Justice,
115th Congress

Witness Before the Civil Rules
Advisory Committee, 2018, 2019

Editor, Duke Law School Center for
Judicial Studies, Guidance on New
Rule 23 Class Action Settlement
Provisions

Andrea R. Gold

Partner

202.973.0900
agold@tzlegal.com

Andrea Gold has spent her legal career advocating for consumers, employees, and whistleblowers. Ms. Gold has litigated numerous complex cases, including through trial. Her extensive litigation experience benefits the firm's clients in both national class action cases as well as in qui tam whistleblower litigation.

She has served as trial counsel in two lengthy jury trials.

In her class action practice, Ms. Gold has successfully defended dispositive motions, navigated complex discovery, worked closely with leading experts, and obtained contested class certification. Her class action cases have involved, amongst other things, unlawful bank fees, product defects, violations of the Telephone Consumer Protection Act, and deceptive advertising and sales practices.

Ms. Gold also has significant civil rights experience. She has represented individuals and groups of employees in employment litigation, obtaining substantial recoveries for employees who have faced discrimination, harassment, and other wrongful conduct. In addition, Ms. Gold has appellate experience in both state and federal court.

Prior to joining Tycko & Zavareei LLP, Ms. Gold was a Skadden fellow. The Skadden Fellowship Foundation was created by Skadden, Arps, Slate, Meagher & Flom LLP, one of the nation's top law firms, to support the work of new attorneys at public interest organizations around the country.

Ms. Gold earned her law degree from the University of Michigan Law School, where she was an associate editor of the Journal of Law Reform, co-President of the Law Students for Reproductive Choice, and a student attorney at the Family Law Project clinical program. Ms. Gold graduated with high distinction from the University of Michigan Ross School of Business in 2001, concentrating her studies in Finance and Marketing.



Education

University of Michigan Law School, 2004

University of Michigan, Ross School of Business, 2001

Bar Admissions

District of Columbia
Illinois
Maryland

Memberships

American Association for Justice
National Associate of Consumer Advocates
National Employment Lawyers Association
Public Justice
Taxpayers Against Fraud Education Fund

Awards

National Trial Lawyers, Top 100 Civil Plaintiff Lawyers, 2020
Super Lawyers, Rising Star
Skadden Fellow, Skadden Arps Slate Meagher & Flom LLP, 2004-2006

Anna Haac

Partner

202.973.0900
ahaac@tzlegal.com



Anna C. Haac is a Partner in Tycko & Zavareei LLP's Washington, D.C. office. She focuses her practice on consumer protection class actions and whistleblower litigation. Her prior experience at Covington & Burling LLP, one of the nation's most prestigious defense-side law firms, gives her a unique advantage when representing plaintiffs against large companies in complex cases. Since arriving at Tycko & Zavareei LLP, Ms. Haac has represented consumers in a wide range of practice areas, including product liability, false labeling, deceptive and unfair trade practices, and predatory financial practices. Her whistleblower practice involves claims for fraud on federal and state governments across an equally broad spectrum of industries, including health care fraud, customs fraud, and government contracting fraud.

Ms. Haac has helped secure multimillion-dollar relief on behalf of the classes and whistleblowers she represents. Ms. Haac also serves as the D.C. Co-Chair of the National Association of Consumer Advocates and as Co-Chair of the Antitrust and Consumer Law Section Steering Committee of the D.C. Bar.

Ms. Haac earned her law degree *cum laude* from the University of Michigan Law School in 2006 and went on to clerk for the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Prior to law school, Ms. Haac graduated with a B.A. in political science with Highest Distinction from the Honors Program at the University of North Carolina at Chapel Hill.

Ms. Haac is a member of the District of Columbia and Maryland state bars. She is also admitted to the United States Court of Appeals for the Second, Third, and Fourth Circuits and the United States District Courts for the District of Columbia, District of Maryland, and the Eastern District of Michigan, among others.

Education

University of Michigan Law School,
2006, *cum laude*

University of North Carolina at
Chapel Hill, 2002, Highest Honors

Bar Admissions

District of Columbia
Maryland

Memberships

Antitrust & Consumer Protection
Section of District of Columbia Bar,
Co-Chair

National Association of Consumer
Advocates, District of Columbia
Co-Chair

Public Justice

Awards

Super Lawyers, Rising Star, 2015

Presentations & Publications

Discussion Leader, "Practical Ideas
about Properly Framing the Issues
and Educating the Court and Public
in Filings Responding to Increasing
Attacks on Class Action Settlements
and Fees," Cambridge Forum on
Plaintiffs' Class Action Litigation
(October 2020)

Annick M. Persinger

Partner

510.254.6808
apersinger@tzlegal.com

Annick M. Persinger leads Tycko & Zavareei LLP's California office as California's Managing Partner. While at Tycko & Zavareei LLP, Ms. Persinger has dedicated her practice to utilizing California's prohibitions against unfair competition and false advertising to advocate for consumers. Ms. Persinger has taken on financial institutions, companies that take advantage of consumers with deceptive advertising, tech companies that disregard user privacy, companies that sell defective products, and mortgage loan servicers. Ms. Persinger also represents whistleblowers who expose their employer's fraudulent practices.

Ms. Persinger graduated magna cum laude as a member of the Order of the Coif from the University of California, Hastings College of the Law in 2010. While in law school, Ms. Persinger served as a member of Hastings Women's Law Journal, and authored two published articles. In 2008, Ms. Persinger received an award for Best Oral Argument in the first year moot court competition. In 2007, Ms. Persinger graduated *cum laude* from the University of California, San Diego with a B.A. in Sociology, and minors in Law & Society and Psychology.

Following law school, Ms. Persinger worked as a legal research attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

Ms. Persinger served as an elected board member of the Bay Area Lawyers for Individual Freedom (BALIF) from 2017 to 2019, and as Co-Chair of BALIF from 2018 to 2019. During her term on the BALIF Board of Directors, Ms. Persinger advocated for LGBTQI community members with intersectional identities, and promoted anti-racism and anti-genderism. Ms. Persinger now serves as a Steering Committee member for the Cambridge Forum on Plaintiffs' Food Fraud Litigation.



Education

University of California Hastings
College of Law, 2010, *magna cum laude*,
Order of the Coif

University of California San Diego,
2007, *cum laude*

Bar Admissions

California

Memberships

American Association for Justice

Plaintiffs' Food Fraud Litigation, 2020
Steering Committee Member

Public Justice

Awards

Super Lawyer, Rising Star 2020

UC Hastings, Best Oral Argument
2008

Sabita J. Soneji

Partner

510.254.6808
ssoneji@tzlegal.com

In almost 20 years of practice, Sabita J. Soneji has developed extensive experience in litigation and legal policy at both the federal and state level and a passion for fighting consumer fraud. Now a Partner in Tycko & Zavareei LLP's Oakland office, she focuses on consumer protection class actions and whistleblower litigation. In addition to her success with novel Telephone Consumer Protection cases, False Claims Act cases involving insurance fraud, and deceptive and false advertising cases, Ms. Soneji serves in leadership on multi-district litigation against Juul, for its manufacture and marketing to youth of an addictive nicotine product. Ms. Soneji also successfully represents consumers harmed by massive data breaches and by corporate practices that collect and monetize user data without consent. She serves as head of the firm's Privacy and Data Breach Group.

Ms. Soneji began that work during her time with the United States Department of Justice, as Senior Counsel to the Assistant Attorney General. In that role, she oversaw civil and criminal prosecution of various forms of financial fraud that arose in the wake of the 2008 recession. For that work, Ms. Soneji partnered with other federal agencies, state attorneys' general, and consumer advocacy groups. Beyond that affirmative work, Ms. Soneji worked to defend various federal programs, including the Affordable Care Act in nationwide litigation.

Ms. Soneji has extensive civil litigation experience from her four years with international law firm, her work as an Assistant United States Attorney in the Northern District of California, and from serving as Deputy County Counsel for Santa Clara County, handling civil litigation on behalf of the County including regulatory, civil rights, and employment matters. She has successfully argued motions and conducted trials in both state and federal court and negotiated settlements in complex multi-party disputes.

Early in her career, Ms. Soneji clerked for the Honorable Gladys Kessler on the United States District Court for the District of Columbia, during which she assisted the judge in overseeing the largest civil case in American history, *United States v. Phillip Morris, et al.*, a civil RICO case brought against major tobacco manufacturers for fraud in the marketing, sale, and design of cigarettes. The opinion in that case paved the way for Congress to authorize FDA regulation of cigarettes.

Ms. Soneji is a graduate of the University of Houston, *summa cum laude*, with degrees in Math and Political Science, and Georgetown University Law Center, *magna cum laude*.



Education

Georgetown University Law Center,
magna cum laude

University of Houston, *summa cum laude*

Bar Admissions

District of Columbia
California

Memberships

American Association for Justice
(AAJ)

Public Justice

Taxpayers Against Fraud Education
Fund (TAFEF)

Awards

Attorney General's Award 2014

Presentations & Publications

NITA Trial Skills Faculty 2010-
present

Kristen G. Simplicio

Partner

202.973.0900

ksimplicio@tzlegal.com

Kristen G. Simplicio has devoted her career to representing victims of false advertising and corporate fraud. Prior to joining Tycko & Zavareei LLP's D.C. office in 2020, she spent ten years at a boutique class action firm in California. While there, she successfully litigated over a dozen false advertising cases against manufacturers of a variety of consumer products, including olive oil, flushable wipes, beverages, and chocolate. In connection with this work, she helped to obtain millions of dollars in refunds to consumers, as well as changed practices.

In addition to her product labeling work, Ms. Simplicio has represented plaintiffs in a wide variety of areas. For example, she was the lead associate on RICO case on behalf of small business owners against 18 defendants in the credit card processing industry. In connection with that case, she obtained a preliminary injunction halting an illegal \$10 million debt collection scheme, and later, helped to secure refunds and changed practices for the victims. She has also represented victims of other debt collectors, as well as those harmed by unlawful background and credit reporting, including a pro bono matter performed in conjunction with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Ms. Simplicio also worked on a lawsuit against government agencies, which were charging unconstitutional fines and fees in connection with toll collection.

Ms. Simplicio graduated *cum laude* from American University, Washington College of Law in 2007. She holds a bachelor's degree from McGill University. She began her legal career at the United States Department of Labor, where she advised on regulations pertaining to group health insurance plans. Before and during law school, Ms. Simplicio worked for other plaintiffs' law firms.

Ms. Simplicio serves as the D.C. Co-Chair of the National Association of Consumer Advocates. She is admitted to practice in California and the District of Columbia.



Education

American University, Washington
College of Law, 2007, *cum laude*

McGill University, 1999

Bar Admissions

California
District of Columbia

Memberships

National Association of Consumer
Advocates

American Association for Justice
Public Justice

Renée Brooker

Partner

202.417.3664
reenebrooker@tzlegal.com

Bringing 30 years of practice, knowledge, and expertise as a former prosecutor in a senior leadership position at the United States Department of Justice, Renée Brooker is now representing whistleblowers. While at the Department of Justice for over two decades, Ms. Brooker was responsible for billions of dollars in recoveries under whistleblower laws. As an accomplished and experienced attorney, Ms. Brooker has advised and represented whistleblowers under the False Claims Act (FCA), the Anti-Kickback Statute and Stark Law, FIRREA (bank fraud, mail, and wire fraud), the Financial Institutions Anti-Fraud Enforcement Act (FIAFE), and the Whistleblower Programs of the SEC, the CFTC, and the IRS.

As Assistant Director within the Civil Division of the United States Department of Justice, Ms. Brooker was responsible for sizeable recoveries and successful judgments under the False Claims Act, FIRREA, and civil RICO in almost every industry: pharmaceutical, health care, defense, financial services, government procurement, small business, insurance, tobacco products, and higher education.

Ms. Brooker received her law degree in 1990 from Georgetown University Law Center, and a B.S. degree in 1987 from Temple University. After graduating from Georgetown, Ms. Brooker served as a Law Clerk to Judge Noël Kramer in the District of Columbia for one year before joining the United States Department of Education as an attorney. Ms. Brooker was hired as part of the enforcement response to Congressional investigations of fraud in federal student aid programs affecting consumers and taxpayers. Prior to joining Tycko & Zavareei LLP in 2020, Ms. Brooker worked at another prominent whistleblower firm where she advised and represented whistleblowers while expanding the firm's whistleblower practice. Ms. Brooker also served as a member of the United States Department of Justice-appointed Independent Corporate Compliance Monitor and Auditor for Volkswagen under its Plea Agreement and Consent Decree with the United States Department of Justice.



Education

Georgetown University Law Center, J.D.
Temple University, B.S.

Bar Admissions

District of Columbia
Pennsylvania

Memberships

Taxpayers Against Fraud Education Fund (TAFEF)
Board Member, Federal Bar Association Qui Tam Section
National Employment Lawyers Association (NELA)

Awards

Department of Justice Commendation Award for recovering billions of dollars under the Big Lender Initiative, 2016
Council of the Inspectors General on Integrity and Efficiency Award for Excellence for \$1.2 billion False Claims Act settlement with Wells Fargo, 2016
Department of Justice Award for “a record of outstanding actions and accomplishments,” 2015
Attorney General’s Award for Fraud Prevention, 2011
Department of Justice Award for prosecuting Big Tobacco under RICO, 2005

Eva Gunasekera

Partner

202.417.3655
eva@tzlegal.com

Bringing 16 years of complex litigation experience practice, Eva Gunasekera, the former Senior Counsel for Health Care Fraud at the United States Department of Justice, is now representing whistleblowers. Ms. Gunasekera has spent the better part of her career enforcing the False Claims Act and the Stark and Anti-Kickback laws.

Highly strategic, Ms. Gunasekera has many notable successes under her belt, sizeable recoveries under the False Claims Act, and has held companies accountable for fraudulent conduct that harmed important government programs such as Medicare and Medicaid. With deep health care fraud expertise, she has investigated, litigated, and settled cases involving all federal health care programs (Medicare, Medicaid, TRICARE, FEHB). Ms. Gunasekera is an expert on analyzing complex health care data sets, including Medicare and Medicaid payment data and trends, to identify potentially fraudulent practices. She has enforced anti-fraud laws and represented whistleblowers across industries: pharmaceutical manufacturers, health care providers, hospitals, physicians, physician groups, laboratories, managed care, pharmacies, hospice and nursing home providers, financial institutions, government suppliers, automotive, small businesses, and defense contractors. Many of her investigations involved parallel criminal proceedings and compliance and whistleblower programs of health care organizations, including those subjected to Corporate Integrity Agreements and oversight by Independent Review Organizations, as required by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG).

After graduating with her Master's in Public Administration from Ohio University, and from Georgetown University Law Center, Ms. Gunasekera practiced law at two international law firms. She acted as second chair during administrative trials and handled complex commercial litigation. Ms. Gunasekera also played a significant role on the team that represented the Enron Creditors Recovery Corp in the bankruptcy proceeding, successfully returning billions of dollars to creditors in the wake of the Enron scandal. Further, Ms. Gunasekera represented clients in pro bono matters, including the successful defense of an individual seeking asylum and as guardian ad litem for three children.



Education

Georgetown University Law Center,
J.D., 2004

Ohio University, M.A., 2001

Ohio University, B.A., 2000

Bar Admissions

District of Columbia

Ohio

Memberships

Taxpayers Against Fraud Education
Fund (TAFEF)

Federal Bar Association Qui Tam
Section

Presentations & Publications

“Whistleblower Rewards 101” –
Scottsdale (Arizona) Bar Association
(March 9, 2021)

“Should the False Claims Act be
Amended to Define Falsity?” - Federal
Bar Association, Qui Tam Section
(February 17, 2021)

Law review article: False Claims Act,
the opioid crisis, whistleblowing,
Emory University Law School,
February 26, 2019

Allison W. Parr

Associate

202.973.0900
aparr@tzlegal.com

Prior to joining Tycko & Zavareei LLP in 2021, Allison W. Parr was an associate in the Washington, D.C. office of Mayer Brown LLP, where she represented corporations in complex commercial litigation, including cases involving unfair competition and false advertising claims. Previously, Ms. Parr was a litigation associate in the New York office of Kramer Levin Naftalis & Frankel LLP, where she maintained an active pro bono practice in LGBTQ civil rights.

Ms. Parr graduated from the Georgetown University Law Center in 2018, where she served as the Articles and Notes Editor for the Food and Drug Law Journal. During law school, Ms. Parr externed for the Commercial Litigation Branch, Fraud Section of the Department of Justice, where she assisted with cases involving allegations of fraud against the government. Ms. Parr received her Bachelor of Music from the Peabody Institute of the Johns Hopkins University in 2013.

Ms. Parr is admitted to practice in New York and the District of Columbia.



Education

Georgetown University Law Center,
2018

John Hopkins University, 2013, with
High Honors

Bar Admissions

New York
District of Columbia

Memberships

Public Justice

Presentations & Publications

Agribusiness and Antibiotics: A
Market-Based Solution, 73 Food &
Drug L.J. 338 (2018)

Dia Rasinariu

Associate

202.973.0900
drasinariu@tzlegal.com

Dia Rasinariu graduated *cum laude* from Harvard Law School in 2016. While in law school, Ms. Rasinariu served as an Executive Editor of the *Harvard Law Review*. She was also a member of HLS Lambda. Following law school, Ms. Rasinariu clerked for the Honorable Diana Gribbon Motz on the United States Court of Appeals for the Fourth Circuit. Ms. Rasinariu earned her Bachelor of Arts, with distinction, from Cornell University in 2011, with majors in Government and in Economics.

Prior to joining Tycko & Zavareei LLP in 2021, Ms. Rasinariu was a litigation associate in the Washington, D.C. office of Jones Day. Ms. Rasinariu maintained an active pro bono practice, representing clients on civil rights, asylum, and domestic violence matters.

Ms. Rasinariu is a member of the District of Columbia and Illinois state bars. She is also admitted to practice before the United States District Court for the District of Maryland and the United States Courts of Appeals for the Fourth and Sixth Circuits.



Education

Harvard Law School, 2016, *cum laude*
Cornell University, 2011, with
Distinction

Bar Admissions

Illinois
District of Columbia

Memberships

Public Justice

Awards

Super Lawyers, Rising Star 2020

Glenn Chappell

Associate

202.973.0900
gchappell@tzlegal.com

Glenn Chappell is an associate in the Washington, D.C. office. Prior to joining Tycko & Zavareei LLP, he was an associate in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, one of the nation's most prestigious defense-side firms. During his time at Gibson Dunn, Mr. Chappell represented corporations in complex litigation at the trial and appellate levels, including the United States Supreme Court. He also maintained an active pro bono practice that focused on police and sentencing reform.

Mr. Chappell graduated *summa cum laude* from Duke University School of Law in 2017, where he served as Managing Editor of the *Duke Law Journal* and Senior Research Editor of the *Duke Law & Technology Review*. While in law school, he dedicated more than 450 hours to pro bono work.

After graduating law school, Mr. Chappell clerked for the Honorable Gerald Bard Tjoflat of the United States Court of Appeals for the Eleventh Circuit and the Honorable Anthony J. Trenga of the United States District Court for the Eastern District of Virginia. Before law school, he worked as a manager in the manufacturing industry. He graduated with honors from Saint Leo University, earning a Bachelor of Arts in Business Administration. His legal scholarship has appeared in multiple publications, including the *Duke Law Journal* and the *University of Richmond Law Review*.



Education

Duke University School of Law, 2017,
summa cum laude, Order of the Coif
Saint Leo University, 2011, *cum laude*

Bar Admissions

District of Columbia
Virginia

Memberships

Order of the Coif
Virginia Equality Bar Association
American Constitution Society
Virginia Bar Association
Public Justice

Publications

The Historical Case for Constitutional "Concepts", 53 UNIVERSITY OF RICHMOND LAW REVIEW 373 (2019)

Health Care's Other "Big Deal": Direct Primary Care Regulation in Contemporary American Health Law, 66 DUKE LAW JOURNAL 1331 (2017)

Seeking Rights, Not Rent: How Litigation Finance Can Help Break Copyright's Precedent Gridlock, 15 DUKE LAW & TECHNOLOGY REVIEW 269 (2017)

Lauren Kuhlik

Associate

202.973.0900

lkuhlik@tzlegal.com

Prior to joining Tycko & Zavareei LLP in 2021, Lauren Kuhlik was a fellow at the National Prison Project of the American Civil Liberties Union, where she engaged in litigation and other advocacy to stop unconstitutional and illegal practices by prison and jail administrators and ICE. She focused on improving conditions of confinement for pregnant and postpartum people, as well as fighting to eliminate the inhumane practice of solitary confinement. During the COVID-19 crisis, Ms. Kuhlik maintained an extensive habeas practice seeking to secure the release of detained individuals with medical vulnerabilities.

Ms. Kuhlik graduated *cum laude* from Harvard Law School in 2017. She also received a Masters in Public Health from the Harvard T.H. Chan School of Public Health in 2017. Following law school, Ms. Kuhlik clerked for the Honorable Stephen Glickman of the District of Columbia Court of Appeals. She has published articles regarding the treatment of pregnant incarcerated people in the Harvard Law and Policy Review and the Harvard Civil Rights-Civil Liberties Law Review. Ms. Kuhlik has also published about gender and incarceration in USA Today and Ms. Magazine, among others.



Education

Harvard Law School, 2017, *cum laude*

Harvard T.H. Chan School of Public Health, M.P.H., 2017

Wesleyan University, BA in Philosophy with Honors, 2011

Bar Admissions

District of Columbia

Virginia

Memberships

Public Justice

Publications & Presentations

National Abortion Federation Annual Meeting (2021)

Pregnancy, Systematic Disregard and Degradation, and Carceral Institutions, Harvard Law & Policy Review (2020)

Harvard Law & Policy Review Fall Symposium (2019)

Society of Family Planning Annual Meeting (2019)

George Mason University Law School Civil Rights Law Journal Symposium (2019)

Pregnancy Behind Bars: The Constitutional Argument for Reproductive Healthcare Access in Prison, Harvard Civil Rights & Civil Liberties Law Review (2017)

David Jochnowitz

Associate

202-417-3671
djoch@tzlegal.com

David Jochnowitz is an associate in the Washington, DC office, where he represents whistleblowers. Prior to joining Tycko & Zavareei LLP in 2021, David clerked for Magistrate Judge Peggy Kuo of the United States District Court for the Eastern District of New York. Before that, he worked at a law firm that exclusively represented whistleblowers under the federal and state False Claims Acts and the whistleblower programs of the SEC, CFTC, and IRS. His practice spanned diverse industries, with clients including physicians, nurses, billing specialists, sales reps, defense contractors, investment analysts, securities and commodities traders, and C-suite executives.

David graduated from Harvard Law School in 2013. While in law school, he was a member of the University's Greenhouse Gas Reduction Committee and the recruitment and training director for *Project No One Leaves*, which worked with tenants and homeowners affected by foreclosure. Prior to law school, he was a Peace Corps volunteer in Malawi, and he continues to serve on the boards of two non-profits dedicated to improving lives in and building cultural connections with Malawi. He graduated *magna cum laude* from Brooklyn College in 2007 with a Bachelor of Arts in economics.



Education

Harvard Law School, 2013
City University of New York Brooklyn College, 2007, *magna cum laude*

Bar Admissions

New York
District of Columbia

Memberships

Taxpayers Against Fraud

David W. Lawler

Of Counsel

202.973.0900
dlawler@tzlegal.com

Mr. Lawler joined Tycko & Zavareei LLP in January 2012. He has over twenty years of commercial litigation experience, including an expertise in eDiscovery and complex case management. At the firm Mr. Lawler has represented consumers in a numerous practice areas, including product liability, false labeling, deceptive and unfair trade practices, and antitrust class actions litigation.

Before joining Tycko & Zavareei LLP, Mr. Lawler was an associate in the litigation departments at McKenna & Cuneo LLP and Swidler Berlin Shereff Friedman LLP.

Among Mr. Lawler's career achievements include the co-drafting of appellate briefs which resulted in rare reversal and entry of judgment in favor of client, US Court of Appeals for the Fourth Circuit.

Mr. Lawler is a member of the District of Columbia Bar, as well as numerous federal courts.



Education

Creighton University School of Law,
1997

University of California, Berkeley
School of Law, 1989

Bar Admissions

District of Columbia

Memberships

American Association for Justice
Public Justice

F. Peter Silva II

Of Counsel

202.973.0900
psilva@tzlegal.com

Peter Silva is a zealous advocate for consumers, workers, and individuals whose rights have been violated by the government, employers, and financial institutions. Over the last decade, Peter has successfully represented clients in civil rights, consumer protection, and foreclosure defense cases in negotiations, mediations, arbitrations, and at trial in state and federal courts and before various administrative agencies.

Prior to joining Tycko & Zavareei LLP, Peter represented individuals and small businesses as a Partner with Gowen Silva & Winograd, PLLC. Peter's work on behalf of Maryland, D.C., and Virginia homeowners has prevented dozens of foreclosures through loan modifications, settlements, and litigation. Peter not only defends foreclosures, but countersues for violations of state and federal lending and servicing laws. Peter has successfully brought and defended lawsuits against America's biggest banks and mortgage servicers including Wells Fargo, Bank of America, U.S. Bank, Fannie Mae, Freddie Mac, Mr. Cooper/Nationstar Mortgage, Bayview Loan Servicing, and Ocwen Loan Servicing. Through aggressive litigation and creative settlement solutions, Peter has obtained millions of dollars in damages and savings for his clients including principal and interest reductions, write-downs, and deficiency waivers. Peter's extensive knowledge of the foreclosure and loan modification processes, mortgage servicing industry and applicable state and federal laws including the Real Estate Settlement Procedures Act (RESPA) and Truth-in-Lending (TILA) allows him to provide clients with upfront and straightforward assessments of their options so that they can make an informed decision.

Peter has worked with local, state, and federal governments and non-profit entities to strengthen legal protections of consumers. Peter is a member of the National Association of Consumer Advocates.

At the beginning of his legal career, Peter worked extensively in the civil rights field as an attorney fellow for the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and a law clerk with the Equal Employment Opportunity Commission and the civil rights interest group, People for the American Way.



Education

University of Miami, School of Law,
2010
San Diego State University, 2007

Bar Admissions

Virginia
District of Columbia
Maryland

Memberships

National Association of Consumer
Advocates
Public Justice

Presentations & Publications

"The Tactical Deployment of
Regulation X: Loss Mitigation in
Judicial, Quasi-Judicial, and Non-
judicial States," National Association
of Consumer Advocates (February 11,
2021)

"Foreclosures: What You Don't
Know Will Hurt You!" National
Association for the Advancement of
Colored People

Victoria Hoekstra

Staff Attorney

510.254.6808

vhoekstra@tzlegal.com

Victoria Hoekstra is highly skilled in e-Discovery. She was hired by Tycko & Zavareei LLP in 2018 to help with a custom's fraud case and later became a staff attorney. Currently she is working on a class action against Juul for marketing e-cigarettes to youth.

Victoria began her legal career at Paul, Hastings in Los Angeles. She moved to a small law firm and later became in-house counsel at an art store where she also ran an art education program. Victoria worked on many matters in these positions including business transactions, intellectual property rights and litigation involving accountant's malpractice, deceptive business practices, securities fraud and Elder Abuse.

In recent time, Victoria has worked on many e-Discovery projects related to large scale litigation and regulatory reviews by the DOJ, FTC, SEC, FDA and the DEA. Projects have involved breach of contract, personal injury, antitrust investigations (mergers and anti-competitive violations), anti-kickback violations, intellectual property, stock transactions, breaches of fiduciary duty and general fraud including fraudulent marketing related to the sale of opioids. Industries include pharmaceuticals, healthcare, ride-sharing platforms, telecommunications, retail, manufacturing, education, publishing, digital advertising, software development and implementation, data contracts, banking, insurance and government contracts. Victoria has also worked on compliance projects related to reviews by the DOJ and she had a long-term project answering search warrants, court orders and subpoenas related to Google products. In this capacity, Victoria helped law enforcement investigate critical crimes, but was also attentive to privacy laws.

Victoria is a Certified Public Accountant and prior to law school she worked as an auditor for a large CPA firm. Victoria was also a sole proprietor of an Internet bookstore for many years.

Victoria received a B.S. in Economics from University of California, Los Angeles. She received her Juris Doctorate from the University of California, Berkeley School of Law and she attended Oxford University (Christ Church) in England as a visiting scholar studying Philosophy.



Education

University of California, Berkeley
School of Law, J.D., 1988

University of California Los Angeles
College of Law, B.S. Economics, 1982

Bar Admissions

California

Memberships

Public Justice

CPA, California Public Accountancy

Leora N. Friedman

Fellow

202.417.3669
lfriedman@tzlegal.com

Leora Friedman received her J.D. from Georgetown University Law Center in 2020.

At Georgetown Law, Leora obtained diverse legal experience through experiential courses led by the O’Neill Institute for National and Global Health Law and by the Institute for Constitutional Advocacy and Protection. In addition, she authored papers proposing new legal frameworks for addressing the negative health impacts of electronic cigarettes and improving pandemic preparedness through writing-intensive coursework.

During law school, Leora also served as an intern for the Department of Justice’s Office of Vaccine Litigation and its Consumer Protection Branch. She was an Executive Editor for the Georgetown Environmental Law Review, which published her note “Recommending Judicial Reconstruction of Title VI to Curb Environmental Racism: A Recklessness-Based Theory of Discriminatory Intent.”

Previously, Leora was the Rockefeller Foundation’s Princeton Project 55 Fellow from 2014-2015 and, thereafter, aided international health advocacy campaigns at Global Health Strategies.

She graduated from Princeton University with an A.B. in Politics in 2014.



Education

Georgetown University Law Center,
2020
Princeton University, 2014

Bar Admissions

District of Columbia

Memberships

Public Justice

Executive Editor, Georgetown
Environmental Law Review, 2019–
2020

Publications

*Recommending Judicial Reconstruction of
Title VI to Curb Environmental Racism: A
Recklessness-Based Theory of Discriminatory
Intent*, 32 GEO. ENV’T L. REV. 421
(2020)

Jaclyn S. Tayabji

Fellow

202.973.0900

jtayabji@tzlegal.com



Jaclyn Tayabji is the 2021-2023 Public Interest Fellow at Tycko & Zavareei LLP. Jaclyn received her J.D. *magna cum laude* from Boston University School of Law in 2021. While in law school, Jaclyn embraced experiential learning opportunities and consistently utilized her legal skills to promote the public interest. Jaclyn completed a legal internship in the Consumer Protection Division of the Massachusetts Attorney General's Office and a judicial externship with the Honorable Vickie L. Henry on the Massachusetts Appeals Court. As a Student Attorney in the Access to Justice Civil Litigation Clinic, Jaclyn represented low-income clients in various civil disputes, including defending tenants in summary process evictions and facilitating discovery production in a federal employment discrimination case.

In law school, Jaclyn served as an Editor for the *Boston University Law Review* and was elected to leadership positions in the Middle Eastern & South Asian Law Students Association, the International Law Society, and the Public Interest Project. Jaclyn was also selected to serve on the Public Interest Committee alongside fellow students, faculty, and staff to review the policies and programs related to public service offerings at Boston University School of Law and to advocate for institutional resources.

Jaclyn received her B.A. in International Studies and African Studies from Emory University in 2016. Prior to law school, Jaclyn served with the Peace Corps in Malawi and subsequently worked as a Recovery Coach through the inaugural AmeriCorps-Police Assisted Addiction & Recovery Initiative program.

Education

Boston University School of Law,
2021, *magna cum laude*

Emory University, 2016

Bar Admissions

District of Columbia

Memberships

Public Justice

Awards

Public Interest Scholar, Boston
University School of Law

Sylvia Beinecke Robinson Award,
Boston University School of Law

Paul J. Liacos Scholar, Boston
University School of Law

G. Joseph Tauro Distinguished
Scholar, Boston University School of
Law

Deans Award (Torts), Boston
University School of Law

Presentations & Publications

*Rehabilitation Under the Rehabilitation
Act: The Case for Medication-Assisted
Treatment in Federal Correctional Facilities*,
101 B.U. L. REV. ONLINE 79 (2021)

Boston University Law Review, Editor

1 **TYCKO & ZAVAREEI LLP**
2 Annick M. Persinger (SBN 272996)
3 apersinger@tzlegal.com
4 1970 Broadway, Suite 1070
5 Oakland CA, 94612
6 Telephone: (510) 254-6808
7 Facsimile: (202) 973-0950

8 **KELLER ROHRBACK LLP**
9 Juli Farris (SBN 181547)
10 801 Garden Street, Suite 301
11 Santa Barbara, CA 93101
12 1201 Third Avenue, Suite 3200
13 Seattle, WA 98101
14 Telephone: (206) 623-1900
15 Facsimile: (206) 623-3384

16 *Attorneys for Plaintiffs and the Proposed Class*
17 *(Additional Attorneys Listed in Plaintiffs'*
18 *Application For Fees, Costs And Service Awards)*

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **COUNTY OF SAN FRANCISCO**

21 **LASH BOOST CASES**

22 CARYN GORZO, KASEY MELIN
23 (FORMERLY KASEY POE), ANNA
24 DOHNKE, LIEN SCHERR, JOLENE LEWIS
25 VOLPE (FORMERLY BARBARA LEWIS),
26 BOBBIE JOE HULING, CYNTHIA
27 WHETSELL, MARTHA MERLE, TERESA
28 GATTUSO, ELISA WAGNER, and DIXIE
WILLIAMS, *on behalf of themselves and all others*
similarly situated,

Plaintiffs,

v.

RODAN & FIELDS, LLC,

Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF ALLISON R.
WILLET IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
FEES, COSTS AND SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan P. Schulman

1 **DECLARATION OF ALLISON R. WILLETT**

2 I, Allison R. Willett, declare and state that:

3 1. I am an attorney licensed to practice law in all courts within the State of California. and
4 I am counsel of record for Plaintiffs in both the *Lash Boost Cases*, Judicial Council Coordination
5 Proceeding No. 4981, and proposed Settlement Class Counsel in the above-captioned case.

6 2. I respectfully submit this declaration in support of Plaintiffs’ Application for Fees,
7 Costs, and Service Awards. The facts set forth in this declaration are based on my personal knowledge
8 and belief and if called upon to do so, I could and would competently testify to these facts.

9 3. I have actively litigated this action since the inception in November of 2017 and
10 accordingly, am fully familiar with these proceedings.

11 4. I am a partner of the law firm of Willett & Willett, LLP (“WW”). This declaration
12 summarizes the work performed by WW in this litigation; identifies the well-qualified attorneys of WW
13 that worked on this litigation; discusses risks borne by WW in bringing this litigation; and provides
14 WW’s total base lodestar, final cost information, as well as the hours I removed from the base lodestar
15 in an exercise of billing discretion. To draft the below summary, I carefully reviewed all of WW’s
16 contemporaneous time records. WW’s contemporaneous time records are available to the Court should
17 it request they be submitted.

18 **THE TIME WW SPENT LITIGATING THIS ACTION**

19 5. Prior to initiating the action, I researched advertising, marketing and promotional efforts
20 by Rodan + Fields, LLC (“R+F”) for Lash Boost (“LB”). I investigated LB including the ingredients,
21 with particular focus on the prostaglandin analogue Isopropyl Cloprostenate (“ICP”). I researched
22 various prostaglandin analogues, including ICP, and associated side effects. I also researched the R+F
23 corporate structure, company practices and procedures.

24 6. In 2017, Ms. Lien Scherr retained WW and Beshada Farnese, LLP (“BF”) to jointly
25 prosecute her case. For nearly five years, WW has worked with BF to cooperatively prosecute the case
26 which required considerable discussion and deliberation throughout the litigation.

27 7. After being retained, I researched California law with respect to applicable causes of
28

1 action, as well as issues related to preemption, standing, reliance and material omission. I thoroughly
2 analyzed the pleadings and orders in *Allergan, Inc. v. Athena Cosmetics, Inc. et al.*, Case No. 07-cv-01316,
3 (C.D. Cal.) where the court underwent a detailed factual analysis under the relevant provisions of the
4 Cal. Health & Safety Code in determining eyelash growth products are objectively intended to affect
5 the structure or function of the human body.

6 8. In October of 2017, I drafted the complaint as well as the California Consumers Legal
7 Remedies Act (“CLRA”) notice letter. On October 16, 2017, I sent the CLRA notice letter along with
8 the draft complaint to R+F via First Class Mail, in compliance with Cal. Civ. Code §1782(a)
9 requirements.

10 9. In mid-November of 2017, I was contacted by counsel for R+F (“defense counsel”) to
11 discuss the allegations. Following our call, I drafted a detailed correspondence providing a thorough
12 analysis of the allegations at issue, supporting caselaw, and attached relevant orders from the *Allergan v.*
13 *Athena Cosmetics, et al.* litigation. I sent defense counsel the correspondence on November 17, 2017.

14 10. In late November of 2017, after further conference with Ms. Scherr, I finalized the
15 complaint and drafted the summons, venue declaration, and request for complex designation. On
16 November 28, 2017, I filed the Complaint in San Bernardino Superior Court. *Scherr, et al. v. Rodan &*
17 *Fields, LLC*, Case No. CIVDS-1723435 (Cal. Super. Ct., S.B. Cty.) (“*Scherr*”). R+F was served on
18 December 6, 2017.

19 11. Throughout the first three months of 2018, I frequently conferred with BF and defense
20 counsel regarding extensions to R+F’s deadline to respond to the Complaint and continuances of the
21 initial status conference to allow for settlement discussions. To this end, I filed a Joint Stipulation and
22 Proposed Order on March 2, 2018. We later agreed to a further extension for R+F’s response and a
23 joint stipulation was filed on March 22, 2018.

24 12. On March 23, 2018, R+F filed a demurrer to the Complaint and request for judicial
25 notice in support of its motion. I researched caselaw cited in support of R+F’s motions as well as
26 additional applicable California law. In April of 2018, I investigated additional factual issues regarding
27 LB, conferred with Ms. Scherr, and drafted an amended complaint. The amended complaint tailored
28

1 allegations in response to R+F's demurrer, and further addressed the objective intent of LB, Plaintiff's
2 understanding of LB, Plaintiff's economic injury, and identified applicable rulings in *Allergan, Inc. v.*
3 *Athena Cosmetics, Inc. et al.*, Case No. 07-cv-01316, (C.D. Cal.) Following discussion with BF and rounds
4 of revisions from Mr. Willett, I finalized and filed the First Amended Complaint on May 1, 2018.

5 13. During a meet and confer on May 4, 2018, defense counsel advised that R+F sought to
6 halt proceedings in *Scherr* due to the filing of three consumer class actions regarding LB: *Gorzó, et al. v.*
7 *Rodan & Fields, LLC*, Case No. CGC-18-565628 (Cal. Super. Ct., S.F. Cty.) ("*Gorzó*") filed April 9, 2018;
8 *Lewis, et al. v. Rodan & Fields, LLC*, Case No. 4:18-cv-02248 (N.D. Cal.) filed April 13, 2018 ("*Lewis*");
9 and *Ryan, et al. v. Rodan & Fields, LLC*, Case No. 4:18-cv-02505 (N.D. Cal.) filed April 26, 2018 ("*Ryan*")¹.
10 While we did not agree to stay *Scherr*, I worked with defense counsel to draft a joint statement. I filed
11 the Joint Case Management Statement on May 9, 2018.

12 14. In May of 2018, I analyzed the pleadings and dockets in *Gorzó, Lewis, and Ryan*. I
13 subsequently conferred with BF in order to determine the appropriate course for *Scherr* by analyzing the
14 factual and legal allegations presented in the respective cases.

15 15. On May 29, 2018, R+F filed a demurrer to Plaintiff's FAC, echoing arguments from its
16 first demurrer, and further arguing Plaintiff lacked standing to allege undisclosed side effects if those
17 side effects were not experienced, reasonable consumers would not be misled by the conduct at issue,
18 and that Plaintiff's UCL theories failed for lack of reliance and causation. R+F also filed a request for
19 judicial notice of twelve exhibits in support of its demurrer. Following my review of the motions and
20 cited support, I researched applicable caselaw as well as R+F's cited caselaw, and drafted Plaintiff's
21 Opposition to Defendant's Demurrer to Plaintiff's First Amended Complaint, and Proposed Order,
22 which I filed on June 7, 2018. Additionally, I drafted Plaintiff's Opposition and Objections to
23 Defendant's Request for Judicial Notice, and Proposed Order, which I also filed on June 7, 2018.

24 16. On June 12, 2018, I worked with defense counsel in drafting a joint statement for the
25 case management conference scheduled to follow the hearing on R+F's Demurrer and Request for
26

27 _____
28 ¹ On June 14, 2018, *Lewis* and *Ryan* were consolidated into one action (hereinafter "*Lewis*").

1 Judicial Notice. I filed the Joint Case Management Statement on June 13, 2018.

2 17. In preparing for the hearing on R+F's Demurrer and Request for Judicial Notice, I
3 reviewed the briefing including both of R+F's reply briefs, pertinent caselaw, and conducted additional
4 research regarding preemption as defense counsel reiterated the intention to argue Plaintiff's claims
5 were preempted during the hearing. I analyzed R+F's arguments and prepared an outline of my
6 arguments. On June 20, 2018, I traveled to San Bernardino and argued both motions and responded to
7 the court's questions.

8 18. On June 22, 2018, I received court's order overruling R+F's demurrer in its entirety,
9 denying R+F's request for judicial notice, ordering R+F answer the First Amended Complaint, and
10 setting a further case management conference.

11 19. In June of 2018, I began working with attorneys at Tycko & Zavareei, LLP, counsel for
12 *Gorzo* Plaintiffs, to determine the most efficient, effective manner of prosecuting *Scherr* and *Gorzo*. In
13 evaluating the respective cases, we discussed factual and legal allegations, theories, and procedural
14 history, and determined *Scherr* and *Gorzo* should be coordinated through the Judicial Council. We further
15 agreed to jointly prosecute the cases. Since that time, I have worked closely with attorneys at Tycko &
16 Zavareei, LLP, including Ms. Annick Persinger, Mr. Hassan Zavareei, Ms. Andrea Gold, Ms. Maren
17 Christensen, Ms. Rebecca Azhdam, Ms. Kristin Simplicio, Ms. Tanya Koshy, and Ms. Allison Parr
18 (hereinafter collectively referred to as "TZ"). Throughout this litigation, I worked with TZ to reach
19 consensus, manage work division, avoid duplication of efforts or unnecessary work, and ensure the
20 skills of counsel were used in a manner maximizing firm contribution in a non-redundant way.

21 20. In late June of 2018, I researched the Judicial Council rules and caselaw regarding case
22 coordination. I worked on drafting Plaintiffs' Petition for Coordination of Cases as well as my
23 supporting declaration. Plaintiffs' Petition argued coordination was appropriate to efficiently utilize
24 judicial facilities in light of the common predominating questions of fact and law, the disadvantages of
25 duplicative or inconsistent rulings, orders, and/or judgments, and the increased likelihood of settlement.
26 On July 17, 2018, Plaintiffs' Petition for Coordination of Cases was submitted to the Chair of the
27 Judicial Council. I filed a Notice Plaintiff's Petition for Coordination of Cases in the *Scherr* case on July
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1 18, 2018. Throughout July 2018, I worked with the Judicial Council Administrative Coordinator in
2 responding to requests for additional supporting documents. On July 24, 2018, we submitted further
3 declarations, supplemental supporting documents and conformed notices to the Judicial Council.

4 21. On August 9, 2018, I received the Chair of the Judicial Council's Order Assigning
5 Coordination Motion Judge to the Presiding Judge of San Bernardino Superior Court and accordingly
6 filed the Order with the Presiding Judge of San Bernardino Superior Court as well as in *Scherr*.

7 22. On August 15, 2018, I filed the Joint Case Management Statement in *Scherr*. On August
8 20, 2018, I appeared at the Case Management Conference during which the court confirmed Hon.
9 David S. Cohn would serve as the coordination motion judge, set the Petition for Coordination for
10 hearing, but would not allow discovery to commence until the Petition was decided.

11 23. In late August of 2018, I worked with TZ in drafting Plaintiffs' Reply in Support of
12 Petition for Coordination of Cases, which I filed on August 30, 2018. To prepare for the hearing on
13 Plaintiffs' Petition for Coordination, I reviewed the briefing and reviewed applicable caselaw. On
14 September 7, 2018, I traveled to San Bernardino and argued the motion. The court ordered *Scherr* and
15 *Gorzo* be coordinated in the Complex Civil Litigation Division of San Francisco Superior Court, further
16 ordering the Chair of the Judicial Council to either designate the trial judge or delegate the authority to
17 the sitting trial judge in *Gorzo*.

18 24. On October 19, 2018, the Judicial Council assigned Hon. Curtis E.A. Karnow as
19 Coordination Trial Judge, set a case management conference, and restyled *Scherr* and *Gorzo* as *Lash Boost*
20 *Cases* ("*Lash Boost Cases*"). I filed the Judicial Council's Order in *Scherr*.

21 25. On November 27, 2018, I appeared at the Case Management Conference for *Lash Boost*
22 *Cases*, during which the Court lifted the discovery stay and set a further case management conference at
23 which time the parties were to propose a class certification briefing schedule and provide a status of
24 *Lewis*.

25 26. Immediately following the case management conference, I drafted document requests
26 relevant to Plaintiffs' allegations and R+F's anticipated defenses. I circulated the document requests
27 with BF and TZ and finalized. R+F was served with Plaintiffs' Requests for Production of Documents
28

1 on December 3, 2018.

2 27. In December of 2018 and January of 2019, I worked with Ms. Scherr to identify
3 responsive documents and prepare responses to R+F's discovery requests, including special
4 interrogatories and requests for admission. On January 29, 2019, I served Ms. Scherr's discovery
5 responses.

6 28. From late December of 2018 through March of 2019, I worked with all counsel in *Lash*
7 *Boost Cases* in negotiating the protective order entered by this Court on March 27, 2019.

8 29. On February 13, 2019, I received R+F's initial document production which continued,
9 on a rolling basis, for over two years.

10 30. In April of 2019, counsel for *Lewis* Plaintiffs, T'Z and I began discussing discovery
11 coordination. The intricacies of coordinating discovery between the two state actions coordinated in
12 *Lash Boost Cases* with the federal *Lewis* action required ongoing discussion at every turn.

13 31. In April of 2019, I worked with Ms. Scherr in preparing her supplemental discovery
14 responses, which I served on April 12, 2019.

15 32. On April 24, 2019, I filed a Joint Case Management Conference. On April 26, 2019, I
16 appeared at the Case Management Conference during which the Court set a case schedule as well as
17 requirements with respect to discovery disputes, motions, sealing requests and briefing filings.

18 33. In June of 2019, I worked with Ms. Scherr in preparing responses to R+F's second set
19 of discovery requests, including requests for production of documents, special interrogatories and
20 requests for admission. I served Ms. Scherr's responses on June 20, 2019.

21 34. Following numerous unproductive e-mails and telephone calls, I drafted an exhaustive
22 meet and confer letter outlining R+F's deficient responses and improper objections to Plaintiff's
23 requests for production of documents. I sent defense counsel the letter on June 24, 2019.

24 35. On June 26, 2019, I appeared at the Case Management Conference. Due to ongoing
25 discovery disputes, the Court ordered the parties submit bi-weekly joint status reports to the Court, set
26 a class certification hearing date, corresponding briefing schedule, and set *Lash Boost Cases* for trial.
27 Following the CMC, I continually worked on drafting the bi-weekly status updates to send the Court.

1 36. On July 1, 2019, I drafted and served R+F with Plaintiffs’ second set of requests for
2 production relating to the manufacturer of LB.

3 37. In July of 2019, I researched caselaw and prepared an initial draft of Plaintiffs’ class
4 certification motion to assist in document review and determining objectives for deposition testimony.

5 38. From May through September of 2019, I worked with counsel for *Lewis* Plaintiffs, TZ
6 and defense counsel to negotiate the protocol for electronic discovery of digital records that would be
7 used in *Lash Boost Cases* and *Lewis*. These discussions were prolonged because the ESI protocol
8 comprised data sources, search periods, connectors, relevant custodians, periods, and search terms and
9 strings. This was crucial given the bulk of R+F’s document production (approximating one hundred
10 eleven thousand, two hundred fifty-eight pages) was in the form of ESI.

11 39. In October of 2019, once substantial agreement was reached on the protocol and R+F
12 began ESI production, I worked with TZ to determine labor distribution as well as appropriate
13 document “tagging” to highlight relevant documents on the e-discovery hosting platform.

14 40. In light of the onerous number of produced documents and fast-approaching class
15 certification briefing schedule, in November and December of 2019, Mr. Willett helped me in reviewing
16 tens of thousands of pages of R+F’s document production to order to identify documents supporting
17 Plaintiffs’ class certification motion and witnesses for deposition.

18 41. In November of 2019, I worked with TZ and counsel for *Lewis* Plaintiffs in agreeing to
19 split depositions among the federal and state cases and identify deponents. We subsequently worked
20 with defense counsel to schedule and notice the initial eight R+F employee depositions.

21 42. On December 5, 2019, I traveled to San Francisco and took the deposition of Danielle
22 Ong on behalf of *Lash Boost Cases* Plaintiffs. In preparing to take the deposition of Danielle Ong, R+F
23 Clinical Development Manager, I reviewed custodial documents for Ms. Ong, prepared a deposition
24 outline and exhibit list. I sent *Lewis* counsel my exhibit list on December 3, 2019 and we discussed the
25 following day.

26 43. On December 9, 2019, I traveled to San Francisco and took the deposition of Tim Falla
27 on behalf of *Lash Boost Cases* Plaintiffs. In preparing to take the deposition of Tim Falla, R+F’s Chief
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1 Science Officer involved in development and formulation of LB, I reviewed his custodial documents,
2 prepared a deposition outline, and drafted an exhibit list which I exchanged with *Lewis* counsel. I also
3 met and conferred with defense counsel regarding improper redactions to his custodial documents.

4 44. Following my review of custodial documents for George Majewski, R+F's former
5 Senior Director, Research and Development, I prepared an exhibit list and provided it to TZ, who was
6 taking his deposition on behalf of *Lash Boost Cases* Plaintiffs on December 12, 2019.

7 45. In February of 2020, I provided redlines and comments throughout the rounds of drafts
8 of Plaintiffs' class certification motion prepared by TZ. I prepared my declaration in support of class
9 certification. I also worked with Ms. Scherr to prepare her supporting declaration and coordinate the
10 scheduling of her deposition. Plaintiffs' Motion for Class Certification was filed on February 14, 2020.

11 46. On February 28, 2020, I attended the deposition of Plaintiff Anna Dohnke to assist in
12 preparing Ms. Scherr for her deposition. I subsequently drafted an outline to assist in preparing Ms.
13 Scherr for deposition.

14 47. On March 1, 2020, I met with Ms. Scherr in person to prepare her for deposition. On
15 March 2, 2020, I again met with Ms. Scherr in the early morning for further preparation and I then
16 defended Ms. Scherr in her full-day deposition. Following receipt of her transcript, I met with Ms.
17 Scherr to carefully review her testimony.

18 48. On March 10, 2020, R+F sought formal coordination of *Ivy Barrett, Elizabeth Tabet,*
19 *Gretchen Kruger, Elaine Longo, and Sharon Purcell v. Rodan & Fields, LLC*, Case No. CGC-19-579766 (Cal.
20 Super. Ct., S.F. Cty.) ("*Barrett*") filed October 3, 2019; with *Lash Boost Cases* through a Petition for
21 Coordination of Add-On Case and Application for Stay Order, further requesting a stay of *Lash Boost*
22 *Cases* pending decision on its Petition. *Barrett* alleged personal injury on behalf of five plaintiffs arising
23 out of the use of LB and was not designed as complex. Following my review of R+F's Petition, I drafted
24 and filed Plaintiffs' Notice of Opposition on March 20, 2020. Subsequently, I researched applicable law
25 and drafted *Lash Boost Cases* Plaintiffs' Opposition to Defendant's Petition For Coordination of an Add-
26 On Case and Application for Stay Order and Proposed Order, which I filed on April 3, 2020. Following
27 review of the Court's tentative ruling, I further researched in preparation for the hearing and outlined
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1 my arguments. On June 2, 2020, I argued Plaintiffs' Opposition at the hearing and answered the Court's
2 questions.

3 49. On June 3, 2020, the Court denied Defendant's Petition For Coordination of an Add-
4 On Case and Application for Stay Order.

5 50. On June 24, 2020, following a thorough review of Defendant's opposition to Plaintiffs'
6 Motion for Class Certification, I conferred with 'TZ to discuss strategy for Plaintiffs' reply brief and
7 divide labor. Following those discussions, I conferred with defense counsel, drafted, and filed a Joint
8 Stipulation Striking the July 1, 2020 Case Management Conference and Proposed Order.

9 51. In opposing Plaintiffs' certification motion, R+F relied on the declaration of Courtney
10 Moore, R+F Senior Vice President, Corporate Strategy and Insights, in arguing consumer satisfaction
11 with LB. To prepare to take Ms. Moore's deposition, I reviewed her declaration, custodial documents,
12 documents pertaining to customer satisfaction and prepared an outline. On July 22, 2020, I took the
13 virtual deposition of Ms. Moore.

14 52. In July of 2020, I worked on addressing inaccuracies of Plaintiffs' testimony as
15 represented in R+F's opposition to class certification. I reviewed the deposition transcript for each *Lash*
16 *Boost Cases* Plaintiff and compared with the testimony represented in R+F's opposition. I drafted a
17 document summarizing the issues and discrepancies, and compared the testimony stated in R+F's
18 opposition with excerpts and citations from the respective deposition transcript. This document was
19 provided in Plaintiffs' Reply in Support of Motion for Class Certification.

20 53. On August 12, 2020, I attended a full-day mediation with Honorable Jay C. Gandhi
21 (Ret.) and Lexi Myer. Although we did not reach a settlement, we agreed to a second mediation. On
22 August 25, 2020, I attended the second full-day mediation with Hon. Jay C. Gandhi, Peter Rosen, and
23 Lexi Myer. I attended the third and fourth mediations held on November 12, 2020 and Feb 11, 2021.
24 Throughout this period, I frequently conferred with Ms. Scherr as to ongoing negotiations and provided
25 updates on the hearing date for Plaintiffs' class certification motion.

26 54. Following eleven months of negotiations, the parties reached a settlement in principle.
27 On May 13, 2021, I appeared at the Case Management Conference. Given the significant settlement
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1 progress, the Court set a hearing for Plaintiffs’ motion for preliminary approval.

2 55. In July of 2021, I participated in discussions with counsel for Plaintiffs to propose Ms.
3 Annick M. Persinger of Tycko & Zavareei, LLP as Co-Lead Class Counsel (“TZ Co-Lead Class
4 Counsel”) and Ms. Juli E. Farris of Keller Rohrback, LLP as Co-Lead Class Counsel (“KR Co-Lead
5 Class Counsel”) as an organized leadership was vital to efficiently manage settlement administration and
6 work division.

7 56. A term sheet memorializing the agreement in principle was extensively negotiated for
8 months. I worked with TZ Co-Lead Class Counsel and provided revisions and comments. The term
9 sheet was executed on July 8, 2021.

10 57. From July through September of 2021, I provided TZ Co-Lead Class Counsel with
11 analysis and redlines to the Settlement Agreement, full notice, e-mail notice, postcard notice, and claim
12 form.

13 58. In July and August of 2021, working with TZ Co-Lead Class Counsel, I drafted sections
14 of Plaintiffs’ Motion for Preliminary Approval, my supporting declaration, and worked with Ms. Scherr
15 to prepare her declaration. Plaintiffs’ Motion for Preliminary Approval was filed on September 21, 2021.

16 59. A second amended complaint was necessary to conform the operative pleadings to the
17 terms of the settlement. In late July and August of 2021, I drafted Notice of Plaintiffs’ Unopposed
18 Motion for Leave to File a Second Amended Complaint, Memorandum of Points and Authorities in
19 Support, and Proposed Order. I worked with TZ in drafting the Second Amended Complaint which
20 consolidates the *Scherr* First Amended Complaint with the *Gorzo* First Amended Complaint,
21 incorporates the *Lewis* amended consolidated complaint, and asserts a nationwide class. Plaintiffs’
22 Unopposed Motion for Leave to File a Second Amended Complaint was filed on September 21, 2021.
23 This Court granted Plaintiff’s Motion on March 11, 2022 and the Second Amended Complaint was filed
24 on April 1, 2022.

25 60. On September 27, 2021, the Court issued its first tentative regarding Plaintiffs’ Motion
26 for Preliminary Approval. Negotiations resumed to address the Court’s tentative through a revised
27 Agreement. I reviewed the revised Agreement with Ms. Scherr. I also worked with BF and TZ Co-Lead
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1 Class Counsel to address questions raised by the Court with respect to injunctive relief in Plaintiffs’
2 supplemental submission. Plaintiffs’ Supplemental Submission in Support of Motion for Preliminary
3 Approval that was filed on October 25, 2021.

4 61. On November 15, 2021, the Court issued a second tentative requesting supplemental
5 briefing. The parties collaborated to address the Court’s questions in the Joint Submission in Support
6 of Motion for Preliminary Approval, filed on February 10, 2022.

7 62. On March 4, 2022, I reviewed the Court’s third tentative in preparation for the hearing.
8 On March 8, 2022, I appeared for the hearings on Plaintiffs’ Unopposed Motion for Preliminary
9 Approval, Plaintiffs’ Motion for an Order Sealing Portions of Memorandum Lodged Conditionally
10 Under Seal in Connection with Plaintiffs’ Motion for Preliminary Approval and Defendant’s Motion to
11 Join, and Plaintiffs’ Unopposed Motion for Leave to File Second Amended Complaint.

12 63. On March 11, 2022, the Court granted preliminary approval, as well as Plaintiffs’
13 unopposed motion for leave to file the second amended complaint.

14 64. On April 1, 2022, Plaintiffs filed the Second Amended Complaint.

15 **LODESTAR AND LITIGATION EXPENSES FOR WW**

16 65. Prior to submitting this declaration, I reviewed and created a spreadsheet with WW’s
17 contemporaneous time entries.

18 66. In an exercise of reasonable billing discretion, I cut 188.3 hours, which would have
19 equaled an additional lodestar of \$143,861.20.

20 67. The total number of hours making up the base lodestar and WW’s 2022 rates are shown
21 in the following table:

Attorney	Title	Graduation Year	Hours	Adjusted Laffey Rate	Total
Allison R. Willett	Partner	2005	2,149.8	\$764.00	\$1,642,447.20
James P. Willett	Partner	1979	58.3	\$919.00	\$53,577.70
Total:			2,208.1		\$1,696,024.90

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26 68. The hours billed represent time spent on tasks essential to the litigation and settlement.

27 69. We also anticipate spending additional time finalizing this fee application, responding to
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1 objections, if any, moving for final approval, and attending the final approval hearing scheduled for
2 September 14, 2022.

3 70. WW's 2022 rates are set forth as delineated by the Adjusted Laffey Matrix, the most
4 commonly used fee matrix for determining fees in complex cases in the California. The Adjusted Laffey
5 Matrix provides the standard hourly rates for attorneys practicing in California. These rates are
6 reasonable and fall well within the rate that courts in California have approved. *See, e.g., Stathakos v.*
7 *Columbia Sportswear Co.* (N.D. Cal. Apr. 9, 2018) No. 15-CV-04543-YGR, 2018 WL 1710075, at *6
8 (“*Stathakos*”) (approving these rates and stating that “[S]everal courts in this district have approved
9 hourly rates equal to or greater than the rates at issue here in similar cases.”); *Kumar v. Salov N. Am. Corp.*
10 (N.D. Cal. July 7, 2017) No. 14-CV-2411-YGR, 2017 WL 2902898, at *7 (finding Class Counsel’s rates
11 were “reasonable and commensurate with those charged by attorneys with similar experience in the
12 market”).

13 71. WW has also incurred \$21,245.22 in unreimbursed costs and litigation expenses through
14 June 23, 2022.

15 72. WW's current unreimbursed costs and expenses are broken down by category, as set
16 forth in the following chart:

Cost	Amount
Air Travel	\$989.11
Depositions, Court Reporting, and Transcripts	\$1,496.70
E-Discovery Expenses	\$1,843.34
Expert Services	\$1,666.66
Filing, CourtCall, and other court-related fees	\$1,827.33
Ground Travel	\$930.34
Mediation Costs	\$5,185.79
PACER and document-retrieval fees	\$1,127.05
Photocopies	\$2,488.93
Postage	\$185.60
Travel expenses	\$443.17
Westlaw, LexisNexis fees	\$3,061.20
Total:	\$21,245.22

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25 73. The costs and expenses were incurred in furtherance of the prosecution of this case,
26 were advanced by WW, and have not been reimbursed. The costs and expenses are reflected on the
27 computerized accounting records of WW, prepared from expense vouchers, check records, invoices,
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1 and other source materials, copies of which will be made available upon the Court's request.

2 **THE ATTORNEYS OF WW ARE SKILLED AND QUALIFIED CLASS COUNSEL**

3 74. WW is a California-based law firm representing plaintiffs in complex cases with an
4 emphasis in class action litigation involving consumer fraud and false and misleading advertising. The
5 attorneys at WW are skilled litigators with years of experience vindicating the rights of millions of
6 consumers. WW consistently demonstrated this high level of skill throughout this litigation.

7 75. WW proved effective oral advocates by successfully presenting argument and defeating
8 R+F's demurrer in its entirety, arguing and defeating R+F's request for judicial notice, successfully
9 arguing for the coordinating *Scherr* and *Gorzo*, as well as arguing and defeating R+F's petition to
10 coordinate with *Barrett* and associated application to stay *Lash Boost Cases*. WW displayed pronounced
11 skill through coordinating discovery between the state and federal actions in order to obtain critical
12 evidence and elicit testimony supporting class certification. WW understands the great responsibility
13 representing a class of consumers and delivered superior work on behalf of Plaintiffs and the Settlement
14 Class.

15 76. I am a founding partner of WW. I received my Bachelor of Arts degree from the
16 University of California at Santa Barbara in 2002, graduating with Honors. I earned my Juris Doctor
17 degree from Loyola Law School in 2005. Over my seventeen years of practice, I have gained substantial
18 experience litigating complex cases and have twice been recognized as a Super Lawyers Rising Star. I
19 have devoted the last twelve years of my practice to prosecuting consumer class actions as well as
20 complex mass torts involving fraud and defective products. For instance, in *In Re: Chinese-Manufactured*
21 *Drywall Products Liability Litigation*, (E.D. La.) No. 2:09-md-02047, I represented hundreds of
22 homeowners in the multidistrict litigation and was instrumental in attaining four certified class action
23 settlements, providing over \$300 million in monetary relief as well as complete home remediations. I
24 have been named Class Counsel in California state and district courts. *See, e.g., Johnson v. Vianda, LLC*
25 (Cal. Super. Ct.) No. BC423825 (finally approved class settlement in case alleging false advertising of a
26 supplement); *McCrary v. Elations Co., LLC* (C.D. Cal. Jan. 13, 2014) 2014 WL 1779243 (certifying a class
27 of purchasers of joint supplement beverage). During my initial five years of practice, I advised major oil
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1 companies in environmental regulatory matters and represented defendants in complex, high-profile
2 toxic tort litigation. By way of example, in *Moss, et al. v. Venoco, Inc., et al.* (Cal. Super. Ct.) No. BC297083
3 I represented an independent oil company and obtained summary judgment in my client's favor in a
4 toxic tort case brought by Erin Brockovich and Edward Masry of movie fame.

5 77. James P. Willett, the managing partner of WW, also worked on this case. Mr. Willett is
6 a 1979 graduate of McGeorge School of Law, University of the Pacific. He received his Bachelor of
7 Arts degree from University of California at Davis. In 1979, Mr. Willett began practicing as a deputy
8 district attorney, promoted to Chief Deputy District Attorney in 1986, again promoted to Assistant
9 District Attorney in 1995, and in 2005 was elected to the position of San Joaquin County District
10 Attorney. Mr. Willett held the position as San Joaquin County District Attorney until he left in 2015, at
11 which time he co-founded WW. Mr. Willett ran the Consumer Business Affairs Division/
12 Environmental Protection Unit of the San Joaquin County District Attorney's Office, a division
13 dedicated to investigating and prosecuting persons or businesses engaged in unfair, unlawful, or
14 deceptive business practices violating consumer and/or environmental laws. Mr. Willett has prosecuted
15 nearly one thousand consumer fraud cases for violations of California's Unfair Competition Law and
16 California's False Advertising Law. He has taken over one hundred cases to trial and has been honored
17 with the Law Day Award by the San Joaquin County Bar Association.

18 78. A copy of WW's firm resume describing the qualified, skilled attorneys it comprises is
19 attached as Exhibit 1.

20 **RISKS BORN BY WW**

21 79. WW took this case on a fully contingent basis, meaning we were not paid for any of our
22 time, and paid all costs and out-of-pocket expenses without any reimbursement to date.


23 80. WW filed this lawsuit knowing a vigorous prosecution would require other work be
24 foregone, without having any guarantee of success or compensation. WW recognized the complexity
25 and uncertainty of relevant legal issues in anticipating the significant time required to litigate the case.
26 Indeed, because of required time to effectively prosecute this case, WW was considerably limited in its
27 ability to take on other contingency cases.

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81. WW understood litigating this case would it to advance substantial costs with no guarantee of recovery. These financial realities further limited WW’s ability to invest in other contingency cases.

82. WW faced sizeable hurdles throughout this litigation further increasing the risks it bore, including not only R+F’s skilled defense by a well-resourced litigation firm, but also due to the filing of three additional lawsuits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 23, 2022, at Beverly Hills, California.



Allison R. Willett, Esq.

EXHIBIT “1”

WILLETT & WILLETT, LLP

ATTORNEYS AT LAW

Willett & Willett, LLP is a California-based law firm with offices in both Northern and Southern California. Willett & Willett, LLP specializes in representing plaintiffs in complex civil litigation, with an emphasis on cases involving false and misleading advertising and product defects. The attorneys of Willett & Willett, LLP are skilled litigators with years of experience vindicating the rights of millions of consumers.

ATTORNEY BIOGRAPHIES

James P. Willett, Esq.

Mr. Willett is the managing partner of Willett & Willett, LLP. Prior to founding the firm, Mr. Willett served as the San Joaquin County District Attorney from 2005 through 2015. Mr. Willett first began his career as a deputy district attorney in 1979. In 1986, he was promoted to Chief Deputy District Attorney, and thereafter promoted to Assistant District Attorney in 1995. In 2005, Mr. Willett was elected to the position of San Joaquin County District Attorney. Mr. Willett held this position until he left in 2015, thereafter co-founding Willett & Willett, LLP with his daughter.

While District Attorney, Mr. Willett ran the Consumer Business Affairs Division/ Environmental Protection Unit of the District Attorney's Office, prosecuting actions to disgorge profits from businesses that violated consumer and environmental laws. This division was solely dedicated to investigating and prosecuting persons or businesses engaging in unfair, unlawful, or deceptive business practices. Mr. Willett has prosecuted nearly one thousand consumer fraud cases utilizing traditional prosecutorial powers of the District Attorney and filing civil actions for violations of California's Unfair Competition Law (Business and Professions Code §§ 17200, *et seq.*) and California's False Advertising Law (Business and Professions Code §§ 17500, *et seq.*). Mr. Willett has taken over one hundred cases to trial.

Mr. Willett was honored by the California Haz Mat Investigators Association in 2006 and 2007. Mr. Willett was also honored by the San Joaquin County Bar Association with the Law Day Award in 2013 for his contribution to the community as District Attorney of San Joaquin County.

Mr. Willett is a member of the California District Attorney's Association, National District Attorney's Association and the Consuelo M. Callahan Inns of Court.

Mr. Willett was admitted to the State Bar of California in 1979. Mr. Willett received his Juris Doctor from McGeorge School of Law, University of the Pacific in 1979. In 1976, Mr. Willett graduated from University of California at Davis, earning a Bachelor of Arts degree in history.

Allison R. Willett, Esq.

Ms. Willett is a partner at Willett & Willett, LLP. Prior to co-founding the firm, she practiced law at a prominent Southern California class action firm, exclusively litigating consumer class actions and complex mass torts involving defective products and consumer fraud.

Ms. Willett's practice focuses on representing plaintiffs in complex litigation and consumer class actions, with particular emphasis on consumer fraud actions involving false and misleading advertising, e-commerce and actions arising under California's Unfair Competition Law and the Consumer Legal Remedies Act. She has played integral roles in class actions recovering millions of dollars for consumers. Ms. Willett has been class counsel in several certified class actions, including:

Johnson, et al. v. Vianda, LLC, et al., (Cal. Super. Ct. Case No. BC 423825) Certified class action settlement representing purchasers of Enzyte supplement alleging false and deceptive claims of natural male enhancement.

McCrary, et al. v. The Elations Co., LLC, 2014 WL 1779243 (C.D. Cal. Case No. 5:13-cv-00242-JGB-SP) Certified class action representing California purchasers of Elations joint health supplement beverage alleging false and deceptive claims of clinical-proof on product labeling.

In Re: Chinese-Manufactured Drywall Products Liability Litigation, (E.D. La. Case No. 2:09-md-02047) While at her former law firm, Ms. Willett was actively involved in the Chinese drywall litigation, representing hundreds of homeowners who were victims of high-sulfuric Chinese drywall linked to metal corrosion and odor following home construction. The multi-district litigation comprised foreign and domestic entities, hundreds of defendants, thousands of plaintiffs, as well as a federal and state track, spanning many years. The case was a remarkably complex mass tort, implicating novel legal issues. Ms. Willett was instrumental in obtaining four separate certified class action settlements, providing over three hundred million dollars in monetary relief to the consumer classes, as well as complete home remediation.

Ms. Willett has been selected for the *Super Lawyers Southern California Rising Stars* lists for years 2019 and 2020, a distinction awarded to only 2.5% of lawyers statewide.

Ms. Willett was admitted to the State Bar of California in 2005. Ms. Willett received her Juris Doctor from Loyola Law School in 2005. In 2002, Ms. Willett graduated with Honors from University of California at Santa Barbara, earning a Bachelor of Arts degree in law and society.

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5 Attorneys for Plaintiffs and
the Settlement Class
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7
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9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN FRANCISCO**

11 **LASH BOOST CASES**

12 CARYN GORZO, KASEY MELIN (FORMERLY
13 KASEY POE), ANNA DOHNKE, LIEN SCHERR,
JOLENE LEWIS VOLPE (FORMERLY
14 BARBARA LEWIS), BOBBIE JOE HULING,
CYNTHIA WHETSELL, MARTHA MERLE,
15 TERESA GATTUSO, ELISSA WAGNER, and
DIXIE WILLIAMS, individually and on behalf of
16 themselves and all others similarly situated,

17 Plaintiffs,

18 v.

19 RODAN & FIELDS, LLC,

20 Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF PETER J. FARNESE
IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR FEES, COSTS AND
SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Dept: 304

1 **DECLARATION OF PETER J. FARNESE**

2 I, Peter J. Farnese, declare and state as follows:

3 1. I am partner of the law firm Beshada Farnese LLP, Co-Class Counsel of record for
4 Plaintiffs and Settlement Class, and am licensed to practice in all courts within the State of California.

5 2. I make this declaration based on my own personal knowledge or upon information and
6 belief and, if called upon to testify, would testify competently as to the matters contained therein.

7 3. I submit this declaration in support of Plaintiffs’ Motion for Fees, Costs, and Service
8 Awards.

9 4. **Part A** of this Declaration provides a brief background summary of the *Scherr* action and
10 our firm’s role in that matter before the state court matters were consolidated.

11 5. **Part B** of this Declaration provides the background on my firm, Beshada Farnese LLP
12 (“BF”) and the role of each attorney and staff member for this action.

13 6. **Part C** of this Declaration provides a summary of BF’s lodestar and out-of-pocket costs
14 incurred in prosecuting this action.

15 7. **Part D** of this Declaration provides a summary of the time BF has spent and the tasks
16 that I, along with the State Court counsel, generally, and BF specifically, performed in prosecuting this
17 action and achieving this settlement for the Class.

18 8. **Part E** of this Declaration discusses the contingent nature of the fee award and the risks
19 born by BF and the preclusion of other employment; the substantial benefits conferred on the Class by
20 this settlement; the novelty and difficulty of the issues involved; and the skill shown by Class Counsel
21 in presenting those issues.

22 **A. Brief Procedural Background and the First-Filed *Scherr* Action**

23 9. As described in the Declaration of Allison R. Willett submitted concurrently herewith,
24 BF partnered with Willett & Willett LLP (“WW”) to prosecute what eventually became *Scherr, et al. v.*
25 *Rodan & Fields, LLC*, Case No. CIVDS-1723435 (Cal. Super. Ct., San Bernardino County.) (“*Scherr*”).

26 10. Beginning in the fall of 2017, along with the WW team, we thoroughly researched and
27 analyzed a number of legal and factual issues related to Rodan & Fields’ (“R+F”) formulation,
28 marketing, and sale the Lash Boost product.

1 11. As part of this background research, including on the science and regulatory status of
2 what we understood was the active ingredient in Lash Boost, a prostaglandin analogue called isopropyl
3 cloprostenate (“ICP”), we identified two key prior matters: 1) An FDA Warning Letter to a company
4 called Lifetech Resources regarding the marketing of ICP-based eyelash serums; and 2) a series of
5 actions filed in the Central District of California by Allergan, Inc., the manufacturer of the only FDA-
6 approved eyelash enhancement drug called Latisse, against several cosmetics companies marketing
7 eyelash enhancement serums as over-the-counter cosmetics, including certain serums containing ICP
8 and utilizing several similar marketing claims as R+F used for Lash Boost (collectively hereafter the
9 “*Allergan cases*”).

10 12. Ms. Willett and I retrieved the pleadings, briefs, evidence, court decisions in the *Allergan*
11 cases and thoroughly analyzed them. In those cases, Allergan was successful in obtaining summary
12 judgment on its claims under the “unlawful prong” of Cal. Bus. & Prof Code section 17200—specifically
13 arguing that the defendants’ “cosmetic” eyelash serums were actually unapproved drugs sold in violation
14 of the California Health & Safety Code. The cases involved several complex legal and regulatory issues
15 under federal and state law, as well as related preemption and primary jurisdiction arguments. In short,
16 the cases provided a roadmap on how to successfully prosecute claims on behalf of Lash Boost
17 consumers against R+F, what information to seek in discovery, and how any class action would likely
18 be defended by R+F.

19 13. Although we did not know it at the time, this research would prove even more fruitful
20 because one of the *Allergan* defendants would ultimately be revealed in discovery to be the manufacturer
21 of the Lash Boost product for R+F.

22 14. Along with this legal research, BF and WW conducted a thorough search on the
23 advertising, marketing, and labeling of Lash Boost, along with its promotion on social media by R+F
24 “consultants.” We also researched R+F, its founders, its “multi-level marketing” business model and its
25 financial structure—including public reports on the apparent financial success of Lash Boost. This
26 research also revealed that, unfortunately, many consumers had experienced a number of side effects
27 from Lash Boost that had been associated with prostaglandin analogues like ICP.

28 15. Using this information, we issued a pre-suit CLRA Notice and draft class action

1 complaint to R+F on behalf of Ms. Scherr. Thereafter in November 2017, we were contacted by R+F's
2 counsel and exchanged information related to Scherr's and the Class's claims, along with requesting
3 certain information . It became clear, however, that we would be unable to resolve the issues raised in
4 the CLRA Letter and we proceeded with filing the complaint in San Bernardino County Superior Court
5 at the end of November 2017 and the case was assigned to Judge Cohn.

6 16. In part due to the holidays, and in part due to the dissolution of lead defense counsel's
7 law firm and her subsequent association with a new firm, we provided R+F extensions to respond to the
8 complaint so that we could continue to meet and confer, exchange information, as well as discuss any
9 potential pleadings challenges by R+F.

10 17. During this time, I continued to work with Ms. Willett and her firm to research R+F and
11 its marketing and sale of Lash Boost and track the advertising claims made by R+F as well additional
12 public reports related to side effects and injuries sustained by consumers. Eventually, R+F filed a lengthy
13 demurrer in in late March 2018 to the *Scherr* Complaint.

14 18. Over the next several weeks, I worked with Ms. Willett and WW to research the
15 arguments raised in the demurrer and assist in drafting a first amended complaint to address the
16 arguments raised by R+F. On May 1, 2018, we filed a First Amended Complaint, alleging among other
17 things, that after the issuance of the pre-suit *Scherr* CLRA Notice, R+F subsequently changed many of
18 its marketing claims for Lash Boost, including its disclosures about "irritation" and other side effects
19 from use of Lash Boost.

20 19. Shortly thereafter, R+F filed another "summary judgment"-style demurrer and lengthy
21 request for judicial notice. Apart from a potential dismissal, the demurrer presented certain risks to the
22 class's claims as R+F raised many legal issues related to economic injuries and reliance that could have
23 allowed by R+F to restrict class members ability to recover damages in the action as well as create
24 individualized issues to eventually defeat class certification.

25 20. In late May and early June 2018 I worked with Ms. Willett on research, drafting, and
26 editing the opposition brief to the demurrer, along with the opposition to R+F's request for judicial
27 notice. In doing so, I reviewed prior class action cases my office had before Judge Cohn and we worked
28 with Ms. Willett to include arguments and caselaw in our opposition that we felt would be successful in

1 opposing R+F’s pleading challenge.

2 21. R+F subsequently filed its reply briefs, and on June 20, 2018 the Court held the hearing
3 on R+F’s demurrer. Ms. Willett travelled to San Bernardino to argue the motion in person and I appeared
4 by CourtCall. Ultimately, Judge Cohn overruled R+F’s demurrer in its entirety, and denied its request
5 for judicial notice, entering his order on June 22, 2018.

6 22. In my opinion, defeating R+F’s demurrer in the *Scherr* matter was a significant victory
7 for the class and instrumental the prosecution of the related state and federal cases. First, it paved the
8 way for the complaints in state court to proceed intact; two, it applied a significant amount of pressure
9 on R+F as it ensured full and complete discovery by plaintiffs on a number of issues; three, R+F was
10 unable to use its demurrer to “chip” away the scope of plaintiffs’ claims and available remedies,
11 including their entitlement to a full refund under the applicable caselaw related to “unlawful” business
12 practices claims, as well as an injunction against R+F’s sale of the product; and last by the time the
13 demurrer was decided, R+F was subject to additional class actions in state and federal court and it
14 appeared that part of R+F’s defense strategy (which was unsuccessful after losing the *Scherr* demurrer)
15 was to keep the cases separate early on, in hopes of obtaining a victory at the pleading stage it could then
16 use offensively in the other cases.

17 23. Shortly after we learned of the *Gorzo, et al. v. Rodan & Fields, LLC*, Case No. CGC-18-
18 565628 (Cal. Super. Ct., S.F. County.) (“*Gorzo*”) matter pending in San Francisco Superior Court, we
19 actively sought to work productively with the Tycko & Zavareei (“TZ”) team (and eventually the federal
20 team), even before the State Court matters were formally coordinated, to efficiently and effectively
21 prosecute these matters in the interests of the Class. To that end, on June 20, 2018, I reached out to Mr.
22 Zavareei on behalf of BF and WW to discuss how our respective teams could work together and obtain
23 formal coordination of the *Scherr* and *Gorzo* actions. Thereafter, TZ, WW, and BF worked productively
24 to obtain formal JCCP coordination of the actions and to litigate and prosecute plaintiffs’ claims.

25 24. In short, BF and WW invested substantial time investigating and actively litigating the
26 *Scherr* matter approximately seven months before the *Gorzo* state case and federal *Lewis, et al. v. Rodan*
27 *& Fields, LLC*, Case No. 4:18-cv-02248 (N.D. Cal.) (“*Lewis*”) cases were filed in April 2018, and for
28 nearly a year before the *Scherr* and *Gorzo* cases were formally coordinated in October 2019.

1 **B. Beshada Farnese LLP (“BF”) Is Experienced And Qualified Class Counsel**

2 25. Beshada Farnese LLP (“BF”) maintains a nationwide practice representing both plaintiffs
3 and defendants in class action litigation, regulatory investigations, and other commercial matters. BF
4 specializes in complex litigation involving advertising claims, business disputes, employment matters,
5 intellectual property, and product defects.

6 26. BF has served as counsel to consumers, corporations, and corporate officers in class
7 actions and multi-district litigation; Federal Trade Commission/State Attorney General investigations;
8 investigations by the Consumer Product Safety Commission; advertising challenges instituted before the
9 National Advertising Division of the Better Business Bureau (“NAD”), as well as the Electronic
10 Retailing Self-Regulation Program (“ERSP”), and the Children’s Advertising Review Unit (“CARU”).
11 In addition, the firm has represented defendants in litigation involving claims under California’s
12 Proposition 65, as well as class actions brought under the California Invasion of Privacy Law and the
13 Americans with Disabilities Act.

14 27. A true and correct copy of BF LLP’s firm resume is attached hereto as **Exhibit 1**.

15 28. Below, I describe the role of each BF team member in the prosecution of this case, as
16 well as their relevant qualifications.

17 29. **Peter J. Farnese (My Role and Qualifications):** I served as the primary attorney for BF
18 in this matter and worked with Ms. Willett and WW, along with Ms. Persinger and her team at TZ to
19 prosecute this action.

20 30. I co-founded BF with Mr. Beshada twelve years ago in 2010. For the past fifteen years, I
21 have devoted my practice almost exclusively to the prosecution and defense of consumer class actions.
22 I graduated from the University of Notre Dame and earned my law degree from Pepperdine University
23 School of Law. Before practicing, I served as judicial extern to the Honorable Marjorie O. Rendell of
24 the United States Court of Appeals for the Third Circuit.

25 31. My practice has a particular emphasis on litigation involving direct-response advertising,
26 as well as the advertising and regulation of dietary supplements, cosmetics, and other health-related
27 products. I have represented both consumers and corporations a variety of actions alleging false
28 advertising and labeling of consumer products. In addition, I have represented corporate defendants in

1 California state regulatory enforcement proceedings under the California Unfair Competition Law and
2 False Advertising Law.

3 32. I have prosecuted several class actions on behalf of consumers of cosmetics products that
4 similar issues involving this matter. Recently, I, along with BF, was appointed Class Counsel in the
5 matter *Ramirez, et al. v. HB USA Holdings, Inc.*, Case No. 5:20-cv-01016-JGB-SHK (C.D. Cal.). Like
6 this matter, the *Ramirez* matter involved issues related to the “intended use” of neon makeup palettes
7 marketed by Huda Beauty. In *Ramirez*, plaintiffs alleged that Huda Beauty unlawfully sold and
8 concealed information in the marketing certain makeup palettes for eye area use with unapproved color
9 additives for the eye-area. BF obtained a settlement for a nationwide class of consumers resulting in
10 millions of dollars in refunds and injunctive relief related to the labeling and advertising of any
11 substantially similar future products sold in the U.S. by Huda Beauty. In addition, before forming BF, I
12 was appointed class counsel in *Fallon v. E.T. Browne Drug Co., Inc.* (Los Angeles Super. Ct. Case No.
13 BC 411117) which alleged unlawful drug claims and false and misleading advertisements for Palmers
14 brand Cocoa Butter marketed for “stretch marks”. We obtained a multimillion dollar common fund
15 settlement and injunctive relief.

16 33. With BF, I have been appointed plaintiffs’ class counsel in the following matters:

- 17 a. *Attlesey, et al. v. Optimum Nutrition, Inc.* (Cal. Super. Ct. Case No.
18 BC484769)(Consumer class action challenging defendant’s false and deceptive
19 advertising of protein powder products. Obtained nationwide common fund settlement
20 securing restitution and advertising and labeling changes for multiple products regarding
21 the digestive enzyme Aminogen);
- 22 b. *Burmeister v. NAC Marketing, LLC* (Cal. Super. Ct. Case No.
23 CIVDS1213282)(Consumer class action challenging defendant’s false and deceptive
24 advertising of the Ageless Male dietary supplement. Obtained nationwide settlement
25 providing consumers the ability to claim full restitution, reformulation of the product, and
26 agreement to discontinue certain advertising claims);
- 27 c. *Jensen v. Bainbridge & Knight, LLC* (Cal. Super. Case No. BC472174)(Consumer class
28 action challenging the advertising of the weight loss supplement Lichi);

- 1 d. *Keller v. Gaspari Nutrition, Inc.* (C.D. Cal. Case No. CV11-06158-GAFSHx)(Consumer
2 class action alleging that Novadex XT dietary supplement was illegally marketed and
3 sold with “non-dietary” ingredient. Obtained nationwide common fund settlement
4 securing restitution, destruction of supplies of offending products, and reformulated
5 products for consumers.);
- 6 e. *Steiner, et al. v. Rawlings Sporting Goods Co., Inc.* (D.N.J. Case No. CV12-2531-
7 MCA)(Consumer class action challenging advertising claims for the Rawlings Power
8 Balance Bracelet. Obtained nationwide settlement.);
- 9 f. *Taromina, et al. v. Gaspari Nutrition, Inc.* (C.D. Cal. Case No. CV12-05424-
10 JAKMANx)(Consumer class action alleging that Spirodex dietary supplement was
11 illegally marketed and sold with “non-dietary” ingredient. Obtained nationwide
12 settlement securing restitution and agreement to discontinue sale of product and DMAA
13 ingredient);
- 14 g. *Wike v. HCG Platinum, LLC, et al.* (Cal. Super. Case No. BC451080)(Consumer class
15 action alleging false and misleading weight loss claims for the HCG Platinum
16 homeopathic product. Obtained nationwide settlement securing full restitution for
17 consumers and injunctive relief.)

18 34. Prior to forming BF, I worked as plaintiffs’ class or co-class counsel in the following
19 matters: *Wally v. CCA Industries, Inc.* (Los Angeles Super. Ct. BC422833) (Nationwide settlement of
20 action challenging advertising of the “Mega-T” dietary supplement); *Williams, et al. v. Biotab*
21 *Nutraceuticals, Inc.* (Los Angeles Super. Ct. Case No. BC414808)(Nationwide settlement of action
22 challenging advertising of the “Extenze” dietary supplement); *Ceballos v. Fuze Beverage, LLC* (Los
23 Angeles Super. Ct. Case No. BC 394521)(Nationwide settlement of action challenging advertising of
24 the “Fuze Healthy Infuzions” beverages); *Salcido v. Iomedix* (Los Angeles Super. Ct. Case No.
25 BC387942)(Nationwide settlement of action challenging advertising of the “ColdMD” dietary
26 supplement); and *Fallon v. E.T. Browne Drug Co., Inc.* (Los Angeles Super. Ct. Case No. BC
27 411117)(Nationwide settlement of action challenging advertising of the “Palmer’s brand” Cocoa Butter
28 for Stretch Marks).

1 35. **Donald A. Beshada (Role and Qualifications):** Mr. Beshada participated in consulting
2 with me on our overall strategy at various stages of the action, reviewing and editing pleadings, motions
3 and other filings, discovery, depositions, and settlement. Throughout the litigation I frequently consulted
4 with Mr. Beshada on a variety of topics, arguments, discovery, briefs, settlement issues, and filings.

5 36. Mr. Beshada is Managing Partner of BF. Prior to forming BF with me in 2010, Mr.
6 Beshada was equity partner with the national law firm of Drinker, Biddle & Reath LLP (now Faegre
7 Drinker Biddle & Reath LLP). For twenty-five years, his practice has focused on complex commercial
8 litigation. He has served as lead defense counsel to several corporations in consumer and employment
9 class actions in state and federal courts throughout the country. In addition, Mr. Beshada has extensive
10 experience on the plaintiffs’ side of the practice. He has tried complex commercial cases to verdict in
11 state and federal court, including cases involving allegations of false advertising. For the better part of
12 the last fifteen years, his practice has focused on the litigation (both private and regulatory) of advertising
13 claims for consumer products, dietary supplements, and “as-seen-on-TV” products.

14 37. He has represented companies and corporate officers in state and federal regulatory
15 proceedings, including governmental enforcement actions under state consumer fraud statutes, litigation
16 and commercial arbitrations. Mr. Beshada is frequently retained by companies to work “behind the
17 scenes” to consult with them and their counsel on class actions and other “bet the company” litigation
18 matters in order to develop creative defense strategies and negotiate settlements.

19 38. He regularly is asked to speak on the topics of class actions and advertising law. Most
20 recently, he presented at the 2019 Antitrust & Consumer Protection In-House Institute sponsored by the
21 ABA’s Section of Antitrust Law.

22 39. **Lily Farnese (Role and Qualifications):** Ms. Farnese provided a variety of litigation
23 support services for this matter including coordinating with our attorney service in the filing and service
24 of documents, working with e-discovery providers, organizing deposition transcripts, pleadings, and
25 discovery documents. In addition, she assisted in formatting pleadings for court submission and drafting
26 shell discovery responses. She also assisted in the review of thousands of pages of documents produced
27 by R+F and compiling various “hot” documents and ESI identified by the WW and TZ teams. Lily served
28 as a paralegal at BF from the firm’s inception providing support for its class action litigation practice.

1 In 2007, she graduated, cum laude, from the University of Southern California where she received the
2 award for top senior thesis in the Art History department at graduation. After graduation, Lily began her
3 career as a legal assistant at a large Los Angeles-based plaintiff’s class action firm.

4 **C. Summary of BF LLP’s Lodestar and Litigation Costs**

5 40. In order to keep the rates consistent across the firms litigating the JCCP matters, we
6 agreed at the outset with TZ and WW that all firms would utilize rates delineated by the Adjusted Laffey
7 Matrix. See <http://www.laffeymatrix.com/>. A description of the Adjusted Laffey Matrix and its use in
8 class action fee applications is summarized in the Declaration of Annick Persinger filed concurrently
9 herewith.

10 41. With respect to the rates, based on my experience in class actions, over the last 15 years,
11 these rates are reasonable and comparable to the fees generally charged by attorneys with similar
12 experience, ability, and reputation for work on similar matters in this county and throughout California.
13 See, e.g., *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liab.* Litig., No. 2672 CRB
14 (JSC), 2017 U.S. Dist. LEXIS 39115, at * (N.D. Cal. Mar. 17, 2017) (\$275 to \$1,600 for partners, \$150
15 to \$790 for associates, and \$80 to \$490 for paralegals); *Schneider v Chipotle Mexican Grill, Inc.*, 336
16 F.R.D. 588, 601 (N.D. Cal. Nov. 4, 2020) (\$830 to \$1,275 for partners and \$425 to \$695 for associates).

17 42. Notably, these hourly rates comport with what my firm normally charges clients for
18 hourly defense work in complex matters. My partner Mr. Beshada’s rate, in particular, is lower than
19 what he typically charges for such hourly defense engagements.

20 43. In preparing this declaration, I requested that BF’s CFO compile and summarize the time
21 and costs records for my firm associated with this case¹. A true and correct copy of that document is
22 attached hereto as **Exhibit 2**. The attorney time summaries were completed from contemporaneous
23 attorney and staff time records maintained by the firm. The summary of expenses pertaining to this case
24 are reflected in the books and records of BF. These books and records are prepared from expense vouchers,

25 _____
26 ¹ Particularly in a common fund settlement such as this, counsel need only submit summaries of their
27 hours incurred; submission of billing records is not required. *Chavez v. Netflix, Inc.*, 162 Cal. App. 4th
28 43, 64 (2008) (“timesheets are not required of class counsel to support fee awards in class action
cases.”); *Lobatz v. U.S. W. Cellular of Cal., Inc.*, 222 F.3d 1142, 1148-49 (9th Cir. 2000) (the court
may rely on summaries of the total number of hours spent by counsel).

1 check records, and other documents and are an accurate record of the expenses.

2 44. Because my firm is somewhat unique in that we represent plaintiffs as well as hourly
3 defense clients, we strive for efficiency in the time we allocate to all matters, including our contingency
4 class action clients. BF's productivity has been recognized, even by our adversaries in litigation. For
5 instance, in a recent fee application in the Central District, the defendant, through their law firm Gibson,
6 Dunn & Crutcher, indicated that defendant did "not have a basis" to oppose BF's fee application because
7 BF displayed "efficiency of negotiating, documenting, and then overseeing this class action settlement"
8 and that "Plaintiffs' counsel should be incentivized to efficiently handle class actions. Here, that is
9 exactly what [BF] did." See *Ramirez, et al. v. HB USA Holdings, Inc.*, Case No. 5:20-cv-01016-JGB-
10 SHK, Dkt. 60 at p. 1 (C.D. Cal.).

11 45. The total number of hours making up BF LLP's lodestar at the rates provided by the
12 *Adjusted Laffey Matrix* is summarized below:

Beshada Farnese LLP		Hours	Laffey Rate	Lodestar
Partner	Donald A. Beshada (1997)	65.3	\$919	\$60,010.70
Partner	Peter J. Farnese (2007)	1386.8	\$764	\$1,067,155.20
Paralegal	Lily S. Farnese (n/a)	195.5	\$208	\$4,0664.00
Total:		1657.6		\$1,167,829.90

17
18 46. As of June 20, 2022, BF LLP has incurred \$18,805.20 in unreimbursed costs in
19 connection with the prosecution of this action as summarized below

Category	Amount
Air Travel	\$457.40
Attorney Service / Courier	\$2,093.50
Depositions, Court Reporting, and Transcripts	\$1,087.33
E-Discovery Expenses	\$6,105.69
Expert Services	\$1,666.66
FedEx	\$30.06
Filing, CourtCall, and other court-related fees	\$1,692.20
Ground Travel	\$198.26
Mediation Costs	\$5,128.00
PACER, Lexis Nexis and document-retrieval fees	\$346.10
Total:	\$18,805.20

1 47. An itemized list of these expenses is attached hereto as **Exhibit 2**.

2 **D. Summary of Time Spent By BF LLP Litigating The Lash Boost Cases and Global**
3 **Settlement**

4 48. I understand that Ms. Persinger and Ms. Willett have filed detailed declarations on behalf
5 of their respective firms in connection with this motion, and those declarations largely summarize the
6 work of all counsel in the state court cases. In order avoid any burden the Court of any repetition of Ms.
7 Persinger' s and Ms. Willett's declaration, I provide the below summary of BF's time spent in this
8 litigation and settlement.

9 49. I have been the primary attorney working on this matter for BF LLP. I have participated
10 in the background investigation, discovery, drafting pleadings and motion related documents,
11 participated in meet and confer conferences and calls with defense counsel, and attended certain hearings
12 and case management conferences on behalf of Plaintiffs.

13 50. As described above in section A, we worked with Ms. Willett and WW to investigate
14 Lash Boost and formally begin the action against R+F by issuing a pre-suit notice on October 16, 2017,
15 and, eventually filed the *Scherr* complaint on November 28, 2017.

16 51. In addition to that information, as part of my firm's initial workup and background
17 investigation we had, through my firm's defense work, access to several consulting experts, including a
18 regulatory consultant, cosmetic chemist consultant and cosmetics manufacturing consultant that I
19 worked with to understand the formulation and regulatory issues related to the Lash Boost along with
20 their pricing/costs, along with information we should seek in discovery.

21 **General Summary of BF's Time**

22 52. In general, our background investigation, discovery, and litigation on this matter
23 included:

- 24 a. obtain and review of hundreds of electronic images and hard copies of website,
25 social media, packaging, labeling and advertisements for Lash Boost;
26 b. research into R+F, its corporate and litigation history, and research as to R+F's
27 multilevel marketing structure and its "consultant" agreements;
28 c. review of information regarding the chemical formulation of the Products

1 (including both US and international regulatory schemes for the ingredients at
2 issue);

- 3 d. extensive legal research as to the respective merits and weaknesses of the case,
4 including a thorough analysis of the *Allergan v. Athena Cosmetics* and *Allergan v.*
5 *Lifetech Resources* line of cases (including all relevant pleadings and documents
6 filed therein;
- 7 e. draft, edit and serve the initial discovery requests to R+F and third-party subpoena
8 to Lifetech Resources;
- 9 f. worked with the State Court counsel team to coordinate review and analysis of
10 over 100,000 pages of documents and ESI produced by R+F;
- 11 g. helped to prep the state court team for multiple depositions of R+F witnesses and
12 prepped Ms. Scherr for her deposition;
- 13 h. review and analyze deposition transcripts of various R+F witnesses, class
14 representatives, and expert witnesses;
- 15 i. review relevant financial documents and insurance policy documents to analyze
16 potential class-wide damages and restitution models;
- 17 j. review of advertising claims history, comparative products and various “language
18 models” for changes to the packaging and advertising of Lash Boost; and
- 19 k. extensive legal research and evaluation of the applicable law with respect to the
20 claims asserted in the complaint and the defenses thereto, including FDA
21 regulations and their California equivalents.
- 22 l. Research, draft and edit briefing related to:
- 23 i. the Complaint and First Amended Complaint in *Scherr*;
- 24 ii. R+F’s demurrers in *Scherr* and *Gorzo*;
- 25 iii. the petition to coordinate *Scherr* and *Gorzo*;
- 26 iv. the petition to coordinate *Scherr*, *Gorzo*, and the *Barrett* personal injury
27 actions;
- 28 v. multiple joint case management statements;

- 1 vi. plaintiffs' motion for class certification;
- 2 vii. plaintiffs' motion for preliminary approval;
- 3 viii. the draft of state court plaintiffs' mediation statement
- 4 m. multiple meet and confer conferences and written correspondence with defense
- 5 counsel in connection with motions, case management conferences, discovery
- 6 disputes, and scheduling;
- 7 n. various litigation and settlement strategy calls with Ms. Willett, Ms. Persinger,
- 8 Mr. Zavareei, and the lawyers in the federal *Lewis* case.

9 53. In all, this case involved substantial investment of time by me and my firm. Indeed,
10 for substantial periods during this case I had almost daily contact with Ms. Willett, or someone
11 from Ms. Persinger's team at TZ.

12 **Coordination and Subsequent Litigation and Discovery**

13 54. I worked with WW and TZ to draft, research and edit the various documents and brief the
14 petition to coordinate the *Gorzo* and *Scherr* matters.

15 55. Shortly after the cases were ordered coordinated, on November 27, 2018, I flew to San
16 Francisco to attend the initial case management conference before Judge Karnow in what was now
17 known as the *Lash Boost Cases*. At the conference, we successfully argued to open discovery in the *Lash*
18 *Boost Cases* and, at the Court's recommendation, agreed to coordinate discovery efforts with the
19 plaintiffs in the federal *Lewis* action.

20 56. Thereafter, I worked with WW and TZ to finalize and draft the initial set of discovery
21 requests that my office served on December 3, 2019.

22 57. In February 2019, R+F began its initial production of documents, which initial consisted
23 of what would ultimately be just under 1,000 pages of certain non-ESI documents.

24 58. During this time, I assisted Ms. Willett in drafting and editing responses to written
25 discovery requests to Ms. Scherr, as well as coordinating any objections with the TZ team and the
26 discovery propounded to the *Gorzo* plaintiffs.

27 59. In April 2019 – May 2019, I reviewed and analyzed the first set of just under 1,000 pages
28 of "paper" documents (i.e. non-ESI) produced by R+F and circulated detailed analysis charts and notes

1 to the TZ and WW teams.

2 60. During this time, we also reviewed R+F's responses to plaintiffs' discovery requests. I
3 worked with WW and TZ to draft a meet and confer email to defense counsel on various deficiencies
4 and I sent the email on May 3, 2019.

5 61. One of the primary objections that R+F asserted was the need for a protective order and
6 an ESI protocol. In the subsequent months through September 2019, I worked with WW, TZ, and the
7 lawyers in *Lewis* to negotiate an appropriate ESI protocol and protective order, which involved, among
8 other things, legal research, edits to the various documents, consultation with ESI specialists, and
9 negotiations of custodians and search terms.

10 62. Once the protocol was finalized, R+F began producing rounds of ESI that ultimately
11 amounted to over 100,000 pages of documents.

12 63. In July 2019, I worked with WW and TZ to draft a third-party subpoena to Lifetech and
13 my office arranged for a messenger to serve the documents.

14 64. During this time, we also continued to meet and confer with R+F's counsel on various
15 issues related to both R+F's and Plaintiffs' responses to discovery.

16 65. In September of 2019, I worked with WW and TZ divide the review of documents
17 produced by R+F. The deadline to file the Plaintiffs' motion for class certification was the beginning of
18 2020 and depositions of R+F witnesses were to be set for December 2019 and January 2020, so our
19 initial review was focused on what was needed for those depositions and class certification.

20 66. Along with my paralegal, Lily Farnese, we commenced the review of the data and
21 documents produced by R+F, as well as the documents produced by Lifetech, and coding those
22 documents in the ESI review system.

23 67. In December 2019 and January 2020, the depositions of certain R+F witnesses
24 commenced and BF provided certain exhibits we had identified in the document review process to Ms.
25 Christenson at TZ for her office to utilize in the depositions.

26 68. Following the depositions, I would review the rough transcripts and make notes as to
27 certain testimony which could be used in connection with the class certification motion.

28

1 **Class Certification**

2 69. In 2019, Ms. Willett had begun a draft of the class certification motion. In January through
3 February 2020, I worked with TZ and WW to update, research, draft and edit Ms. Willett’s initial class
4 certification draft and supporting documents. Plaintiffs filed their motion on February 14, 2020 and
5 supporting documents.

6 70. After filing, R+F commenced depositions of the plaintiff class representatives.

7 71. I assisted Ms. Willett in prepping Ms. Scherr for her deposition. Specifically, as part of
8 this process leading up to the various plaintiffs’ depositions, we researched and analyzed deposition
9 transcripts of class rep depositions taken by lead defense counsel and her team in prior actions they
10 defended, as well as the initial plaintiff depositions in this case.

11 72. I participated in the preparation session of Ms. Scherr with Ms. Willett and attended Ms.
12 Scherr’s deposition at defense counsel’s Los Angeles office on March 2, 2020.

13 73. Thereafter, I reviewed the Scherr transcript as well as the transcripts of all named
14 plaintiffs in preparation for Plaintiffs

15 74. In June 2020, R+F filed an extensive opposition to Plaintiffs’ motion for class
16 certification that included expert testimony.

17 75. In late July and early August 2020, I worked with the TZ team, as well as Ms. Willett, in
18 researching, editing, and drafting portions of plaintiffs’ reply brief. Plaintiffs filed their reply and related
19 documents on August 10, 2020.

20 **Mediation Sessions and Settlement**

21 76. In the beginning of August 2020, I researched and drafted the initial draft of the mediation
22 brief for the state court plaintiffs and worked with TZ and WW to edit and finalize the mediation
23 statement.

24 77. I participated in the mediation session before Judge Jay C. Gandhi (Ret.) on August 12,
25 2020. Despite a full day session, the parties were not close to an agreement.

26 78. The parties required several additional mediation sessions. I attended each of these
27 sessions on August 25, 2020, November 12, 2020 and Feb 11, 2021.

28

1 **Preliminary Approval**

2 79. On May 13, 2021, I appeared at a Case Management Conference via Courtcall. At that
3 time, the Court set a hearing for Plaintiffs’ motion for preliminary approval.

4 80. Despite protracted settlement negotiations, the parties eventually reached a settlement
5 and filed a motion for preliminary approval on September 21, 2021.

6 81. Thereafter, the Court issued its initial tentative order regarding preliminary approval on
7 September 27, 2021. I worked with Ms. Willett and the TZ team to help draft Plaintiffs’ response to the
8 Court’s questions in the tentative, which was filed on October 25, 2021.

9 82. After receipt of the Court’s second tentative order on November 15, 2021, I worked with
10 TZ and WW on the parties’ response, which was filed on February 10, 2022.

11 83. In March 2022, I reviewed the Court’s preliminary approval order and the related
12 settlement and final notice documents.

13 84. In the weeks and months that followed, I reviewed and monitored the case website, as
14 well as social media discussions about the settlement, and responded to any class member inquiries to
15 our office regarding the settlement.

16
17 **E. Risks, Contingent Nature of the Representation, the Novelty of the Issues and Skill**
18 **Displayed, and Benefits Conferred on the Class**

19 **Contingent Risk**

20 85. My firm handled this matter on a contingent basis and has expended substantial time and
21 resources (that precluded paid hourly work) to prosecute this suit with no guarantee of compensation or
22 reimbursement of prevailing against a sophisticated, well-financed defendant represented by high caliber
23 attorneys at the Steptoe law firm. Lead defense counsel, Ms. Sheridan, is considered one of the leading
24 class action defense lawyers in the country. R+F and its defense team presented a vigorous defense and
25 sophisticated arguments on nearly every issue at the pleading and class certification stages and in
26 resisting discovery sought by Plaintiffs.

27 86. Further, Class Counsel’s contingent risk has continued even after the parties have reached
28 settlement because unlike many class action settlements, there is no so-called “clear sailing” clause here.

EXHIBIT 1

EXHIBIT 1

FIRM RESUME

Beshada Farnese LLP (“BF”) maintains a nationwide practice representing both plaintiffs and defendants in class action litigation, regulatory investigations, and other commercial matters. BF specializes in complex litigation involving advertising challenges, business disputes, employment matters, intellectual property, and product defects. The firm’s attorneys have served as counsel to consumers, corporations, and corporate officers in class actions; multi-district litigation; Federal Trade Commission/State Attorney General investigations; investigations by the Consumer Product Safety Commission; and advertising challenges instituted before the National Advertising Division of the Better Business Bureau (“NAD”), as well as the Electronic Retailing Self-Regulation Program (“ERSP”), and the Children’s Advertising Review Unit (“CARU”). In addition, the firm has represented defendants in litigation involving claims under California’s Proposition 65, as well as class actions brought under the California Invasion of Privacy Law and the Americans with Disabilities Act. BF is frequently retained to consult with corporate defendants and plaintiffs’ class counsel to develop creative class action settlement strategies and to negotiate class settlements.

Some highlights of the firm’s recent representations include the following matters:

- In February 2022, represented the defendant consumer products companies in a Central District of California action alleging trademark infringement and false advertising related to hand sanitizer products and seeking over \$20 million in damages from BF’s client. After over two years of litigation, BF obtained summary judgment on all claims.
- In September 2021, BF obtained dismissal of design patent infringement claims brought against BF’s client in connection with certain popular electric shaver products.
- In August 2021, in the Central District of California, BF was appointed Class Counsel in a nationwide class action on behalf of purchasers of neon makeup products that plaintiffs alleged were unlawfully sold in the United States and deceptively labeled and advertised for eye area use. BF obtained a nationwide settlement that resulted in millions of dollars being claimed by consumers, along with injunctive relief to change U.S. the labeling and advertising for the products and any substantially similar products.
- From 2016-2020, the firm served as national coordinating counsel to a leading direct-response retailer in the successful defense and settlement of a series of class actions filed against the company in various state and federal courts throughout the country (along with multiple concurrent state attorney general investigations) challenging the company’s advertising claims and its “reference”/discounted pricing practices. The class actions sought over \$800 million in damages and regulatory actions sought tens of millions of dollars in civil penalties.
- In 2020, BF obtained dismissal of class action alleging that charges associated with a consumer products company’s “Everyday Savings” program were not authorized by consumers in violation of the New Jersey Consumer Fraud Act. The plaintiff

voluntarily dismissed the action shortly after BF filed a motion to dismiss, attaching the transcript of Plaintiff's telephone call to BF's client where she agreed and authorized of the very "Everyday Savings" program charges she attempted to challenge in her complaint.

- In 2019, BF defeated class certification of action alleging violations of the California Invasion of Privacy Act ("CIPA") in connection with the alleged unauthorized recording of customer service telephone calls. Plaintiff sought recovery of over \$87 million in statutory damages from BF's client. BF subsequently obtained a stipulated dismissal of the action with no monetary payment to Plaintiff or his counsel.
- In 2019, BF represented dietary supplement company in action alleging violations of California Proposition 65 in connection with the sale of certain dietary supplement and protein supplement products. BF defended and successfully negotiated a settlement and stipulated judgment.
- In 2018, BF represented a consumer products company in a multi-year litigation brought by product inventor alleging breach of contract and intellectual property claims, as well as claims for indemnification in a separate, related patent infringement action. The plaintiff inventor sought over \$17 million in damages from BF's client. The firm defeated plaintiff's summary judgment motions and favorably resolved the matter on the eve of trial.
- In 2017, BF represented a consumer products company in a two-week breach of contract arbitration proceeding before the American Association of Arbitration, where the petitioner sought over \$20 million in damages from BF's client. BF successfully defended the action and its client was deemed the prevailing party by the arbitrator.
- In 2015, BF represented dietary supplement company and corporate officers in California state enforcement action under Cal. Bus. Prof. Code 17200 brought by District Attorneys of ten California counties alleging false advertising of dietary supplement products. BF successfully negotiated a stipulated settlement and consent judgment.
- In 2012, BF represented a class of consumers in a class action challenging defendant's false and deceptive advertising of the Ageless Male dietary supplement. BF was appointed Class Counsel and obtained a nationwide settlement providing restitution to consumers valued at over \$24 million, reformulation of the product, and agreement by defendant to discontinue certain advertising claims in future advertising.

Class Action Representations

Some of BF's recent class action representations include:

- *Bergkamp v. WBM LLC* (E.D. Cal. Case No. 2:17-cv-02533-KJM)(Class action alleging false and misleading advertising of the "Himalayan Glow" Salt Lamp products);

- *Burns v. Allstar Products Group* (Cal. Super Ct. Case No. 37-2017-00006728-CU-FR-NC)(Class action alleging false and misleading advertising of “Juggle Bubbles” product);
- *Choo, et al. v. Wellnx Life Sciences, Inc.* (E.D. Cal Case No. 2:17-cv-02517-KJM-CMK)(Consumer class action challenging the advertising of Nature’s Science “100% Pure Garcinia Cambogia” dietary supplement);
- *Geraci v. Eagle Eye Marketing Group, Inc.* (D. Conn. Case No. 3:17-cv-01839-MPS)(Consumer class action challenging advertising of Hydro Mouse “liquid” lawn seed product);
- *Hernandez v. Telebrands*, (C.D. Cal. Case No. 2:16-cv-08046)(Consumer class action challenging advertising of the “Smart Swab” product)
- *Huff v. Allstar Products Group*, (Cal Super. Case No. 37-2019-00048333-CU-PL-NC) (Consumer class action asserting false advertising and product liability claims regarding the “Ice Genie” products);
- *Hudson, et al. v. Ontel Products Corp.* (E.D. Cal. Case No. CV15-02264-JAM-CKD)(Class action asserting false advertising, breach of warranty claims related to the “Wonder Wax” product);
- *Jackson, et al. v. Telebrands Corp.* (C.D. Cal. Case No. 2:17-cv-04107-PSG-KS)(Consumer class action challenging advertising of “Grassology” grass seed product);
- *Jensen v. Bainbridge & Knight, LLC* (Cal. Super. Case No. BC472174)(Consumer class action challenging the advertising of the weight loss dietary supplement Lichi);
- *Kai v. Allstar Products Group* (Cal Super. Case No. 37-2019-00048333-CU-PL-NC) (Consumer class action asserting false advertising and product liability claims regarding the “Reheatza” product);
- *Love v. Permission Interactive, et al.*, (Cal. Super. Ct.)(Consumer class action challenging advertising of the “Yoshi Blade” product);
- *Machel et al v. Ontel Products Corporation*, (N.D. Ohio Case No. 4:16-cv-03095) (Consumer class action challenging advertising of the “Five Second Fix” product)
- *Martinez-Leander v. Wellnx Life Sciences, Inc.* (C.D. Cal. Case No. 2:16-cv-08220-SJO-Ex)(Consumer class action challenging advertising of garcinia cambogia dietary supplements);
- *Murphy, et al. v. Ideavillage Products Corp.* (C.D. Cal. Case No. CV15-01638-AB-DTB)(Consumer class action challenging advertising of “Copperfit” products);

- *Ortiz v. Ideavillage Products Corp.* (D. N.J. Case No. 2:15-cv-03365-ES-JAD)(Consumer class action challenging advertising of “Copperfit” products)
- *Puckett, et al. v. My Pillow, Inc.* (D. Minn. Case No. 17-cv-00029-MJD-BRT)(Consumer class action challenging “buy one get one free” pricing practices of consumer products company);
- *Ramirez, et al. v. HB USA Holdings, Inc.* (C.D. Cal. Case No. 5:20-cv-01016-JGB-SHK)(Consumer class action challenging unlawful sale and marketing of Huda Beauty Neon Obsessions makeup palettes);
- *Rosales v. Wellnx Life Sciences Inc.* (Cal. Super. Ct. Case No. BC534808) (Consumer class action challenging the labeling of gummy weight loss supplement);
- *Rosenbloom v. Telebrands Corp.* (D.N.J. Case No. 2:19-cv-17872-BRM-JAD)(Consumer class action challenging alleged unauthorized charges for Everyday Savings Plan);
- *Wuest v. My Pillow, Inc.* (N.D. Cal. Case No. CV18-03658-WHA)(Consumer class action alleging violations of California Invasion of Privacy Law);
- *Young, et al. v. Platinum US Distribution, Inc.* (N.D Cal. Case No. 3:16-CV-06522-VC)(Class action alleging misleading advertising of “Slimquick” dietary supplement).

Since the firm’s founding in 2010, BF has prosecuted several class actions on behalf of consumers. The firm has secured class action settlements recovering millions of dollars for consumers in addition to injunctive relief that changed defendants’ business practices. BF has appointed as lead or co-lead plaintiff’s counsel, including in the following matters:

- *Attlesey, et al. v. Optimum Nutrition, Inc.* (Cal. Super. Ct. Case No. BC484769) (Consumer class action challenging defendant’s false and deceptive advertising of protein powder products. Obtained nationwide common fund settlement securing restitution and advertising and labeling changes for multiple products regarding the ingredient Aminogen.)
- *Burmeister v. NAC Marketing, LLC* (Cal. Super. Ct. Case No. CIVDS1213282)(Consumer class action challenging defendant’s false and deceptive advertising of the Ageless Male dietary supplement. Obtained nationwide settlement providing consumers the ability to claim full restitution, reformulation of the product, and agreement to discontinue certain advertising claims);
- *Keller v. Gaspari Nutrition, Inc.* (C.D. Cal. Case No. CV11-06158-GAF-SHx) (Consumer class action alleging that Novadex XT dietary supplement was illegally marketed and sold with “non-dietary” ingredient. Obtained nationwide common fund settlement securing restitution, destruction of supplies of offending products, and reformulated products for consumers.)

- *Steiner, et al. v. Rawlings Sporting Goods Co., Inc.* (D.N.J. Case No. CV12-2531-MCA) Consumer class action challenging advertising claims for the Rawlings Power Balance Bracelet. Obtained nationwide settlement.)
- *Taromina, et al. v. Gaspari Nutrition, Inc.* (C.D. Cal. Case No. CV12-05424-JAK-MANx) (Consumer class action alleging that Spirodex dietary supplement was illegally marketed and sold with “non-dietary” ingredient. Obtained nationwide settlement securing restitution and agreement to discontinue sale of product and DMAA ingredient)
- *Wike v. HCG Platinum, LLC, et al.* (Cal. Super. Case No. BC451080) (Consumer class action alleging false and misleading weight loss claims for the HCG Platinum homeopathic product. Obtained nationwide settlement securing full restitution for consumers and injunctive relief.)

ATTORNEY BIOGRAPHIES

Donald A. Beshada

Prior to forming BF with Mr. Farnese in 2010, Mr. Beshada was equity partner with the national law firm of Drinker, Biddle & Reath LLP (now Faegre Drinker Biddle & Reath LLP). For twenty-five years, his practice has focused on complex commercial litigation. He has served as lead defense counsel to several corporations in consumer and employment class actions in state and federal courts throughout the country. In addition, Mr. Beshada has extensive experience on the plaintiffs’ side of the practice. He has tried complex commercial cases to verdict in state and federal court, including cases involving allegations of false advertising. For the better part of the last fifteen years, his practice has focused on the litigation (both private and regulatory) of advertising claims for consumer products, dietary supplements, and “as-seen-on-TV” products.

He has represented companies and corporate officers in state and federal regulatory proceedings, including governmental enforcement actions under state consumer fraud statutes, litigation and commercial arbitrations. He regularly is asked to speak on the topics of class actions and advertising law. Most recently, he presented at the 2019 Antitrust & Consumer Protection In-House Institute sponsored by the ABA’s Section of Antitrust Law.

Mr. Beshada is a member of the state bar of New Jersey and is admitted to practice before the United States District Court for the District of New Jersey.

Peter J. Farnese

Mr. Farnese founded BF with Mr. Beshada in 2010. For fifteen years, Mr. Farnese’s practice has focused, almost exclusively, on the prosecution and defense of consumer class actions. He has experience in litigation involving direct response advertising, as well as the advertising of dietary supplements, cosmetics, and other health-related products. In addition to his class action practice, Mr. Farnese maintains an active intellectual property litigation practice.

Mr. Farnese graduated from the University of Notre Dame and earned his law degree from Pepperdine University School of Law. During law school, he was research assistant to Professor

Janet E. Kerr for the article, “Sustainability Meets Profitability: The Convenient Truth of How the Business Judgment Rule Protects a Board’s Decision to Engage in Social Entrepreneurship,” 29 *Cardozo L. Rev.* 623 (2007). Before beginning his practice, Mr. Farnese served as a judicial extern to the Honorable Marjorie O. Rendell of the United States Court of Appeals for the Third Circuit.

From 2015-2017, Mr. Farnese was included on the list of Southern California “Rising Stars” in Class Actions by *Super Lawyers Magazine* published by Thomson Reuters. He has been a contributor over the years to “Advertising Disputes & Litigation and Consumer Protection Committees’ Recent Litigation Developments” - a publication by the American Bar Association Section of Antitrust Law, which summarizes the latest court decisions and filings affecting advertising law.

Mr. Farnese is a member of the state bar of California and is admitted to practice before the United States District Courts for the Central, Eastern, Northern, and Southern Districts of California, as well as the United States Court of Appeals for the Ninth Circuit.

EXHIBIT 2

EXHIBIT 2

BESHADA FARNESE LLP

108 Wanaque Ave

Pompton Lakes, New Jersey 07442

Phone: 973-831-9910 Fax: 973-831-7371

Account Statement

June 22, 2022

Prepared for Lien Scherr – Lash Boost Cases

Re: Lash Boost Cases – JCCP No. 4981

Previous Invoice Amount	\$0.00
Last Payment Received	\$0.00
Previous Balance	\$0.00
Current Charges	\$1,186,635.10
Total Due	\$1,186,635.10

BESHADA FARNESE LLP

108 Wanaque Ave
Pompton Lakes, New Jersey 07442
Phone: 973-831-9910 Fax: 973-831-7371

Client: Lien Scherr – Lash Boost Cases

Invoice Date: June 22, 2022
Invoice Number: N/A
Invoice Amount: \$1,186,635.10
Due Date: N/A

Matter: Lash Boost Cases JCCP No. 4981

Costs Advanced

<u>Date</u>	<u>Description</u>	<u>Amount</u>
12/1/2017	Express Network – Ref 86660 (including Superior Court San Bernardino Filing & Complex Fees -- Refs 201711290200, 201711290203)	1586.00
12/15/2017	Express Network – Ref 87688	155.00
12/22/2017	Express Network – Ref 88122	95.00
1/13/2018	Express Network – Ref 89203	95.00
3/3/2018	Express Network – Ref 92465	29.50
3/3/2018	Express Network – Ref 92465	182.00
5/5/2018	Express Network – Ref 96805	144.75
5/5/2018	Express Network – Ref 96805	108.75
5/12/2018	Express Network – Ref 97307	108.75
6/9/2018	Express Network – Ref 99391	133.50
6/16/2018	Express Network – Ref 99867	132.50
6/23/2018	Express Network – Ref 902	55.00
7/21/2018	Express Network – Ref 2839	235.00
8/18/2018	Express Network – Ref 4534	152.50
9/8/2018	Express Network – Ref 5982	152.50
10/22/2018	Alaska Airlines – AMEX Charge	457.40
11/27/2018	Uber – AMEX Charge	101.50
11/27/2018	Uber – AMEX Charge	96.76
1/31/2019	Esquire Solutions – Ref C3357467	79.29
4/28/2019	Express Network – Ref 21732	55.00
5/1/2019	File & ServeXpress – Ref 201904695447601	22.00
11/1/2019	Everlaw ESI Billing Ref 21212	200.00
12/3/2019	Everlaw ESI Billing Ref 21980	280.00
1/2/2020	Everlaw ESI Billing Ref 22758	280.00
2/2/2020	Everlaw ESI Billing Ref 24303	280.00
3/2/2020	Everlaw ESI Billing Ref 25144	280.00
4/2/2020	Everlaw ESI Billing Ref 26084	280.00

5/1/2020	Everlaw ESI Billing Ref 27057	280.00
6/1/2020	Everlaw ESI Billing Ref 27983	280.00
7/2/2020	Everlaw ESI Billing Ref 28791	280.00
7/28/2020	JAMS – AMEX Charge -- Ref 1220065601	705.55
7/31/2020	JAMS – AMEX Charge -- Ref 1220065601	1411.11
8/2/2020	Everlaw ESI Billing Ref 29653	280.00
8/17/2020	Fedex – Ref 2742	30.06
8/17/2020	Precise Discovery LLC - 2746	245.69
8/17/2020	Tycko Zavareei LLP – Ref 2741 (Reimbursement JMDSTAT Consulting, Inc.)	1666.66
8/22/2020	JAMS – AMEX Charge -- Ref 1220065601	2566.67
9/1/2020	Everlaw ESI Billing Ref 30563	280.00
10/1/2020	Everlaw ESI Billing Ref 31510	280.00
11/1/2020	Everlaw ESI Billing Ref 32405	280.00
12/3/2020	Everlaw ESI Billing Ref 33425	280.00
12/14/2020	JAMS – AMEX Charge -- Ref 1220065601	444.67
1/3/2021	Everlaw ESI Billing Ref 34621	280.00
1/4/2021	File & ServeXpress – Ref 202012695447601	47.20
4/1/2021	Everlaw ESI Billing Ref 39243	280.00
5/5/2021	Everlaw ESI Billing Ref 40122	280.00
6/1/2021	Everlaw ESI Billing Ref 41340	280.00
7/1/2021	Everlaw ESI Billing Ref 44997	60.00
7/15/2021	Nationwide Legal - Ref NWL35465-01	107.75
8/1/2021	Everlaw ESI Billing Ref 43656	280.00
9/1/2021	Everlaw ESI Billing Ref 44997	280.00
10/1/2021	Everlaw ESI Billing Ref 43629	280.00
4/4/2022	Veritext -- Ref 5690752	1008.04
6/20/2022	CourtCall Charges – (Client Codes: Scherr, LB, RF)	188.00
6/20/2022	Lexis Nexis/ PACER Research Charges – (Client Codes: Scherr, LB, RF)	346.10
<u>SUBTOTAL:</u>		<u>18805.20</u>

Attorneys' Fees

<u>Timekeeper</u>	<u>Units</u>	<u>Rate</u>	<u>Amount</u>
Donald A. Beshada (DAB)	65.3	919	60010.70
Peter J. Farnese (PJF)	1396.8	764	1067155.20
Lily S. Farnese (LSF)	195.5	208	40664.00
<u>SUBTOTAL:</u>			<u>1167829.90</u>

TOTAL BALANCE: \$1,186,635.10
PREVIOUS BALANCE DUE: \$0.00
CURRENT BALANCE DUE AND OWING: \$1,186,635.10

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10 *Attorneys for Plaintiffs and the Proposed Class*
11 *(Additional Attorneys Listed in Joint Supplemental Submission)*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO

14 **LASH BOOST CASES**

15 CARYN GORZO, KASEY MELIN (F/K/A
16 KASEY POE), ANNA DOHNKE, LIEN
17 SCHERR, JOLENE LEWIS VOLPE (F/K/A
18 BARBARA LEWIS), BOBBIE JOE HULING,
19 CYNTHIA WHETSELL, MARTHA MERLE,
TERESA GATTUSO, ELISSA WAGNER,
and DIXIE WILLIAMS, *individually and on behalf*
of themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 RODAN & FIELDS, LLC,
23 Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF PLAINTIFF CARYN
GORZO IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR FEES, COSTS AND
SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan P. Schulman

1 1. I, Caryn Corzo, declare as follows:

2 1. I am named Plaintiff and a preliminarily approved Settlement Class Representative in
3 the above-captioned case, and I submit this declaration in support of Plaintiffs' Application for Fees,
4 Costs, and Service Awards.

5 2. As a proposed class representative, I have been very involved in my case against Rodan
6 & Fields, LLC ("R+F"). I discussed the duties I would have as a class representative with my attorneys
7 at Tycko & Zavareei LLP ("TZ") when I retained them to represent me, and I am aware of what it
8 means to be a class representative. I have put the interests of the class members first when making all
9 decisions in this case.

10 3. Before I filed our case in April 2018, I discussed the responsibilities I would have as a
11 proposed class representative with my lawyers at ("TZ"), and I am aware of what it means to be a class
12 representative. I have put the interests of the class members first when making all decisions in this case.

13 4. I volunteered to serve as class representative because I wanted to ensure that consumers
14 who were harmed by the purchase and use of Lash Boost products are not deceived. I made a
15 commitment to represent the class despite knowing that doing so would impose on my time, and despite
16 the possibility that I might receive unwanted, negative attention from making public allegations against
17 R+F.

18 5. I have discussed this case with my attorneys throughout the case on the phone and over
19 email. I have made efforts throughout the case to make sure I was informed about what was going on
20 in the case. My attorneys have kept me well informed.

21 6. I worked with TZ to add allegations related to my use of R+F's product Lash Boost to
22 the Complaint that was filed in April 2018. By filing this action, I knew I was undertaking both a financial
23 and reputational risk.

24 7. I spent significant time responding to R+F's discovery, as R+F served at least two sets
25 of Requests for Production, Requests for Admission, and Interrogatories on me. I also spent time
26 supplementing my production of documents based on my counsel's agreements with defense counsel.
27 I also spent time meeting in person with my attorneys to prepare for my deposition. I then gave
28

1 testimony at an all day deposition taken by R+F’s counsel. I spent time reviewing the transcript
2 afterward to make sure it was accurate. I also regularly worked with my lawyers at TZ to prepare various
3 declarations to support Plaintiffs’ claims in this matter, including a CLRA venue declaration, a
4 declaration in support of Plaintiffs’ motion for class certification, and a declaration in support of
5 preliminary approval. I also participated by working with TZ to prepare this declaration. I stayed in
6 close contact with my counsel while they were negotiating the settlement in this action so that I could
7 ensure that the class members were getting a fair deal.

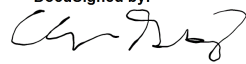
8 8. I reviewed the Agreement and then I signed the Settlement Agreement and fully support
9 the Settlement.

10 9. I believe that my dedication and effort have conferred a significant benefit on other
11 Lash Boost users. I checked in regularly with TZ about the status of my case over the years since I
12 joined. I enjoyed working with the lawyers at TZ on this team that was led by women—from the
13 Plaintiffs to the lead lawyers on this case.

14 10. I am proud of the result in this case; I feel like I made a difference for California
15 consumers and companies like R+F might think twice before trying to trick consumers.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is
17 true and correct.

18 EXECUTED on 6/22/2022 at Murrieta, California.

19
20 DocuSigned by:

21 E792FE5E346A4CF...
Caryn Gorzo

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10 *Attorneys for Plaintiffs and the Proposed Class*
11 *(Additional Attorneys Listed in Joint Supplemental Submission)*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO

14 **LASH BOOST CASES**

15 CARYN GORZO, KASEY MELIN (F/K/A
16 KASEY POE), ANNA DOHNKE, LIEN
17 SCHERR, JOLENE LEWIS VOLPE (F/K/A
18 BARBARA LEWIS), BOBBIE JOE HULING,
19 CYNTHIA WHETSELL, MARTHA MERLE,
TERESA GATTUSO, ELISSA WAGNER,
and DIXIE WILLIAMS, *individually and on behalf*
of themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 RODAN & FIELDS, LLC,
23 Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF PLAINTIFF ANNA
DOHNKE IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
FEES, COSTS AND SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan P. Schulman

1 1. I, Anna Dohnke, declare as follows:

2 1. I am named Plaintiff and a preliminarily approved Settlement Class Representative in
3 the above-captioned case, and I submit this declaration in support of Plaintiffs' Application for Fees,
4 Costs, and Service Awards.

5 2. As a proposed class representative, I have been very involved in my case against Rodan
6 & Fields, LLC ("R+F"). I discussed the duties I would have as a class representative with my attorneys
7 at Tycko & Zavareei LLP ("TZ") when I retained them to represent me, and I am aware of what it
8 means to be a class representative. I have put the interests of the class members first when making all
9 decisions in this case.

10 3. Before I filed our case in April 2018, I discussed the responsibilities I would have as a
11 proposed class representative with my lawyers at ("TZ"), and I am aware of what it means to be a class
12 representative. I have put the interests of the class members first when making all decisions in this case.

13 4. I volunteered to serve as class representative because I wanted to ensure that consumers
14 who were harmed by the purchase and use of Lash Boost products are not deceived. I made a
15 commitment to represent the class despite knowing that doing so would impose on my time, and despite
16 the possibility that I might receive unwanted, negative attention from making public allegations against
17 R+F.

18 5. I have discussed this case with my attorneys throughout the case on the phone and over
19 email. I have made efforts throughout the case to make sure I was informed about what was going on
20 in the case. My attorneys have kept me well informed.

21 6. I worked with TZ to add allegations related to my use of R+F's product Lash Boost to
22 the Complaint that was filed in April 2018. By filing this action, I knew I was undertaking both a financial
23 and reputational risk.

24 7. I spent significant time responding to R+F's discovery, as R+F served at least two sets
25 of Requests for Production, Requests for Admission, and Interrogatories on me. I also spent time
26 supplementing my production of documents based on my counsel's agreements with defense counsel.
27 For me, this meant obtaining detailed medical records from a clinic I had stopped in at. I also spent
28

1 time meeting in person with my attorneys to prepare for my deposition. I then gave testimony at an all
2 day deposition taken by R+F's counsel. I spent time reviewing the transcript afterward to make sure it
3 was accurate. I also regularly worked with my lawyers at TZ to prepare various declarations to support
4 Plaintiffs' claims in this matter, including a CLRA venue declaration, a declaration in support of
5 Plaintiffs' motion for class certification, and a declaration in support of preliminary approval. I also
6 participated by working with TZ to prepare this declaration. I stayed in close contact with my counsel
7 while they were negotiating the settlement in this action so that I could ensure that the class members
8 were getting a fair deal.

9 8. I reviewed the Agreement and then I signed the Settlement Agreement and fully support
10 the Settlement.

11 9. I believe that my dedication and effort have conferred a significant benefit on other
12 Lash Boost users. I checked in regularly with TZ about the status of my case over the years since I
13 joined. I enjoyed working with the lawyers at TZ on this team that was led by women—from the
14 Plaintiffs to the lead lawyers on this case.

15 10. I am proud of the result in this case; I feel like I made a difference for California
16 consumers and companies like R+F might think twice before trying to trick consumers.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is
18 true and correct.

19 EXECUTED on 6/21/2022 at Tehachapi, California.

20
21 
22 0688E2083CDD480...
23 Anna Dohnke

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10 *Attorneys for Plaintiffs and the Proposed Class*
11 *(Additional Attorneys Listed in Joint Supplemental Submission)*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO

14 **LASH BOOST CASES**

15 CARYN GORZO, KASEY MELIN (F/K/A
16 KASEY POE), ANNA DOHNKE, LIEN
17 SCHERR, JOLENE LEWIS VOLPE (F/K/A
18 BARBARA LEWIS), BOBBIE JOE HULING,
19 CYNTHIA WHETSELL, MARTHA MERLE,
TERESA GATTUSO, ELISSA WAGNER,
and DIXIE WILLIAMS, *individually and on behalf*
of themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 RODAN & FIELDS, LLC,

23 Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF PLAINTIFF KASEY
MELIN (F/K/A KASEY POE) IN
SUPPORT OF PLAINTIFFS'
APPLICATION FOR FEES, COSTS AND
SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan P. Schulman

1 1. I, Kasey Melin, declare as follows:

2 1. I am named Plaintiff and a preliminarily approved Settlement Class Representative in
3 the above-captioned case, and I submit this declaration in support of Plaintiffs' Application for Fees,
4 Costs, and Service Awards.

5 2. As a proposed class representative, I have been very involved in my case against Rodan
6 & Fields, LLC ("R+F"). I discussed the duties I would have as a class representative with my attorneys
7 at Tycko & Zavareei LLP ("TZ") when I retained them to represent me, and I am aware of what it
8 means to be a class representative. I have put the interests of the class members first when making all
9 decisions in this case.

10 3. Before I filed our case in April 2018, I discussed the responsibilities I would have as a
11 proposed class representative with my lawyers at ("TZ"), and I am aware of what it means to be a class
12 representative. I have put the interests of the class members first when making all decisions in this case.

13 4. I volunteered to serve as class representative because I wanted to ensure that consumers
14 who were harmed by the purchase and use of Lash Boost products are not deceived. I made a
15 commitment to represent the class despite knowing that doing so would impose on my time, and despite
16 the possibility that I might receive unwanted, negative attention from making public allegations against
17 R+F.

18 5. I have discussed this case with my attorneys throughout the case on the phone and over
19 email. I have made efforts throughout the case to make sure I was informed about what was going on
20 in the case. My attorneys have kept me well informed.

21 6. I worked with TZ to add allegations related to my use of R+F's product Lash Boost to
22 the Complaint that was filed in April 2018. By filing this action, I knew I was undertaking both a financial
23 and reputational risk.

24 7. I spent significant time responding to R+F's discovery, as R+F served at least two sets
25 of Requests for Production, Requests for Admission, and Interrogatories on me. I also spent time
26 supplementing my production of documents based on my counsel's agreements with defense counsel.
27 I also spent time meeting in person with my attorneys to prepare for my deposition. I then gave
28

1 testimony at an all day deposition taken by R+F’s counsel. I spent time reviewing the transcript
2 afterward to make sure it was accurate. I also regularly worked with my lawyers at TZ to prepare various
3 declarations to support Plaintiffs’ claims in this matter, including a CLRA venue declaration, a
4 declaration in support of Plaintiffs’ motion for class certification, and a declaration in support of
5 preliminary approval. I also participated by working with TZ to prepare this declaration. I stayed in
6 close contact with my counsel while they were negotiating the settlement in this action so that I could
7 ensure that the class members were getting a fair deal.

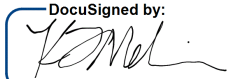
8 8. I reviewed the Agreement and then I signed the Settlement Agreement and fully support
9 the Settlement.

10 9. I believe that my dedication and effort have conferred a significant benefit on other
11 Lash Boost users. I checked in regularly with TZ about the status of my case over the years since I
12 joined. I enjoyed working with the lawyers at TZ on this team that was led by women—from the
13 Plaintiffs to the lead lawyers on this case.

14 10. I am proud of the result in this case; I feel like I made a difference for California
15 consumers and companies like R+F might think twice before trying to trick consumers.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is
17 true and correct.

18 EXECUTED on 6/21/2022 at Aurora, Colorado.

19
20 
21 510AC2AB614046D...
Kasey Melin

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10 *Attorneys for Plaintiffs and the Proposed Class*
11 *(Additional Attorneys Listed in Plaintiffs' Application For Fees, Costs And Service Awards)*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SAN FRANCISCO**

14 **LASH BOOST CASES**

15 CARYN GORZO, KASEY MELIN
16 (FORMERLY KASEY POE), ANNA
DOHNKE, LIEN SCHERR, JOLENE LEWIS
17 VOLPE (FORMERLY BARBARA LEWIS),
BOBBIE JOE HULING, CYNTHIA
18 WHETSSELL, MARTHA MERLE, TERESA
GATTUSO, ELISA WAGNER, and DIXIE
19 WILLIAMS, *on behalf of themselves and all others*
20 *similarly situated,*

21 Plaintiffs,

22 RODAN & FIELDS, LLC,

23 Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF PLAINTIFF LIEN
SCHERR IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR FEES, COSTS AND
SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan P. Schulman

1 I, Lien Scherr, declare as follows:

2 1. I am named Plaintiff and a preliminarily approved Settlement Class Representative in
3 the above-captioned case, and I submit this declaration in support of Plaintiffs' Application for Fees,
4 Costs, and Service Awards.

5 2. As a proposed class representative, I have been very involved in my case against Rodan
6 & Fields, LLC ("R+F"). I discussed the duties I would have as a class representative with my attorneys
7 at Willett & Willett, LLP ("WW") and Beshada Farnese, LLP ("BF") when I retained them to represent
8 me, and I am aware of what it means to be a class representative. I have put the interests of the class
9 members first when making all decisions in this case.

10 3. Before I filed my case in November of 2017, I discussed the responsibilities I would
11 have as a proposed class representative with my attorneys and I am aware of what it means to be a class
12 representative. By filing this action, I knew I was undertaking both a financial and reputational risk. I
13 have put the interests of the class members first when making all decisions in this case.

14 4. I volunteered to serve as class representative because I wanted to ensure that consumers
15 who were harmed by the purchase and use of Lash Boost products are not deceived. I made a
16 commitment to represent the class despite knowing that doing so would impose on my time, and despite
17 the possibility that I might receive unwanted, negative attention from making public allegations against
18 R+F.

19 5. I have discussed this case with my attorneys throughout the case on the telephone,
20 through e-mail, and in person. I have made efforts throughout the case to make sure I was informed
21 about what was going on in the case. My attorneys have kept me well informed.

22 6. I worked with WW to add allegations related to my use of R+F's product Lash Boost
23 to the First Amended Complaint that was filed in May of 2018.

24 7. I spent significant time responding to R+F's discovery, as R+F served two sets of
25 Requests for Production, Requests for Admission, and Interrogatories on me. I also spent time
26 supplementing my production of documents based on my counsel's agreements with defense counsel.
27 I also spent time meeting in person with my attorney to prepare for my deposition. I then gave testimony
28

1 at an all-day deposition taken by R+F’s counsel on March 2, 2020. I spent time reviewing the transcript
2 afterward to make sure it was accurate. I also regularly worked with WW to prepare various declarations
3 to support Plaintiffs’ claims in this matter, including a CLRA venue declaration, a declaration in support
4 of Plaintiffs’ motion for class certification, and a declaration in support of preliminary approval. I also
5 participated by working with WW to prepare this declaration. I stayed in close contact with my counsel
6 while they were negotiating the settlement in this action so that I could ensure that the class members
7 were getting a fair deal.

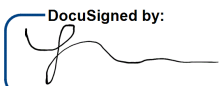
8 8. I reviewed and then signed the Settlement Agreement and fully support the Settlement.

9 9. I believe my dedication and effort conferred a significant benefit on other Lash Boost
10 users. Throughout the case, I checked in regularly with WW about the status of my action which now
11 has lasted nearly five years.

12 10. I enjoyed working with my lawyers on this case. I am proud of the outcome and believe
13 I made a difference for California consumers.

14
15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct.

17
18 EXECUTED on 6/22/2022 at Los Angeles, California.

19
20 
21 81EAF0E239C848B...
22 Lien Scherr

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14 Phone: (206) 623-1900
15 Fax: (206) 623-3384

16 *Attorneys for Plaintiffs and the Proposed Class*
17 *(Additional Attorneys Listed Below)*

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **COUNTY OF SAN FRANCISCO**

20 **LASH BOOST CASES**

21 CARYN GORZO, KASEY MELIN
22 (FORMERLY KASEY POE), ANNA
23 DOHNKE, LIEN SCHERR, JOLENE LEWIS
24 VOLPE (FORMERLY BARBARA LEWIS),
25 BOBBIE JOE HULING, CYNTHIA
26 WHETSELL, MARTHA MERLE, TERESA
27 GATTUSO, ELISSA WAGNER, and DIXIE
28 WILLIAMS, *individually and on behalf of
themselves and all others similarly situated,*

Plaintiffs,

v.

RODAN & FIELDS, LLC,

Defendant.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF JULI E. FARRIS
IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

Date: September 14, 2022

Time: 9:00 a.m.

Department: 304

Hon. Ethan Schulman

I, Juli E. Farris, declare:

1 6. Attached hereto as **Exhibit C** is a true and correct copy of the Declaration of
2 Rosemary Rivas in Support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service
3 Awards.

4 7. Attached hereto as **Exhibit D** is a true and correct copy of the Declaration of
5 Courtney Maccarone in Support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service
6 Awards.

7 8. Attached hereto as **Exhibit E** is a true and correct copy of the Declaration of
8 Joseph Sauder in Support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards.

9 9. Attached hereto as **Exhibit F** is a true and correct copy of Class Representative
10 Jolene Lewis Volpe’s declaration.

11 10. Attached hereto as **Exhibit G** is a true and correct copy of Class Representative
12 Teresa Gattuso’s declaration.

13 11. Attached hereto as **Exhibit H** is a true and correct copy of Class Representative
14 Dixie Williams’s declaration.

15 12. Attached hereto as **Exhibit I** is a true and correct copy of Class Representative
16 Bobbie Joe Huling’s declaration.

17 13. Attached hereto as **Exhibit J** is a true and correct copy of Class Representative
18 Elissa Wagner’s declaration.

19 14. Attached hereto as **Exhibit K** is a true and correct copy of Class Representative
20 Martha Merle’s declaration.

21 15. Attached hereto as **Exhibit L** is a true and correct copy of Class Representative
22 Cynthia Whetsell’s declaration.

1 **II. LITIGATION HISTORY**

2 **A. The two actions**

3 16. Below, I summarize the work that was required to secure the Class Settlement, in
4 both federal court and this Court. In the federal action—*Lewis v. Rodan & Fields, LLC*, No.
5 4:18-cv-02248 (N.D. Cal.) (“*Lewis*” or “*Lewis* action”)—Plaintiffs sought to certify classes of
6 Lash Boost purchasers in each of the six states in which the Plaintiffs reside or purchased Lash
7 Boost: California, Washington, Illinois, Massachusetts, New York, and Florida. The *Lewis*
8 Plaintiffs alleged that Rodan + Fields (“R+F”) had sold and marketed Lash Boost without
9 disclosing that one of its ingredients, isopropyl cloprostenate (“ICP”), was known to cause side
10 effects when applied to the eye area, including droopy eyelids, the changing of iris color, the
11 darkening of eyelid skin, cysts and styes, eye pain, excessive tearing, and lid crusting. The *Lewis*
12 Plaintiffs alleged that R+F violated the consumer-protection laws of those six states by failing to
13 disclose the side effects associated with Lash Boost. As a result, Plaintiffs alleged, R+F was able
14 to charge a higher price than it otherwise would have for Lash Boost. They sought the recovery
15 of this “price premium” on behalf of the six classes.
16
17

18 17. The *Lewis* action thus had both commonalities with and differences from the
19 *Scherr/Gorzo* action in this Court.¹ In this action, the Plaintiffs sought to certify a class of Lash
20 Boost purchasers from California. They alleged that because Lash Boost contains isopropyl
21 cloprostenate, a prostaglandin analog, it is a drug under California law and required regulatory
22 approval. By selling it as a cosmetic, the Plaintiffs in the *Scherr/Gorzo* action alleged, R+F had
23 violated California consumer-protection laws. They sought a full refund of the purchase price.
24
25
26

27 ¹ This declaration will refer to the federal action as the “*Lewis* action” and to this action pre-
28 Settlement as the “*Scherr/Gorzo* action.”

1 18. The claims alleged in the *Lewis* and *Scherr/Gorzo* have been combined in the
2 Second Amended Class Action Complaint filed on March 14. The highly favorable nationwide
3 Settlement that counsel from both the *Lewis* action and from this action² have secured would not
4 have been possible without the work performed in both the *Lewis* action and this action, and
5 without the threat posed by both actions to R+F.
6

7 **B. An overview of the work Keller Rohrback performed to secure the Settlement**

8 **1. 2018–2019: Complaints; motion to dismiss**

9 19. Keller Rohrback initiated the *Lewis* action by filing a forty-one-page complaint on
10 April 13, 2018, on behalf of four purchasers of Lash Boost, after associate Erika Keech, together
11 with partners Benjamin Gould, Michael Woerner and I, had thoroughly investigated the
12 underlying facts in consultation with an expert, and carefully researched the potential claims.
13

14 20. Two weeks later, a similar action was filed in the U.S. District Court for the
15 Northern District of California. The two cases were consolidated and Keller Rohrback was
16 appointed Interim Lead Counsel with Marc Godino at Glancy Prongay & Murray LLP as
17 additional Interim Class Counsel. Michael Woerner and I supervised the team of KR attorneys
18 assigned to the case and coordinated with co-counsel. A consolidated complaint was drafted, and
19 filed in August 2018, adding several additional plaintiffs and proposed classes and expanding the
20 initial complaint’s factual allegations. Ms. Keech and Mr. Gould conducted additional research
21 and investigation to develop both the factual and legal basis for the claims alleged, and together
22 with our paralegals, conferred at length with each of the additional plaintiffs. Another Keller
23

24
25 ² The *Lewis* attorneys are now Class Counsel in this action. When this declaration refers to
26 “*Lewis* counsel,” “counsel from the *Lewis* action,” or the “*Lewis* attorneys,” it refers to the
27 firms working on behalf of the proposed classes in *Lewis* prior to the Settlement. These firms
28 are Keller Rohrback LLP, Glancy Prongay & Murray LLP, Gibbs Law Group LLP, Levi &
Korsinsky LLP, and Sauder Schelkopf LLC.

1 Rohrback partner, Ryan McDevitt, provided additional assistance and guidance in developing the
2 potential claims and legal arguments for the complaint and in response to the motion to dismiss.

3 21. In October 2018, R+F filed a motion to dismiss the complaint under Federal Rule
4 of Civil Procedure 12(b)(1) and (b)(6). After briefing and a hearing, the U.S. District Court, in
5 February 2019, granted R+F's request to dismiss the complaint's RICO claim, but otherwise
6 denied the motion. Briefing and arguing the motion, which dealt with twenty separate claims,
7 required a substantial amount of work, mostly performed by Benjamin Gould and Erika Keech.
8

9 **2. February 2019–February 2020: Discovery**

10 22. After the District Court ruled on the motion to dismiss, the *Lewis* Plaintiffs and
11 R+F moved into discovery in advance of class certification motions. Mike Woerner and I
12 coordinated with the *Scherr/Gorzo* attorneys and defense counsel to ensure that discovery in the
13 two forums would be coordinated and nonduplicative.
14

15 23. The parties to the *Lewis* action negotiated a protective order and a stipulated
16 protocol governing the discovery and production of electronically stored information. Along with
17 the attorneys pursuing claims in this Court, KR's attorneys negotiated with defense counsel a list
18 of R+F employees whose electronic files would be searched, as well as the search terms that
19 would be used to retrieve relevant documents from those files. All these tasks required
20 significant work, but negotiation over the custodians and search terms was especially technical
21 and hard-fought. From time to time, we drew on the experience of Keller Rohrback partner, Eric
22 Fierro, an expert in electronic discovery.
23

24 24. Erika Keech and Benjamin Gould, in consultation with Michael Woerner and me,
25 drafted and served subpoenas on numerous third parties, including the manufacturer of the Lash
26 Boost product. Determining which third parties to subpoena, and then crafting the subpoenas and
27

1 negotiating appropriate document productions from the third parties, required research, skill, and
2 experience, in addition to hard work. The subpoenas resulted in an aggregate production of
3 thousands of documents that required review.

4
5 25. Meanwhile, R+F was also producing documents on a rolling basis. Ultimately, it
6 produced about 111,258 pages of documents that were reviewed and analyzed by Keller
7 Rohrback paralegals and attorneys in the fall and winter of 2019 and 2020, including attorneys
8 Alexander Jurisch and Robert Joseph.

9
10 26. Given the number of electronic documents produced in this case, the assistance of
11 Keller Rohrback's information-technology paralegals, Cavin Parrilla and John M. Evans, was
12 essential to ensuring that the documents were properly produced and accessible on our in-house
13 web-based document-review platform. They made themselves available to answer or address the
14 technical questions or difficulties that arose during the course of this litigation and handled
15 technical and logistical aspects of document collection, production and review.

16
17 27. The review and careful analysis of documents were essential to our efforts to
18 prove our claims. The review and analysis made it possible to intelligently select the R+F
19 employees we wished to depose and enumerate the topics for which an R+F employee would be
20 designated to testify under Federal Rule of Civil Procedure 30(b)(6). The core members of the
21 Keller Rohrback team—Michael Woerner, Benjamin Gould, Erika Keech and I—worked
22 together to develop the case strategy, including selection of witnesses and topics for development
23 through deposition and other discovery. In doing so, we drew on the work of the Keller
24 Rohrback paralegals and attorneys who had reviewed discovery materials and provided critical
25 analysis and feedback.

1 28. As with our other discovery efforts, we coordinated deposition-taking with the
2 *Scherr/Gorzo* attorneys. The parties agreed that depositions taken could be used in cases pending
3 in both courts, and *Lewis* counsel coordinated with *Scherr/Gorzo* attorneys to coordinate
4 questioning or allocate time in order to limit jointly held depositions to a single day.

5
6 29. Michael Woerner and Erika Keech took primary responsibility for covering the
7 nine depositions of R+F personnel that took place from December 2019 through February 2020.
8 Mr. Woerner and Ms. Keech performed substantial preparatory work, reviewed and analyzed key
9 documents to prepare, and at times consulted with experts before traveling to and taking these
10 depositions. Our paralegal team provided support and coordinated exhibits, while Benjamin
11 Gould and I provided additional support.

12
13 30. Discovery also involved responding to R+F’s lengthy requests for production,
14 interrogatories, and requests for admission. We also collected and produced certain medical
15 records of the Plaintiffs. Involved in these efforts at Keller Rohrback were Ms. Keech, Mr.
16 Gould, Mr. Woerner, and I.

17 **3. February 2020–July 2020: Motion for class certification; depositions of class**
18 **representatives and expert witnesses**

19 31. Meanwhile, Benjamin Gould—assisted by the rest of our team—researched and
20 drafted the class certification motion for the *Lewis* Plaintiffs. Michael Woerner, Erika Keech and
21 I supported his efforts and worked with the class representatives to provide supporting
22 declarations and materials.

23
24 32. Michael Woerner and Benjamin Gould also worked with our ophthalmological
25 expert and damages expert, each of whom provided detailed report supporting the class
26 certification motion, consistent with Federal Rule of Civil Procedure 26(a)(2). Michael Woerner
27 subsequently defended the deposition of our ophthalmological expert witness.

1 33. The class certification motions both in *Lewis* and the *Scherr/Gorzo* actions were
2 filed in mid-February 2020.

3 34. After filing the class certification motion, Ms. Keech, together with Mr. Woerner
4 and I, and the other *Lewis* counsel, defended depositions of each of the Plaintiffs in the federal
5 class action. In advance of the depositions, we had additional meetings with each Plaintiff to
6 prepare for their depositions and carefully review the relevant documents and records. The
7 depositions were long and grueling, requiring each Plaintiff to testify to many medical or
8 cosmetic procedures they had endured. Understandably, many of the clients found the
9 depositions intrusive and for some, embarrassing or even demoralizing. Their commitment to the
10 case is reflected in their resolute determination to see the discovery process through to the end,
11 no matter the time, inconvenience, or emotional toll.

12 35. One of the depositions ultimately produced a discovery dispute about medical
13 records that required us to move for a protective order under Federal Rule of Civil Procedure
14 26(c) (briefing that required a considerable amount of effort in itself). Benjamin Gould was
15 principally responsible for the briefing in support of our motion for a protective order.

16 36. By this time, the COVID-19 pandemic and resulting lockdowns were well under
17 way. This development required us to figure out new ways of connecting with our clients and
18 working collaboratively with each other at KR and with our co-counsel. This called for creativity
19 and flexibility from all members of our team.

20 **4. July 2020–August 2020: Responding to R+F’s opposition to class certification**

21 37. In early July 2020, R+F filed its opposition to our motion for class certification,
22 accompanied by expert reports of its own. It also moved to exclude the opinion of our damages
23 expert on the ground that his testimony did not comply with Federal Rule of Evidence 702.

1 38. July 2020 was occupied with taking further depositions—the depositions of
2 R+F’s three experts, as well as the deposition of Courtney Moore, R+F’s Senior Vice President
3 for Corporate Strategy and Insights. For the Plaintiffs in the Lewis action, these depositions were
4 taken by Michael Woerner, assisted by Erika Keech.

5
6 39. Simultaneously, Benjamin Gould, assisted as necessary by me, was doing the
7 legal and factual research necessary to draft our reply in support of our motion for class
8 certification as well as our opposition to R+F’s motion to exclude our damages expert. Erika
9 Keech and our paralegals also collected the documentary evidence that would support the reply,
10 along with supplementary declarations from the class representatives. Benjamin Gould worked
11 with our two expert witnesses on their rebuttal reports. The reply in support of our motion for
12 class certification was filed on August 6, 2020, and the opposition to the motion to exclude our
13 expert was filed six days later.
14

15 **5. August 2020–July 2021: Mediation and negotiation**

16 40. On August 12, 2020—the same day that our opposition to the motion to exclude
17 our expert witness was filed—R+F and the Plaintiffs in both the *Lewis* action and this action held
18 an all-day mediation session conducted via videoconference by the Hon. Jay C. Gandhi (Ret.) of
19 JAMS. Prior to this mediation session, the parties had exchanged lengthy mediation briefs.
20 Michael Woerner and I took the lead in these negotiations on behalf of KR, with the participation
21 and assistance of other *Lewis* counsel. Erika Keech also played an active role in the mediation
22 and in drafting our mediation submission (with Benjamin Gould overseeing her work).
23

24 41. The progress made in this first mediation session suggested that the parties might
25 be able to resolve both the federal and state litigation through a class settlement. Accordingly,
26 the parties had three more full-day mediation sessions on August 25 and November 12, 2020,
27
28

1 and in February 2021, before Judge Gandhi and an additional JAMS neutral, Peter Rosen. Mr.
2 Woerner and I continued to confer with *Lewis* counsel and the mediators during informal
3 videoconference and telephone sessions throughout this timeframe.

4 42. As settlement negotiations proceeded, we requested and received additional
5 documents and information from R+F that allowed us to evaluate the potential strengths and
6 weaknesses of Plaintiffs' claims and the fairness of the proposed Settlement, including updated
7 sales data and marketing information. Erika Keech, assisted by our paralegal Katy Warner, took
8 the lead in reviewing this data and information.

9
10 43. Finally, on July 8, 2021, the parties reached an agreement in principle to settle the
11 claims in both the *Lewis* and *Scherr/Gorzo* actions, on behalf of a single nationwide Settlement
12 Class.

13
14 44. As the time-frame of the negotiations indicate, it was only after prolonged and
15 hard-fought arms-length negotiations, conducted by experienced mediators and skilled counsel
16 on both sides, that a classwide settlement providing fair and substantial relief was reached. In
17 addition to our own decades of substantial experience with class-action settlements and
18 consumer protection claims, Michael Woerner and I enlisted the assistance of Irene Hecht, a
19 partner at Keller Rohrback and an expert in the field of insurance-coverage litigation, and Lynn
20 Sarko, Keller Rohrback's managing partner and head of the firm's Complex Litigation Practice,
21 known as a skilled negotiator among members of the federal class action plaintiffs' bar. These
22 lawyers, together with our co-counsel in the federal and state actions, brought their combined
23 talents to bear to achieve one of the largest consumer class action settlements of its kind, which,
24 once approved, will result in meaningful monetary recoveries as well as sweeping changes to the
25 disclosures R+F makes about Lash Boost in every aspect of its marketing and sales.
26
27
28

1 **6. July 2021 to the present: Negotiating the Settlement Agreement, seeking the**
2 **Court's approval, and overseeing the Settlement Administrator**

3 45. While the parties reached an agreement in principle in July 2021, negotiations
4 over the provisions of the Settlement Agreement took the rest of the summer. Nearly every
5 important provision in the Settlement Agreement was the subject of protracted wrangling, with
6 multiple drafts being exchanged between Plaintiff and defense counsel. Crafting the injunctive
7 relief required particularly intensive work, including consultation with our expert. It was not
8 until mid-September 2021 that a final Settlement Agreement was in place. Michael Woerner and
9 I, along with other of the *Lewis and Scherr/Gorzo* counsel, negotiated and drafted the Settlement
10 Agreement with support from Benjamin Gould and Erika Keech.
11

12 46. KR took the lead on behalf of *Lewis* counsel to work with *Scherr/Gorzo* counsel
13 to draft a motion for preliminary approval, proposed class notices and claim forms, and other
14 supporting papers. This process took a significant amount of time and a good deal of back-and-
15 forth with R+F's counsel, with assistance and feedback from co-counsel as necessary. At Keller
16 Rohrback, Benjamin Gould and I were the attorneys most involved in this work.
17

18 47. The joint Motion for Preliminary Approval was filed in September 2021. Securing
19 preliminary approval took two more rounds of briefing and additional negotiation with R+F.
20 Some of the briefing (e.g., addressing the Court's concerns about potential intrusion into the
21 FDA's jurisdiction) required a significant amount of additional legal research. At Keller
22 Rohrback, Benjamin Gould and I were the attorneys involved in the additional briefing and
23 negotiation, assisted by our paralegals.
24

25 48. The Preliminary Approval Order was entered on March 11 of this year. It appoints
26 Annick Persinger of Tycko & Zaverrei LLP and me as Co-Leaders of Class Counsel, which in
27 turn is comprised of all counsel representing the proposed classes in the *Lewis and Scherr/Gorzo*
28

1 52. Keller Rohrback attorneys have, in recent years, been appointed to leadership
2 roles in numerous high-profile cases in addition to those described above, including *In re*
3 *National Opiate Litigation*, MDL 2804, an important MDL seeking to hold opioid manufacturers
4 and distributors accountable for devastating communities across the country; in *In re Juul Labs,*
5 *Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL 2913 (N.D. Cal.),
6 another case with important public health implications relating to the marketing of Juul e-
7 cigarette products; the MDL litigation stemming from the Facebook/Cambridge Analytica
8 scandal, *In re: Facebook, Inc., Consumer Privacy User Profile Litigation*, MDL 2843 (N.D.
9 Cal.); and *Jabbari v. Wells Fargo*, No. 15-02159 (N.D. Cal.), the Wells Fargo unauthorized
10 account consumer class action; *In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales*
11 *Practices and Antitrust Litigation*, MDL No. 2785 (D. Kan.), the MDL concerning EpiPen price-
12 gouging allegations; *In Re: Blackbaud, Inc., Customer Data Breach Litigation*, MDL 2972
13 (D.S.C.), the MDL regarding Blackbaud’s massive data breach; and *In re: T-Mobile Customer*
14 *Data Security Breach Litigation*, MDL 3019 (W.D. Mo.), the MDL regarding T-Mobile’s
15 massive data breach.
16
17

18 53. Attached hereto as **Exhibit A** is a true and correct copy of Keller Rohrback’s
19 Firm Resume. This Firm Resume contains detailed profiles of all the attorneys that billed time in
20 this matter.
21

22 **A. Keller Rohrback’s Core Team**

23 54. To maximize efficiency, Keller Rohrback staffed this case with a core team of six
24 persons—four attorneys and two paralegals—who collectively billed more than three-fourths of
25 the total hours included in the lodestar and nearly 85% of the total fees included in the lodestar,
26 as measured by Keller Rohrback’s normal billing rates. The core team is as follows:
27
28

1 **Benjamin Gould**

2 57. Benjamin Gould is a Keller Rohrback partner with approximately 15 years of
3 professional experience. He assisted Erika Keech in investigating this case and, along with her,
4 drafted the operative complaint in *Lewis*. He was also principally responsible for researching,
5 outlining, and drafting the opposition to R+F's motion to dismiss the complaint. He played a role
6 in document discovery and helped to select appropriate deponents. He was the principal drafter
7 of the briefs submitted in connection with substantive motions in *Lewis*, such as our motion for
8 class certification, R+F's motion to exclude our damages expert, and our motion for a protective
9 order. He also spent a good deal of time working with our experts on their principal and rebuttal
10 reports. He assisted in the negotiation and drafting of the Settlement Agreement after an
11 agreement in principle had been reached and helped to draft the submissions in support of the
12 motion for preliminary approval.
13
14

15 **Erika M. Keech**

16 58. Until April 2022, when she left Keller Rohrback to return to the Snohomish
17 County Prosecutor's Office, Erika M. Keech was a Keller Rohrback associate. At the time she
18 left the firm, she had approximately 9 years of professional experience. Ms. Keech investigated
19 the factual basis of this case and was the principal drafter of the operative complaint in *Lewis*.
20 She worked closely with the Plaintiffs in *Lewis* on both the complaint and on responses to R+F's
21 discovery requests. She was involved in all aspects of document discovery and helped to select
22 appropriate deponents. She was instrumental in collecting and preparing the supporting papers
23 for the motion for class certification as well as the reply in support of that motion. She defended
24 several of the depositions of the Plaintiffs after helping to prepare them. She worked with our
25 ophthalmological expert on her expert reports and helped prepare her for her deposition. She
26
27
28

1 participated in the mediation sessions and played an important role in crafting in the injunctive
2 relief in the Settlement.

3
4 **DeAnna C. Culpepper**

5 59. From the beginning of this case in February 2018 until January 2021, DeAnna
6 Culpepper was one of the paralegals at Keller Rohrback working on this matter. In that role,
7 among other tasks, she assisted in potential client intake and correspondence; drafted client
8 communications and updates and spoke with clients on a regular basis; drafted client engagement
9 agreements; responded to class member inquires and drafted status updates; reviewed and
10 analyzed client documents and medical records; updated the case website; reviewed, analyzed
11 and assisted in drafting pleadings and written discovery; reviewed and analyzed document
12 productions; managed the document review team; performed various legal and factual research
13 projects; corresponded with experts, and reviewed and compiled documents for the experts to
14 review; drafted memos on discrete subjects when required; assisted in the preparation of third-
15 party subpoenas; and assisted in preparing Plaintiffs for depositions.
16

17
18 **Katy Warner**

19 60. Katy Warner was one of the paralegals at Keller Rohrback assigned to this file
20 starting in February 2018 and continues to serve as the assigned paralegal for this matter. In that
21 role, among other tasks, she corresponded with potential clients; drafted fee agreements;
22 reviewed and analyzed client documents; reviewed and compiled documents for experts to
23 review; reviewed, analyzed and drafted pleadings and written discovery; assisted in preparing
24 witnesses for depositions; reviewed and analyzed document productions; corresponded with
25 experts; and played an essential role in gathering documents for and finalizing the papers
26 submitted in support of various motions, including the class certification motion.
27
28

1 **B. Additional Timekeepers**

2 61. Beyond the core team, additional Keller Rohrback attorneys and staff stepped in
3 to help on discrete projects consistent with their experience and expertise or contributed their
4 efforts while other employees had conflicts or were out of the office. Even here, we made every
5 effort to draw upon a limited group so that we would not have to keep bringing new people “up
6 to speed.” Indeed, ten timekeepers—the core team, along with Katherine E. Caldwell, Alexander
7 A. Jurisch, Robert I. Joseph, and Darla Marshall—billed over 92% of the lodestar by hours and
8 over 93% of the lodestar by value, as measured by Keller Rohrback’s normal billing rates.

9
10 62. From August 2018 until November 22, 2019, **Katherine Caldwell** was one of the
11 paralegals at Keller Rohrback assigned to this matter. In that role, among other tasks, she assisted
12 in potential client intake and correspondence; corresponded with clients as needed; reviewed and
13 analyzed client documents and medical records; reviewed, analyzed and drafted filed papers and
14 written discovery; reviewed and analyzed document productions; helped to manage the
15 document database; drafted a comprehensive written guide for the team that reviewed
16 documents; analyzed and reviewed third-party productions; and assisted witnesses in preparing
17 for depositions.
18

19 63. **Alexander A. Jurisch** and **Robert I. Joseph** joined the team in September 2019
20 as attorney analysts who reviewed and analyzed R+F’s document production. Their work was
21 essential to selecting deponents and collecting materials to support our motion for class
22 certification.
23

24 64. **Darla Marshall**, a Keller Rohrback paralegal, reviewed, analyzed, revised, and
25 filed pleadings, motions, written discovery, and subpoenas; reviewed and revised
26 correspondence; and calendared and kept track of deadlines.
27
28

1 65. **Lynn Lincoln Sarko** is Keller Rohrback’s managing partner and has
2 approximately 40 years of professional experience. As a seasoned and skilled negotiator, he
3 participated in mediation sessions and assisted in negotiating the Settlement.

4 66. **Irene M. Hecht** is a Keller Rohrback partner with approximately 41 years of
5 professional experience. We drew upon her great expertise in insurance law when participating
6 in settlement negotiations with R+F. Ms. Hecht provided insight to Class Counsel regarding the
7 complex framework of insurance that applied to the claims presented.

8 67. **Eric Fierro** is a Keller Rohrback partner with approximately 15 years of
9 professional experience. Mr. Fierro oversees our firm’s legal technology group; he was involved
10 in all aspects of electronic discovery in this case.

11 68. **Cavin L. Parilla** and **John M. Evans** were the Keller Rohrback Paralegal
12 Information Specialists who were assigned to this file in February 2019. The efforts of both Mr.
13 Parilla and Mr. Evans were needed due to the number of documents produced in this case and the
14 complexity of the electronic discovery. Mr. Parilla was responsible for the administration of the
15 database containing all the document discovery in this case. In that role, among other tasks, he
16 prepared client documents for production; imported documents, transcripts and exhibits into the
17 database; and performed quality control. Mr. Evans also performed website and social media
18 preservation and research services, processed data for our document database, helped to prepare
19 Plaintiffs’ documents for production, and performed quality control.

20 69. From April 2018 until November 2018, **Samantha L. Scown** was one of the
21 paralegals at Keller Rohrback assigned to this file. In that role, among other tasks, she
22 communicated with clients and potential clients, cite-checked pleadings, analyzed client
23
24
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1 documents, reviewed and compiled documents for experts and attorneys to review, and
2 performed various research projects.

3 70. **Ryan P. McDevitt** is a Keller Rohrback partner with approximately 11 years of
4 professional experience. He assisted in drafting the operative complaint in *Lewis* and the
5 opposition to R+F's motion to dismiss.
6

7 71. **Debra Lynn Wilcher**, a Keller Rohrback paralegal, reviewed, analyzed, revised
8 and filed pleadings, motions, written discovery, and subpoenas; reviewed and revised
9 correspondence; and, where another paralegal was not available, calendared deadlines.

10 72. **Tyrone Smith**, a Keller Rohrback attorney document analyst, joined the team in
11 late March 2022 to communicate via phone and email with class members regarding the
12 Settlement.
13

14 73. **Brooke A. Nelson**, a Keller Rohrback paralegal, assisted where other paralegals
15 were unavailable or where additional help was needed. She reviewed, analyzed, revised and filed
16 pleadings, motions, written discovery, and subpoenas, and reviewed and revised correspondence.
17

18 **C. *Ex Ante* Risks Borne by Keller Rohrback**

19 74. Keller Rohrback has prosecuted this case solely on a contingent basis, and has
20 received no compensation of any kind to date for its work on this matter. A loss at any stage of
21 this litigation would have meant that Keller Rohrback would have lost all possibility of
22 compensation for the hundreds of hours spent on this case.

23 75. Before filing, Keller Rohrback knew that initiating the *Lewis* action meant that
24 the firm would likely spend hundreds of hours litigating the action, given the complexity of the
25 scientific and legal issues, the size of the class, and the resources of R+F. Committing resources
26 to this case necessarily required the firm to forego other work.
27
28

1 76. We also knew that the scientific issues raised by our legal theory and need to
2 make a strong case for class certification would require the retention of experts and the
3 concomitant expenditure of significant money.

4 77. We realized that because we would prosecute the *Lewis* action on behalf of
5 residents of multiple states, the action would ultimately end up in federal court under the Class
6 Action Fairness Act even if we chose not to file there in the first instance. We thus knew that
7 prosecuting the action would require us to surmount the pleading standard created by *Bell*
8 *Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009),
9 meet the requirements for expert testimony imposed by Federal Rule of Evidence 702 and related
10 case law, and satisfy numerous other procedural requirements, including those for class
11 certification under Federal Rule of Civil Procedure 23.
12

13
14 **D. Skill Demonstrated by Keller Rohrback**

15 78. The *Lewis* action required us to familiarize ourselves with the science of
16 prostaglandin analogs and the legal framework governing cosmetics. In addition, because we
17 asserted claims under the laws of six different states, knowledge of those laws, including
18 potential traps for the unwary, was an absolute prerequisite to filing the action.
19

20 79. Our defense of our complaint against R+F's motion to dismiss was remarkably
21 successful. We defeated entirely the argument that our clients had not suffered an injury in fact,
22 and 19 of the 20 claims we asserted survived R+F's motion.

23 80. Once the case moved into discovery, coordination with the attorneys prosecuting
24 this action was necessary. Discovery, moreover, was factually complex and required expertise in
25 electronically stored information, and the sheer scale of the case required efficient management
26 of a large team of attorneys and paralegals.
27

1 efficient prosecution and resolution of this matter. I also believe the time and expenses are of the
2 type and amount that would normally be charged to a fee-paying client in the private legal
3 marketplace.

4 87. In preparing this declaration, we exercised billing discretion. We decided to cut
5 almost 250 hours from our lodestar, representing almost \$100,000 under our normal billing rates.
6

7 88. As an extremely conservative estimate, Keller Rohrback includes in its lodestar an
8 additional 50 hours for ongoing work, i.e., preparing the anticipated motion for final approval,
9 responding to Class Member inquiries, as well as working with the Settlement Administrator to
10 process claims, provide additional notice and distribute the benefit after Final Approval. Actual
11 future hours will very likely exceed—and perhaps significantly exceed—50 hours.
12

13 89. Keller Rohrback’s hourly rates are reviewed and adjusted annually. Based on our
14 regular monitoring of prevailing market rates charged by attorneys of comparable skill,
15 experience, and qualifications in the San Francisco Bay Area and other major metropolitan areas,
16 we adjust our rates so that they are in line with those charged by counsel performing similar
17 national class action work. Our rates are substantially lower than a number of firms, but
18 consistent with many others.
19

20 90. Fee awards supported by my firm’s hourly rates and corresponding lodestar have
21 regularly been approved in class action settlements. Recent examples include *Ryder et al. v.*
22 *Wells Fargo Bank, N.A.*, Case No. 1:19-cv-638, Docket No. 57 (S.D. Ohio Jan. 25, 2022); *In re:*
23 *EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, MDL
24 No. 2785, Docket. No. 2506 (D. Kan. Nov. 17, 2021); *Fox et al. v. Iowa Health System*, Case
25 No. 3:18-cv-00327, Docket No. 115 (W.D. Wis. Mar. 4, 2021); *In re Chrysler-Dodge-Jeep*
26 *“EcoDiesel” Marketing, Sales, Practices, and Products Liability Litig.*, MDL No. 2777, Docket
27

No. 561 (N.D. Cal. May 3, 2019); *Jabbari v. Wells Fargo*, Case No. 15-02159, Docket No. 271 (N.D. Cal. June 14, 2018); and four separate settlements in *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litig.*, MDL No. 2672 (N.D. Cal.): Audi C02 Cases, MDL 2672 Docket No. 7244 (Mar. 2, 2020); 3.0-liter TDI Settlement, 2017 WL 3175924 (July 21, 2017); Bosch Settlement, 2017 WL 2178787 (May 17, 2017); and 2.0-liter TDI Settlement, 2017 WL 1047834 (Mar. 17, 2017).

91. Below is a summary of Keller Rohrback’s lodestar. The additional 50 hours we include as a conservative estimate of the future are billed according to a weighted blended rate, which was reached by dividing the current lodestar by the current number of hours. The lodestar is calculated using 2022 rates:

Name	Title	Years of Experience (Associates and Partners)	Hours Worked	Rate (current)	Lodestar
Keech, Erika M.	Attorney	9	2,546.40	\$605.00	\$1,540,572.00
Woerner, Michael	Partner	36	1,248.00	\$1,065.00	\$1,329,120.00
Culpepper, DeAnna C.	Paralegal		969.70	\$260.00	\$252,122.00
Gould, Benjamin	Attorney	15	942.90	\$815.00	\$768,463.50
Warner, Katy	Paralegal		889.60	\$405.00	\$360,288.00
Farris, Juli E.	Partner	34	702.10	\$1,065.00	\$747,736.50
Caldwell, Katherine E.	Paralegal		497.80	\$260.00	\$129,428.00
Jurisch, Alexander A.	Attorney – DA		447.40	\$415.00	\$185,671.00
Joseph, Robert I.	Attorney – DA		417.30	\$415.00	\$173,179.50
Marshall, Darla	Paralegal		144.70	\$300.00	\$43,410.00
Parrilla, Cavin L.	Paralegal		121.00	\$300.00	\$36,300.00
Sarko, Lynn Lincoln	Partner	40	94.00	\$1,200.00	\$112,800.00
Fierro, Eric	Partner	15	85.60	\$795.00	\$68,052.00

Name	Title	Years of Experience (Associates and Partners)	Hours Worked	Rate (current)	Lodestar
Evans, John M.	Paralegal		79.90	\$300.00	\$23,970.00
Scown, Samantha L.	Paralegal		75.70	\$295.00	\$22,331.50
McDevitt, Ryan P	Attorney	11	60.40	\$625.00	\$37,750.00
Wilcher, Debra Lynn	Paralegal		54.60	\$270.00	\$14,742.00
Hecht, Irene M.	Partner	41	50.60	\$725.00	\$36,685.00
Smith, Tyrone	Attorney – DA		44.50	\$475.00	\$21,137.50
Nelson, Brooke A.	Paralegal		41.50	\$250.00	\$10,375.00
Projected Future Hours			50	\$621.64	\$31,082.00
		Totals	9,563.70		\$5,945,215.50

V. LAFFEY LODESTAR

A. Keller Rohrback

92. As noted above, Keller Rohrback’s normal rates have been repeatedly approved by courts presiding over class actions, including courts in the Bay Area.

93. While use of the Laffey Matrix is not necessary and has even been disfavored by some federal courts, *see Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 454 (9th Cir. 2010), nevertheless, for the Court’s convenience, to be consistent with submissions by Co-Lead Counsel, and as an additional cross check, we have also calculated a lodestar by applying the (generally) lower rates prescribed by the Adjusted Laffey Matrix. Because our normal rates are already reasonable, application of the Adjusted Laffey Matrix yields a result that is reasonable *a fortiori*.

94. Purely for the sake of comparison, therefore, below is Keller Rohrback’s lodestar according to the Adjusted Laffey Matrix. Additionally, simply to provide the most conservative

1 lodestar comparison, Attorney Document Analysts are billed according to the lowest rate in the
 2 Adjusted Laffey Matrix for attorneys. The same figure for future hours (50) is used; again, these
 3 hours are billed according to blended weighted rate. As before, the most current rates are used:
 4

Name	Title	Years of Experience of Associates and Partners	Hours Worked	Rate	Lodestar
Keech, Erika M.	Attorney	9	2,546.40	\$676.00	\$1,721,366.40
Woerner, Michael	Partner	36	1,248.00	\$919.00	\$1,146,912.00
Culpepper, DeAnna C.	Paralegal		969.70	\$208.00	\$201,697.60
Gould, Benjamin	Attorney	15	942.90	\$764.00	\$720,375.60
Warner, Katy	Paralegal		889.60	\$208.00	\$185,036.80
Farris, Juli E.	Partner	34	702.10	\$919.00	\$645,229.90
Caldwell, Katherine E.	Paralegal		497.80	\$208.00	\$103,542.40
Jurisch, Alexander A.	Attorney – DA		447.40	\$381.00	\$170,459.40
Joseph, Robert I.	Attorney – DA		417.30	\$381.00	\$158,991.30
Marshall, Darla	Paralegal		144.70	\$208.00	\$30,097.60
Parrilla, Cavin L.	Paralegal		121.00	\$208.00	\$25,168.00
Sarko, Lynn Lincoln	Partner	40	94.00	\$919.00	\$86,386.00
Fierro, Eric	Partner	15	85.60	\$764.00	\$65,398.40
Evans, John M.	Paralegal		79.90	\$208.00	\$16,619.20
Scown, Samantha L.	Paralegal		75.70	\$208.00	\$15,745.60
McDevitt, Ryan P	Attorney	11	60.40	\$764.00	\$46,145.60
Wilcher, Debra Lynn	Paralegal		54.60	\$208.00	\$11,356.80
Hecht, Irene M.	Partner	41	50.60	\$919.00	\$46,501.40
Smith, Tyrone	Attorney – DA		44.50	\$208.00	\$9,256.00
Nelson, Brooke A.	Paralegal		41.50	\$208.00	\$8,632.00
Projected Future Hours			50	\$569.17	\$28,458.50
		Totals:	9,563.70		\$5,443,376.50

B. Lewis Co-Counsel

95. The co-counsel that helped Keller Rohrback prosecute the *Lewis* action are Glancy Prongay & Murray, LLP; Gibbs Law Group, LLP; Levi & Korsinsky, LLP; and Sauder Schelkopf LLC.

96. Attached hereto as Exhibits B, C, D and E are true and correct copies of declarations from, respectively, Marc Godino of Glancy Prongay & Murray, LLP; Rosemary Rivas of Gibbs Law Group, LLP; Courtney Maccarone of Levi & Korsinsky, LLP; and Joseph Sauder of Sauder Schelkopf LLC. These declarations contain, among other things, information on the lodestar of each of these firms.

97. The rates given in each of those declarations are reasonable. Purely for the sake of comparison, however, the lodestar of each of the firms is recalculated below according to Adjusted Laffey Matrix. As in the case of Keller Rohrback, *see supra* ¶ 94, attorneys specializing in document review or staff attorneys are billed at the lowest Laffey rate for attorneys.

Glancy Prongay & Murray, LLP (Laffey Lodestar)

Timekeeper/Case	Status/Graduation Year	Hours	Rate	Lodestar
<u>ATTORNEYS</u>				
Marc Godino	Partner, 1995	154	919	141,526.00
Danielle Manning	Associate, 2016	2	468	936
Michael Graff	Staff Attorney, 2011	571	381	217,551.00
Felicia M. Gordon	Staff Attorney, 2004	319.5	381	121,729.50
Kelly Lynn Woodson	Staff Attorney, 1999	22.5	381	8,572.50
	Total Attorney:	1,069.00		490,315.00
<u>PARALEGALS</u>				
Harry Kharadjian	Senior Paralegal	7.25	208	1,508.00
Paul Harrigan	Senior Paralegal	2.5	208	520
Emily Oswald	Paralegal	2	208	416

Calysta Bevier	Clerk	0.1	208	20.8
Total Paralegal:		11.85		2,464.80
Total Lodestar:		1,080.85		492,779.80

Gibbs Law Group, LLP (Laffey Lodestar)

Name	Title	Graduation Year	Hours Worked	Rate	Lodestar
Rosemary M. Rivas	Partner	2000	122.60	\$919.00	\$112,669.40
Total Hours:			122.60	Total Loadstar:	\$112,669.40

Levi & Korsinsky, LLP (Laffey Lodestar)

Name	Title	Graduation Year	Hours Worked	Rate	Lodestar
Rosemary Rivas	Partner	2000	219.5	\$919.00	\$201,720.50
Mark Reich	Partner	2000	5.9	\$919.00	\$5,422.10
Rosanne Mah	Associate	2005	7.3	\$764.00	\$5,577.20
Courtney Maccarone	Associate	2011	394.25	\$764.00	\$301,207.00
Tatyana Grubnik	Document Review Attorney	2001	218.5	\$381.00	\$83,248.50
Quentin Roberts	Associate	2015	0.6	\$676.00	\$405.60
Jenn Tash	Paralegal	N/A	3.45	\$208.00	\$717.60
Jamie Kornhaber	Paralegal	N/A	26.3	\$208.00	\$5,470.40
Amanda Herda	Paralegal	N/A	2.4	\$208.00	\$499.20
Joanna Chlebus	Paralegal	N/A	0.25	\$208.00	\$52.00
Emily Bigelow	Paralegal	N/A	7.6	\$208.00	\$1,580.80
Total Hours:			886.05	Total Loadstar:	\$605,900.90

Sauder Schelkopf LLC (Laffey Lodestar)

Name	Title	Graduation Year	Hours Worked	Rate	Lodestar
Joseph G. Sauder	Partner	1998	159.6	\$919	\$146,672.40
Matthew D. Schelkopf	Partner	2002	12.2	\$919	\$11,211.80
Lori G. Kier	Of Counsel	1991	6	\$919	\$5,514.00
Joseph B. Kenney	Associate	2013	80.3	\$764	\$61,349.20
Total Hours:			258.1	Total Loadstar:	\$224,747.40

C. Total Laffey Lodestar for Keller Rohrback and Lewis Co-Counsel

98. The total lodestar for Keller Rohrback and *Lewis* Co-Counsel, calculated according to the Adjusted Laffey Matrix, is **\$6,879,474.00**.

VI. EXPENSES OF KELLER ROHRBACK AND LEWIS CO-COUNSEL

99. Keller Rohrback and its *Lewis* Co-Counsel, *see supra* ¶ 95, directly incurred necessary expenses for this case. They also established a common-costs fund to which they contributed money; the money in that fund was then used for additional necessary expenses in this case.

100. The entirety of the common-costs fund has been consumed in paying for necessary expenses in this case. Thus, below, the contributions of Keller Rohrback and its *Lewis* Co-Counsel to the fund are one of the categories of expenses enumerated for each firm. To demonstrate that the entirety of the common-costs fund was used for necessary expenses in this case, my firm has created a table showing the funds contributed to and expended out of the common-costs fund.

Keller Rohrback Expenses

Expense Category	Amount
Air Travel	\$14,697.07
Ground Travel/ Parking	\$4,110.44
Hotels	\$12,120.33
Travel other (meals)	\$3,010.16
Client Outreach	\$3,817.87
Depositions, Court Reporting, and Transcripts	\$83,524.44
eDiscovery Expenses	\$61,000.00
Expert Services	\$77,042.50
FedEx, Courier, and Courtesy Copies	\$1,041.03
Filing, CourtCall, and other court-related fees, incl. process service	\$5,572.79
Mediation	\$16,670.00
PACER and Document Retrieval Fees	\$428.44
Photocopies	\$28,091.68
Postage	\$99.86
Westlaw	\$13,780.12
Common Fund Cost	\$156,569.42
Total	\$481,576.15

Glancy Prongay & Murray, LLP Expenses (Exhibit B)

Expense Category	Amount
Courier	\$61.66
Court Filing Fees	\$400.00
Litigation Fund	\$15,000.00
Online Research	\$334.73
Service of Process	\$179.48
Telephone	\$94.00
Travel Airfare	\$1,381.16
Travel Auto	\$120.00
Travel Hotel	\$975.84
Travel Meals	\$131.05
Travel Parking	\$57.11
Total	\$18,735.03

Levi & Korsinsky, LLP Expenses (Exhibit D)

Expense Category	Amount
Postage	\$460.89
Court Reporting / Transcripts	\$130.30
Filing, CourtCall, and other court-related fees	\$414.00
Litigation Fund	\$15,000.00
Travel Expenses	\$2,866.00
Meals	\$268.05
Total	\$19,139.24

Sauder Schelkopf LLC Expenses (Exhibit E)

Expense Category	Amount
Transcripts	\$895.70
Litigation Fund	\$15,000.00
Travel Expenses	\$802.46
Total	\$16,698.16

Common-Costs Fund

Firm	Amount of Contribution
Keller Rohrback	\$156,569.42
Glancy Prongay & Murray	\$15,000
Levi & Korsinsky	\$15,000
Sauder Schelkopf	\$15,000
Total Contributions	\$201,569.42

Category of Expense	Amount
Expert Services	\$131,662.50
Mediation	\$69,906.92
Total Expenses	\$201,569.42

101. As enumerated above, my firm has incurred a total of \$481,576.15 in expenses for this case. Multiple courts have approved similar expenses incurred by the firm in successfully prosecuting class action litigation. *See supra* ¶ 90.

1 102. The total expenses incurred by all our *Lewis* Co-Counsel equal \$54,572.43 (i.e.,
2 \$18,735.03 + \$19,139.24 + \$16,698.16).

3 103. Thus, the total expenses incurred by Keller Rohrback and its *Lewis* Co-Counsel
4 equal **\$536,148.58**.

5 **VII. TOTAL CLASS COUNSEL HOURS, LODESTAR, AND EXPENSES**

6 104. The total Class Counsel hours and lodestar, as calculated according to the
7 Adjusted Laffey Matrix, are as follows:
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9

Firm	Hours	Lodestar
Tycko & Zavareei LLP	2,872.60	\$1,845,625.00
Keller Rohrback LLP	9,563.70	\$5,443,376.50
Beshada Farnese LLP	1,657.60	\$1,167,829.90
Gibbs Law Group, LLP	122.60	\$112,669.40
Glancy Prongay & Murray LLP	1,080.85	\$492,779.80
Levi & Korsinsky, LLP	886.05	\$605,900.90
Sauder Schelkopf LLC	258.10	\$224,747.40
Willett & Willett, LLP	2,208.10	\$1,696,024.90
Totals:	18,649.60	\$11,588,953.80

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18 105. When the normal billing rates of Keller Rohrback LLP, Glancy Prongay &
19 Murray LLP, Gibbs Law Group, LLP, Levi & Korsinsky, LLP, and Sauder Schelkopf LLC are
20 used for those firms' rates instead of the Adjusted Laffey Matrix, the total Class Counsel hours
21 and lodestar are as follows:
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Firm	Hours	Lodestar
Tycko & Zavareei LLP	2,872.60	\$1,845,625.00
Keller Rohrback LLP	9,563.70	\$5,945,215.50
Beshada Farnese LLP	1,657.60	\$1,167,829.90
Gibbs Law Group, LLP	122.60	\$104,210.00
Glancy Prongay & Murray LLP	1,080.85	\$509,046.25
Levi & Korsinsky, LLP	886.05	\$606,532.75
Sauder Schelkopf LLC	258.10	\$195,192.50
Willett & Willett, LLP	2,208.10	\$1,696,024.90
Totals:	18,649.60	\$12,069,676.80

106. Total Class Counsel Expenses are as follows:

Firm	Expenses
Tycko & Zavareei LLP	\$146,876.48
Keller Rohrback LLP	\$481,576.15
Beshada Farnese LLP	\$18,805.20
Glancy Prongay & Murray LLP	\$18,735.03
Levi & Korsinsky, LLP	\$19,139.24
Sauder Schelkopf LLC	\$16,698.16
Willett & Willett, LLP	\$21,245.22
Totals:	\$723,075.48

107. I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of June, 2022, at Seattle, Washington.



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18 ***Interim Lead Counsel***

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Attorneys for Plaintiffs

EXHIBIT A

COMPLEX LITIGATION

Devoted to Justice

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity...[Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions..."
In re WorldCom, Inc. ERISA Litigation (Judge Cote)

Keller Rohrback's lawyers excel by being prepared and persuasive. It's a simple formula that combines our strengths: outstanding writing and courtroom skill, together with unparalleled passion and integrity. We have recovered billions of dollars for our clients and have served as lead counsel in many prominent cases, including numerous financial crisis cases against Wall Street banks and mortgage originators. Our lawyers are recognized as leaders in their fields who have dedicated their careers to combating corporate fraud and misconduct. We have the talent as well as the financial resources to litigate against Fortune 500 companies—and do so every day.



Who We Are

Keller Rohrback's Complex Litigation Group has a national reputation as the go-to plaintiffs' firm for large-scale, complex individual and class action cases. We represent public and private investors, businesses, governments and individuals in a wide range of actions, including securities fraud, fiduciary breach, antitrust, insurance coverage, whistleblower, environmental and product liability cases. Our approach is straightforward—we represent clients who have been harmed by conduct that is wrong, and we litigate with passion and integrity to obtain the best results possible. Every case is different, but we win for the same reason: we are persuasive. When you hire us, you hire smart, creative lawyers who are skilled in court and in negotiations.

Founded in 1919, Keller Rohrback's nearly 70 attorneys and about 100 staff members are based in six offices across the country in Seattle, Missoula, New York, Oakland, Phoenix, Portland, and Santa Barbara. Over the past century, our firm has built a distinguished reputation by providing top-notch representation. We offer exceptional service and a comprehensive understanding of federal and state law nationwide. We also are well known for our abilities to collaborate with co-counsel and to work together to achieve outstanding results—essential skills in large-scale cases in which several firms represent the plaintiffs. We pride ourselves on our reputation for working smartly with opposing counsel, and we are comfortable and experienced in coordinating high-stakes cases with simultaneous state and federal government investigations. Keller Rohrback attorneys earn the respect of our colleagues and our opponents through our deft handling of the array of complex issues and obstacles our clients face.

ABOUT KELLER ROHRBACK



What We Do

Keller Rohrback's Complex Litigation Group represents plaintiffs in large-scale cases involving corporate wrongdoing. We litigate against companies that pollute, commit fraud, fix prices and take advantage of consumers, employees, and investors. We are passionate advocates for justice. In addition, the Complex Litigation Group regularly calls on attorneys in the firm's other practice areas for expertise in areas such as bankruptcy, constitutional law, corporate transactions, financial institutions, insurance coverage and intellectual property. Our group's access to these in-house resources distinguishes Keller Rohrback from other plaintiffs' class action firms and contributes to the firm's success. We also have a history of working with legal counsel from other countries to vigorously pursue legal remedies on behalf of clients around the globe.

We have won verdicts in state and federal courts throughout the nation and have obtained judgments and settlements on behalf of clients nearing \$50 billion. Courts around the country have praised our work, and we are regularly appointed lead counsel in nationally prominent class action cases. Our work has had far-reaching impacts for our clients in a variety of settings and industries, creating a better, more accountable society.

Whom We Serve

We represent individuals, institutions, and government agencies. The common denominators of our clients is a desire to see justice done—and to be represented by attorneys who practice law with integrity, honesty, and devotion to serving our clients' interests.



“Despite substantial obstacles to recovery, Keller Rohrback was willing to undertake the significant risks presented by this case...Class Counsel achieved real and substantial benefits for members of the Class. [Their] extensive prior experience in complex class action securities litigation... enabled the Class to analyze and achieve this excellent result.” Getty v. Harmon (SunAmerica Securities Litigation) (Judge Dwyer).

ATTORNEYS

Lynn Lincoln Sarko
Gretchen Freeman Cappio
Alison Chase
Felicia Craick
Matt Gerend
Cari Campen Laufenberg
Derek Loeser
Ryan McDevitt
Daniel Mensher

Keller Rohrback's antitrust and trade regulation practice represents Plaintiffs in state and federal courts to ensure that consumers get the benefits of free and fair competition in the marketplace.

Keller Rohrback has successfully litigated cases on behalf of both consumers and businesses who have been harmed by illegal anti-competitive conduct, such as price fixing, price discrimination, misleading and deceptive marketing practices, and the monopolization and attempted monopolization of markets.

Keller Rohrback has served as lead counsel, on MDL executive committees, and in other prominent roles in large price-fixing and price discrimination cases.

REPRESENTATIVE CASES

Nurse Wage Litigation: Fleischman v. Albany Medical Center (N.D.N.Y.); Cason-Merenda v. Detroit Medical Center (E.D. Mich.)

Keller Rohrback was Co-Lead Counsel in these long-running antitrust actions which recovered \$105 million in underpaid wages resulting from an alleged conspiracy

among hospitals to set the compensation of their nurse employees in Albany, New York, and Detroit, Michigan.

Ferko v. National Ass'n For Stock Car Auto Racing, Inc., No. 02-50 (E.D. Tex.)

Keller Rohrback was Counsel for Plaintiff, a shareholder in Texas Motor Speedway (TMS), in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and conspiring with International Speedway Corporation (ISC) to restrain trade in violation of the antitrust laws. The settlement agreement allowed TMS to purchase North Carolina Speedway from ISC and required NASCAR to sanction a Nextel Cup Series race at TMS in the future, relief that was valued at \$100.4 million.

In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.)

Keller Rohrback played a significant role in litigating this MDL case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten-year global price-fixing and market-allocation conspiracy. Recoveries for the class through settlement and verdict totaled over \$1 billion.

In re Online DVD Rental Antitrust Litigation, MDL No. 2029 (N.D. Cal.)

Keller Rohrback represented purchasers of online DVD rental services accusing Walmart and Netflix of engaging in a market allocation scheme. The class achieved settlements of over \$30 million.

Johnson v. Arizona Hospital and Healthcare Association, No. 07-1292 (D. Ariz.)

Keller Rohrback represented agency nurses who worked at various Arizona hospitals seeking to recover the underpayment of wages resulting from a conspiracy to suppress the cost of agency nurses. The class achieved settlements of more than \$26 million.

"The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does again." *In re Linerboard Antitrust Litigation* (E.D. Pa. June, 2 2004) (Judge DuBois).

REPRESENTATIVE CASES continued

Daisy Mountain Fire District v. Microsoft Corp., MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in of over \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

Molecular Diagnostics v. Hoffman-La Roche, Inc., No. 04-1649 (D.D.C.)

Keller Rohrback served on the Executive Committee of this class action lawsuit on behalf of direct purchasers of thermus aquaticus DNA polymerase (Taq), an essential input to technologies used to study DNA. The lawsuit alleged that various Hoffman-La Roche entities, in concert with the Perkins Elmer Corp., fraudulently procured a patent for Taq with the intent of illegally monopolizing the Taq market. The court approved a \$33 million settlement in 2008.

In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation, MDL No. 2785 (D. Kan.)

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs allege that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain their dominant market positions and increase the prices of EpiPen products by over 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. On February 27, 2020, the Court certified two classes of consumers and payors against Defendants Mylan and Pfizer. Trial is set to begin in January 2022.

Johnson v. Arizona Hospital and Healthcare Association, No. 07-1292 (D. Ariz.)

Keller Rohrback represented agency nurses who worked at various Arizona hospitals seeking to recover the underpayment of wages resulting from a conspiracy to suppress the cost of agency nurses. The class achieved settlements of more than \$26 million.

Transamerican Refining Corporation v. Dravo Corp., No. 88-789 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action filed on behalf of all cost-plus purchasers of specialty steel pipe. Fabricators and suppliers of that pipe were sued on allegations of a nationwide price fixing conspiracy. The class of electric generating plant and oil refinery owners, achieved a settlement of over \$49 million.

In re: Liquid Aluminum Sulfate Antitrust Litigation, MDL No. 2687 (D.N.J.)

In 2016, Keller Rohrback filed numerous class action complaints in federal courts on behalf of several municipalities in Washington, California, and Arizona that purchase and use liquid aluminum sulfate ("Alum") to treat and clean their waste water. The complaints contained claims against the major manufacturers of Alum who allegedly engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. As a result of these antitrust violations, municipalities – and their taxpayers – had overpaid millions of dollars to the co-conspirators for the Alum they purchased during the long life of this conspiracy. In March 2020, the Court authorized the transfer of settlement funds to pay claims of the Settlement Class Members.

ATTORNEYS

Lynn Lincoln Sarko
Matt Gerend
Ben Gould
Ron Kilgard
Cari Campen Laufenberg
Jeffrey Lewis
Derek Loeser
Gretchen Obrist
Erin Riley
Matthew Preusch

Appeals require specialized skills and experience, and Keller Rohrback has a seasoned appellate team that includes award-winning brief writers and outstanding oral advocates. Our appellate experience is particularly important in large cases, including complex class actions. Keller Rohrback has the experience and talent to handle any issue that arises involving interlocutory appeals and will work to ensure that any judgment or settlement is affirmed on appeal.

REPRESENTATIVE CASES

Clarke v. Baptist Memorial Healthcare Corp., --F. App'x-- (6th Cir. 2016)

Keller Rohrback overturned the district court's denial of intervention, thus allowing our clients to challenge an earlier denial of class certification.

Campidoglio, LLC v. Wells Fargo & Company, 870 F. 3D 963 (9th

Cir. 2017)

This is a proposed class action arising out of the Bank's alleged miscalculation of the interest rates charged to Borrowers. The Ninth Circuit reverse the dismissal finding that the Home Owners' Loan Act does not preempt the Borrowers' interest rate calculation breach of contract claim, which arises under Washington law.

Alcantara v. Bakery & Confectionary Union, 751 F.3d 71 (2d Cir. 2014)

Keller Rohrback successfully defended the trial court's decision and judgment that the Defendants had unlawfully reduced pension benefits.

Gates v. UnitedHealth Group Inc., 561 F. App'x 73 (2d Cir. 2014)

Keller Rohrback persuaded the Second Circuit to reverse the district court's dismissal of our client's claims for medical coverage.

Wurtz v. Rawlings Co., 761 F.3d 232 (2d Cir. 2014)

Keller Rohrback submitted an amicus brief on behalf of the New York State Trial Lawyers Association in support of the appellants. The Second Circuit cited the amicus brief and adopted much of its reasoning in reversing the trial court.

Heckman v. Williamson County, 369 S.W.3d 137 (Tex. 2012)

Keller Rohrback represented a proposed class of indigent criminal Defendants who challenged the constitutionality of a number of pretrial procedures. Keller Rohrback persuaded the Texas Supreme Court to reverse the Texas Court of Appeals and allow the Plaintiffs to proceed with their claims.

Braden v. Walmart Stores, Inc., 588 F.3d 585 (8th Cir. 2009)

Keller Rohrback represented a class of Walmart employees who alleged that Walmart's 401(k) plan charged them excessive fees. Keller Rohrback convinced the Eighth Circuit to reverse the trial court and reinstate the employees' claims.

In re Syncor ERISA Litigation, 516 F.3d 1095 (9th Cir. 2008)

Keller Rohrback represented a group of workers who alleged that their employer had violated the law by investing their retirement savings in the employer's stock. Keller Rohrback convinced the Ninth Circuit to reverse the dismissal of the trial court and reinstate the workers' claims.

ATTORNEYS

Lynn Lincoln Sarko
Gretchen Freeman Cappio
Derek Loeser
Alison Chase
Felicia Craick
Adele Daniel
Ryan McDevitt
Sydney Read
Emma Wright

Keller Rohrback is renowned for its success in representing consumers in high-stakes, complex litigation involving automotive defects and misrepresentations. Courts regularly appoint our nationally recognized attorneys to plaintiffs' leadership teams for automotive class actions, including numerous actions consolidated in multidistrict litigation. These cases reflect our firm's ongoing commitment to ensuring the safety of drivers, passengers, their vehicles, and the environment.

REPRESENTATIVE CASES

ZF-TRW Airbag Control Units Products Liability Litigation, No. 19-ml-02905-JAK-FFM (C.D. Cal.)

Gretchen Freeman Cappio is a member of the Plaintiffs' Steering Committee. In her work on the PSC, Gretchen has directed briefing efforts on cutting edge legal issues and steers plaintiffs' global strategy. Plaintiffs' allegations against auto parts

supplier ZF-TRW and automakers FCA/Stellantis, Kia, Hyundai, Toyota, Honda, and Mitsubishi relate to defective airbag control units in 12.3 million vehicles that may cause airbags to fail to inflate in the event of a crash.

Won et al. v. General Motors, LLC, et al., No. 19-cv-11044-DML-DRG (E.D. Mich.)

Gretchen Freeman Cappio was recently appointed to the Plaintiffs' Steering Committee in the GM transmission litigation and expects to play a major role in the case. In this putative class action, Plaintiffs allege that transmission defects in GM, Chevrolet, and Cadillac vehicles sold as early as 2014 can cause unsafe conditions that GM failed to disclose or repair despite longstanding knowledge and numerous attempts.

In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2777 (N.D. Cal.)

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

REPRESENTATIVE CASES continued

In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, No. 3:15-md-02672 (N.D. Cal.)

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen’s fraudulent use of an emissions “defeat device” in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs’ Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

Short et al. v. Hyundai Motor America, Inc., et al., No. 19-cv-00318-JLR (W.D. Wash.)

Keller Rohrback leads litigation against Hyundai Motor Company, Kia Motors Corporation, and their American subsidiaries. The litigation, filed in the United States District Court for the Western District of Washington, arises out of Hyundai’s and Kia’s failure to disclose or timely remedy several serious defects of design and manufacturing that can cause the engines of certain vehicles to suddenly stall while at speed or to burst into flames. The litigation is ongoing and the parties are in discovery.

Altobelli et al. v. General Motors LLC, No. 2:20-cv-13256 (E.D. Mich.)

Judge Berg recently appointed Keller Rohrback Co-Lead Counsel in the consolidated Chevrolet Bolt defective battery litigation. Plaintiffs allege that General Motors failed to disclose dangerous battery defects that led to an increased risk of catastrophic fires and diminished battery function. The litigation is on-going.

Stringer et al. v. Nissan of North America et al., No. 3:21-cv-00099 (M.D. Tenn.); *Lane et al. v. Nissan of North America et al.*, No. 3:21-cv-00150 (M.D. Tenn.)

Ryan McDevitt has been appointed to the Executive Committee in two Consolidated Cases in the Middle District of Tennessee. The cases allege that faulty continuously variable transmissions (CVT) in certain Rogue and Pathfinder vehicles fail prematurely, causing dangerous driving conditions for everyone on the road.

ATTORNEYS

Laurie Ashton
Gary A. Gotto
Christopher Graver

Keller Rohrback attorneys have deep and broad experience litigating in the bankruptcy courts on behalf of Plaintiffs whose claims were interrupted by bankruptcy petitions, as well as creditors, debtors, and creditor committees.

Our experience includes representing claimants and class claimants in numerous large-scale bankruptcies - such as the pending Purdue Pharma bankruptcy in New York, which forms a part of our larger representations in the nationwide opioid litigation. Keller Rohrback's representations have involved virtually all areas of sophisticated bankruptcy practice, including: (i) negotiating acceptable terms of a plan of reorganization with the debtor, creditors' committee, and other bankruptcy constituencies; (ii) pursuing relief from the automatic stay to litigate claims in district court; (iii) seeking and opposing orders to withdraw the reference to the bankruptcy court; (iv) certifying a claimant class in bankruptcy; (v) asserting rights to officer, director, or fiduciary insurance policies between conflicting bankruptcy claimants; (vi) evaluating and negotiating proposals for debtor financing, cash collateral orders, estate sale orders and other bankruptcy administrative matters; and (vii) defending against subordination claims.

Keller Rohrback's bankruptcy attorneys also have extensive experience in a wide variety of matters involving corporate restructuring and commercial bankruptcies. Our bankruptcy clients have ranged from tort claimants to operating entities to institutional lenders. Examples include representation of the official committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, the debtors in a reorganization of fifty commercial real properties across the nation; and a national services company in the acquisition of a competitor's assets in a bankruptcy court-approved sale in the Northern District of California.

In addition to the representative cases listed below, Keller Rohrback has achieved similar results in numerous other bankruptcy proceedings involving corporations such as Global Crossing Ltd., Mirant Corp., Delphi Corp., and Fremont General Corp.

REPRESENTATIVE CASES

In re Enron Corp., No. 01-16034 (Bankr. S.D.N.Y.)

Keller Rohrback obtained stay relief to pursue litigation in the Southern District of Texas and defended against a motion to subordinate claims. Keller Rohrback achieved a settlement for the class that included the allowance of a \$265 million claim in the Enron bankruptcy.

In re WorldCom, Inc., Nos. 02 Civ. 3288(DLC), 02 Civ. 8981(DLC) (Bankr. S.D.N.Y.)

Keller Rohrback defended against a motion to subordinate claims and successfully negotiated a simultaneous resolution of claims in the bankruptcy and district courts against third parties in the total amount of \$48 million.

In re Nortel Networks, Inc., No. 09-10138(KG) (Bankr. D. Del.)

Keller Rohrback represented class claimants in simultaneous insolvency proceedings in Canada under the Companies' Creditors Arrangement Act and bankruptcy court in the District of Delaware. Keller Rohrback obtained stay relief to pursue litigation in the Middle District of Tennessee and ultimately settled class claims in Tennessee for over \$21 million.

In re Washington Mutual, Inc., No. 08-12229(MFW) (Bankr. D. Del.)

Keller Rohrback sought stay relief to pursue litigation in the Western District of Washington and pursued claims in bankruptcy court in Delaware, resulting in a simultaneous resolution of claims in the bankruptcy and district courts for \$20 million.

CONSUMER PROTECTION CLASS ACTIONS **KR**

ATTORNEYS

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For decades, consumers have trusted Keller Rohrback attorneys to protect them from harmful and unfair practices. Our firm is a leader in representing consumers in class action and complex litigation in diverse areas, including vehicles, children's products, food contamination, drugs, mortgage modifications, identity theft, and data breaches. Keller Rohrback currently represents a wide range of consumers, such as vehicle owners and lessees, parents, environmentalists, fishermen, employees, professors, doctors, and nurses.



Through decades of hard work, ingenuity, and creativity, Keller Rohrback has achieved meaningful results. These results impact not only our clients, but future consumers too. For example, homeowners now benefit from improved loan-modification practices at one of the country's biggest banks as a result of our advocacy.

Keller Rohrback attorneys are frequently featured speakers and presenters at prestigious legal education seminars on class actions, consumer protection, and data privacy.

REPRESENTATIVE CASES

Jabbari v. Wells Fargo & Company, No. 15-2159 (N.D. Cal.)

Keller Rohrback filed a class action lawsuit against Wells Fargo alleging the bank victimized its customers by opening checking, savings and credit card accounts, and lines of credit without customers' authorization. Keller Rohrback negotiated a \$142 million settlement on behalf of consumers, which requires Wells Fargo to refund fees charged to unauthorized accounts, compensate consumers for increased borrowing

costs due to credit damage, and provide other substantial compensation. Final Approval of the settlement was granted on June 14, 2018.

In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation, MDL No. 2785 (D. Kan.)

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs allege that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain their dominant market positions and increase the prices of EpiPen products by over 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. On February 27, 2020, the Court certified two classes of consumers and payors against Defendants Mylan and Pfizer. Trial is set to begin in January 2022.

CONSUMER PROTECTION CLASS ACTIONS

REPRESENTATIVE CASES continued

In re JPMorgan Chase Mortgage Modification Litigation, MDL No. 2290 (D. Mass.)

Keller Rohrback served as Co-Lead Counsel in this MDL, representing homeowners who attempted to obtain mortgage loan modifications from JPMorgan Chase and related entities. Plaintiffs alleged breach of contract and violations of consumer protection laws when Defendants failed to timely evaluate or approve mortgage modification applications of homeowners who had completed identified prerequisites. Keller Rohrback achieved a settlement for the class valued at over \$500 million.

In re Mattel, Inc., Toy Lead Paint Products Liability Litigation, MDL No. 1897 (C.D. Cal.)

Keller Rohrback served as Chair of the Executive Committee in this nationwide MDL against Mattel and Fisher-Price on behalf of purchasers of toys recalled because they were manufactured using lead paint and/or dangerous magnets. On behalf of Plaintiffs, Keller Rohrback achieved a settlement valued at approximately \$50 million.

Fox v. Iowa Health System, No. 18-00327 (W.D. Wis.)

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties have since reached a settlement, and the Court granted preliminary approval on September 16, 2020. Notice of the settlement has been sent to approximately 1.4 million class members and the Court will hold a Hearing on Final Approval of the settlement on February 19, 2021.

Ormond v. Anthem, Inc., No. 05-1908 (S.D. Ind.)

Anthem Insurance converted from a mutual company to a stock company on November 2, 2001. More than 700,000 former members of the mutual company sued Anthem, alleging that the cash compensation they received as a result of the demutualization was inadequate. After class certification and shortly before the start of trial, Keller Rohrback and co-counsel settled the action for \$90 million.

Corona v. Sony Pictures Entertainment, Inc., No. 14-9600 (C.D. Cal.)

Keller Rohrback served as interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company's highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members' personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.

In re: Arizona Theranos, Inc. Litigation, No. 16-2138 (D. Ariz.)

Keller Rohrback filed class action complaints in California and Arizona federal courts against Walgreens Boots Alliance, Inc., Walgreen Arizona Drug Company, and the leaders of Theranos, Inc.: Elizabeth Holmes and Ramesh (Sunny) Balwani. Theranos claimed to have developed a "tiny blood test," and it ventured with Walgreens to market its product and offer it in select Walgreens retail stores. The vaunted technology did not work. Thousands of Theranos test results were either invalidated or called into question. Holmes and Balwani also face related criminal charges. On March 6, 2020, the U.S. District Court in Phoenix, Arizona granted class certification in favor of an estimated 175,000 consumers in Arizona and California against Defendants. Defendants are appealing that decision, and the litigation is ongoing.

CONSUMER PROTECTION CLASS ACTIONS

REPRESENTATIVE CASES continued

Iacovelli v. SBTickets.com, LLC, No. 15-1459 (Maricopa Cnty. Super. Ct., Ariz.)

Keller Rohrback filed a class action in Arizona state court on behalf of individuals who paid for, but did not receive, tickets to the 2014 Super Bowl (Super Bowl XLIX) from the ticket broker SBTickets. Despite purchasing tickets and receiving numerous representations that their tickets were guaranteed, SBTickets customers were told just days before the game, and in some instances, only hours before kickoff, that their ticket orders would not be fulfilled. The case was settled on favorable terms for the class notwithstanding the Defendant's insolvency and bankruptcy proceedings.

Telephone Consumer Protection Act Cases, (King Cnty. Super. Ct., Wash.)

Keller Rohrback prosecuted numerous class actions concerning the sending of unsolicited facsimiles in violation of the Telephone Consumer Protection Act and the Washington Consumer Protection Act, resulting in the issuance of eleven permanent injunctions and the recovery of over \$56 million on behalf of injured Plaintiffs.

In re Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation, MDL No. 08-1967 (W.D. Mo.)

Keller Rohrback served on the Plaintiffs' Steering Committee in this MDL on behalf of purchasers of plastic baby bottles and "sippy" cups which contained the chemical bisphenol-A (BPA). The action was favorably settled.

Brotherson v. Professional Basketball Club, L.L.C., No. 07-1787 (W.D. Wash.)

Keller Rohrback represented Seattle SuperSonics season ticket holders who renewed their 2007-2008 season ticket packages before the team was relocated to Oklahoma City. After Plaintiffs prevailed on class certification and defeated summary judgment, the parties negotiated a significant settlement that returned substantial sums to the class.

In Re 21st Century Oncology Customer Data Breach Litigation, MDL No. 2737 (M.D. Fla.)

In 2016, Keller Rohrback L.L.P. filed three proposed Class Action Complaints against the Florida-based healthcare provider 21st Century Oncology concerning an October 2015 data breach. All cases concerning the breach were consolidated in October 2016 for coordinated pretrial proceedings. On November 18, 2016, Keller Rohrback and Robinson Calcagnie were appointed Interim Co-Lead Counsel. On March 11, 2019, the Court entered its Order denying the Defendants' Motion to Dismiss the Amended Consolidated Complaint. In June 2020, the parties reached a settlement in principle, which the Court preliminarily approved on November 2, 2020. Notice to class members will be sent in early January, and a Hearing to determine whether the Settlement is fair, adequate and reasonable will be held June 15, 2021.

In re Apple Inc. Device Performance Litigation, MDL No. 2827 (N.D. Cal.)

Keller Rohrback served as Co-Chair of the Executive Committee for Offensive Discovery and also as the ESI Coordinator in this consolidated action concerning IOS software installed on certain Apple iPhone devices. The Plaintiffs asserted claims that this software diminished the performance of those devices. Numerous cases were consolidated before Judge Edward J. Davila in the Northern District of California. A settlement of up to \$500 million has been granted preliminary approval for the benefit of the Settlement Class Members. The Final Fairness Hearing was held December 4, 2020.

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Michael Woerner
Emma Wright

Keller Rohrback is a pioneer in representing consumers and employees who have had their personal information breached. Our Data Privacy Litigation team has an established reputation of successful data breach litigation in federal and appellate courts.

Our success in this area includes the groundbreaking case, *Krottner v. Starbucks*, where the Ninth Circuit recognized that Plaintiffs-Appellants' injury caused by a stolen laptop containing their personal information sufficiently satisfied the Article III standing requirement. This decision established an important legal precedent that formed a building block for privacy litigation under federal law.

Keller Rohrback's Data Privacy Litigation team has made headlines in various publications, including *Variety*, the *Los Angeles Times*, *Law.com*, and *The Guardian*. We have also been featured on broadcasts such as NPR's Morning Edition and KIRO 7 Seattle.

REPRESENTATIVE CASES

In re: Facebook, Inc. Consumer Privacy User Profile Litigation, MDL No. 2843 (N.D. Cal.)

Keller Rohrback partner Derek Loeser serves as Interim Co-Lead Counsel in this multidistrict litigation arising out of the Cambridge Analytica scandal, wherein Facebook acknowledged that a third-party app had collected the personal information of 87 million Facebook users. Plaintiffs' consolidated complaint, filed on behalf of Facebook users in the United States, alleges that Facebook shared users' personal information with its business partners and certain third-party applications without users' authorization or consent. On September 9, 2019, the Court issued an order on Facebook's motion to dismiss, allowing most of Plaintiffs' claims to proceed. The litigation is proceeding in discovery.

Corona v. Sony Pictures Entertainment, Inc., No. 14-9600 (C.D. Cal.)

Keller Rohrback served as Interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company's highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members' personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.

Fox v. Iowa Health System, No. 18-00327 (W.D. Wis.)

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties have since reached a settlement, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breaches. The Court granted preliminary approval of the settlement on September 16, 2020. Notice of the settlement has been sent to approximately 1.4 million class members and the Court will hold a hearing on final approval of the settlement on February 19, 2021.

REPRESENTATIVE CASES continued

In Re Experian Data Breach Litigation, No. 15-1592 (C.D. Cal.)

In October 2015, Experian announced a nationwide data breach affecting an estimated 15 million consumers. Keller Rohrback was appointed to serve on the Plaintiffs' Steering Committee. After three years of litigation, a settlement was reached valued at more than \$150 million, providing credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breach. The Court granted final approval of the settlement in May 2019.

In Re 21st Century Oncology Customer Data Breach Litigation, MDL No. 2737 (M.D. Fla.)

In 2016, Keller Rohrback filed three proposed class action complaints against the Florida-based healthcare provider 21st Century Oncology concerning an October 2015 data breach impacting 2.2 million class members. All cases concerning the breach were consolidated in October 2016 for coordinated pretrial proceedings. On November 18, 2016, Keller Rohrback and Robinson Calcagnie were appointed Interim Co-Lead Counsel. On March 11, 2019, the Court entered its order denying the Defendants' motion to dismiss the amended consolidated complaint. In June 2020, the parties reached a settlement in principle, valued at more than \$16 million, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breach. The Court preliminarily approved the settlement on November 2, 2020. Notice to class members was sent in early January, and a hearing to determine whether the settlement is fair, adequate and reasonable will be held June 15, 2021.

Krottner v. Starbucks Corp., 628 F.3d 1139 (9th Cir. 2010)

In 2008, Keller Rohrback filed a class action on behalf of approximately 97,000 Starbucks employees whose unencrypted private information was contained on a stolen Starbucks laptop. Plaintiffs' claims included negligence and breach of contract for failing to protect employees' personally identifiable information. The district court granted Starbucks's motion to dismiss, but Keller Rohrback successfully appealed the decision as to standing, resulting in the Ninth Circuit establishing a new legal precedent that the theft of PII constituted injury under Article III.

In re Blackbaud, Inc., Customer Data Security Breach Litigation, MDL No. 2972 (D. S.C.)

Keller Rohrback partner Gretchen Freeman Cappio serves as Chair of the Plaintiffs' Steering Committee in this multidistrict litigation arising out of the 2020 Blackbaud Data Breach. Plaintiffs' consolidated complaint, filed in the District of South Carolina, alleges that Blackbaud's clients' user data was exposed during a breach that lasted months, and Blackbaud further delayed Plaintiffs' ability to protect their data by their failure to announce the breach, despite knowledge of it, for months. Plaintiffs' claims survived Blackbaud's three motions to dismiss, and the litigation is proceeding in discovery.

Carp v. T-Mobile USA, Inc., No. 21-01130 (W.D. Wash.)

Keller Rohrback filed a class action on behalf of the 100 million T-Mobile customers whose data was exposed in the August 2021 Data Breach. Plaintiffs' complaints allege that T-Mobile failed to protect data of customers and consumers who applied for credit with T-Mobile, leading to the exposure of information including their social security numbers, names, and dates of birth. The case was consolidated by the JPML in December 2021 and litigation is currently proceeding in the Western District of Missouri.

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Keller Rohrback is the preeminent firm for Employee Retirement Income Security Act of 1974 (ERISA) and other employee benefit class action and complex litigation. Our firm is a pioneer of ERISA class action litigation, with over a billion dollars of pension and health benefits recovered for our clients. Keller Rohrback has played a major role in developing the law and establishing that ERISA's protections apply to all investments in company-sponsored retirement plans, as well as to benefits in health and welfare plans. Keller Rohrback's attorneys are also well versed in ERISA preemption matters and have a long history of supporting city and state efforts to fill gaps in providing health and retirement benefits to their constituents.

Keller Rohrback is routinely appointed lead or co-lead counsel in major employee benefit class actions. Our work in this complex and rapidly developing area has been praised by our clients, our co-counsel, and federal courts. Managing a complex, large-scale employee benefit case requires knowledge of employee benefit, securities, accounting, corporate, bankruptcy, and class action law. Keller Rohrback has excelled in these cases by developing a deep understanding of ERISA and by drawing on our expertise in numerous related practice areas.

Keller Rohrback has a very deep bench in ERISA matters. Lawyers at Keller Rohrback have testified before Congress, served as editors of numerous employee benefit books and manuals, and written scholarly ERISA articles, amicus briefs, and comments to regulatory agencies overseeing ERISA plans. We are frequently featured speakers and presenters at prestigious legal education seminars on employee benefit class actions and ERISA. We have also served as fiduciaries and mediators.

We are involved in all aspects of ERISA litigation, from administrative reviews to district court trials to circuit court appeals to handling cases and filing amicus briefs in the U.S. Supreme Court. We are proud of our history, but we don't rest on

our laurels, we listen carefully to employees' and retirees' stories and craft cases that enforce ERISA's longstanding duties—which are the highest known to the law.

REPRESENTATIVE CASES

Whetman v. IKON Office Solutions, Inc., MDL No. 1318 (E.D. Pa.)

The wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for IKON's 401(k) plan, that the fiduciaries of the plan failed to provide complete and accurate information about company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements providing a total recovery to the Plans of \$111 million. Judge Katz granted final approval of the settlement in 2002.

REPRESENTATIVE CASES continued

In re Enron Corp. ERISA Litigation, MDL No. 1446 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action. After groundbreaking motions to dismiss decisions and several years of discovery, Keller Rohrback negotiated four separate settlements with different groups of Defendants, resulting in recoveries of over \$264 million. Judge Melinda Harmon approved the fifth and final settlement on February 23, 2007.

In re Lucent Technologies, ERISA Litigation, No. 01-3491 (D.N.J.)

Keller Rohrback served as Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans who invested in Lucent stock. A settlement providing injunctive relief and the payment of \$69 million to the plan was approved by Judge Joel Pisano on December 12, 2003.

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity...[Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions... [Keller Rohrback] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions." *In re WorldCom, Inc. ERISA Litigation*, No. 02-4816, 2004 WL 2338151, *10 (S.D.N.Y. Oct. 18, 2004) (Judge Cote).

In re WorldCom, Inc. ERISA Litigation, No. 02-4816 (S.D.N.Y.)

Keller Rohrback served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan who invested in WorldCom stock. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved by Judge Denise Cote on October 26, 2004 and November 21, 2005.

In re AIG ERISA Litigation, No. 04-9387 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the AIG 401(k) retirement plans who invested in AIG stock. A settlement providing for injunctive relief and the payment of \$25 million to the plans was approved by Judge Kevin T. Duffy on October 8, 2008.

Alvidres v. Countrywide Financial Corp., No. 07-5810 (C.D. Cal.)

Keller Rohrback served as Lead Counsel in this class action filed on behalf of participants and beneficiaries of the Countrywide 401(k) plan who invested in Countrywide stock. A settlement providing for injunctive relief and the payment of \$55 million to the plan was approved by Judge John F. Walter on November 16, 2009.

In re Global Crossing, Ltd. ERISA Litigation, No. 02-7453 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the GX defined contribution plans who invested in GX stock. A settlement providing injunctive relief and a payment of \$79 million to the plan was approved by Judge Gerard Lynch on November 10, 2004.

REPRESENTATIVE CASES continued

In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation, No. 07-10268 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of Merrill Lynch's defined contribution plans who invested in Merrill Lynch stock. A settlement providing injunctive relief and a payment of \$75 million to the plans was approved by Judge Jed S. Rakoff on August 21, 2009.

In re Washington Mutual, Inc. ERISA Litigation, No. 07-1874 (W.D. Wash.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed on behalf of participants and beneficiaries in the company's retirement plans who invested in Washington Mutual stock. On January 7, 2011, Judge Marsha J. Pechman granted final approval of the \$49 million settlement in the ERISA action.

Judy Hunter v. Berkshire Hathaway, Inc., No. 14-663 (N.D. Tex.)

Keller Rohrback was class counsel in a case under the Employee Retirement Income Security Act ("ERISA") against Berkshire Hathaway Inc. ("Berkshire Hathaway"). Plaintiffs alleged that, when Berkshire Hathaway acquired a subsidiary ("Acme") in 2000, Berkshire Hathaway made promises in a merger agreement that amended Acme's pension and 401(k) plans, and that Berkshire Hathaway violated ERISA and those promises when it allegedly caused Acme to freeze accrual of pension benefits and decrease the employer's matching contribution to the 401(k) plan. On May 26, 2020, the Court granted final approval of the parties' Class Action Settlement Agreement, providing the classes an estimated \$10 million in value and resolving Plaintiffs' ERISA claims with no admission of liability by Berkshire Hathaway.

In re Bakery & Confectionery Union & Industry Int'l Pension Fund Pension Plan, No. 11-1471 (S.D.N.Y.)

Keller Rohrback and co-counsel filed this action alleging that an amendment to the Bakery & Confectionery Union & Industrial Pension Fund Pension Plan violated ERISA's anti-cutback provisions. Plaintiffs prevailed at both the district court and appellate levels, and Defendants implemented adjustments to reinstate the benefits due to eligible employees.

Palmason v. Weyerhaeuser, No. 11-695 (W.D. Wash.)

Keller Rohrback and co-counsel filed this action alleging that Weyerhaeuser and other fiduciaries caused its pension plan to engage in a risky investment strategy involving alternative investments and derivatives, causing the Plans' master trust to become underfunded. A settlement was reached for injunctive relief on behalf of the Plans' participants and beneficiaries.

In re State Street Bank and Trust Co. ERISA Litigation, No. 07-8488 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed in the Southern District of New York brought on behalf of participants and beneficiaries in the company's retirement plans. A settlement providing a payment of \$89.75 million was approved by Judge Richard J. Holwell on February 19, 2010.

In re Regions Morgan Keegan ERISA Litigation, No. 08-2192 (W.D. Tenn.)

Keller Rohrback served as Co-Lead Class Counsel in this ERISA breach of fiduciary duty class action on behalf of participants and beneficiaries in the company's retirement plans as well as customer plans for which Regions served as a fiduciary. A settlement providing injunctive relief and a payment of \$22.7 million was approved by Judge Samuel H. Mays, Jr.

REPRESENTATIVE CASES continued

Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Management LLC, No. 09-8278 (S.D.N.Y.)

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

Griffith v. Providence Health & Services, No. 14-01720 (W.D. Wash.)

Keller Rohrback served as Class Counsel in this lawsuit alleging that the Providence Health & Services Cash Balance Retirement Plan was improperly claiming an exemption from ERISA as a “church plan.” In 2017, the Court granted final approval of a class settlement of \$350 million to the Plan and a guarantee that the Plan’s trust will have sufficient assets to pay benefits as they come due; and additional administrative protections and other equitable relief for Plan participants.

Hodges v. Bon Secours Health System, Inc., No. 16-01079 (D. Md.)

Keller Rohrback served as co-counsel in this lawsuit alleging that Bon Secours Health System’s seven defined benefit pension plans were improperly claiming an exemption from ERISA as “church plan(s).” In 2017, the Court granted final approval of a settlement providing for equitable relief, plus payment of over \$98 million to the Plans.

Lann v. Trinity Health Corporation, No. 14-02237 (D. Md.)

Keller Rohrback served as Class Counsel in this lawsuit alleging that Trinity Health Corporation and Catholic Health East were improperly claiming an exemption from ERISA as “church plan.” In 2017, the Court granted final approval of a settlement providing for equitable relief, plus payment of over \$76 million to the Plan.

Spires v. Schools, No. 16-616 (D.S.C.)

Keller Rohrback and co-counsel represented participants and beneficiaries in the Piggly Wiggly ESOP. The complaint alleged that Defendants breached their fiduciary duties by doing nothing as the value of the Piggly Wiggly stock plummeted by nearly 90%. A settlement providing a payment of between \$7.675 million and \$8.65 million was approved by Judge Richard Gergel.

Braden v. Wal-Mart Stores, Inc., No. 08-3109 (W.D. Mo.)

Keller Rohrback served as Lead Counsel in this class action on behalf of participants and beneficiaries of Wal-Mart’s 401(k) plan who invested in retail class mutual funds that charged excessive fees to participants and paid hidden fees to the plan’s trustee and recordkeeper, Merrill Lynch. The complaint alleged that the revenue sharing and other fees were excessive in light of the size of the plan, and that these fees were not properly disclosed. Our attorneys secured the *first appellate victory* in a fee case of this kind when they obtained an order from the Eighth Circuit reversing dismissal and articulating the pleading standard for process-based breaches of ERISA, see *Braden v. Wal-Mart*, 588 F.3d 585 (2009). A settlement that included \$13.5 million along with injunctive relief was approved by Judge Gary A. Fenner.

REPRESENTATIVE CASES continued

Beach v. JPMorgan Chase Bank, No. 17-563 (S.D.N.Y.)

Plaintiffs alleged that JPMorgan Chase Bank (Chase) breached its fiduciary duties to the participants and beneficiaries of the JPMorgan Chase 401(k) Savings Plan (Plan) in violation of ERISA by, among other things, failing to prudently and loyally manage the Plan's assets by selecting and retaining unduly expensive Core Funds and Target Date Funds as investment options in the Plan and by engaging in prohibited transactions as a result of conflicts of interest. On October 7, 2020, Judge Jesse M. Furman granted final approval of the \$9 million settlement of the action.

In re Express Scripts / Anthem ERISA Litigation, No. 16-3399 (S.D.N.Y.)

Keller Rohrback serves as interim Co-Lead Counsel in this class action filed on behalf of both plan fiduciaries and all participants and beneficiaries of self-insured ERISA plans administered by Anthem. The lawsuit is against both Anthem and Express Scripts, Inc. ("ESI") for breaches of fiduciary duty and prohibited transactions under ERISA. ESI served as the exclusive Pharmacy Benefit Manager ("PBM") to Anthem--administered plans under a ten-year agreement, and the claims arise out of Defendants' practice of overcharging the class for pharmaceutical drugs. The case is pending before the United States Supreme Court.

Gates v. United Health, No. 11-3487 (S.D.N.Y.)

Keller Rohrback served as counsel in this lawsuit that alleged Defendants violated ERISA through use of an "estimating policy" which caused Medicare eligible participants and beneficiaries to be paid lower benefits than required by the plan in which they participate for services provided by out-of-network providers. Following an initial dismissal, Keller Rohrback successfully appealed to the Second Circuit Court of Appeals, and the district court then agreed with Plaintiff.

ERISA Industry Committee v. City of Seattle, No. 18-1188 (W.D. Wash.)

Keller Rohrback is co-counsel (along with the City Attorney) in defending a Seattle ordinance that mandates that large hotels pay their employees additional compensation to allow them to better afford health care. A nationwide employer association brought suit claiming that the ordinance is preempted by ERISA. The United States District Court granted the City's motion to dismiss and the district court's decision was recently upheld on appeal.

"The Court finds that [Keller Rohrback] is experienced and qualified counsel who is generally able to conduct the litigation as lead counsel on behalf of the putative class. Keller Rohrback has significant experience in ERISA litigation, serving as co-lead counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Providian ERISA litigation, and experience in complex class action litigation in other areas of law" *In re Williams Cos. ERISA Litigation*, No. 02-153, 2002 U.S. Dist. LEXIS 27691, *8 (N.D. Okla. Oct. 28, 2002) (Judge Holmes).

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Attorneys in Keller Rohrback's Complex Litigation Group have successfully represented individuals, class members, municipalities, and nonprofit organizations in complex and critical environmental litigation. In cases involving oil spills, mishandled hazardous waste, contaminated consumer products, and industrial pollution, Keller Rohrback works to protect human health and the environment. The firm combines its unparalleled experience in consumer protection and its deep knowledge of environmental law, making Keller Rohrback a worldwide leader in litigation to safeguard our environment and the people and animals that rely on it.

REPRESENTATIVE CASES

PCB Litigation Against Monsanto Company on Behalf of State and Local Governments

Keller Rohrback has been retained by numerous state and local governments to pursue claims against Monsanto for the long-lasting and devastating impacts that Monsanto's polychlorinated biphenyls ("PCBs") have inflicted on fish, wildlife, ecosystems, and communities. Monsanto was the sole manufacturer of PCBs in the United States, selling over 1.4 billion pounds of these highly persistent and toxic chemicals. Although the manufacture of PCBs has been banned since the late 1970s, PCBs continue to contaminate land, water, and nearly all living things. By pursuing these cases against the Monsanto defendants, Keller Rohrback is working to hold Monsanto responsible for the environmental contamination and degradation it has inflicted upon communities across the United States for generations.

State of Oregon v. Monsanto Company et al., No. 18CV00540 (Multnomah Cty. Cir. Ct., Oregon)

Oregon appointed Keller Rohrback to represent the State in this matter. The State seeks to make Monsanto pay to clean up its PCBs from Oregon's lands and waters, and to compensate Oregonians for the many impacts PCBs have had on fish and wildlife statewide. Keller Rohrback, together with co-counsel, filed the complaint in 2018. Oregon has prevailed on two motions to dismiss, completed fact discovery, and defeated all eight motions for summary judgment. Trial is now set for March 2023.

State of Delaware v. Monsanto Company, et al., Case No. N21C-09-179 MMJ CCLD (New Castle Cty. Superior Ct., DE)

The State of Delaware hired Keller Rohrback to pursue claims against Monsanto sounding in nuisance, trespass, and unjust enrichment. The complaint was filed in September 2021, and the case is proceeding in Delaware State Court.

State of Maryland v. Monsanto Company, et al., Case No. 24C21005251 (Baltimore City Cir. Ct., MD)

Keller Rohrback filed a complaint on behalf of The State of Maryland against Monsanto in November 2021. In May 2022, the Court denied Monsanto's Motion to Dismiss and the case is in discovery.

City of Seattle v. Monsanto et al, 2:16-CV-00107 (W.D. Wash.)

Keller Rohrback represents the City of Seattle in its case against Monsanto. The City's action focuses on the Lower Duwamish Waterway, which suffers from significant PCB contamination. Fact discovery is complete and trial is set for January 2023.

OTHER REPRESENTATIVE CASES

Andrews v. Plains All American Pipeline, No. 2:15-04113 (C.D. Cal.)

Keller Rohrback serves as Co-Lead Counsel representing fisherman, fish processors, and others affected by the May 2015 spill from Plains All American's Line 901 pipeline in Santa Barbara County. The oil spill contaminated pristine beaches, closed critical fishing grounds, and damaged natural resources throughout the region. Keller Rohrback sought compensation for victims of the spill for their present and future damages and to hold Plains accountable for the harm it caused to the fishers and property owners. In May 2022 a settlement was reached on behalf of a Fisher Class for \$184 million and on behalf of a Property Class for \$46 million. The settlement has been preliminarily approved, and is pending final approval from the Court.

Resendez, et al. v. Precision Castparts Corp., et al., No. 16CV16164 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback represents a class of homeowners and residents in Multnomah and Clackamas County who sought relief from Precision Castparts Corp. for the company's heavy metal particulate air pollution that clouded their neighborhood and unreasonably interfered with their real property rights. Plaintiffs prevailed on the defendants' motions to dismiss and for summary judgment. In May 2022, the Court granted Final Approval of a Class Action Settlement, which included a \$12.5 million settlement fund for cash payments to class members, and millions of additional dollars in enhanced pollution controls at the Precision Castparts facilities in Southeast Portland.

Meeker v. Bullseye Glass Co., No. 16CV07002 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback successfully negotiated a classwide settlement with Bullseye Glass Company for contaminating a residential neighborhood in Portland, Oregon, by emitting hazardous levels of arsenic, cadmium, chromium, and other toxic materials from its glass-making facility for years. Despite using thousands of pounds

a year of dangerous heavy metals, Bullseye Glass had used no pollution control technology for more than four decades. Using innovative air and soil monitoring, Keller Rohrback helped this neighborhood to protect itself and hold Bullseye accountable for the harm it caused. The final settlement approved by the Court included a two-year air monitoring program, ongoing use of pollution control devices by the defendant, and significant monetary payments to class members, including reimbursement for air emissions-related expenses.

Southern California Gas Leak Cases, No. JCCP4861 (Los Angeles Cnty. Sup. Ct., Calif.)

This action concerns one of the worst human-caused environmental disasters in this nation's history. These consolidated cases stem from the massive blowout at a natural gas storage well at the Aliso Canyon Natural Gas Storage Facility beginning in 2015. The blowout raged out of control for over 100 days, spewing huge volumes of natural gas, its constituents, and other toxic chemicals into the surrounding community. When the blowout was finally contained, it had released a volume of methane gas that caused a 25% increase in all of California's greenhouse gas emissions in 2015. Over 22,000 residents living within a 5-mile radius of the blowout were forced from their homes when their properties and schools were contaminated with a soup of toxic chemicals and known carcinogens. In April 2022, the Court granted final approval of a class action settlement to resolve the property-related claims of these residents pending before the Superior Court of California, County of Los Angeles. Keller Rohrback served on the Plaintiffs' Steering Committee for the Class Action Track for this action.

OTHER REPRESENTATIVE CASES continued

Clean Water Act Enforcement – General Magnaplate

In partnership with the non-profit Environmental Defense Center, one of the oldest environmental organizations in the United States, Keller Rohrback L.L.P. helped reach a final settlement with General Magnaplate California to control the significant pollutants the company discharged via stormwater into the fragile Santa Clara River. Under the settlement, General Magnaplate agreed to implement enhanced storm water management measures at its electroplating facility to ensure that storm water runoff does not contain high levels of pollutants that pose a threat to human health and the environment. These measures include installing effective treatment technology and repairing paved surfaces. In addition, General Magnaplate will contribute \$15,000 to the Rose Foundation for Communities and the Environment to be used to improve the water quality in the Santa Clara River watershed.

In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2777 (N.D. Cal.)

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, No. 3:15-md-02672 (N.D. Cal.)

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen's fraudulent use of an emissions "defeat device" in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs' Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S. history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

In re Exxon Valdez, No. 89-95 (D. Alaska)

Keller Rohrback was trial counsel representing fishermen, landowners, and businesses located in Prince William Sound in their action against Exxon to recover damages caused by the Exxon Valdez oil spill. A federal jury awarded a \$5 billion judgment in favor of Keller Rohrback clients. At the time, it was the largest punitive damages verdict in U.S. history. Additional claims against the Alyeska Pipeline Service Company were settled for \$98 million. More than 25 years after the tragic spill, the Exxon Valdez spill is still considered one of the most devastating human-caused environmental disasters. In addition, Keller Rohrback Managing Partner Lynn Sarko was appointed to serve as the Administrator of the Exxon and Alyeska Qualified Settlement Funds.

OTHER REPRESENTATIVE CASES continued

Wishtooyo Foundation v. Magic Mountain, No. 2:12-05600 (C.D. Cal.)

Keller Rohrback worked with a team of environmental lawyers on behalf of Los Angeles-based clients who successfully negotiated a groundbreaking settlement with Six Flags Magic Mountain to address its stormwater pollution discharged to the Santa Clara River. The settlement significantly reduced the amount of heavy metals and other pollutants entering the Santa Clara from the amusement park by requiring the facility to install state-of-the-art technology, develop and implement a comprehensive site management plan, and fully comply with the Clean Water Act. Additional monetary payments made by Six Flags as a result of the case are being used to perform critical habitat restoration and mitigation projects along the Santa Clara River.

Mapleton Groundwater Litigation (Ruff v. Ensign-Bickford Industries, Inc.), No. 2:99-120B (D. Utah)

Keller Rohrback attorneys successfully litigated a series of groundwater contamination suits against multiple international Defendants accused of releasing hazardous chemicals into the watershed over six decades. The suits were brought on behalf of individuals and their families against Defendants who owned a former explosives plant in Mapleton, Utah. The Plaintiffs alleged that improper waste disposal caused contaminants to seep into the groundwater and that the chemicals caused property damage and non-Hodgkin's lymphoma cancers affecting numerous residents. The matter involved complex scientific issues related to hydrogeology, chemical migration pathways, aquifer dynamics, clean-up methods, and contaminant degradation. The litigation resolved prior to trial after lengthy evidentiary hearings at which Plaintiffs received favorable Daubert rulings.

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Keller Rohrback has successfully represented government entities in a wide range of complex litigation. Whether fighting environmental contamination, combating antitrust activities, or recovering hundreds of millions of dollars from misleading investments, Keller Rohrback knows how to work effectively and collaboratively with and for government clients. Our unparalleled experience in consumer protection, antitrust and other areas of law—plus our hands-on, cooperative approach to litigation—have made our firm an effective partner for governments, sovereign nations and government-sponsored entities (GSEs).

REPRESENTATIVE CASES

In re: JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2913 (N.D. Cal.)

Keller Rohrback has filed complaints on behalf of school districts and various counties in the United States alleging that Defendants have engaged in conduct which endangers or injures the health and safety of those communities by Defendants' production, promotion, distribution, and marketing of vapor products for use by minors in those communities. These cases have been centralized before Judge Orrick in the Northern District of California along with consumer class actions and individual injury actions alleging similar conduct. The Court has named Keller Rohrback partner Dean Kawamoto as co-lead counsel in the MDL.

In re National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio)

Keller Rohrback Managing Partner Lynn Sarko serves on the Plaintiffs' Executive Committee in this multidistrict litigation, which includes governments throughout the nation that have been damaged by the current opioid crisis. Opioid manufacturers' and distributors' dubious marketing and aggressive sales of prescription opioids significantly contributed to the epidemic. Keller Rohrback represents over 75 governmental entities, including counties, cities, tribes, school districts, and third-party payors across the country. Some larger clients include King County in Washington, Maricopa County in Arizona, and City and County of Denver in Colorado.

In re: Liquid Aluminum Sulfate Antitrust Litigation, MDL No. 2687 (D.N.J.)

In 2016, Keller Rohrback filed numerous class action complaints in federal courts on behalf of several municipalities in Washington, California, and Arizona that purchase and use liquid aluminum sulfate ("Alum") to treat and clean their waste water. The complaints contained claims against the major manufacturers of Alum who allegedly engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. As a result of these antitrust violations, municipalities – and their taxpayers – had overpaid millions of dollars to the co-conspirators for the Alum they purchased during the long life of this conspiracy. In March 2020, the Court authorized the transfer of settlement funds to pay claims of the Settlement Class Members.

The Republic of the Marshall Islands v. United States of America et al., No. 14-1885 (N.D. Cal.)

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons. We also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this ground-

REPRESENTATIVE CASES continued

breaking work, Keller Rohrback and the RMI's former Foreign Minister, Tony deBrum, were nominated for the 2016 Nobel Peace Prize.

Federal Home Loan Bank Litigation

Keller Rohrback has represented several Federal Home Loan Banks ("FHLBs") in mortgage-backed securities litigation across the country against dozens of issuers, underwriters, and sponsors of these complex instruments. Representing these GSEs simultaneously in multiple state and federal courts has required us to approach coordinated, complex litigation by mastering the law of various jurisdictions and pressing similar claims, albeit under different governing law, in multiple fora at the same time. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of over \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

The Navajo Nation v. Urban Outfitters, Inc., et al., No. 12-00197 (D. N.M.)

Keller Rohrback represented the Navajo Nation against Urban Outfitters and its Anthropologie and Free People subsidiaries, alleging that these retailers infringed the Nation's trademarks by marketing inauthentic jewelry, handbags, and clothing using the NAVAJO mark. A settlement resolved the Nation's claims, and the parties agreed to enter a supply agreement that requires Urban Outfitters to purchase authentic goods from tribal artisans.

Daisy Mountain Fire District v. Microsoft Corp., MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in excess of \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

In re Liquid Aluminum Sulfate Antitrust Litigation, MDL No. 2687 (D. N.J.)

In early 2016, Keller Rohrback filed numerous class action complaints in the federal courts on behalf of several municipalities in the states of Washington, California and Arizona, including the cities of Tacoma, Everett, Spokane, Phoenix, Scottsdale, Mesa and Sacramento. These complaints assert claims against the major manufacturers of liquid aluminum sulfate ("LAS") who are alleged to have engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. The complaints allege a conspiracy going as far back as 1997 and through at least 2010. As a result of these antitrust violations, municipalities—and their taxpayers—have allegedly overpaid millions of dollars to the co-conspirators for the aluminum sulfate they purchased during the long life of this conspiracy. The complaints seek to recover the money the municipalities paid in excess of the competitive price for LAS, and to ensure that such companies do not abuse the public bidding process again for their own gains.

King County v. Lexington Insurance Co., Allied World Assurance Co., Inc., and CH2M Hill, No. 15-2-03541 (Wash. Super. Court)

Keller Rohrback represented King County, Washington, in a multi-million-dollar insurance coverage and bad faith lawsuit arising from a disaster at the County's Brightwater Wastewater Treatment Facility. Our litigation returned millions of dollars to the taxpayers and allowed the County to upgrade its treatment facility to prevent future malfunctions.

Village of Rockton, Illinois v. Sonoco Products Company, No. 14-50228 (N.D. Ill.)

Keller Rohrback represented the Village of Rockton in its efforts to make Sonoco Products Company, a paper and plastics manufacturing company, clean up the toxic mess it left when it abandoned its facility in the heart of the Village. Although the Illinois Environmental Protection Agency concluded that the levels of contamination at the site far exceeded state and federal laws and were threatening to spread to other sites in town and pollute the river, Sonoco

REPRESENTATIVE CASES continued

refused to take any action. That changed, however, when Keller Rohrback began working on the case.

Using the experience and skills of the attorneys at KR, the Village took matters into its own hands and commenced legal action against Sonoco to protect the health and well-being of its dynamic community. As a result of Keller Rohrback's intervention, Sonoco has cleaned up the site and left the Village of Rockton a now safer and better place. Our firm is committed to making communities like Rockton clean and healthy places to live and visit.

ERISA Industry Committee v. City of Seattle, No. 18-1188 (W.D. Wash.)

Keller Rohrback is co-counsel (along with the City Attorney) in defending a Seattle ordinance that mandates that large hotels pay specified amounts of money for employee health care. A nationwide employer association brought suit claiming that the ordinance is preempted by ERISA. The U.S. District Court granted the City's motion to dismiss and the district court's decision was recently upheld on appeal

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ATTORNEYS

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Alison Chase
Benjamin Gould
Irene Hecht
Nathan Nanfelt
Gabe Verdugo

Keller Rohrback's insurance coverage lawyers have represented policyholders and insurers in state and federal courts for over 50 years. We have been at the forefront of policy interpretation and litigation to ensure that policyholders get the full benefit of the insurance coverage they purchased. Our litigation experience in this area includes coverage questions, breach of contract, insurance bad faith, negligent claims handling, violations of the Insurance Fair Conduct Act, and breach of the duty to defend. Our team has unmatched experience representing policyholders in cases involving business interruption coverage, dependent property coverage, home and property insurance, life and health insurance, professional insurance, and general and surplus insurance.

REPRESENTATIVE CASES

Chorak, et al. v. Hartford Casualty Ins. Co., et al., No. 2:20-cv- 00797 (W.D. Wash.); *Marler, et al. v. Aspen American Ins. Co.*, No. 2:20-cv-00616 (W.D. Wash.); *McCulloch et al. v. Valley Forge Ins. Co., et al.*, No. 2:20-cv- 00809 (W.D. Wash.); *Nguyen, et al. v. Travelers Casualty Ins. Co. of America, et al.*, No. 2:20-cv- 00597 (W.D. Wash.); *Nue LLC v. Oregon Mutual Ins. Co.*, No. 3:20-cv-01449 (D. Or.); *Perry Street Brewing Company, LLC v. Mutual of Enumclaw Ins. Co.*, No. 20-2-02212-32 (Wash. Super. Ct. Spokane Cty.); *Hill & Stout v. Mutual of Enumclaw Ins. Co.*, No. 20-2-07925-1 (Wash. Super. Ct. King Cty.)

Keller Rohrback filed the first of many class action complaints nationwide against insurance companies for their failure to provide policyholders with business interruption insurance benefits for which businesses paid premiums. Plaintiffs alleged that they sustained a variety of losses due to COVID-19 closure orders and “stay home” proclamations, and that these losses are continuing. The losses include lost, foregone, or reduced sales and monthly membership fees due to the interruption of their business. Plaintiffs brought these claims on behalf of themselves and similarly situated members of several proposed national and state classes, as well as individual (non-class) claims on behalf of certain prominent regional businesses and organizations. Plaintiffs have prevailed in King County Superior Court and Spokane Superior Court. Cases in the Western District of Washington were dismissed in an omnibus order currently on appeal to the Ninth Circuit.

Merriman v. Am. Guarantee & Liab. Ins. Co., 198 Wn. App. 594, 396 P.3d 351, rev. den., 189 Wn.2d 1038, 413 P.3d 565 (2017)

Keller Rohrback successfully litigated this action in the Washington Court of Appeals, establishing a policyholder's right to bring claims against insurance claim service providers. *Merriman* has been cited by other courts more than twenty times, including by the Washington Supreme Court, the Washington Court of Appeals, the Iowa Supreme Court, and the Ninth Circuit. The decision has been cited more than 60 times in litigation reporters and in secondary sources, including *Couch on Insurance*, *American Law Reports*, and *Corpus Juris Secundum*.

Glendale & 27th Investments, LLC v. Delos Insurance Company, 610 F. App'x 661 (9th Cir. 2015)

After Keller Rohrback's jury trial landed a punitive damages award against the insurer with a ratio of “roughly 3.5,” the firm successfully defended an appeal seeking to overturn the punitive jury award as unconstitutional. The Ninth Circuit affirmed the jury's award of punitive damages, finding that plaintiff had presented evidence at trial, among other things, that the insurer “made intentional and material misrepresentations in the administration of [plaintiffs] claim.”

REPRESENTATIVE CASES continued

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Utica Mutual Insurance Company v. Lifequotes of America, Inc., et al., No. 06-cv-0228-EFS (E.D. Wash.)

Keller Rohrback was awarded a series of significant class action judgments against defendant Lifequotes of America, Inc. in King County Superior Court in 2007. Facing an insolvent defendant, the class then purchased the claims and rights of defendant Lifequotes against its insurance company, Utica Mutual Insurance Company. Keller Rohrback continued to represent the class, who stepped into the shoes of the former defendant, on the new claims, and litigated against Utica Mutual in federal court in the Eastern District of Washington. The class pursued counterclaims against Utica Mutual for coverage, bad faith, and violations of the Washington Consumer Protection

Group Health Coop. v. Coon, 193 Wn.2d 841, 447 P.3d 139 (2019)

Keller Rohrback successfully represented the policyholder before the Washington Supreme Court, and prevailed in reaffirming the made-whole doctrine in favor of policyholders in insurance subrogation claims.

ATTORNEYS

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Gary A. Gotto

Keller Rohrback has experience in international forums. Keller Rohrback clients included sovereign nations, state and local governments, sovereign Native American tribes, and quasi-governmental agencies where international agreements or other tort or statutory claims are at issue.

Keller Rohrback has been honored to represent sovereigns in litigation and arbitration matters involving governmental and business entities. The firm's attorneys have argued cases in the International Court of Justice and pursued a breach of treaty claim on behalf of a sovereign nation. Keller Rohrback is also investigating environmental contamination claims on behalf of a sovereign nation.

Keller Rohrback attorneys have also represented clients in international arbitration proceedings, including International Centre for Dispute Resolution and International Chamber of Commerce arbitrations, as well as ad hoc arbitrations conducted under the United Nations Commission on International Trade Law Arbitration Rules. Domestically, these international arbitrations have given rise to related litigation in U.S. courts, including confirmation and enforcement proceedings under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

In addition, Keller Rohrback attorneys have represented private clients with international interests in civil litigation in U.S.



courts, including state and federal courts in California, New York, Illinois, and Texas. Keller Rohrback attorneys have litigated trademark claims on foreign-registered trademarks in several western European countries and have also succeeded in obtaining rulings to conduct depositions and other discovery in Russia for litigation matters pending in the U.S. federal courts. The firm has also represented claimants in insolvency proceedings in Canada, proceeding under the Companies' Creditors Arrangement Act.

Keller Rohrback is a member firm of several international organizations: the Global Justice Network, a consortium of international counsel working together and across borders for the benefit of victims; the International Financial Litigation Network of attorneys, who handle cross-border litigation in the finance arena; and the Sovereign Wealth Fund Institute, a global organization of asset managers and service providers.

REPRESENTATIVE CASES

The Republic of the Marshall Islands v. United States of America et al., No. 14-1885 (N.D. Cal.)

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons and also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this groundbreaking work, Keller Rohrback was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize as part of the international legal team, together with the RMI's former Foreign Minister, Tony deBrum.

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Havila C. Unrein
Michael Woerner

Keller Rohrback enjoys a national reputation for excellence in prosecuting securities and financial fraud matters. We represent a variety of investors ranging from classes of individuals to large institutions. Many of our cases reflect recent financial scandals: we are pursuing claims against a group of international banks for rigging LIBOR; we represent investors in connection with their purchases of billions of dollars of mortgage-backed securities; and we pursued claims on behalf of employee benefit plans in connection with the Madoff Ponzi scheme. While our experience is diverse, our approach is simple and straightforward: we master the factual and legal bases for our claims with a focus on providing clear and concise explanations of the financial fraud and why our clients are entitled to recover.

REPRESENTATIVE CASES

Federal Home Loan Bank Litigation

Keller Rohrback has played a prominent role in large securities fraud and other investment cases litigated across the country involving mortgage-backed securities. Keller Rohrback has been retained by several Federal Home Loan Banks (FHLBs) to pursue securities and common law claims against dozens of issuers, underwriters, and sponsors of mortgage-backed securities. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

In re the Bank of New York Mellon (as Trustee), No. 651786/2011 (N.Y. Sup. Ct.)

Keller Rohrback was a member of the three-firm steering committee addressing significant mortgage repurchase issues that impacted institutional investors. Keller Rohrback represented certificate holders who intervened in a proposed \$8.5 billion settlement initiated by Bank of New York Mellon, as Trustee of 530 Countrywide mortgage-backed securities trusts. Our firm played a lead role in discovery and the eight-week bench trial in New York contesting the fairness of the settlement. The objection we pursued and tried was the only objection the trial court sustained.

In re LIBOR-Based Financial Instruments Antitrust Litig., No. 11-2262 (S.D.N.Y.)

Keller Rohrback represents institutional funds pursuing antitrust claims based on the manipulation of the London Interbank Offered Rate (LIBOR) by the international panel of banks entrusted to set that rate. Multiple government investigations have revealed that certain panel banks manipulated LIBOR to mislead the markets and investors about the state of their financial health. The case is in discovery.

Diebold v. Northern Trust Investments, N.A., No. 09-1934 (N.D. Ill.)

Keller Rohrback was Class Counsel in this class action litigation against Northern Trust alleging that Northern Trust imprudently structured and managed its securities lending program by improperly investing cash collateral in long term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets. On August 7, 2015, Judge Susan E. Cox approved the allocation plan for a \$36 million settlement.

REPRESENTATIVE CASES continued

Louisiana Firefighters' Retirement System v. Northern Trust Investments, N.A., No. 09-7203 (N.D. Ill.)

Keller Rohrback is Co-Lead Counsel in this securities lending litigation, a class action brought on behalf of four public retirement systems alleging that Northern Trust breached its fiduciary and contractual duties to investors when it imprudently structured and managed its securities lending program by improperly investing cash collateral in long-term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets, rather than conservative, liquid investments. Plaintiffs allege that Northern Trust's imprudent management of the collateral pools caused Plaintiffs and other investors to suffer hundreds of millions of dollars in losses. On May 6, 2011, the Honorable Robert W. Gettleman denied in significant part Defendants' motion to dismiss. Plaintiffs also successfully defeated Defendants' third party complaint. The Court thereafter approved a partial settlement of \$24 million in cash, plus interest earned thereon, which represents settlement of the indirect lending claims of settlement class members.

In re Bank of New York Mellon Corp. Forex Transactions Litigation, No. 12-2335 (S.D.N.Y.)

Keller Rohrback served as Lead ERISA Counsel in this class action against the Bank of New York Mellon arising from its undisclosed charges for Standing Instruction Foreign Currency ("SI FX") transactions. Plaintiffs allege that from January 12, 1999 to the present, Bank of New York Mellon breached its fiduciary duties by failing to prudently and loyally manage the Plan's foreign currency transactions in the best interests of the participants, failing to disclose fully the details of the relevant SI FX transactions it was undertaking on behalf of the Plans, and engaging in prohibited transactions. In March 2015, a global resolution of the private and governmental enforcement actions was announced in which \$504 million will be paid back to BNY Mellon customers—\$335 million of which is directly attributable to funds received in the class litigation.

Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Management LLC, No. 09-8278 (S.D.N.Y.)

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

In re IKON Office Solutions, Inc. Securities Litigation, MDL No. 1318 (E.D. Pa.)

Keller Rohrback served as Co-Lead Counsel representing the City of Philadelphia and eight other lead Plaintiffs in this certified class action alleging securities fraud. Class counsel achieved the highest securities fraud settlement at that time in the Eastern District of Pennsylvania by settling with Defendant IKON Office Solutions, Inc. for \$111 million. The settlement was listed as one of the "largest settlements in class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995" by *USA Today*.

In re Apple Computer, Inc. Derivative Litigation, No. 06-4128 (N.D. Cal.)

Keller Rohrback served on the Management Committee in this federal derivative shareholder action against nominal Defendant Apple Computer, Inc. and current and former directors and officers of Apple. Plaintiffs pursued breach of fiduciary duty, unjust enrichment, and gross mismanagement claims arising from backdated stock options granted between 1993 and 2001, which diverted millions of dollars of corporate assets to Apple executives. We achieved a settlement that awarded \$14 million—one of the largest cash recoveries in a stock backdating case—and that required Apple to adopt a series of unique and industry-leading corporate enhancements.



LYNN LINCOLN SARKO

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PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Constitutional Law
- Commodities & Futures Contracts
- Consumer Protection
- Data Privacy Litigation
- Employment Law
- Environmental Litigation
- Employee Benefits & Retirement Security
- Financial Products & Services
- Government & Municipalities
- Institutional Investors
- Intellectual Property
- International Law
- Mass Personal Injury
- Securities & Financial Fraud
- Whistleblower

Managing Partner Lynn Sarko uses thoughtful innovation to solve complex issues. Having led Keller Rohrback L.L.P.'s Complex Litigation Group since its inception over 30 years ago, Lynn's work has led to new developments in case law and significant, impactful settlements for his clients.

A dynamic leader with a tenacious dedication to justice, Lynn has been selected by courts across the nation to serve in key leadership roles in a wide variety of cutting-edge cases. Namely, he was appointed Co-Lead counsel for *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litigation*, MDL No. 2785 (D. Kan.), the nationwide class action against pharmaceutical company Mylan and others for anticompetitive and unfair business practices in its sale and marketing of the EpiPen Auto-Injector device. He was also selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the vast litigation regarding the nationwide prescription opioid epidemic, *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The National Law Journal referred to this leadership team as a "Who's Who' in mass torts."

Some of Lynn's other remarkable successes include consumer protection cases aimed at holding automotive companies accountable for wrongdoing. One such case was *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (N.D. Cal.), for which Lynn was appointed to the Plaintiffs' Steering Committee—a group referred to as a "class action dream team." The case settled for over \$17 billion. Lynn was also appointed to the Plaintiffs' Steering Committee for *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777 (N.D. Cal.), which settled for \$307.5 million, including required emissions modifications for 100,000 eligible vehicles. In addition to consumer protection cases, Lynn has also served in leadership positions for cases involving financial fraud and breaches of fiduciary duty. He was selected to lead teams of attorneys representing plaintiffs in the litigations against Enron, Worldcom, and Madoff—three of the biggest financial frauds of our time.

Lynn is widely renowned within the legal community and beyond for his diplomacy and fearless devotion to justice. He was a member of the legal team nominated for the 2016 Nobel Peace Prize for seeking enforcement of the Nuclear Non-Proliferation Treaty on behalf of the Republic of the Marshall Islands. He was also honored to receive the Trial Lawyers for Public Justice Trial Lawyer of the Year Award for his work on the Exxon Valdez Oil Spill trial team, and he was one of four Washington lawyers recognized as one of the 500 "Leading Lawyers in America" by Lawdragon. He is also AV-rated by Martindale-Hubbell and has been consecutively named to the Washington Super Lawyers list for 21 years.

Lynn holds a BBA and an MBA in accounting and finance from the University of Wisconsin, where he also served as an accounting instructor. He graduated with his J.D. from the University of Wisconsin Law school, where he was Editor-

KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

in-Chief of the Wisconsin Law Review and received the faculty award given to the most outstanding member of the graduating class.

Prior to joining Keller Rohrback, Lynn was an Assistant United States Attorney for the District of Columbia, Criminal Division, an associate at the Washington D.C office of Arnold & Porter, and law clerk to the Honorable Jerome Farris, United States Court of Appeals for the Ninth Circuit, in Seattle.

EDUCATION

University of Wisconsin

B.B.A., 1977

University of Wisconsin

M.B.A., 1978, *Beta Alpha Psi*

University of Wisconsin

J.D., 1981, *Order of the Coif*; Editor-in-Chief, *Wisconsin Law Review*; Salmon Dalberg Award (outstanding graduate)

BAR & COURT ADMISSIONS

1981, Wisconsin

1981, U.S. Court of Appeals for the Ninth Circuit

1983, District of Columbia Court of Appeals

1984, District of Columbia

1984, U.S. District Court for the District of Columbia

1984, United States Supreme Court

1984, U.S. Court of Appeals for the Seventh Circuit

1984, U.S. Court of Appeals for the Fourth Circuit

1984, U.S. Court of Appeals for the Tenth Circuit

1984, U.S. Tax Court

1986, Washington

1986, U.S. District Court for the Western District of Washington

1988, U.S. District Court for the Eastern District of Wisconsin

1989, U.S. District Court for the Eastern District of Washington

1996, U.S. District Court for the Western District of Wisconsin

1997, U.S. District Court for the District of Colorado

2001, U.S. Court of Appeals for the Third Circuit

2002, U.S. District Court for the Eastern District of Michigan

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

2004, U.S. District Court for the Northern District of Illinois

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Sixth Circuit

2010, U.S. District Court for North Dakota

2013, U.S. Court of Appeals for the Second Circuit

2016, U.S. District Court for the Central District of Illinois

2016, U.S. District Court for the Southern District of Illinois

2018, U.S. Court of Appeals for the First Circuit

2019, Arizona

HONORS & AWARDS

Selected to Super Lawyers list in *Super Lawyers - Washington*, 1999-2021

National Trial Lawyers: Top 100 Civil Plaintiff Trial Lawyers in Washington

Lawdragon, 500 Leading Lawyers in America, 2018 and 2022

Fellow of the American Bar Foundation

Avvo Top Tax Lawyer, Washington CEO Magazine

Trial Lawyer of the Year, Trial Lawyers for Public Justice

Salmon Dalberg Award

PROFESSIONAL & CIVIC INVOLVEMENT

American Bar Association, *Member*

Bar Association of The District of Columbia, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

State Bar of Wisconsin, *Member*

Trial Lawyers for Public Justice, *Member*

Washington State Bar Association, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

The Association of Trial Lawyers of America, *Member*

American Academy of Trial Counsel, *Fellow*

Editorial Board, *Washington State Securities Law Deskbook*

Fellow, American Bar Foundation

Human Rights Watch Committee

Washington Athletic Club, *Member*

SELECTED PUBLICATIONS & PRESENTATIONS

Presenter, Colorado County Attorneys Association Virtual Summer Conference, Statewide Opioid Litigation Update, June 11, 2021.

Thomson/West Webinar, "Stock Drop and Roll: Key Supreme Court Rulings and New Standards in ERISA 'Stock Drop' Cases," July 24, 2014

14th Annual Pension Law, Governance and Solvency Conference, 2013

Canadian Institute's 14th Annual Advanced Forum on Pension Law, Governance and Solvency, 2013

ERISA Litigation & Regulatory Compliance Congress, 2013

American Conference Institute's 6th National Forum on ERISA Litigation, 2013

25th Annual ERISA Litigation Conference, 2012

American Conference Institute's 5th National Forum on ERISA Litigation, 2012



LAURIE ASHTON

CONTACT INFO

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Phoenix, AZ 85012
(602) 248-0088
lashton@kellerrohrback.com

PRACTICE EMPHASIS

- Business Reorganizations
- Class Action & Consumer Litigation
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- International Law

EDUCATION

University of California, San Diego

B.A., 1987, Economics

Arizona State University College of Law

J.D., 1990, Order of the Coif;
Member, Arizona State Law Journal,
1988-1990; Note and Comment
Editor, *Arizona State Law Journal,*
1989-1990; Student Instructor,
Legal Research and Writing, 1989-
1990.

Laurie Ashton is Of Counsel to Keller Rohrback. Prior to becoming Of Counsel, she was a partner in the Arizona affiliate of Keller Rohrback. Early in her career, as an Adjunct Professor, she taught semester courses in Lawyering Theory and Practice and Advanced Business Reorganizations. She also served as a law clerk for the Honorable Charles G. Case, U.S. Bankruptcy Court, for the District of Arizona for two years.

An important part of Laurie's international work involves the domestic and international legal implications of treaty obligations and breaches. She is a member of the international legal team that represented the Marshall Islands at the International Court of Justice in The Hague. For its work, the team was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize, along with the former Foreign Minister, Tony deBrum. Laurie was also part of the team representing parties impacted by the Trump administration's Muslim travel ban and policies related to it. That work included claims arising out of the United States' failure to reunite refugee families as legally required.

In complex litigation, Laurie was the lead attorney for Keller Rohrback in a series of successful groundwater contamination suits brought in 1996 against multiple international defendants concerning chemical releases spanning over 60 years. She was also the lead attorney for Keller Rohrback in an ERISA class action suit on behalf of over 21,000 employees who lost a material percentage of their retirement assets at the hands of corporate fiduciaries—a case that was, at its time, amongst the largest of its kind. Laurie has led or been a member of the team leading numerous high-profile business reorganizations, including a case in which the Court confirmed a reorganization plan over the objection of the international life insurance company's feasibility expert, based on Laurie's cross examination.

Laurie served on the Ethics Committee of the State Bar of Arizona for six years. She was the coauthor of a textbook on limited liability companies and partnerships, published by West, and she is AV Preeminent rated by Martindale.

Laurie is frequently interviewed and has been cited by Reuters, Newsweek, Fox News, Huffington Post, Slate Magazine, Radio New Zealand, Radio Australia, and others. She currently serves as a Director of the Santa Barbara City College Foundation, a member of the Human Rights Watch Council in Santa Barbara, and as an Advisor of the Global Justice Center in New York, which advances human rights pursuant to various international laws, including the Geneva and Genocide Conventions, as well as customary international law.

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BAR & COURT ADMISSIONS

1990, Arizona
1999, Colorado
2007, Washington, D.C.
2013, Eastern District of Michigan
2014, U.S. Court of Appeals for the Sixth Circuit
2015, U.S. Court of Appeals for the Ninth Circuit
2016, U.S. Court of Appeals for the Tenth Circuit
2016, U.S. Supreme Court
International Court of Justice

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member*
Colorado Bar Association, *Member*
Washington, D.C. Bar Association, *Member*
Adjunct Professor of Law, *Advanced Chapter 11*, Arizona State University, 1996
Adjunct Professor of Law, *Lawyering Theory & Practice*, Arizona State University, 1997
Committee on the Rules of Professional Conduct ("Ethics Committee"), State Bar of Arizona, *Member*, 1997-2003
Court Appointed Special Advocate, King County, 2007-2009
Global Justice Center, New York, *Advisor*
Human Rights Watch Committee, Santa Barbara, *Member*
Santa Barbara City College Foundation, *Director*

PUBLICATIONS & PRESENTATIONS

Author, Case Note, *Arizona Mortgage and Deed of Trust Anti-Deficiency Statutes: The Underlying Obligation on a Note Secured By Residential Real Property After Baker v. Gardner*, 21 Ariz. St. L.J. 465, 470 (1989).

Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2004).

Guest Lecturer, Harvard Law School, 1997, 1999, 2001-2002.

Guest Lecturer, Stanford Law School, 2003.

Speaker, United Nations 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; Panel, *Marshall Islands Nuclear Zero Lawsuits*

Speaker, Humanity House, The Hague, "*Legal Obligations for Nuclear Disarmament*," March 2016.

Speaker, Bertha Von-Suttner Master Class, The Peace Palace, The Hague, "*Forward Into Light, The Barbarization of the Sky*."



GRETCHEN FREEMAN CAPPIO

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PRACTICE EMPHASIS

- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Governments & Municipalities
- Financial Products & Services
- Mass Personal Injury
- Whistleblower

EDUCATION

Dartmouth College

B.A., *magna cum laude*, 1995,
Religion, Environmental Studies
Certificate, Phi Beta Kappa

University of Washington School of Law

J.D., 1999, Executive Comments
Editor, Pacific Rim Law & Policy
Journal, 1998-1999

Gretchen Freeman Cappio leverages the power of litigation to make people's lives better.

With a passion for strategic advocacy that achieves meaningful change, Gretchen represents clients in many well-known consumer protection, public health, environmental, and data privacy cases. Remaining true to her southern roots, she brings civility and a sense of humor to her practice. Gretchen's colleagues at Keller Rohrback recognize her skill and natural ability to lead, electing her to the firm's six-member Executive Committee—the third woman elected in the firm's 100-plus-year history.

Gretchen has played a key role in many of Keller Rohrback's consumer protection and automotive cases, among others. In the multibillion-dollar Volkswagen "Clean Diesel" case, Gretchen served on the Plaintiffs' Settlement Team. During the rapid-fire negotiations, she drafted settlement documents and supervised notice in three separate, complex settlements. She also served as a member of the Plaintiffs' Settlement Team for *In re Chrysler-Dodge-Jeep EcoDiesel*, MDL 2777 (N.D. Cal.). In *Jabbari v. Wells Fargo & Co.*, No. 15-2159 (N.D. Cal.), where employees unlawfully took customers' data to set up unauthorized accounts, Keller Rohrback served as sole plaintiffs' counsel. Gretchen helped negotiate an innovative \$142 million settlement.

Courts across the country have recognized Gretchen's leadership abilities. Recently, she was appointed to the Plaintiffs' Steering Committees in *In re: ZF-TRW Airbag Control Units Products Liability Litigation*, MDL 2905 (C.D. Cal.), a complex case against several auto manufacturers and parts suppliers regarding defective airbags, and *Won et al. v. General Motors, LLC, et al.*, No. 19-cv-11044 (E.D. Mich.), a class action concerning defective vehicle transmissions. Judge Childs also just appointed Gretchen Chair of the Plaintiffs' Steering Committee in *In re: Blackbaud, Inc., Customer Data Security Breach Litigation*, MDL 2972 (D.S.C.), in which plaintiffs seek to hold Blackbaud accountable for failing to implement and maintain reasonable security procedures and practices to protect individuals' and businesses' private information against unauthorized access by third parties.

Gretchen's advocacy extends to government clients in major public health cases. As part of the Keller Rohrback team working to hold opioid defendants accountable in the *Opioid* MDL, Gretchen serves as the lead client contact for the fourth largest county in the country, and was a chief negotiator of the One Arizona Memorandum of Understanding to allocate millions in opioid settlement funds, signed by the state, all counties, and nearly all of the 90 cities and towns in Arizona. Similarly, in *In re: EpiPen*, MDL 2785 (D. Kan.), in which Keller Rohrback's Managing Partner Lynn Sarko is Co-Lead Counsel, Gretchen leads the firm's contributions to the coordination of counsel, including directing PSC meetings, briefing and discovery, resulting in the

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certification of a nationwide class.

Gretchen's leadership and devotion to justice drive her legal work and personal time. In 2021, Gretchen was elected Board Chair of the Global Justice Center, a nonprofit promoting gender equality worldwide. She is also a founding board member of the Mother Attorneys Mentoring Association (MAMA), an organization supporting mothers in the legal profession, now with nine chapters across the United States.

BAR & COURT ADMISSIONS

1999, Washington

2000, U.S. District Court for the Western District of Washington

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Ninth Circuit

2009, U.S. Supreme Court

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Sixth Circuit

2015, U.S. District Court for the Eastern District of Michigan

2020, Michigan

PROFESSIONAL & CIVIC INVOLVEMENT

Institute for Complex Litigation and Mass Claims at Emory University School of Law

Emerging Leaders Board of Advisors, *Inaugural Member*

Class Action Roundtable, *Reporter*

Global Justice Center, *Board Chair*

The Global Justice Center works worldwide and domestically with women's rights advocates, grassroots groups, and policymakers to prevent and respond to gender-based violence.

The William L. Dwyer American Inn of Court, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Washington Women Lawyers, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

The National Trial Lawyers, *Member*

Mother Attorney Mentoring Association (MAMAS), *Member; Founding Board Member, 2006-2008*

HONORS & AWARDS

Listed as Lawdragon 500 Leading Lawyers in America 2022

Selected to Rising Stars and Super Lawyers lists in *Super Lawyers - Washington*, 2002, 2009-2012, 2020-2021

PUBLICATIONS & PRESENTATIONS

Emory Institute for Complex Litigation Conference on MDL Rules and Innovation, Miami (March 9-10, 2022).

Guest Lecturer at Seattle University School of Law, "MDL Mass Tort and Class Action Cases" (March 8, 2022).

Gretchen Freeman Cappio, "Mental Health on College Campuses Amid Covid," Letter to the Editor in *The New York Times*, January 4, 2022

Guest Lecturer at Seattle University School of Law, "Complex Litigation, MDL Experience, and Bellwether Trials" (September 23, 2021).

Presenter at Colorado County Attorneys Association Virtual Summer Conference, Statewide Opioid Litigation Update (June 11, 2021).

Guest Lecturer at Seattle University School of Law, "MDL Mechanics Q&A" (March 8, 2021).

Guest Lecturer at Stanford Law School, "From Takeoff to Landing: Litigating MDLs" (February 23, 2021).

Law Seminars International Presents: The 16th Annual Conference On Litigating Class Actions (November 12-13, 2020).

Presenter, Trials in Class Actions and Post-Trial Motions

Panelist, Settlement Strategies

Guest Lecturer at Stanford Law School, "From Takeoff to Landing: Litigating the MDL" (February 14, 2020).

Colorado Municipal League: Annual Seminar on Municipal Law (September 27-28, 2019).

Law Seminars International Presents: The 15th Annual Conference on Litigating Class Actions (May 9-10, 2019).

Presenter, Settlement Strategies

KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

PUBLICATIONS & PRESENTATIONS (CONT.)

Guest Lecturer at Stanford Law School, Multidistrict Litigation (February 22, 2019).

Presenter at ABA Section of Litigation, Discovery and Ethical "Rules of the Road" for Working with Expert Witnesses (July 19, 2018).

Presenter at Bristol Myers Squibb Panel, UC-Irvine, UC-Berkeley, & Emory University Schools of Law First Joint Coordination Conference at Berkeley (June 5, 2018).

Law Seminars International Presents: The 14th Annual Conference On Litigating Class Actions (May 10-11, 2018).

Presenter, Consumer Protection and the Opioid Crisis

Presenter, Corporate Fraud Against Consumers

Presenter, Settlement Strategies for Class Actions and Multidistrict Litigation.

Presenter at HarrisMartin's Plaintiff Opioid MDL Conference, "Causation and Science" (January 8, 2018).

Presenter at HarrisMartin MDL Conference, "Opioid, Equifax & Talcum Powder, Equifax Data Breach: What Happened? Who Was Impacted? What Are the Damages?" (November 29, 2017).

Presenter at National Consumer Law Center, "Effectively Persuading Your Judge," NCLC Consumer Class Action Symposium (November 18, 2017).

Presenter at Practising Law Institute 22nd Annual Consumer Financial Services Institute (2017).

Panelist at Law Seminars International – 13th Annual Conference on Litigating, "Settlement Strategies for Class Actions and Multidistrict Litigation" (April 28, 2017).

Panelist at EmoryLaw NextGen Conference and EmoryLaw Fed. Judicial Ctr. and JPML Program (December 14-16, 2016).

Panelist at HarrisMartin's MDL Conference, "Settlements in Mass Tort and Class Action Litigation" (July 27, 2016).

Panelist at American Association for Justice webinar, "Dissecting the U.S. Supreme Court Decision in Spokeo," Inc. v. Robins (May 26, 2016).

Panelist at Law Seminars International, "VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions" (May 6, 2016).

Presenter at PLI Consumer Financial Services Institute 2016, "Data Security & Privacy Issues" (May 12, 2016).

Panelist at HarrisMartin Pharmaceutical and Environmental Mass Tort Litigation, Class Action and Data Breach Litigation (March 30, 2016).

Panelist at Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing" (January 8, 2016).

Panelist at HarrisMartin MDL Conference Volkswagen and Pharmaceutical Update: RICO and Additional Defendants (December 2, 2015).

Panelist at Bridgeport Volkswagen Class Action & MDL Seminar – Diesel Emissions Scandal (November 23, 2015).

Panelist at HarrisMartin Volkswagen Diesel Emissions Litigation Conference: RICO and Additional Defendants (October 27, 2015).

Panelist at Law Seminars International, The Eleventh Annual Comprehensive Conference on Class Actions, "Data Breaches: Cases at the Intersection of Class Actions and Internet Technology" (June 4, 2015).

Panelist at ABA Section of Dispute Resolution Meeting 17th Annual Spring Conference, "Solutions in Seattle: A View From the Trenches: What's Working and What's Not Working with Mediators" (April 16, 2015).

Presenter at HarrisMartin Data Breach Litigation Conference, "Coming of Age: The Differences between Employee and Consumer Cases" (March 25, 2015).

Presenter at Practising Law Institute, Managing Complex Litigation 2014: Class Actions; Mass Torts & MDL (October 21, 2014).

Presenter at Class Action Conference, "Recent Settlement Trends in Class Actions and Multidistrict Litigation: A Detailed Look at the Process for Settling and Administering Settlements" (June 13, 2014).

Presenter at Harris Martin's MDL Conference, "Target Data Security Breach Litigation: Recent Development, Issues in Data Breach Litigation" (March 26, 2014).

Presenter at Law Seminars International, Class Actions and Other Aggregate Litigation Seminar: Post-Certification Motion Issues in Class Actions (May 14, 2013).

Panelist at Chartis Security & Privacy Seminar (October 20, 2011).

Presenter at 20th Annual American Bar Association Tort Trial and Insurance Practice Section Spring CLE Meeting, "Toxic Torts: Toxins In Everyday Products" (April 1, 2011).

Gretchen Freeman Cappio, Erosion of Indigenous Right to Negotiate in Australia, 7 Pac. Rim L. & Pol'y J. 405 (1998).

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



ALISON CHASE

CONTACT INFO

801 Garden Street, Suite 301
Santa Barbara, CA 93101
(805) 456-1496
achase@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Environmental Litigation
- International Law
- Securities

EDUCATION

Emory University

B.A., *magna cum laude*, 2000,
Political Science and Philosophy,
Phi Beta Kappa

Yale Law School

J.D., 2003; Editor, *Yale Law Journal*,
Articles Editor, *Yale Journal of
International Law*

Alison is a partner in Keller Rohrback's nationally-recognized Complex Litigation Group. Alison works tirelessly to hold corporations responsible for reckless and dangerous conduct that harms consumers and the public.

Alison is a key member of the team representing consumers affected by EpiPen price gouging, in the litigation *In re: EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices, & Antitrust Litig.*, MDL 2785 (D. Kan.). She has taken a central role in this important case, which seeks redress for millions of EpiPen purchasers who have been forced to pay skyrocketing prices for this necessary and life-saving medication. Alison is particularly proud to represent parents of children suffering severe allergies, who have been affected by monopolistic, unfair, and predatory practices. Keller Rohrback's managing partner, Lynn Sarko, is co-lead of the litigation, and Alison has had a substantial role in briefing, written and deposition discovery, and expert work.

Alison is an integral member of the team representing a class of residents affected by the largest natural gas leak in U.S. history, *Southern California Gas Leak Cases*, JCCP No. 4861 (LA Superior). That gas leak devastated the community of Porter Ranch, causing the closure of schools and the relocation of tens of thousands of residents. Similarly, Alison has represented victims of the 2015 Santa Barbara Oil Spill in seeking redress for this environmental disaster.

In addition, Alison has a deep background in financial litigation. She has been a key member of the team representing the Federal Home Loan Banks of Chicago, Boston, and Indianapolis in mortgage-backed securities litigation against a host of Wall Street and international banks. These complex cases have resulted in the recovery of hundreds of millions of dollars for the firm's clients. Alison has also represented consumers in a broad array of financial litigation, including in actions on behalf of mortgage borrowers, in actions arising from fraudulent account scandals, and actions relating to novel FinTech.

Alison also maintains an active practice in appellate and international law. She represented the Republic of the Marshall Islands in groundbreaking litigation before the International Court of Justice and U.S. Courts. Alison also represented a class consisting of the sitting judges of the State of Arizona in constitutional litigation that was resolved in her clients' favor by the Arizona Supreme Court.

Having clerked for both a federal district court and for the Ninth Circuit Court of Appeals, Alison is deeply committed to civility, teamwork, and working cooperatively with opposing counsel. Alison's broad litigation experience, which has included both plaintiff- and defense-side work, enables her to guide clients through a wide variety of complex litigation.

CLERKSHIPS

The Honorable J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit

The Honorable Valerie Baker Fairbank, U.S. District Court for the Central District of California

BAR & COURT ADMISSIONS

2003, California

2004, United States District Court for the Eastern District of California

2007, United States District Court for the Central District of California

2010, Ninth Circuit Court of Appeals

2011, Arizona

2014, United States District Court for the Northern District of California

2016, United States District Court for the Southern District of California

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of California, *Member*

State Bar of Arizona, *Member*

Santa Barbara Lawyers Association, *Member*

Santa Barbara Women's Lawyers Association, *Member*

California Women's Lawyers Association, *Member*

HONORS & AWARDS

Finalist, Morris Tyler Moot Court

Recipient, Gherini Prize for Outstanding Paper in International Law

PUBLICATIONS & PRESENTATIONS

Alison Chase, *The Politics of Lending and Reform: The International Monetary Fund and the Nation of Egypt*, Stanford Journal of International Law, Vol. 93 (2006).

Alison Chase, *Legal Mechanisms of the International Community and the United States Concerning the State Sponsorship of Terrorism*, Virginia Journal of International Law, Vol. 41 (2004).

Alison Chase, *Book Review: The Invention of Peace*, Yale Journal of International Law, Vol. 27 (2002).



FELICIA CRAICK

CONTACT INFO

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Seattle, WA 98101
(206) 623-1900
fcraick@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Governments and Municipalities

EDUCATION

Northeastern University

B.S., *summa cum laude*, 2014,
Criminal Justice

Harvard Law School

J.D., *cum laude*, 2018

BAR & COURT ADMISSIONS

2019, Washington

2019, Western District of
Washington

Felicia delves deep into the issues at hand to get concrete results for her clients. As an attorney in Keller Rohrback's nationally recognized Complex Litigation Group, Felicia is able to combine her interest in people with her drive to hold bad actors responsible for wrongdoing.

Drawn to complex cases, Felicia currently focuses on multidistrict litigation, including representing government entities in the fight against the youth vaping epidemic in the *In re JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation* and representing consumers in cases where the business practices of drug manufacturers, pharmacy benefit managers, and other entities have driven up the costs of pharmaceuticals to the detriment of consumers, such as in the *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*.

Prior to joining Keller Rohrback as an attorney, Felicia received her J.D., cum laude, from Harvard Law School, where she served as an Executive Article Editor of the Harvard Law & Policy Review. Felicia gained practical legal experience as a clinical student attorney, representing low-income survivors of domestic violence in family court and prosecuting criminal cases in state court, and as a summer associate at Keller Rohrback. Driven by the work of complex litigation and the firm's justice-oriented community, Felicia returned to Keller Rohrback at the conclusion of her clerkship with Washington State Supreme Court Chief Justice Mary Fairhurst.

Outside of work, Felicia enjoys hiking, watching soccer and gymnastics, and reading fantasy novels.

PROFESSIONAL & CIVIC INVOLVEMENT

Washington Women Lawyers, *Member*

Washington State Bar Litigation Section, *Member*

Washington State Bar Criminal Law Section, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2021



ADELE DANIEL

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adaniel@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Data Privacy Litigation

EDUCATION

Carleton College

B.A., *magna cum laude*, 2014,
History

University of Michigan Law School

J.D., Order of the Coif, *magna cum
laude*, 2017

BAR & COURT ADMISSIONS

2018, Washington

Adele Daniel always has the big picture in mind. As an attorney in our nationally recognized Complex Litigation Group, she takes the time to deeply understand the opposing side in order to forcefully rebut the opposition's arguments.

Adele graduated *magna cum laude* from University of Michigan Law School, where she served as an Articles Editor for the Michigan Law Review. Following her graduation, Adele clerked for Chief Judge Michael Mosman at the U.S. District Court for the District of Oregon. She then moved to Seattle to clerk for Judge Ronald Gould at the U.S. Court of Appeals for the Ninth Circuit.

Interested in using litigation to make a lasting impact for consumers, Adele joined Keller Rohrback in 2019. As a member of the firm's automotive litigation team, Adele embraces the opportunity to represent deserving clients, and in so doing, deter corporations from future misconduct.

In her spare time, Adele heads to Washington's mountains and rivers for cycling, backpacking, and whitewater kayaking.

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



JULI FARRIS

CONTACT INFO

801 Garden Street, Suite 301
Santa Barbara, CA 93101
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1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900

jfarris@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Class Actions
- Consumer Protection
- Employee Benefits & Retirement Security
- Environmental Litigation
- Fiduciary Breach
- Financial Products & Services
- Governments and Municipalities
- International Law
- Securities
- Whistleblower

Juli Farris' clients count on her commitment to excellence to meet their legal needs. Juli is a member of Keller Rohrback's nationally-recognized Complex Litigation Group and divides her time between the firm's Seattle and Santa Barbara offices. Her current cases include serving as co-lead counsel representing victims of the 2015 Refugio California Oil Spill and representing patients affected by prescription drug overcharges. She is also part of the team pursuing claims to hold drug manufacturers accountable for the current opioid health crisis.

In addition to her work on environmental torts, consumer protection and whistleblower litigation, Juli has represented both plaintiffs and defendants in class action litigation involving banking and securities regulation, antitrust, ERISA fraud and other areas.

Before joining Keller Rohrback in 1991, Juli served as a judicial law clerk for Judge E. Grady Jolly of the U.S. Court of Appeals, Fifth Circuit, and she practiced law at the Washington, D.C. office of Sidley Austin, where her practice involved trial and appellate litigation covering a wide array of subject matters.

EDUCATION

Stanford University

B.A., 1982, English

Stanford Law School

J.D., 1987, Notes Editor, *Stanford Law Review*

BAR & COURT ADMISSIONS

1988, Washington

1989, California

1990, District of Columbia

1995, Western District of Washington

1997, U.S. Court of Appeals for the Ninth Circuit

1999, Central District of California

2000, Northern District of California

2001, Eastern District of California

2003, Southern District of California

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*
Loren Miller Bar Association, *Member*
American Bar Association, *Member*
California State Bar Association, *Member*
Washington State Bar Association, *Member*
Washington State Association for Justice, *Member*
Santa Barbara County Bar Association, *Member*
Santa Barbara Women Lawyers, *Member*
American Bar Foundation, *Member*
The National Association of Public Pension Attorneys, *Member*
Seattle Repertory Theater, *Board Member*
Treehouse, *Board Member Emeritus, Past Board Chair*
Susan G. Komen, Puget Sound Affiliate, *Former Board Member*

HONORS & AWARDS

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2015-2021
Selected to Rising Stars list in *Super Lawyers - Washington*, 2000-2001
Recipient of Promise of One Award from the Puget Sound Affiliate of Susan G. Komen for the Cure, 2013

PUBLICATIONS & PRESENTATIONS

Andrew D. Freeman & Juli E. Farris, *Grassroots Impact Litigation: Mass Filing of Small Claims*, 26 U.S.F.L. Rev. 261 (1992).
Editorial Board, *Washington State Securities Law Deskbook* (2012)

REPRESENTATIVE MATTERS

In re IKON Office Solutions, Inc., 277 F.3d 658 (3rd Cir. 2002)
In re WorldCom, Inc. ERISA Litig., 354 F. Supp. 2d 423 (S.D.N.Y. 2005)
Hansen v. Ticket Track, Inc., 213 F.R.D. 412 (W.D. Wash. 2003)
In re Scientific-Atlanta, Inc. Securities Litigation, 239 F. Supp. 2d 1351 (N.D. Ga. 2002)
In re Domestic Air Transp. Antitrust Litig., 137 F.R.D. 677 (N.D. Ga. 1991)
In re Potash Antitrust Litig., 954 F. Supp. 1334 (D. Minn. 1997)
Andrews v. Plains All American Pipeline, L.P., No. 2:15-cv-04113 (C.D. Cal.)
Johnson v. OptumRx, (D.N.J.)

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



ERIC FIERRO

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PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Consumer Protection
- eDiscovery
- Financial Products and Services
- Intellectual Property
- Mass Personal Injury
- Securities
- Whistleblower

EDUCATION

Arizona State University

B.S., 2002, Justice Studies

New England School of Law

J.D., 2006, Senior Editor, *New England Journal of International and Comparative Law*

Eric Fierro bridges the gap between technology and the law. Eric practices in Keller Rohrback's nationally recognized Complex Litigation Group and oversees the firm's legal technology group, providing electronic discovery and litigation support to colleagues and clients on a wide array of cases. Whether he is helping to preserve significant amounts of data for institutional clients or walking an individual through the data collection process to increase accuracy and maximize privacy, Eric works closely with clients to understand their needs and provide solutions.

Eric has over 15 years of experience with legal technology. While attending law school in the evening, Eric worked full-time for the U.S. Attorney's Office for the District of Massachusetts where he provided technical support for all criminal and civil units, including the healthcare fraud, securities fraud, and other white collar crime units. Eric also worked as a summer law clerk for the computer crime and intellectual property unit at the U.S. Attorney's Office. Before joining Keller Rohrback, he was a managing consultant for Huron Consulting Group, providing consultative services for complex electronic discovery and document review matters.

When not at work, Eric enjoys spending time with his family, golfing, and rebuilding off-road vehicles in his garage.

BAR & COURT ADMISSIONS

2009, Arizona

2009, U.S. District Court for the District of Arizona

PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

PUBLICATIONS & PRESENTATIONS

Presenter, 2019 ASU-Arkfeld eDiscovery and Digital Evidence Conference, "Everyday Devices and the Internet of Things: Working with ESI in the Forest of Smart Device."

Presenter, 2018 Complex Litigation E-Discovery Forum, Plaintiff Offensive Review Workflows and Tips, September 2018.

Presenter, 2017 Complex Litigation E-Discovery Forum, Best Practice for Plaintiff Document Collection, September 2017.

Presenter, 2016 Complex Litigation E-Discovery Forum, Negotiating a State of the Art ESI Protocol, September 23, 2016.

Panelist, IPro Innovations for The Sedona Conference, The 2015 Federal Rule Amendments: Has Anything Really Changed? April 2016.



ALISON GAFFNEY

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PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Opioid Litigation
- Governments & Municipalities
- Mass Personal Injury/Tort
- Environmental Litigation

EDUCATION

Swarthmore College

B.A., 2002, Linguistics and Languages (Spanish & Mandarin Chinese); McCabe Scholar

University of California, San Diego

M.A., 2007, Latin American Studies

University of Washington School of Law

J.D., 2012

Alison Gaffney is a fighter. Once she takes on a client—as a partner in Keller Rohrback’s nationally recognized Complex Litigation Group or as a cooperating attorney with the ACLU—she commits to doing everything she can to fight for justice for her client.

That tenacity was evident in her pursuit to reunite Somali refugee Joseph Doe with his family after their separation was prolonged because of the Muslim Travel Ban. Alison is a member of the team that sued the Trump Administration on behalf of Doe and other individuals and organizations harmed by the travel ban in *Doe, et al. v. Donald Trump, et al.* (W.D. Washington). Three weeks after the court granted Doe’s motion for a preliminary injunction, Alison had the honor of seeing Doe reunited with his wife and three sons in Seattle.

Alison is passionate about using litigation to combat complex world problems. In the National Prescription Opiate Multi-District Litigation, Alison represents over 70 city, county, and tribal governments in their fight to hold prescription opioid manufacturers and distributors accountable for the devastating effects these drugs have had on their communities. She has played a key role within Keller Rohrback’s Opioid Litigation team, and in the national MDL she has been involved in drafting the master complaints, dispositive briefing, discovery, and preparing and defending medical experts. In addition, Alison represents school districts and counties in litigation against JUUL Labs, Inc. and other e-cigarette manufacturers for targeting youth with their marketing and product design and addicting a new generation to nicotine.

Both before and during law school, Alison’s passion for justice and human rights drew her to immigration law and policy. She completed a master’s degree focused on international migration, and as a law student, she interned with the Seattle Immigration Court and the Northwest Immigrant Rights Project (NWIRP) in Tacoma, where she gave “Know Your Rights” presentations at the Northwest Detention Center. She represented clients in deportation proceedings through NWIRP as well as the law school’s Immigration Law Clinic, and she continues to volunteer as a pro bono attorney for NWIRP.

When she is not fighting for her clients, Alison is busy keeping up with her two sons, scrambling and climbing with The Mountaineers, and generally enjoying the beauty of the Pacific Northwest.

BAR & COURT ADMISSIONS

2012, Washington

2013, U.S. District Court for the Western District of Washington

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the Ninth Circuit

2015, U.S. District Court for the Eastern District of Washington

2016, U.S. District Court for the Central District of Illinois

2017, U.S. District Court for the Eastern District of Wisconsin

2018, U.S. District Court for the District of Colorado

2020, U.S. Court of Appeals for the District of Columbia

PROFESSIONAL & CIVIC INVOLVEMENT

ACLU Cooperating Attorney

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Mother Attorneys Mentoring Association of Seattle (MAMAS), *Member*

Northwest Immigrant Rights Project, *Pro Bono Attorney*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

LANGUAGES

Spanish



LAURA R. GERBER

CONTACT INFO

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lgerber@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Action & Consumer Litigation
- Consumer Protection
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services
- Governments & Municipalities
- Institutional Investors
- Whistleblower

Laura R. Gerber is a strong advocate for her clients. From her early years in a whistleblower protection organization, to her current practice litigating against some of America's largest corporations, Laura has built her career as a trusted advocate for plaintiffs. Laura represents her clients with skill, tact and diplomacy. As a result, Laura's clients trust her to listen carefully, keep them informed, provide excellent legal advice, and to diligently pursue their interests in litigation against powerful defendants.

For over fifteen years, Laura has practiced in Keller Rohrback's Complex Litigation Group where she has developed a diverse practice with a focus on holding corporations and other institutions accountable. Laura is experienced in litigating consumer protection, RICO, antitrust, ERISA, environmental, excessive fee, breach of contract and breach of fiduciary duty, qui tam, and Ponzi scheme matters.

Laura's strategic persistence in complex cases has led to impressive results with her clients receiving substantial recoveries. Laura played a key role in managing litigation enhancing the security of pension plan benefits for healthcare workers at religiously affiliated healthcare systems, resulting in settlements exceeding \$800 million.

In addition to her J.D., Laura has a Masters in Public Administration.

EDUCATION

Goshen College

B.A., 1994, History, Economics

University of Washington School of Law

J.D., 2003

Evans School of Public Affairs, University of Washington

M.P.A., 2003

PUBLICATIONS & PRESENTATIONS

Speaker, American Conference Institute's 8th National Forum on ERISA Litigation, October 2014, (New Trends in Church Plan Litigation).

L. Gerber and R. Giovarelli, *Land Reform and Land Markets in Eastern Europe*, Food and Agriculture Organization of the United Nations (2005).

David Weissbrodt, Penny Parker, Laura Gerber, Muria Kruger, Joe W. (Chip) Pitts III, *A Review of the Fifty-Fourth Session of the Sub-Commission on the Promotion and Protection of Human Rights*, 21 NETH Q. HUM. RTS. 291 (2003)

KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

BAR & COURT ADMISSIONS

2004, Washington
2006, U.S. District Court for the Eastern District of Washington
2006, U.S. District Court for the Western District of Washington
2010, U.S. District Court for the Northern District of Illinois
2013, U.S. District Court for the District of Colorado
2016, U.S. District Court for the Southern District of Illinois
2016, U.S. District Court for the Eastern District of Missouri
2016, U.S. District Court for the Northern District of Ohio
2016, U.S. District Court for the Western District of Oklahoma
2016, U.S. District Court for the Central District of Illinois
2016, U.S. District Court for the Northern District of Indiana
2006, U.S. Court of Appeals for the Ninth Circuit Court
2014, U.S. Court of Appeals for the Sixth Circuit Court
2015, U.S. Court of Appeals for the Tenth Circuit Court
2019, U.S. Court of Appeals for the Seventh Circuit Court
2019, U.S. Court of Appeals for the Eighth Circuit Court
2017, Supreme Court of the United States

PROFESSIONAL & CIVIC INVOLVEMENT

Campaign for Equal Justice, *Board Member*, 2018-present
Hanford Challenge, *Board of Directors*, 2018-present
Washington Appleseed, *Board of Directors*, 2012-2019
King County Bar Association, *Member*
Washington State Bar Association, *Member*
Federal Bar Association, *Member*
American Bar Association, *Member*
American Bar Foundation, *Fellow*
American Association for Justice, *Member*
Mother Attorney Mentoring Association (MAMA), *Member*

HONORS & AWARDS

Selected to Rising Stars and Super Lawyers lists in *Super Lawyers - Washington*, 2009, 2014, 2020-2021



MATTHEW GEREND

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(206) 623-1900
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PRACTICE EMPHASIS

- Class Action
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Securities

EDUCATION

University of Wisconsin

B.A., with distinction, 2005,
Political Science, Phi Beta Kappa

Georgetown University Law Center

J.D., *cum laude*, 2010; Executive
Articles Editor, *Georgetown Journal
on Poverty Law and Policy*

Matthew Gerend practices in the firm's nationally recognized Complex Litigation Group, representing employees and other investors in litigation to enforce securities laws and the Employee Income Retirement Security Act ("ERISA"). Matt has represented plaintiffs in federal courts across the country to redress harms stemming from breaches of fiduciary duties, investment fraud, and other misconduct that threatens employees' retirement security.

Matt became interested in the laws protecting retirement and pension benefits as a clerk with AARP Foundation Litigation, where he helped draft a number of amicus curiae briefs filed in the U.S. Supreme Court and U.S. Courts of Appeals regarding the proper interpretation and implementation of ERISA. During law school, Matt also worked as an intern with the Community Development Project at the Lawyers' Committee for Civil Rights Under Law. Matt believes that lawyers have a unique ability to effect social change, an ethic that has guided his work representing individuals and investors against those engaged in divisive and fraudulent practices.

BAR & COURT ADMISSIONS

2010, Washington
2011, U.S. District Court for the Western District of Washington
2012, U.S. Court of Appeals for the Third Circuit
2013, U.S. District Court for the Eastern District of Michigan
2014, U.S. Court of Appeals for the Sixth Circuit
2014, U.S. Court of Appeals for the Ninth Circuit
2015, U.S. Court of Appeals for the Seventh Circuit
2015, U.S. District Court for the District of Colorado
2016, U.S. Court of Appeals for the Fourth Circuit
2016, U.S. Court of Appeals for the Tenth Circuit
2016, Supreme Court of the United States
2018, U.S. Court of Appeals for the Second Circuit
2018, U.S. District Court for the Eastern District of Wisconsin

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2021

PUBLICATIONS & PRESENTATIONS

Contributing Author, *Zanglein et. al., ERISA Litigation* (Bloomberg BNA 2015).

Deborah M. Austin and Matthew M. Gerend, *The Scope and Potential of Section 3 as Currently Implemented*, 19 J. Affordable Housing & Commun. Dev. L. 89 (2009).



GARY GOTTO

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PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Debtor-Creditor
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Real Estate Securities

EDUCATION

University of Pennsylvania
B.A., *cum laude*, 1976

**Arizona State University of
College of Law**
J.D., *summa cum laude*, 1982,
Order of the Coif

Gary Gotto's diverse experience helps him meet his clients' diverse needs. Gary is a member of Keller Rohrback's nationally-recognized Complex Litigation Group. He has a broad range of practice experience and interests, including all aspects of corporate and real estate transactional work, securities issuance and compliance, Chapter 11 bankruptcy and workout matters, and general commercial and ERISA litigation. Gary speaks and teaches regularly on a number of topics, including an annual real estate bankruptcy case study presented at the Harvard Law School. He has practiced in Phoenix since 1982.

BAR & COURT ADMISSIONS

1982, Arizona
1982, U.S. District Court for the District of Arizona
2005, U.S. Court of Appeals for the Second Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member; Chair*, Subcommittee on Revising the Limited Partnership Act, Business Law Section, 1991
Adjunct Professor Law, Arizona State University College of Law, 1989

PUBLICATIONS & PRESENTATIONS

Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2002).
Co-Author, *Limited Liability Companies and Partnerships* (1996-1997).
Guest Lecturer, *Chapter 11 Reorganizations*, Harvard Law School, 1996-1997, 1999, 2001, 2002.
Guest Lecturer, *Chapter 11 Reorganizations*, Stanford Law School, 2003.
Speaker, National Business Institutes, *Negotiating and Drafting Acquisition Agreements in Arizona*, 1997.
Speaker, National Business Institutes, *Choice of Business Entity in Arizona*, 1996.
Speaker, National Business Institutes, *Limited Liability Companies*, 1994.
Speaker, Professional Education Systems, Inc., *Non-Corporate Business Forms*, 1994.
Speaker, State Bar of Arizona, *Limited Liability Companies*, 1994.
Speaker, National Business Institutes, *Arizona Limited Liability Company Legislation*, 1993.



BENJAMIN GOULD

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
bgould@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Class Actions
- Constitutional Law
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Institutional Investors

EDUCATION

Yale University

B.A., *summa cum laude*, 2002,
English, Phi Beta Kappa

Yale Law School

J.D., 2006, Editor, *Yale Law Journal*,
Editor-in-Chief, *Yale Journal of Law
and the Humanities*

Benjamin Gould makes the law work for his clients. Ben, a Seattle native, practices in Keller Rohrback's nationally recognized Complex Litigation Group. His ability to clearly and efficiently communicate factual and legal issues to his clients and courts allows him to adeptly serve the interest of clients who have been harmed by others' misconduct.

Ben has extensive experience in appellate litigation and has active appeals pending in state and federal courts throughout the nation. He has secured successful results for his clients before the U.S. Courts of Appeals for the Second, Eighth, and Ninth Circuits and numerous state appellate courts. Ben also maintains an active practice outside the appellate arena. He has represented clients in cases involving pensions, securities, and consumer-protection law, among other subjects.

Before joining the firm, Ben worked as a Legal Fellow of the ACLU Drug Law Reform Project, litigating cases related to drug policy and civil rights. He also served as a clerk to two federal appellate judges: the Honorable Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit and the Honorable Diana E. Murphy of the U.S. Court of Appeals for the Eighth Circuit.

BAR & COURT ADMISSIONS

2007, California
2010, District of Columbia
2010, U.S. Court of Appeals for the Ninth Circuit
2011, Washington
2011, U.S. District Court for the Western District of Washington
2012, U.S. District Court for the Eastern District of Washington
2012, U.S. Court of Appeals for the Third Circuit
2013, U.S. Court of Appeals for the Second Circuit
2013, U.S. Court of Appeals for the Sixth Circuit
2013, U.S. Court of Appeals for the Eighth Circuit
2013, U.S. Court of Appeals for the Eleventh Circuit
2014, U.S. Court of Appeals for the First Circuit
2015, U.S. Supreme Court

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*; Appellate Law Section
Washington State Bar Association, *Member*
Washington State Association for Justice, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers* - Washington, 2016-2021

PUBLICATIONS & PRESENTATIONS

Benjamin Gould, "Inoculation Altercation: What Critics Misunderstand About the Washington Supreme Court Vaccination Order" in *Washington State Bar News*, Oct. 21, 2021.

Benjamin Gould, "Subject-Matter Jurisdiction in the Washington Supreme Court: Unsettling the Settled," in *NWSidebar*, November 2020.

Benjamin Gould, "Vaccine Law: An Overview of Current Law and a Look at the Future," in *NWLawyer*, November 2019.

Benjamin Gould, *Radical Jurisprudence*, 93 Wash. L. Rev. Online 49 (2018).

Speaker on Rule 23(f) and Class Action Appeals, American Bar Association 19th Annual National Institute on Class Actions, New Orleans, LA, 2015.

A Review of Antonin Scalia and Bryan A. Garner, Reading Law (2012), in *Trial News*, March 2014.

Derek W. Loeser & Benjamin Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser & Benjamin Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, *Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009).*

Derek W. Loeser, Erin M. Riley & Benjamin Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, *Pensions & Benefits Daily*, Bureau of National Affairs, Inc. (Jan. 28, 2011).



CHRISTOPHER GRAVER

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PRACTICE EMPHASIS

- Business Litigation
- Bankruptcy and Creditors' Rights

EDUCATION

St. John's College

B.A., 1976

University of New Mexico

J.D., *magna cum laude*, 1990
Order of the Coif

Chris is a member of Keller Rohrback's Complex Litigation and Bankruptcy Groups.

He has represented debtors, creditors, Court-appointed committees, and asset purchasers in Chapter 11 reorganization proceedings and workouts. In recent years he has also focused on representing plaintiffs in ERISA class actions. Chris has wide-ranging experience in complex commercial matters, from corporate restructuring to breach of fiduciary duty, commercial real estate, contracts, patent infringement, and environmental insurance coverage.

Together with colleagues, Chris has represented clients as diverse as pension plan participants in class actions challenging their employers' asserted exemption from ERISA, the committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, an American Indian business corporation in a commercial dispute, and a developer restructuring a portfolio of real property interests nationwide.

A graduate of the Great Books liberal arts program at St. John's College in Santa Fe, Chris earned his law degree from the University of New Mexico Law School *magna cum laude* in 1990. While his practice is centered in the Southwest, Chris represents clients in federal courts coast to coast.

BAR & COURT ADMISSIONS

1990, Arizona

1990, United States District Court for the District of Arizona

2004, United States Court of Appeals for the Ninth Circuit

2015, United States Court of Appeals for the Fifth Circuit

2015, United States Court of Appeals for the Tenth Circuit

2017, United States Supreme Court

PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

Maricopa County Bar Association, *Member*

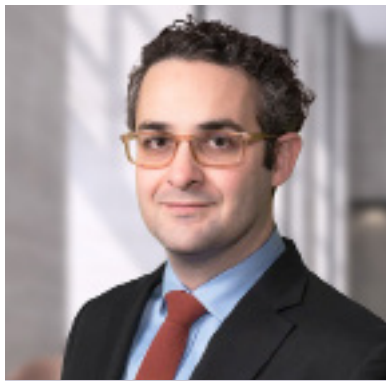
PUBLICATIONS & PRESENTATIONS

Co-author, "Confirming the Catholics: The Diocese of Tucson Experience," Norton Bankruptcy Law Advisor, 2005.

Co-author, "Representing the Tort Claimants' Committee in the Chapter 11 Case Filed by the Roman Catholic Diocese of Tucson," prepared for the National Conference of Bankruptcy Judges, 2005.

"Decoding the Code," *AzBusiness Magazine*, 2005.

Speaker, Maricopa County Bar Association presentation, *New Bankruptcy Code: Changing the Way Creditors are Treated*, 2006.



ZACK GUSSIN

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PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Governments and Municipalities

EDUCATION

University of Washington

B.A., 2010, English: Creative Writing

University of Washington Law School

J.D., high honors, 2017; University of Washington Law Review, Moot Court Honor Board, Children and Youth Advocacy Clinic

Zack develops solutions that effect change. As an attorney in Keller Rohrback's Complex Litigation Group, Zack is able to combine his passion for social justice with his love of intellectual challenges.

A lifelong Washingtonian with a family of social workers and teachers, Zack is no stranger to fighting for equity. Drawn to KR's longstanding commitment to obtaining justice on behalf of our communities and the intricacy of the firm's litigation work, Zack first joined the firm as a summer associate in 2016, and eventually joined full-time as an associate attorney in 2020.

Zack graduated from University of Washington School of Law in 2017 with High Honors. During law school, he served on the University of Washington Law Review, the Moot Court Honor Board, and at the Children and Youth Advocacy Clinic. He also participated in the Willem C. Vis International Commercial Arbitration Moot competition and received four CALI Excellence for the Future Awards—an award given to the highest scoring student in each law school class. After graduating with his J.D., Zack served as a Judicial Law Clerk for the United States District Court for the Eastern District of Washington.

Outside of work, Zack enjoys reading poetry and spending time with his family and rescue dog, Aspen.

BAR & COURT ADMISSIONS

2018, Washington

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



IRENE M. HECHT

CONTACT INFO

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Seattle, WA 98101

(206) 623-1900

ihecht@kellerrohrback.com

PRACTICE EMPHASIS

- Insurance Litigation

EDUCATION

University of Washington

B.A., *magna cum laude*, 1977,
Speech Communication

University of Washington School of Law

J.D., with honors, 1980

Irene Hecht is an experienced trial lawyer whose practice emphasizes insurance law, particularly in coverage and bad faith litigation. She also has an active appellate practice and has represented insurance companies in trial courts, the Court of Appeals, and before the Washington State Supreme Court. Ms. Hecht has over 38 years of experience in coverage analysis and representation, including both commercial and personal lines, umbrella and excess coverage, and first- and third-party coverage. She has dealt with a wide variety of coverage issues including: advertising injury, personal injury, construction defect, automobile, underinsured motorist, personal injury protection, homeowner's, products-completed operations, E&O, and D&O. Ms. Hecht also actively advises and defends insurers in bad faith litigation, with respect to both first- and third-party matters.

BAR & COURT ADMISSIONS

1980, Washington

1980, U.S. District Court for the Western District of Washington

1990, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Tort and Insurance sections*

Washington Defense Trial Lawyers Association, *Member*

Northwest Insurance Coverage Association, *Member*

International Association of Defense Counsel, *Member*

HONORS & AWARDS

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2001, 2003, 2007, 2010-2021.

PUBLICATIONS & PRESENTATIONS

Speaker, Washington Defense Trial Lawyers Annual Insurance Law Update, Hot Topics in UIM Coverage, 2012.

Speaker, Washington Defense Trial Lawyers Annual Insurance Law Update, Duty to Settle, 2011.

Editor, Washington Bar Association, Washington Motor Vehicle Accident Insurance Deskbook, 2009 Supplement, Chapter 3: Exclusions to Liability Coverage, 2009.

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L A W O F F I C E S ♦ L. L. P.

PUBLICATIONS & PRESENTATIONS (CONT)

National Business Institute, Inc., *Challenges In Washington Insurance Coverage Litigation--Analyzing Insurance Contract Provisions & Bad Faith Litigation*, 2003.

Speaker, Northwest Insurance Coverage Association, *Multiple Claims, Inadequate Limits: What is an Insurer to Do?*, 2002.

Washington State Bar Association – Editor, *Washington Motor Vehicle Accident Insurance Deskbook*, 2d ed., Chapter 3: Liability Insurance: Exclusions, 2001.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington--Automobile Insurance & Rules of Professional Conduct and Conflicts of Interest*, 1998.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington - Automobile Coverage*, 1996.

Speaker, King County Bar Association, *The Liability Insurance Policy - The Duties to Defend, Pay and Settle, Reservations of Rights Situations*, 1996.

Speaker, Seattle King County Bar Association, Special Issues in Defending an Insured, 1993.

Seattle King County Bar Association, *Annual Nuts and Bolts of Insurance Coverage, Part II - Special Issues in Defending an Insured*, 1992.

Speaker, Seattle-King County Bar Association, *How to Read an Insurance Policy*, 1990.

National Business Institute, Inc., *Challenges In Washington Insurance Coverage Litigation--Analyzing Insurance Contract Provisions & Bad Faith Litigation*, 2003.

Speaker, Northwest Insurance Coverage Association, *Multiple Claims, Inadequate Limits: What is an Insurer to Do?*, 2002.

Washington State Bar Association – Editor, *Washington Motor Vehicle Accident Insurance Deskbook*, 2d ed., Chapter 3: Liability Insurance: Exclusions, 2001.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington--Automobile Insurance & Rules of Professional Conduct and Conflicts of Interest*, 1998.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington - Automobile Coverage*, 1996.

Speaker, King County Bar Association, *The Liability Insurance Policy - The Duties to Defend, Pay and Settle, Reservations of Rights Situations*, 1996.

Speaker, Seattle King County Bar Association, *Special Issues in Defending an Insured*, 1993.

Seattle King County Bar Association, *Annual Nuts and Bolts of Insurance Coverage, Part II - Special Issues in Defending an Insured*, 1992.

Speaker, Seattle-King County Bar Association, *How to Read an Insurance Policy*, 1990.



GARRETT HEILMAN

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Seattle, WA 98101
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gheilman@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Employee Benefits and Retirement Security

EDUCATION

**University of Washington
School of Law**

J.D., 2013

University of Puget Sound

B.A., 2009

Garrett Heilman is a proud member of Keller Rohrback L.L.P.'s nationally recognized Complex Litigation Group, where he focuses on cutting-edge cases that hold corporations and other institutions accountable for wrongdoings.

Garrett's interest in corporate accountability began as a law student at the University of Washington School of Law, where he contributed to publications and reports regarding corporate responsibility and human rights and developed training programs for Fortune 500 companies to educate employees on conducting business ethically.

Prior to joining Keller Rohrback, Garrett practiced at a boutique litigation firm and clerked for the Honorable Mary K. Dimke in the U.S. District Court for the Eastern District of Washington and the Honorable George B. Fearing at the Washington State Court of Appeals.

When time permits, Garrett enjoys providing pro bono counsel at the King County Neighborhood Legal Clinic and working to vindicate and/or protect people's First Amendment rights.

BAR & COURT ADMISSIONS

2014, Washington

2015, Illinois

2016, U.S. Court of Appeals for the Ninth Circuit

2016, U.S. District Court for the Western District of Washington

2017, U.S. Court of Appeals for the Third Circuit

2019, U.S. District Court for the Eastern District of Washington

2019, U.S. District Court for the Eastern District of Wisconsin

PROFESSIONAL & CIVIC INVOLVEMENT

Legal Foundation of Washington – Associates Campaign Committee, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

ARTICLES & PRESENTATIONS

Chapter Editor, *Employment Benefits Law – 2019 Cumulative Supplement* (Bloomberg BNA), 2019-present

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021



DEAN KAWAMOTO

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
dkawamoto@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Environmental Litigation
- Financial Products & Services
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities

EDUCATION

University of California at Berkeley

B.A., History and Biology, *High Distinction*, 1998

Yale Law School

J.D., 2003

University of Cambridge (UK)

LL.M., International Law, *First Class Honors*, 2007

Dean Kawamoto understands complex cases. Many of Dean's cases involve complicated financial transactions, sophisticated institutional and government clients, large-scale discovery, extensive expert analysis, and massive damages. Dean's litigation experience is broad, and includes litigation involving public health, systemic corporate fraud, financial services and securities transactions, consumer protection, product liability, environmental remediation, and professional liability.

As a partner in the firm's Complex Litigation Group, Dean has played an important role in many of Keller Rohrback's largest cases. In the Opiate MDL, Dean has played a lead role in developing the case against Mallinckrodt and has also worked closely with the experts in the case. Dean was part of the Keller Rohrback team that successfully sued Volkswagen, Audi, and Porsche for engaging in a massive fraud to cheat emission standards by using "defeat devices." Dean is currently part of the litigation team representing several of the Federal Home Loan Banks in litigation against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion. He was also part of the trial team that successfully objected on behalf of the firm's clients to the \$8.5 billion settlement between Bank of New York Mellon and Bank of America over Countrywide's massive mortgage liabilities, the only objection that was sustained by the trial court. Most recently, Dean was appointed by the Honorable Judge William Orrick as co-lead counsel for *In re JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, the multidistrict litigation against JUUL Labs, Inc. and other defendants for actions relating to the vaping epidemic among minors.

Dean also has an extensive background in environmental law. He has performed climate change research in the Arctic Tundra. He has worked for the United States Senate Committee on Environment and Public Works, where he was in charge of issues relating to water pollution and the Clean Water Act. During law school, he was a research assistant and teaching assistant to Professor Daniel Esty, the former Commissioner of the Connecticut Department of Energy and Environmental Protection. Dean also served as an adjunct instructor in environmental law and policy for the University of Southern California.

Dean served as a clerk for the Honorable Wm. Matthew Byrne, U.S. District Judge for the Central District of California and was previously a Professional Staff Member on the U.S. Senate Committee on Environment and Public Works and a Legislative Aide to Senator Lincoln D. Chafee of Rhode Island.

BAR & COURT ADMISSIONS

2004, California

2004, U.S. District Court for the Central District of California

2009, District of Columbia

2011, Washington

2015, U.S. District Court for the Northern District of California

2015, U.S. District Court for the Eastern District of California

2015, U.S. District Court for the Western District of Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

State Bar of California, *Member*

District of Columbia Bar, *Member*

American Bar Association, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2015

Recipient of the Clifford Chance C.J. Hamson Prize for thesis on class actions

John Gardner Public Service Fellow

Recipient of the Departmental Citation for Integrative Biology (awarded to the top graduate in the major)



RON KILGARD

CONTACT INFO

3101 N Central Avenue, Ste. 1400

Phoenix, AZ 85012

(602) 248-0088

rkilgard@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Antitrust & Trade Regulation
- Class Action
- Constitutional Law
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

EDUCATION

Harvard College B.A., 1973,
History

Harvard Divinity School M.T.S.,
1975, Old Testament

**Arizona State University College
of Law** J.D., 1979, Editor-in
Chief, *Arizona State Law Journal*,
Armstrong Award (outstanding
graduate)

Ron Kilgard is a 40-year civil litigation lawyer. Over a long career, he has handled all manner of civil cases, from routine automobile accidents and two-party contract disputes of no interest to anyone but the parties, to multi-million dollar class actions covered in *The New York Times* and *The Wall Street Journal*. For the last 20 years, Ron has mostly litigated pension plan class actions. Ron helped Keller Rohrback pioneer company stock ERISA litigation in the late 1990s and early 2000s; he was part of the team that obtained settlements of over \$265 million in the Enron 401(k) litigation. In 2017, after six years of litigation, Ron prevailed in an action challenging as unconstitutional the cutbacks to the pensions of Arizona state court judges. That same year, Ron began representing pro bono, and is still representing, a client fleeing gang-related violence in El Salvador.

Ron is a Phoenix native. He clerked for the Hon. Mary M. Schroeder, U. S. Court of Appeals for the Ninth Circuit, in 1979-80 and has practiced in Phoenix ever since. He was one of the lawyers who formed the Phoenix office of Keller Rohrback L.L.P. in November 2002.

HONORS & AWARDS

Best Lawyers in America, ERISA Practice, 2013-2022

Florence Immigrant & Refugee Rights Project, 2018 Pro Bono Attorney of the Year (adult cases)

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member*

District of Columbia Bar, *Member*

New York State Bar Association, *Member*

National Immigrant Justice Center, *Pro Bono Counsel*

Florence Immigrant & Refugee Rights Project, *Pro Bono Counsel*

BAR & COURT ADMISSIONS

1979, Arizona Supreme Court
1979, U.S. District Court for the District of Arizona
1982, U.S. Court of Appeals for the Ninth Circuit
1995, U.S. Supreme Court
2005, U.S. Court of Appeals for the Second Circuit
2005, U.S. Court of Appeals for the Fifth Circuit
2007, U.S. District Court for the Eastern District of Michigan
2009, District of Columbia Court of Appeals
2010, U.S. Court of Appeals for the Fourth Circuit
2010, U.S. District Court for the District of North Dakota
2011, New York Supreme Court, Appellate Division
2012, U.S. District Court for the Southern District of New York
2013, U.S. District Court for the District of Colorado
2013, U.S. Court of Appeals for the Eighth Circuit
2014, U.S. Court of Appeals for the Sixth Circuit
2014, U.S. Court of Appeals for the Third Circuit
2015, U.S. Court of Appeals for the Seventh Circuit
2015, U.S. Court of Appeals for the Tenth Circuit
2016, U.S. District Court for the Southern District of Illinois
2016, U.S. District Court for the Western District of Oklahoma
2016, U.S. District Court for the Eastern District of Missouri
2016, U.S. District Court of the Central District of Illinois
2016, U.S. District Court of the Northern District of Indiana
2017, Executive Office for Immigration Review
2019, U.S. District Court for the Northern District of New York

PUBLICATIONS & PRESENTATIONS

Speaker, ABA Seminar, After Enron, 2006
Speaker, Chicago Bar Association, Company Stock Litigation, 2006
Speaker, West LegalWorks ERISA Litigation Conference, 2007
Speaker, National Center for Employee Ownership, *Fiduciary Implications of Company Stock Lawsuits*, 2012 and 2013
Speaker, American Conference Institute, *New Developments in Church Plan Litigation*, 2015-2017



DAVID KO

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1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
dko@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Financial Products and Services
- Governments & Municipalities
- Institutional Investors
- Securities

David is a partner in the firm's nationally recognized Complex Litigation Group where he litigates cases on behalf of plaintiffs in federal and state courts across the country in a wide variety of cases involving corporate wrongdoing. He has helped his clients—including government entities, retirement plans, institutional investors, and consumers—obtain multimillion-dollar recoveries against some of the largest corporations in the country. He has significant trial experience, having tried month-long trials in both federal and state court.

David is currently at the center of the firm's largest and most high-profile cases. He represents hundreds of government entities all over the country in *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio)—seeking to hold manufacturers, distributors, and dispensers responsible for creating and fueling the opioid epidemic—and *In re: JUUL Labs, Inc. Marketing, Sales Practices, & Products Liability Litigation*, MDL 2913 (N.D. Cal.), seeking to hold JUUL and Altria responsible for creating and fueling the youth vaping epidemic. He is also one of the lead attorneys in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, MDL 2843 (N.D. Cal.), a class action on behalf of all Facebook U.S. users alleging Facebook discloses user information and data without consent.

Prior to joining the firm, David clerked for the Honorable Ricardo S. Martinez, Chief U.S. District Judge in the Western District of Washington. He is past President of the Korean American Bar Association of Washington, and a Fellow of the Washington Leadership Institute. While born in Seoul and extremely proud of his Korean heritage, David has spent most of his life in Seattle, where he currently lives with his wife and two young daughters and is an avid supporter of all Seattle sports.

EDUCATION

University of Washington

B.A., 2002, History and Political Science

Seattle University School of Law

J.D., *cum laude*, 2006; National Order of Barristers

University of Washington School of Law

LL.M., 2007 Taxation

BAR & COURT ADMISSIONS

2006, Washington

2010, U.S. District Court for the Western District of Washington

2010, U.S. District Court for North Dakota

2011, U.S. Court of Appeals for the Ninth Circuit

2016, U.S. District Court for the Eastern District of Michigan

2018, U.S. Court of Appeals for the Second Circuit

2018, U.S. District Court for the Eastern District of Washington

2019, U.S. District Court for Colorado

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Korean American Bar Association, *Board Member*

Asian American Bar Association, *Member*

National Center for Employee Ownership, *Member*

PUBLICATIONS & PRESENTATIONS

Speaker, Human Right to Health: Pathways and Responses, Opioid Abuse and Litigation: Legal and Policy Responses (Seattle, WA, November 2019)

Speaker, Washington State Society of Healthcare Attorneys Annual Conference, *Opioid Litigation on Behalf of Local Governments* (Seattle, WA, April 2018)

Speaker, Mass Torts Made Perfect, *National Costs of Opioid Crisis* (Las Vegas, NV, April 2018)

Speaker, National Center for Employee Ownership Annual Conference, *Fundamentals of the Repurchase Obligation* (Denver, CO, March 2017)

Speaker, National Business Institute, *Legal Ethics: Top Attorney-Client Mistakes* (Seattle, WA, December 2016)

Speaker, National Business Institute, *Title Law: Ethics* (Seattle, WA, April 2016)

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2019-2020

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



CARI CAMPEN LAUFENBERG

CONTACT INFO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

(206) 623-1900

claufenberg@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

EDUCATION

University of California, San Diego

B.A., 1993, Art History

University of Washington

M.A., 1998, Public Administration

University of Washington School of Law

J.D., 2003

As a partner in Keller Rohrback's nationally recognized Complex Litigation Group, Cari Laufenberg maintains a national practice representing consumers, employees, and institutions in complex consumer and employee class actions involving corporate fraud, privacy and data breach issues, breach of fiduciary duty, and the Employee Retirement Income Security Act ("ERISA"). Since joining Keller Rohrback, she has played a key role in obtaining multi-million dollar recoveries for consumers, employees, and shareholders in many of the firm's largest and most complex cases, including cases involving Anthem Inc., Sony Pictures Entertainment Inc., Marsh McLennan Companies, Goodyear Tire & Rubber Co., and HealthSouth Corporation.

Cari has been appointed to numerous leadership positions in federal courts across the country and serves as Co-Lead Counsel for over 2 million data breach victims in *In Re: 21st Century Oncology Customer Data Security Breach Litigation* in the Middle District of Florida. She also serves as an appointed member of several leadership committees including: *In Re: Experian Data Breach Litigation* in the Central District of California, *In Re: VTech Data Breach Litigation*, and *In Re: 100% Grated Parmesan Cheese Marketing and Sales Practices Litigation*, both in the Northern District of Illinois, Eastern Division.

Over the past 15 years, Cari's background in nonprofit management and public administration has served her clients well. She is adept at organizing large complex cases, working collaboratively with other counsel, and developing a cogent strategy which achieves short-term goals and long-term successes. Before joining Keller Rohrback in 2003, Cari served as a judicial extern for Judge Barbara Jacobs Rothstein of the U.S. District Court for the Western District of Washington. She is a frequent speaker at national conferences on class actions, identity theft and privacy, and other complex litigation topics.

BAR & COURT ADMISSIONS

2003, Washington

2004, U.S. District Court for the Western District of Washington

2006, U.S. District Court for the Eastern District of Michigan

2006, U.S. Court of Appeals for the Eleventh Circuit

2011, U.S. Court of Appeals for the Seventh Circuit

2011, U.S. Court of Appeals for the Ninth Circuit

2013, U.S. Court of Appeals for the Eighth Circuit

HONORS & AWARDS

Best Lawyers in America, ERISA Practice, 2022

Selected to Rising Stars list in *Super Lawyers – Washington*, 2008-2009, 2011

AV®, Peer Review Top-Rated by Martindale-Hubbell

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

King County Washington Women Lawyers, *Member*;
Member of the Board of Directors (2003-2005)

Washington Women Lawyers, *Member*

The William L. Dwyer American Inn of Court, *Founding Student Member* (2002-2003)

Federal Bar Association, *Member*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Northwest Immigrant Rights Project, *Volunteer Attorney*

National Association for Public Pension Attorneys, *Member*

PUBLICATIONS & PRESENTATIONS

Presenter, Capital One Data Breach Litigation, HarrisMartin's MDL Conference, Beverly Hills, CA, September 2019.

Presenter, Consumer Recovery of Damages for Security Breaches or Misuse of Consumer Information, Law Seminars International Artificial Intelligence & Privacy Conference, Seattle, WA, August 2019.

Presenter, Data Breach & Privacy Class Action Litigation, Law Seminars International Class Action Litigation Conference, Seattle, WA, May 2019.

Presenter, Facebook Breach – Is Anyone's Data Safe, HarrisMartin MDL Conference, Chicago, IL, May 2018.

Class Action Lawsuits and Settlements: Uncovering the Things You Need to Know, The Knowledge Group Online CLE, November 2018.

Presenter, Intel: The OEM Cases, HarrisMartin MDL Conference, Miami, FL, March 2018.

Presenter, *Legal Claims: Equifax and Other Data Breach Cases*, HarrisMartin's Equifax Data Breach Litigation Conference, Atlanta, GA, November 2017.

Tana Lin, Cari Laufenberg and Lisa A. Nowlin, Brief for Amicus Curiae in Support of Respondent, *Coffey v. Public Hosp. Dist. No. 1, Skagit Cty. Wash. d/b/a Skagit Regional Health, et al.*, No. 75769-5) (Wash. Ct. App. Apr. 5, 2017).

Panelist, *Recent Settlements & Litigation Trends*, HB Litigation Conferences, Data Breach Litigation and Investigation Forum 2017, San Francisco, CA, January 2017.

Presenter, *Don't Be Spokeo'd: What You Need to Know in Litigating Data Breach Cases*, American Bar Association, Business Law Section Annual Meeting, Boston, MA, September 2016.

Panelist, *The Client's Perspective: ADR Users Share Insights Regarding What Mediators Do To Make the Process Succeed or Fail*, American Bar Association, 18th Annual Section of Dispute Resolution Spring Conference, New York, NY, April 2016.

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



JEFFREY LEWIS

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180 Grand Avenue, Suite 1380

Oakland, CA 94612

(510) 463-3900

jlewis@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Employee Benefits and Retirement Security
- Complex Litigation
- Employment Litigation
- Private Judge, Mediator, Special Master

EDUCATION

Yale University

B.A., 1970

University of California at Berkeley School of Law

Order of the Coif – J.D., 1975

Jeffrey Lewis has specialized in ERISA and employee benefits law since 1975. He currently serves as a representative of the general public on the ERISA Advisory Council to the Secretary of Labor. He has successfully litigated individual, group, and class action claims on behalf of hundreds of thousands of employees, retirees, and the disabled. He was a founding partner of Lewis, Feinberg, Lee & Jackson, one of the first firms in the nation to specialize in ERISA litigation on behalf of plaintiffs. Among his major successes was serving as one of appointed counsel for employees of WorldCom, Inc. in a class action which resulted in a settlement that paid more than \$47 million to participants in WorldCom's 401(k) plan. He recently recovered over \$40 million for retirees after a lengthy trial in which he served as lead counsel. Mr. Lewis serves as a mediator for the U.S. District Court, the Northern District of California, and in private practice, and has served as an arbitrator and expert witness in ERISA cases. He has also advised employee groups and benefit plan fiduciaries, is a fiduciary of two large employee benefit plans, and has served as an independent fiduciary of employee benefit plans.

In addition to his litigation and advisory activities throughout the U.S., Mr. Lewis has testified before Congressional committees regarding pension issues and served as one of the Co-Chairs of the Senior Board of Editors of the Employee Benefits Law treatise. He has also taught employee benefits law at the University of California at Berkeley School of Law, as well as pension law courses at several other law schools.

BAR & COURT ADMISSIONS

1975, California

1976, U.S. District Court for the Northern District of California

1981, U.S. Court of Appeals for the Ninth Circuit

1985, U.S. District Court for the Eastern District of California

1991, U.S. District Court for the Southern District of California

1993, U.S. District Court for the Central District of California

1995, Supreme Court of the United States

1999, U.S. Court of Appeals for the Tenth Circuit

2001, U.S. Court of Appeals for the 2nd Circuit

2001, U.S. Court of Appeals for the Third Circuit

2004, U.S. Court of Appeals for the Fourth Circuit

2005, U.S. Court of Appeals for the Fifth Circuit

2007, U.S. Court of Appeals for the Seventh Circuit

2015, U.S. District Court for the District of Colorado

2018, U.S. Court of Appeals for the Second Circuit

PUBLICATIONS & PRESENTATIONS

Co-Chair of the Board of Senior Editors of Lewis, et al.,
Employee Benefits Law (3d and 4th eds. Bloomberg BNA)

Board of Senior Editors, *Employee Benefits Law* (2d ed. BNA)

Former editor of the Discrimination Claims Under ERISA
chapter of *Employee Rights Litigation: Pleading and
Practice* (Matthew Bender, 1991)

Frequent speaker on ERISA topics such as preemption,
fiduciary duty, and benefit claims at seminars sponsored
by the American Bar Association, the Bureau of National
Affairs, the National Employment Lawyers Association
(NELA), and other organizations.

PROFESSIONAL & CIVIC INVOLVEMENT

Member, ERISA Advisory Council to U.S. Secretary of Labor

Elected as a charter fellow of the College of Employee
Benefits Counsel; former member of Board of Governors

American Bar Association, Member, Labor & Employment
Section, Former Plaintiff Co-Chair of the Employee Benefits
Committee

AC Transit Retirement Board, Chair, Board of Trustees

Goodyear Retiree Health Care Trust, Member of the Plan
Committee

HONORS & AWARDS

Selected to Super Lawyers List, *Super Lawyers - Northern
California*, 2005-2021

Selected to Top 100 Lawyers List in *Super Lawyers -
Northern California*, 2010-2016

Top Attorney for ERISA Plaintiffs in the San Francisco Bar
Area, *The Recorder*

Forty Top Benefits Attorneys, *The National Law Journal*,
1998



DEREK LOESER

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PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Financial Products & Services
- Governments and Municipalities
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities Fraud
- Whistleblower

Derek is a senior partner in Keller Rohrback's nationally recognized Complex Litigation Group and a member of the firm's Executive Committee.

Derek's passion for holding large corporations accountable for wrongdoing has helped recover billions of dollars for consumers, retirees, governments and institutions. He has served in leadership roles in major complex cases across the country. Currently, he is co-lead counsel in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, the MDL litigation against Facebook stemming from the Facebook Cambridge Analytica scandal.

Derek also serves as lead counsel for the Wells Fargo unauthorized account consumer class action. In this case, Derek and the Keller Rohrback team achieved a \$142 million settlement requiring the bank to refund all improper fees and provide first-of-its kind credit damage reimbursement, among other relief, to Wells Fargo customers.

In addition to his class action work, Derek helps manage the Keller Rohrback team representing state and local government entities in a number of matters involving significant public health crises. For example, Derek leads the Keller Rohrback team litigating government cases against opioid manufacturers and distributors in *In re National Prescription Opiate Litigation*. In the Opioid MDL, Derek serves on the Expert and Law & Briefing Committees, and directs the litigation against a major generic opioid manufacturer. He also represents school districts and counties in litigation against the e-cigarette company, JUUL, for targeting and addicting youth. These cases are quintessential examples of the type of litigation Derek and the Keller Rohrback team fervently pursue: corporate fraud and malfeasance causing serious harm to the public.

Some of Derek's other notable cases include mortgage-backed securities cases on behalf of the Federal Home Loan Banks of Chicago, Indianapolis and Boston; ERISA class cases on behalf of employees whose retirement savings were decimated by corporate fraud and abuse on the part of Enron, WorldCom, Countrywide, and Washington Mutual, among others. He has also litigated fraud, RICO, and antitrust cases against drug manufacturers, pharmacy benefit managers, and insurance companies for conspiring to drive up the cost of life-saving medications such as insulin.

Many of Derek's cases have required coordinating with state and federal agencies involved in litigation that parallels cases pursued by Keller Rohrback, including state attorneys general, the Department of Justice, and the Department of Labor. In addition, Derek has extensive experience negotiating complex, multi-party settlements, and coordinating with the many parties and counsel necessary to accomplish this. He is also frequently asked to speak at national conferences about class actions, public health litigation, ERISA, and

KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.

other complex litigation topics.

Before joining Keller Rohrback, Derek served as a law clerk for the Honorable Michael R. Hogan, U.S. District Court for the District of Oregon. He was also employed as a trial attorney in the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

EDUCATION

Middlebury College

B.A., *summa cum laude*, 1989, American Literature (highest department honors), Stolley-Ryan American Literature Prize, Phi Beta Kappa

University of Washington School of Law

J.D., *with honors*, 1994

HONORS & AWARDS

Listed as Lawdragon 500 Leading Lawyers in America 2018 and 2022

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2007-2012, 2014-2021

AV®, Peer Review Top-Rated by Martindale-Hubbell

Recipient of the 2010 Burton Award for Legal Achievement for the article, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty, Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009)

Selected to Rising Stars list in *Super Lawyers - Washington*, 2005-2007

U.S. Department of Justice Award for Public Service, 1996

U.S. Department of Justice Achievement Award, 1996

U.S. Department of Justice Honors Program Hire, 1994

BAR & COURT ADMISSIONS

1994, Washington

1998, U.S. District Court for the Western District of Washington

1998, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

2002, U.S. District Court for the Eastern District of Michigan

2004, U.S. District Court for the Northern District of Illinois

2006, U.S. Court of Appeals for the Eleventh Circuit

2009, U.S. Court of Appeals for the Eighth Circuit

2010, United States Supreme Court

2010, U.S. Court of Appeals for the Fourth Circuit

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the First Circuit

2017, New York

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*; *Employment Benefits Committee Member*

National Employment Lawyers Association, *Member*

American Civil Liberties Union of Washington, *Cooperating counsel*

PUBLICATIONS & PRESENTATIONS

Panelist, Law Seminars International - Health Care Class Actions: The Role of Class Actions as a Path to Recovery of Damages Related to the Opioid Crisis - *Class certification issues for human health impacts vs. financial impacts on government entities*, November, 2020.

Panelist, HarrisMartin's MDL Conference: JUUL and Capital One Data Breach Litigation – JUUL, E-Cigarettes & Vaping Litigation – An Overview of JUUL Legal Landscape: Case Filings, Judicial Rulings and MDL Submissions, Beverly Hills, CA, September, 2019.

Panelist, HarrisMartin's MDL Conference: Opioid, Equifax & Talcum Powder – *Opioid Litigation Landscape: Venues, Jurisdictional Hurdles, Defenses and Cause of Action*, St. Louis, MO, November, 2017.

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PUBLICATIONS & PRESENTATIONS (CONT)

Panelist, HarrisMartin's National Opioid Litigation Conference - *Current Landscape of Opioid Litigation*, Chicago, IL, October, 2017.

Speaker, *Trends in Auto Defect Litigation*, Seattle, WA, May, 2017.

Panelist, Law Seminars International - VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions, May, 2016.

Speaker, *Class Action & Data Breach Litigation*, Santa Barbara, CA, March, 2016.

Speaker, *Fiduciary Challenges in a Low Return Environment*, Seattle, WA, December, 2014.

Speaker, *Post-Certification Motion Practice in Class Actions*, Seattle, WA, June, 2014.

Speaker, *Investment Litigation: Fees & Investments in Defined Contribution Plans*, ERISA Litigation, Washington, D.C., 2012.

Speaker, *Post-Certification: Motion Issues in Class Actions*, Litigating Class Actions, Seattle, WA, 2012.

Derek W. Loeser, Erin M. Riley & Benjamin B. Gould, 2010 *ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser & Erin M. Riley, *The Case Against the Presumption of Prudence*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Sept. 10, 2010).

Speaker, ABA Mid-Winter Meeting, San Antonio, TX, 2010.

Speaker, 22nd Annual ERISA Litigation Conference - New York, NY, Nov. 2009.

Speaker, 22nd Annual ERISA Litigation Conference - Las Vegas, NV, Oct. 2009.

Derek W. Loeser & Benjamin B. Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).

Derek W. Loeser & Benjamin B. Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser, *The Legal, Ethical, and Practical Implications of Noncompetition Clauses: What Physicians Should Know Before They Sign*, J.L. Med. & Ethics, Vol. 31:2 (2003).

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



RYAN MCDEVITT

CONTACT INFO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

(206) 623-1900

rmcdevitt@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Action & Consumer Litigation
- Consumer & Data Privacy Protection
- Financial Products & Services
- Intellectual Property
- Securities

EDUCATION

Claremont McKenna College

B.A., 2007, Government and Leadership Sequence, Departmental Honors in Government

Columbia Law School

J.D., 2010, Harlan Fiske Stone Honors Scholar

Ryan protects consumers, competitors, investors, and innovators. As a partner in Keller Rohrback's nationally recognized Complex Litigation Group, he focuses on ensuring fairness in the marketplace.

In recent years Ryan has played a significant role in achieving and administering landmark settlements on behalf of drivers of Volkswagen, Audi, Porsche, Ram, and Jeep vehicles in the Volkswagen "Clean Diesel" and Fiat Chrysler "EcoDiesel" multidistrict litigations. Ryan currently serves on the court-appointed Executive Committee in litigation concerning defective transmissions in Nissan and Infiniti vehicles, and is a key member of the Keller Rohrback team appointed co-lead counsel in litigation concerning a serious safety defect in Chevrolet Bolt EV batteries. He also works alongside partner Gretchen Freeman Cappio in her capacity as a member of the Plaintiffs' Steering Committees in significant matters involving allegedly defective airbag control units in 12.3 million vehicles from six major automakers and allegedly defective transmissions in numerous Chevrolet, Cadillac, and GMC vehicles, and as Settlement Counsel in a case concerning alleged engine defects in numerous Hyundai and Kia models.

In addition to these and numerous other automotive fraud and defect cases involving major automakers and auto parts suppliers, Ryan has litigated consumer protection and antitrust claims, financial and securities fraud, intellectual property infringement, and federal labor law violations in federal and state courts nationwide. For example, he has represented the Federal Home Loan Banks of Boston, Chicago, and Indianapolis in litigation against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion; classes of mortgage borrowers treated unfairly by mortgage servicers and banks; and the Navajo Nation in protecting its rights to the NAVAJO trademark.

Before joining the firm, Ryan served as a law clerk in the Antitrust Division of the Washington State Attorney General, where he worked on multistate investigations of international price-fixing conspiracies. In law school, he was a research assistant to June Besek, chair of the American Bar Association's Copyright Task Force.

BAR & COURT ADMISSIONS

2010, Washington

2011, U.S. District Court for the Western District of Washington

2012, U.S. Court of Appeals for the Ninth Circuit

2019, US District Court for the Eastern District of Michigan

2019, US District Court for the Eastern District of Washington

2020, Michigan

2021, US Court of Appeals for the Seventh Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

American Bar Association, *Member*

Seattle Academy of Arts & Sciences, past *Alumni Board President, Trustee Ex Officio, and Strategic Planning Committee Member.*

ARTICLES & PRESENTATIONS

Panelist, HarrisMartin's MDL Conference: HIV Drugs, Valsartan, 3M Earplugs and Litigation in a Post-Fosamax World Agenda - *Automotive MDLs - Preview of Tomorrow's Arguments*, Portland, OR, July 2019.

(Quoted) Mike Curley, *Buyers Gaining Ground in 'Right To Repair' Fight*, Law360 (April 8, 2022) <https://www.law360.com/foodbeverage/articles/1482374/buyers-gaining-ground-in-right-to-repair-fight>

(Quoted) Emily Field, *Product Liability Group Of The Year: Keller Rohrbach*, Law360 (February 16, 2022) <https://www.law360.com/articles/1451452/product-liability-group-of-the-year-keller-rohrbach>

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

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LAW OFFICES ♦ L. L. P.



DANIEL MENSHER

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dmensher@kellerrohrback.com

PRACTICE EMPHASIS

- Consumer Protection
- Environmental Litigation
- Financial Products and Services
- Government and Municipalities
- Mass Personal Injury

EDUCATION

Wesleyan University

B.A., 1998, History

University of Wisconsin

M.S., 2002, Geography

Lewis & Clark Law School

J.D., *cum laude*, 2007,
Environmental Law Certificate;
Cornelius Honors Society; Articles
Editor, *Environmental Law Review*

Daniel Mensher translates thorough preparation into courtroom success.

Dan practices in Keller Rohrback's nationally-recognized Complex Litigation Group with a focus on environmental cases and representing government entities in important litigation. He collaborates with his colleagues and clients to identify problems and craft creative, long-lasting solutions.

Dan has litigated important environmental and consumer cases across the country in federal and state court. He presently represents the States of Oregon, Delaware, and Maryland, as well as the City of Seattle in their cases against Monsanto seeking to hold the corporate giant responsible for natural resource damages related to its sale and marketing of PCBs. He is also part of the Keller Rohrback team representing more than 70 counties, cities, and tribes in the fight to hold drug manufacturers and other entities accountable for the opioid crisis.

Before joining the firm, Dan was an environmental law professor at Lewis & Clark Law School in Portland, Oregon, where he also litigated cases involving toxic waste, water pollution, and natural resource management. He has sat on governmental advisory boards and helped to draft key environmental regulations in place today. Dan uses his passion and experience to protect our environment and the people and communities that rely on clean air, water, and products.

BAR & COURT ADMISSIONS

2007, Oregon

2008, U.S. Court of Appeals for the Ninth Circuit

2008, U.S. District Court for the District of Oregon

2010, U.S. Court of Appeals for the District of Columbia

2011, U.S. District Court for the District of Wisconsin

2014, U.S. District Court for the Eastern District of Washington

2014, Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Oregon State Bar Association, *Member*

Washington State Bar Association, *Member*

Toxic Free Future, *Board Member*

Northwest Environmental Defense Center, *Board Member*, 2009-2014

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L A W O F F I C E S ♦ L . L . P .

PUBLICATIONS & PRESENTATIONS

Panelist, "Accountability for Climate Change Harms in the Pacific Northwest: Scientific, Policy and Legal Perspectives," Lewis & Clark Law School's Green Energy Institute, the Center for Climate Integrity, and Breach Collective, March 18, 2021

Speaker, Alliance of California Judges Symposium on the Economics of Consumer Protection, "Federalism and the Preemption of State Public Nuisance Actions," November 2019

Speaker, Bridgeport Environmental Class Action Webinar, March 2016

Speaker, Harris Martin Porter Ranch Gas Leak Litigation Conference, "Testing of the Air Quality and Expert Witnesses for the Cases," 19 January 2016

Daniel P. Mensher, *With Friends Like These...: The Trouble With Auer Deference*, 43 *Envtl. Law Rev.* 4 (2013)

Speaker, Oregon Water Law Conference, November 7, 2013 (Addressing Issues in Water Quality Trading)

Speaker, Northwest Environmental Conference and Tradeshow, December 11, 2013 (The Precautionary Principle in Environmental Law)

Speaker, RainOps Conference, 2013, Spokane, WA, Longview, WA (Clean Water Act Stormwater Regulation)

Presenter, Oregon State Bar Environmental and Natural Resources Committee annual Continuing Legal Education Program, 2013 (Salmon Issues in Oregon and the Pacific Northwest)

Speaker, Oregon State Bar CLE, Debate Regarding *Decker v. NEDC*, 2012.

Daniel P. Mensher, *Common Law On Ice: Using Federal Nuisance Law to Address Global Warming*, 37 *Envtl. Law Rev.* 2 (2007)

Chris Rycewicz and Dan Mensher, *Growing State Authority Under the Clean Water Act*, 22 *Nat. Resources & Env't* 2 (2007)

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



NATHAN NANFELT

CONTACT INFO

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Seattle, WA 98101
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nnanfelt@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Employment Litigation
- Insurance, Bad Faith & Policyholder Rights
- Personal Injury, Wrongful Death, Securities & Catastrophic Property Loss

EDUCATION

Seattle University School of Law

J.D. 2012

Wheaton College

B.A., *cum laude*, 2007

BAR & COURT ADMISSIONS

2012, Washington

Nathan Nanfelt has the heart of an advocate. He's committed to fighting for justice, fairness, and human rights. As an attorney in Keller Rohrback's Plaintiff's Tort Litigation Group, Nathan represents classes, individuals, and businesses harmed by others.

Nathan sharpened his litigation skills trying cases for the King County Prosecuting Attorney's Office. With his extensive trial and courtroom experience, Nathan knows when it's time to fight—but he also has the discernment to know when compromise benefits his clients.

A 2012 graduate of Seattle University School of Law, Nathan co-wrote constitutional and human rights educational materials for youth in Zambia, with a focus on gender-based violence and police brutality. Nathan's work was inspired by six months he spent in Zambia in college. A professor and mentor noticed Nathan's "advocate's heart" and encouraged him to pursue a career in law.

Prior to joining Keller Rohrback, Nathan served as a judicial law clerk in the U.S. District Court, Western District of Washington. He also served as a certified law clerk for the Los Angeles County District Attorney's Office's Victim Impact Program. Before that, he worked as a paralegal at a large firm in Chicago.

PROFESSIONAL & CIVIC INVOLVEMENT

Youth and Law Forum, *Board Member*

William L. Dwyer Inn of Court, *Member*

Washington State Association for Justice, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

KCBA Young Lawyer Division, *Board Trustee* (2013-2016)

HONORS & AWARDS

Received three CALI awards and the Witkin Award for Academic Excellence in Dispute Resolution.

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

PRESENTATIONS & PUBLICATIONS

"Gender Equity in the Legal Profession," CLE co-presentation to the William Dwyer Inn of Court (2018).



GRETCHEN OBRIST

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gobrist@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Whistleblower

EDUCATION

University of Nebraska - Lincoln

B.S. with distinction, 1999,
Women's Studies, UNL Honors
Program

University of Nebraska - Lincoln, College of Law

J.D., with high distinction, 2005,
Order of the Coif, Editor-in-Chief,
Nebraska Law Review, 2004-2005

Gretchen Obrist provides her clients with a clear voice in complex cases.

Gretchen is a partner in Keller Rohrback's nationally recognized Complex Litigation Group whose work as a dedicated advocate dates back two decades to her role at a nonprofit organization focused on impact litigation.

With her work as a law clerk and as a litigator, Gretchen has significant experience with a broad range of federal cases at all stages. Her nationwide practice focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach and prohibited transaction cases. Gretchen's work has helped curtail excessive and conflict-ridden fees in the multi-trillion dollar retirement savings industry and provide recourse to retirement plan participants and beneficiaries who have faced pension reductions, misrepresentations, and other unfair practices related to their retirement plan benefits. Gretchen's ERISA experience includes a successful appeal to the Eighth Circuit in *Braden v. Walmart Stores, Inc.* reversing dismissal of the lead plaintiff's excessive fee case, significant contributions to cases challenging cash balance pension plan conversions by Washington Mutual and JPMorgan, and representation of the employees who lost nearly all of their ESOP savings with the collapse of Bear Stearns.

More recently, Gretchen has been instrumental in the firm's litigation against pharmacy benefit managers ("PBMs"), drug manufacturers, and other entities whose business practices have driven up the cost of prescription drugs for ERISA welfare plan participants, as well as Medicare plan and ACA/individual plan members, and the uninsured. In 2018, Gretchen was appointed by the Court as Plaintiffs' Interim Lead Class Counsel in the *In Re EpiPen ERISA Litigation*, No. 17-cv-01884-PAM-HB (D. Minn.), a case alleging that the PBMs are fiduciaries under ERISA who breached their duties to the putative class of participants who paid inflated prices for EpiPens.

Gretchen's breadth of practice extends to consumer protection and financial fraud claims, civil rights issues, and qui tam relator representation. She has played a key role in class action and multi-district cases arising out of the collapse of the mortgage securities industry and the residential mortgage modification and foreclosure crisis, including several ERISA actions and a consumer MDL against JPMorgan Chase.

Prior to joining Keller Rohrback, Gretchen served as a law clerk to the Honorable John C. Coughenour, U.S. District Judge for the Western District of Washington. Before obtaining her law degree, she worked at a public defender's office, the Nebraska Domestic Violence Sexual Assault Coalition, and the Nebraska Appleseed Center for Law in the Public Interest—where she was profiled for Nebraska Appleseed's 20th Anniversary celebration as an innovator in the organization's earliest days.

Gretchen has served as a Plaintiff Co-Chair of the ABA Employee Benefits

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Committee's Fiduciary Responsibility Subcommittee and a Chapter Editor for *Employee Benefits Law* (Jeffrey Lewis et al. eds., 3d ed. BNA 2012; Ivelisse Berio LeBeau, 4th ed. BNA 2017). She frequently speaks at conferences and CLEs, is quoted in pension-related publications, and has published a number of articles related to her practice areas.

BAR & COURT ADMISSIONS

2005, Washington

2007, U.S. District Court for the Western District of Washington

2008, U.S. District Court for the Eastern District of Michigan

2008, U.S. Court of Appeals for the Eighth Circuit

2010, U.S. Court of Appeals for the Ninth Circuit

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Second Circuit

2011, U.S. Court of Appeals for the Sixth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*, Litigation/Labor and Employment Sections

HONORS & AWARDS

Recipient of the 2004 Robert G. Simmons Law Practice Award (first place)

Theodore C. Sorensen Fellow, 2004-2005

Selected to Rising Stars list in *Super Lawyers - Washington*, 2010

PUBLICATIONS & PRESENTATIONS

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Nashville, TN, 2019 (Top Ten Employee Benefits Topics of 2018).

Speaker, ABA Joint Committee on Employee Benefits CLE Webinar, October 18, 2018 (Prescription Drug Program Trends and Litigation).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee - Mid-Winter Meeting, Clearwater Beach, FL, 2018 (Prescription Drug Program Trends and Litigation).

Speaker, ABA Joint Committee on Employee Benefits - National Institute on ERISA Litigation, Chicago, IL, 2017 (Fiduciary Litigation Update: Anatomy of a Deposition).

Speaker, Western Pension & Benefits Council - Spring Seminar, Seattle, WA, 2017 (Litigation Issues in Health and Retirement Plans: a Plaintiff's Class Action Attorney's Perspective).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Las Vegas, NV, 2016 (Will Class Actions Live After This Supreme Court Term?).

Lynn L. Sarko, Erin M. Riley, and Gretchen S. Obrist, Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Tibble, et al. v. Edison International, et al.*, No. 13-550 (U.S. 2014).

Erin M. Riley and Gretchen S. Obrist, Contributors, "Attorneys Reflect on 40 Years of ERISA's Biggest Court Rulings" *Pension & Benefits Daily*, Bloomberg BNA, discussing *CIGNA Corp. v. Amara*, 131 S.Ct. 1866, 50 EBC 2569 (U.S. 2011) (95 PBD, 5/17/11; 38 BPR 990, 5/24/11) (BNA Sept. 9, 2014) (www.bna.com).

Speaker, ABA Joint Committee on Employee Benefits – 24th Annual National Institute on ERISA Litigation, Chicago, IL, 2014 (Fiduciary Litigation: Disclosure & Investment; Ethical Considerations in ERISA Litigation).

Speaker, Western Pension & Benefits Council – Spring Seminar, Seattle, WA, 2014 (What's New in Fiduciary Litigation?).

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L A W O F F I C E S ♦ L . L . P .

Speaker, ABA Joint Committee on Employee Benefits
– 23rd Annual National Institute on ERISA Litigation,
Chicago, IL, 2013 (Fiduciary Litigation Part 1: Disclosure
& Investment; Fiduciary Litigation Part 2: Cutting Edge
Issues).

Speaker, ABA Section of Labor and Employment Law,
Employee Benefits Committee – Mid-Winter Meeting,
Charleston, SC, 2013 (ERISA 408(b)(2) and 404(a)
Disclosures and the Ongoing Fee Litigation).

Contributing Editor and Writer, Foreclosure Manual
for Judges: A Reference Guide to Foreclosure Law in
Washington State, A Resource by Washington Appleseed
(2013).

Gretchen S. Obrist, “ERISA Fee Litigation: Overview of
Developments in 2012 and What to Expect in 2013,”
Benefits Practitioners’ Strategy Guide, Bloomberg BNA
(Mar. 26, 2013) (www.bna.com).

Gretchen S. Obrist, “ERISA Fee Litigation: The Impact of
New Disclosure Rules, and What’s Next in Pending Cases,”
Pension & Benefits Daily, Bloomberg BNA (Feb. 21, 2013)
(www.bna.com).

Speaker, ABA Section of Labor and Employment Law,
Employee Benefits Committee – Mid-Winter Meeting,
Savannah, GA, 2011 (Update on ERISA Fee Litigation and
the Impact of the Regulations).

Gretchen S. Obrist, Note, The Nebraska Supreme Court
Lets Its Probation Department Off the Hook in *Bartunek
v. State*: “No Duty” as a Non-Response to Violence Against
Women and Identifiable Victims, 83 Neb. L. Rev. 225
(2004).

KELLER ROHRBACK

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YOONA PARK

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Portland, OR 97204
(971) 253-4600
ypark@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Environmental Litigation
- Government & Municipalities

EDUCATION

Dartmouth College
A.B., Art History and English, 1999

**Northwestern School of Law,
Lewis & Clark College**
J.D., *cum laude*, 2007

BAR & COURT ADMISSIONS

2007, Oregon State Bar
U.S. District Court, Oregon

Yoona Park strives to embody the spirit of “nunchi,” a Korean concept that recognizes the importance of reading the moods, tone, and goals of individuals within a group, and adjusting one’s actions to meet those group dynamics. Yoona is motivated by this interpersonal aspect of her collaborative efforts in the legal profession—including those with co-counsel, Keller Rohrback colleagues, and clients. Her leadership ability and passion for both teamwork and advocacy are valuable tools that Yoona uses to guide her teams in identifying difficult problems and finding effective and practical solutions for her clients.

Yoona’s work in Keller Rohrback’s nationally recognized Complex Litigation Group is focused on environmental law, class actions, and the representation of government entities. With over a decade of litigation experience, Yoona has a natural curiosity that she enthusiastically employs to dig deeply into her clients’ businesses and industries in order to gain strategic advantage. She is well respected by her peers, as well as industry organizations, and has been honored by Oregon Super Lawyers, Benchmark Litigation, and Best Lawyers in America. Yoona currently serves as a lawyer representative for the Ninth Circuit, District of Oregon.

Prior to her time at Keller Rohrback, Yoona worked closely with other members of the firm as co-counsel representing the State of Oregon in its case against Monsanto seeking to hold the corporate giant responsible for natural resource damages related to the sale and marketing of PCBs. She also represents the State of Maryland, State of Delaware, and City of Seattle in PCB litigation against Monsanto. At her prior firm, Yoona most recently represented plaintiffs in a class action against Airbnb seeking changes to that company’s discriminatory booking policies, and individuals whose personal information was compromised by a data breach in a class action against the health insurer Premera.

Outside of work, Yoona enjoys cooking, skiing, knitting sweaters that people feel obligated to wear, and spending time with her litigator husband and two teenage sons.

PROFESSIONAL & CIVIC INVOLVEMENT

Oregon State Bar, Member

Federal Bar Association, Member

Multnomah Bar Foundation, Board Member

Ninth Circuit, District of Oregon, Lawyer Representative,
2019-2021

Oregon Trial Lawyers Association, Legislative Committee,
2009-2011, Business Litigation Section, Co-Chair, 2009-
2012

American Inns of Court, Owen M. Panner Inn of Court

Boost Oregon, Board Member 2015-2020

Oregon Ballet Theatre, Board Member, 2010-2011

Portland Taiko, Board Member 2008-2009

St. Andrew Legal Clinic, Race for Justice, 2008 Committee
Member

Classroom Law Project High School Mock Trial
Competition, Volunteer Coach, 2008

PRESENTATIONS & PUBLICATIONS

"A Conversation with Chief Justice Martha Walters,"
Oregon State Bar Litigation Institute, Skamania,
Washington (February 2020)

"Class Actions," Co-Author, Oregon Civil Pleading and
Litigation, 2020 Edition



DAVID PREMINGER

CONTACT INFO

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New York, NY 10036

(646) 380-6690

dpreminger@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Employee Benefits & Retirement Security
- Fiduciary Breach

EDUCATION

Rutgers University

B.A., 1969, Mathematics

New York University School of Law

J.D., 1972

David Preminger is a practiced advocate for employees, retirees, and beneficiaries. The resident partner in the firm's Complex Litigation Group New York office, David focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach class action cases as well as individual benefit claims. He has been litigating ERISA cases for over 40 years, since the Act's passage in 1974. David has been the lead counsel or co-counsel on numerous ERISA cases alleging misconduct in connection with the investment of retirement plan assets, including *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. He has been involved in ERISA cases against Bear Stearns, Merrill Lynch, Colonial BancGroup and Marsh & McLennan resulting in multi-million dollar settlements on behalf of class members.

David's familiarity with the changes to and nuances of ERISA law allows him to expertly and efficiently interpret the statute and regulations and analyze issues on behalf of his clients. He has handled over 100 trials and in addition to his ERISA experience has extensive experience litigating and negotiating antitrust, real estate, civil rights, family law, and general commercial and corporate matters.

Prior to joining Keller Rohrback, David was a partner at Rosen Preminger & Bloom LLP, where his successes included the In re Masters Mates & Pilots Pension Plan and IRAP Litigation. He was previously a Supervisory Trial Attorney for the Equal Employment Opportunity Commission, a Senior Attorney with Legal Services for the Elderly Poor, and a Reginald Heber Smith Fellow with Brooklyn Legal Services. He is a charter fellow of the American College of Employee Benefits Counsel, was for many years a senior editor of Employee Benefits Law (Bloomberg BNA), and a longtime Board member and Chair Emeritus of the Board of Mabou Mines, an experimental theater company in New York City.

BAR & COURT ADMISSIONS

1973, New York

1976, Supreme Court of the United States

2016, US Court of Appeals for the Sixth Circuit

2014, US Court of Appeals for the Eleventh Circuit

2010, US Court of Appeals for the Fourth Circuit

2006, US Court of Appeals for the Seventh Circuit

2001, US Court of Appeals for the District of Columbia Circuit

1993, US Court of Appeals for the Ninth Circuit

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L A W O F F I C E S ♦ L . L . P .

1974, US Court of Appeals for the Second Circuit

1995, US District Court for the Northern District of New York

1991, US District Court for the Western District of New York

1974, US District Court for the Southern District of New York

1973, US District Court for the Eastern District of New York

PROFESSIONAL & CIVIC INVOLVEMENT

The Association of the Bar of the City of New York, Member, Committee on Employee Benefits, 1993-1996; 1996-1999; 2002-2005; Committee on Legal Problems of the Aging, 1985-1988

New York State Bar Association, *Member*

American Bar Association, *former Co-Chair*, Fiduciary Responsibility Subcommittee; Committee on Employee Benefits, Labor and Employment Section; former Co-Chair, Subcommittee on ERISA Preemption and the Subcommittee on ERISA Reporting and Disclosure

American College of Employee Benefits Counsel, *Member and Charter Fellow*

PUBLICATIONS & PRESENTATIONS

Mr. Preminger regularly speaks at conferences on ERISA and employee benefits litigation and has lectured at New York University School of Law, Saint John's University School of Law, and Rutgers University, and has testified before Congress on proposed amendments to ERISA and participated in New York State Attorney General's hearings on protection of pension benefits.

Senior Editor, *Employee Benefits Law* (BNA), (2014-2018).

Chapter Editor, *Employee Benefits Law* (BNA), Chapter 10, *Fiduciary Responsibility* (2014-2018).

Preminger & Clancy, *Aspects of Federal Jurisdiction Under Sections 301(c)(5) and 302(e) of The Taft-Hartley Act – The "Sole and Exclusive Benefit Requirement,"* 4 Tex. S. U. L. Rev. 1 (1976).

David S. Preminger, E. Judson Jennings & John Alexander, *What Do You Get With the Gold Watch? An Analysis of the Employee Retirement Income Security Act of 1974.* 17 Ariz. L. Rev. 426 (1975).

HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - New York*, 2007-2021



MATTHEW PREUSCH

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Santa Barbara, CA 93101
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mpreusch@kellerrohrback.com

PRACTICE EMPHASIS

- Consumer & Data Privacy Protection
- Environmental Litigation
- Governments and Municipalities

EDUCATION

Pomona College

B.A., 2000, Politics, Philosophy,
and Economics

Lewis & Clark Law School

J.D., *magna cum laude*, 2013,
Environmental & Natural
Resources Law Certificate

Matthew Preusch practices in Keller Rohrback's nationally-recognized Complex Litigation Group. Before joining Keller Rohrback, Matthew served as an honors attorney in the Oregon Department of Justice's appellate and trial divisions. He was a judicial extern for the Hon. Michael W. Mosman in the District of Oregon during law school. Prior to his legal career, he spent 10 years as a journalist in the Pacific Northwest, covering regional and national news for The Oregonian, The New York Times and other publications.

Matthew is passionate about protecting people and the environment. He's helped initiate landmark consumer litigation related to Volkswagen's "Clean Diesel" deceit and Wells Fargo's unauthorized account scheme. When studies of moss samples in trees in Portland, Oregon identified several pollution "hotspots" in that city, he and others at Keller Rohrback launched cases on behalf of residents to hold the responsible manufacturers accountable. Working on behalf of government entities, including the State of Oregon, Matthew has investigated or is litigating claims related to PCB contamination and the opioid epidemic.

BAR & COURT ADMISSIONS

2013, Oregon

2014, California

2014, U.S. District Court for the Central District of California

2014, U.S. District Court for the Eastern District of California

2014, U.S. District Court for the Northern District of California

2014, U.S. District Court for the Southern District of California

2014, U.S. Court of Appeals for the Ninth Circuit

2018, U.S. District Court for the District of Oregon

PROFESSIONAL & CIVIC INVOLVEMENT

Santa Barbara Bar Association, *Member*

Underscore Media Collaboration, *Board Member*

PUBLICATIONS & PRESENTATIONS

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 2017

Speaker, Bridgeport Environmental Class Action Webinar, March 2016

Panelist, Lewis and Clark Law School, Public Interest Law Project, "Cutting-Edge Bet the Company Mega Class Action CLE," February 2016

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 2016

Speaker, Harris Martin Porter Ranch Gas Leak Litigation Conference, "Remedies," January 2016

"Don't Say, 'No Comment': How To Ethically and Effectively Talk to Reporters," Santa Barbara County Bar Association (Sept. 16, 2015)

Oregon State Bar Environmental & Natural Resources Section Case Notes (July 2015)

Matthew Preusch, "Tim Weaver, Yakama Tribes' Salmon Champion, Says His Goodbyes," The Oregonian (Jan. 1, 2010).

Matthew Preusch, "DEQ to Help Polluter Seek Federal Break on Mercury Emission," The Oregonian (Aug. 19, 2009).

Matthew Preusch, "Amid Forests Ashes, a Debate Over Logging Profits is Burning On," The New York Times (April 15, 2004)



SYDNEY READ

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
sread@kellerrohrback.com

PRACTICE EMPHASIS

- Automotive Litigation
- Class Action and Consumer Litigation

EDUCATION

Middlebury College

B.A., *magna cum laude*, 2017, Art History

University of Colorado School of Law

J.D., 2021

Sydney's diligent care for the written word and enthusiasm for learning new areas of law allow her to create strong legal arguments for her clients. Her high degree of intellectual curiosity, continued passion for law, and commitment to social justice make her a great fit for Keller Rohrback's Complex Litigation Group.

Sydney first joined the firm as a research analyst in KR's Santa Barbara office and she later transitioned into a paralegal role in the Seattle office. Those experiences taught her about the intricacies of complex litigation and the excitement of the legal industry, sparking her interest in becoming an attorney. Sydney went on to attend law school at the University of Colorado Law School, during which she volunteered at CU's RAP Lab, participated in the Marshall-Brennan Constitutional Literacy Project and the Colorado Appellate Advocacy Competition, and received the Shawn Stigler and Alex Nelson Alpine Endeavors Law Scholarship.

After graduating with her J.D. in 2021, Sydney rejoined Keller Rohrback as an associate in the firm's Complex Litigation Group, where she focuses on areas like automotive litigation, opioids litigation, and *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*. Sydney's interest in these sprawling cases which seek to address corporate wrongdoing stems from her previous experience as a research analyst working with the firm's Volkswagen "Clean Diesel" litigation team.



ERIN RILEY

CONTACT INFO

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PRACTICE EMPHASIS

- Appeals
- Class Actions
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Securities

EDUCATION

Gonzaga University

B.A., *cum laude*, 1992, French & History

University of Wisconsin Law School

J.D., *cum laude*, 2000, Wisconsin Law Review

Erin Riley knows that strong relationships are key in complex cases. As a partner in Keller Rohrback's Complex Litigation Group, Erin has allowed these collaborative and lasting relationships to inform her work for over 20 years.

Since 2001, Erin's practice has focused on representing employees and retirees in Employee Retirement Income Security Act ("ERISA") actions involving defined contribution, defined benefit, and health benefit plans.

Erin has worked on numerous ERISA-related articles and amicus briefs, and frequently speaks at employee benefits conferences. She has been actively involved with the *Employee Benefits Law* (Bloomberg-BNA) treatise since 2012 and currently serves as the lead editor, employee-side, of the Treatise.

Erin was elected by the Board of Governors of the American College of Employee Benefits Counsel to be inducted as a Fellow in the College at the College's Annual Dinner to be held at the Chicago Club in Chicago, IL, on September 17, 2022.

Erin earned her J.D. from the University of Wisconsin, where she was an editor of the Wisconsin Law Review. Prior to joining Keller Rohrback as an attorney in 2000, she worked with the firm as a summer associate in 1999.

BAR & COURT ADMISSIONS

2000, Wisconsin

2000, Washington

2001, U.S. District Court for the Western District of Washington

2010, U.S. Court of Appeals for the Fourth Circuit

2011, U.S. Court of Appeals for the Second Circuit

2011, U.S. Court of Appeals for the Ninth Circuit

2015, U.S. Court of Appeals for the Seventh Circuit

2016, Supreme Court of the United States

PROFESSIONAL & CIVIC INVOLVEMENT

Wisconsin State Bar Association, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

Civil Procedure Sub-Committee for the ABA Employee Benefits Committee, *Plaintiffs' Co-Chair, 2012 – 2016*

Employee Benefits Law (Bloomberg-BNA), Chapter Editor, 2012 – 2016

Employee Benefits Law (Bloomberg-BNA), Senior Editor, 2016 – 2018

Employee Benefits Law (Bloomberg-BNA), Co-Chair, Board of Senior Editors, 2018 – present

Washington State Supreme Court, Pro Bono Publico Honor Roll, 2014 – present

PUBLICATIONS & PRESENTATIONS

Quoted, "Benefits Practice Group of the Year: Keller Rohrbach," *Law360* (February 22, 2022).

Panelist, "Current Developments in Defined Contribution Investment Litigation" ABA Live Webinar, March 23, 2022.

Panelist, "ERISA Class Actions: Plaintiff and Defense Perspectives," Western Alliance Bank ERISA Webinar, September 22, 2021.

Quoted, "Benefits Practice Group of the Year: Keller Rohrbach," *Law360* (Dec. 7, 2020).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Rancho Mirage, California, 2020 (Defined Contribution Investment Litigation Update).

Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Thole v. U.S. Bank*, No. 17-1712 (U.S. 2019).

Speaker, Western Pension & Benefits Council – Spring Seminar, Seattle, WA, 2019 (Litigation Update: Two Perspectives).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Nashville, Tennessee, 2019 (Arbitration: What's Different About ERISA?)

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting,

Austin, TX, 2017 (How to Get the Class Action Settlement Your Client Needs).

Quoted in Jacklyn Wille, "Ninth Circuit Adopts Pro-Worker Pension Framework," *Pension & Benefits Daily*, Bloomberg BNA (Apr. 22, 2016) (www.bna.com).

"*Amgen Inc. v. Harris*: What is the Status of ERISA Company Stock Cases Post-*Amgen*," ABA Employee Benefits Committee Newsletter, Spring, 2016.

Speaker, ACI ERISA Litigation, Chicago, IL, 2016 (Supreme Court Roundup).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Las Vegas, NV, 2016 (mock mediation).

Quoted in Andrea L. Ben-Yosef, "Class Action Suits on Plan Fees Steam Ahead," *Pension & Benefits Blog*, Bloomberg BNA (Feb. 10, 2016) (www.bna.com).

Br. of Amicus Curiae of Pension Rights Center in Supp. of Petition, *Pundt v. Verizon Communications*, No. 15-785 (U.S. 2016).

Br. of Amicus Curiae AARP and National Employment Lawyers Association in Supp. of Pls.-Appellees, *Whitley v. BP, P.L.C.*, No. 15-20282 (5th Cir. Oct. 28, 2015).

Br. of The Pension Rights Center as Amicus Curiae in Supp. of Resp't, *Spokeo, Inc. v. Robins*, No. 13-1339 (U.S. Sept. 4, 2015).

Lynn L. Sarko, Erin M. Riley, and Gretchen S. Obrist, Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Tibble, et al. v. Edison International, et al.*, No. 13-550 (U.S. 2014).

Quoted in Jacklyn Wille, "High Court to Address Statute of Limitations for Suits Challenging Retirement Plan Fees," *Pension & Benefits Daily*, Bloomberg BNA (Oct. 3, 2014) (www.bna.com).

Speaker, Western Pension & Benefits Council – 2014 Spring Seminar, Seattle, WA, 2014 (What's New in Fiduciary Litigation?).

Erin M. Riley and Gretchen S. Obrist, Contributors, "Attorneys Reflect on 40 Years of ERISA's Biggest Court Rulings" *Pension & Benefits Daily*, Bloomberg BNA, discussing *CIGNA Corp. v. Amara*, 131 S.Ct. 1866, 50 EBC 2569 (U.S. 2011) (95 PBD, 5/17/11; 38 BPR 990, 5/24/11) (<http://www.bna.com>)

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L A W O F F I C E S ♦ L . L . P .

Erin M. Riley and Gretchen S. Obrist, "The Impact of Fifth Third Bancorp v. Dudenhoeffer: Finally, a Court Gets it Right!" Pension & Benefits Daily, Bloomberg BNA (154 PBD, 8/11/2014) (<http://www.bna.com>).

Lynn L. Sarko and Erin M. Riley, Brief for Law Professors as Amici Curiae in Support of the Respondents, *Fifth Third Bancorp v. Dudenhoeffer*, No. 12-751 (U.S. March 5, 2014).

"Erin M. Riley Explores the Pro-Plaintiff Aspects of the Citigroup Ruling", ERISA Litigation Tracker: Litigator Q&A, Bloomberg BNA (Dec. 1, 2011). Reproduced with permission from ERISA Litigation Tracker Litigator Q & A (Dec. 5, 2011). Copyright 2011 by The Bureau of National Affairs, Inc. (800-372-1033)

Sarah H. Kimberly, Erin M. Riley, "Court Declines to Limit Damages in Neil v. Zell", ABA Employee Benefits Committee Newsletter (Spring, 2011).

Derek W. Loeser, Erin M. Riley and Benjamin Gould, "2010 ERISA Employer Stock Cases: The Good, the Bad, and the In-Between Plaintiffs' Perspective", Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser and Erin M. Riley, "The Case Against the Presumption of Prudence," Bureau of National Affairs, Inc. (Sept. 10, 2010).



MARK D. SAMSON

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PRACTICE EMPHASIS

- Medical Malpractice Litigation
- Products Liability - Plaintiffs
- Personal Injury Litigation
- Commercial Litigation
- Complex Litigation

EDUCATION

Arizona State University

B.S., *summa cum laude*, 1976, Bio-Ag Sciences

Washington State University College of Veterinary Medicine

D.V.M., *summa cum laude*, 1980

Washington State University College of Veterinary Medicine

M.S., 1983, Veterinary Anatomy

Arizona State University College of Law

J.D., *summa cum laude*, 1986,
Order of the Coif

As a licensed veterinarian, Mark has the medical knowledge that helps get his clients the results they deserve. Given that strong medical science background, Mark's practice focuses on tort law, including medical negligence, product liability, and other significant personal injury cases. He has nearly 35 years of experience litigating medical malpractice cases with victories including the landmark Edwards verdict, a transfusion-associated AIDS case that remains one of the largest personal injury verdicts in Arizona history. Mark was born in New York, but he moved to the Phoenix area in 1959 and grew up there. He practiced from 1986 to 1995 at Meyer, Hendricks, Victor, Osborn & Maledon, becoming a member in 1992. In 1995, Mark helped form Dalton Gotto Samson & Kilgard, P.L.C. ("DGSK") and was one of the members of DGSK who formed Keller Rohrback P.L.C. in 2002, and then Keller Rohrback L.L.P. in 2015.

BAR & COURT ADMISSIONS

1986, Arizona
1986, U.S. District Court for the District of Arizona
1986, U.S. Court of Appeals for the Ninth Circuit
1986, U.S. Supreme Court
2008, Washington, D.C.

HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - Southwest*, 2008-2021
Best Lawyers in America, Medical Malpractice Practice, 2022

PROFESSIONAL & CIVIC INVOLVEMENT

Maricopa County Bar Association, *Member*
Arizona State Bar Association, *Member*
American Association for Justice, *Member*
Arizona Association for Justice, *Sustaining Member*

PUBLICATIONS & PRESENTATIONS

American Veterinary Medical Law Association, *The Lawyer's Role in Meeting 21st Century Changes in Veterinary Medicine*, 2018.
Maricopa County Association of Paralegals, *Personal Injury Law in Arizona*, 2018.
Arizona State University College of Law, *Health Law and Policy*, 2016.
Arizona Paralegal Association, *Health Law – Medical Malpractice in Today's World*, 2016.
Arizona Trial Lawyers Association, *From the Heart: Letting Go in Front of the Jury*,

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

2015.

PUBLICATIONS & PRESENTATIONS (CONT)

Arizona Trial Lawyers Association, *Medical Malpractice Seminar*, 2013.

Arizona Trial Lawyers Association, *Trial Masters: A Look Inside the Value Options Case & Tools for Difficult Cases*, 2011.

Arizona State Bar, *Comparing Veterinary and Legal Ethics*, 2009.

Arizona Trial Lawyers Association, *Loss of a Chance in Medical Mal Cases*, 2008.

Arizona Trial Lawyers Association, *Issues in FTCA Claims*, 2008.

Co-Chair, Arizona Trial Lawyers Association, *Trial Practice - Damages*, 2007.

Chairman, Arizona Trial Lawyers Association, *Rapid Fire on Litigation Issues*, Oct. 2006.

Co-Chair, Arizona Trial Lawyers Association, *Liens*, Jan. 2006.

Author, Blackwell's 5-Minute Veterinary Practice Management Consult, *Negotiating 101*, 2006.

Maricopa County Bar Association, *Arizona Appellate Update*, 2005.

Maricopa County Bar Association, *Liens Again*, 2004.

Chairman, Arizona State Bar, *New Ethical Rules in Arizona*, Oct. 2003.

Speaker, Arizona Veterinary Medical Association, *Application of legal principles to veterinary medicine*, 1999-2003.

Speaker, Arizona Paralegal Association, *Settlement conferences versus trial in medical malpractice cases*, 2002;

Speaker, Arizona Paralegal Association, *Changes and issues in Arizona's ethical rules for attorneys*, 2003.

Maricopa County Bar Association, *Punitive Damages after Campbell v. State Farm*, May 2003.

Co-Chair, Arizona Trial Lawyers Association, *Anatomy of Pain*, 2002.

Speaker, Arizona Trial Lawyers Association Medical Malpractice Seminar, *Use of medical literature in the courtroom*, 1996;

Speaker, Arizona Trial Lawyers Association Medical Malpractice Seminar, *New legal theories in medical malpractice*, 1999.

Chair, Maricopa County Bar Association, *Seminar on Medical Malpractice in the Ages of Disclosure*.

Speaker, National Meeting of American Veterinary Medical Law Association, *Tort and Regulatory Issues Affecting Veterinarians*, 1995.

Chair, Maricopa County Bar Association, *Seminar on Anatomy*, 1994.



CHRIS SPRINGER

CONTACT INFO

801 Garden Street, Suite 301

Santa Barbara, CA 93101

(805) 456-1496

cspringer@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security

EDUCATION

Dartmouth College

B.A., *cum laude*, 2000

U.C. Berkeley School of Law

J.D., 2008

Chris Springer is dedicated to working to help people who have been harmed by the unlawful conduct of large corporations and other entities.

He is a member of Keller Rohrback's nationally recognized Complex Litigation Group and practices in the firm's Santa Barbara office. He is experienced in cases involving consumer protection, data security, environmental protection, disability access, employment rights, and ERISA.

Before joining Keller Rohrback, Chris worked in the field of software development and testing. His practice now focuses on data-privacy and other consumer-protection litigation. Since joining Keller Rohrback, he helped obtain a multimillion-dollar recovery in *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.), which involved the theft and disclosure of medical, financial, and employment information. He is also actively involved in other data privacy matters, including *In re 21st Century Oncology Customer Data Security Breach Litigation*, which involves the unauthorized disclosure of personal and medical information.

BAR & COURT ADMISSIONS

2013, California

2017, U.S. District Court for the Central District of California

2017, U.S. District Court for the Northern District of California

PROFESSIONAL & CIVIC INVOLVEMENT

California State Bar Association, *Member*

Santa Barbara Bar Association, *Member*

American Bar Association, *Member*

HONORS & AWARDS

American Jurisprudence Award, Civil Procedure



NATIDA SRIBHIBHADH

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
natidas@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Consumer Protection
- Governments and Municipalities

EDUCATION

University of Washington

B.A., Journalism, 2008

University of San Diego School of Law

J.D., 2014; High honors in Mediation, Negotiation, and Education and Disability Clinic

Natida Sribhibhadh is driven by a desire to make a lasting impact in our community and the world. With the public's best interest always in mind, Natida brings a strong sense of collaboration and teamwork to her work in Keller Rohrback's Complex Litigation Group.

Coming from a family of teachers, the importance of leaving a lasting impact was impressed upon Natida from a young age. As a Seattle native who attended international school in Bangkok, Natida grew up cognizant of how big the world is and how much needs to be changed. In 2021, Natida joined Keller Rohrback, drawn to the firm's commitment to obtaining large-scale justice for those who have been harmed by corporate wrongdoing. Equipped with a fierce ability to remain calm under pressure and a love of challenging cases, Natida is well suited to the firm.

Natida graduated with her J.D. from the University of San Diego School of Law in 2014. Following that, she was an attorney at a Seattle-based law firm for five years, where she worked as a plaintiffs' personal injury attorney, gaining experience in all stages of litigation and dispute resolution, including discovery, pretrial motions, arbitration, and settlement negotiations. During her time in law school, Natida served as a legal intern for Peter D. Lange in Sydney, Australia, as a judicial extern at San Diego Superior Court, and as a legal intern at USD's Education and Disability Clinic representing parents and children in cases against local school districts.

BAR & COURT ADMISSIONS

2015, Washington

2021, U.S. District Court for the Western District of Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar, *Member*, 2015 - Present

Washington State Association for Justice, *Eagle Member*, 2016 - Present

Academy of Truck Accident Attorneys, *Member*, 2021 - Present



HAVILA UNREIN

CONTACT INFO

1201 Third Avenue, Suite 3200
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PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Environmental Contamination
- Fiduciary Breach
- Financial Products and Services
- Mass Personal Injury
- Securities
- Whistleblower

EDUCATION

Dartmouth College

B.A., *magna cum laude*, 2003,
Russian Area Studies

University of Washington School of Law

J.D./LL.M. (Tax), *with honors*, 2008

Havila Unrein gives her clients a voice in the legal system. Havila practices in Keller Rohrback's nationally recognized Complex Litigation Group, where she is dedicated to helping clients who have been harmed by others engaged in fraud, cutting corners, and abuses of power.

Havila made significant contributions to *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. She currently represents plaintiffs in multiple cases alleging violations of the Employee Retirement Income Security Act of 1974 ("ERISA") by healthcare institutions attempting to claim exempt "church plan" status under ERISA.

During law school, Havila provided tax and business advice to low-income entrepreneurs and high-tech start-ups as a student in the Entrepreneurial Law Clinic. She also served as an extern to the Honorable Stephanie Joannides of the Anchorage Superior Court. Prior to law school, Havila worked and studied abroad in Russia, Azerbaijan, and the Czech Republic.

BAR & COURT ADMISSIONS

2008, Washington
2009, U.S. District Court for the Western District of Washington
2012, Montana
2012, U.S. Court of Appeals for the Ninth Circuit
2012, U.S. District Court for the District of Montana
2013, California
2013, U.S. District Court for the District of Colorado
2013, U.S. District Court for the Central District of California
2013, U.S. District Court for the Eastern District of California
2013, U.S. District Court for the Northern District of California
2013, U.S. District Court for the Southern District of California
2014, U.S. Court of Appeals for the Sixth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

California State Bar Association, *Member*
Santa Barbara County Bar Association, *Member*
Washington State Bar Association, *Member*
King County Bar Association, *Member*
Montana State Bar Association, *Member*



GABE VERDUGO

CONTACT INFO

1201 Third Avenue, Suite 3200
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(206) 623-1900
gverdugo@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Insurance Bad Faith & Policyholder Rights
- Personal Injury Litigation

EDUCATION

University of Washington

B.S., Plant Biology, 2008

B.A., German Language and Literature, 2008

Delta Phi Alpha, German Honors Society

Undergraduate Law Review, Senior Editor, Spring 2007

University of Washington School of Law

J.D., 2011

Gabe Verdugo practices in Keller Rohrback's Plaintiff Tort Litigation and Complex Litigation practice groups.

Gabe's practice focuses on litigating on behalf of individuals and classes who have been injured. He has represented insureds in disputes with insurance carriers and litigated class actions on behalf of consumers who were deceived by drug manufacturers and other companies. Currently, Gabe is investigating claims related to the opioid crisis.

Before joining Keller Rohrback, Gabe served as a judicial law clerk for Chief Judge Rosanna M. Peterson of the U.S. District Court, Eastern District of Washington. Gabe also clerked for Justice Steven C. González of the Washington Supreme Court. During law school, Gabe externed for Judge Robert S. Lasnik of the U.S. District Court, Western District of Washington. He is proficient in written and spoken German.

BAR & COURT ADMISSIONS

2011, Washington

2015, U.S. District Court for the Eastern District of Washington

2015, U.S. District Court for the Western District of Washington

PROFESSIONAL & CIVIC INVOLVEMENT

WSBA Administrative Law Section, *Past Section Chair*

QLaw Association, *Board Member*, 2011-2015

QLaw Association, Judicial Evaluations Committee Member, *Mentor*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2019-2021



MICHAEL WOERNER

CONTACT INFO

1201 Third Avenue, Suite 3200
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PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Environmental Litigation
- Mass Personal Injury
- Medical Negligence
- Securities

EDUCATION

University of Puget Sound
B.S., 1982
Notre Dame Law School
J.D., 1985

Mike Woerner works for the public good. A member of Keller Rohrback's nationally recognized Complex Litigation Group since 1985, Mike focuses on class action and mass personal injury cases. He is skilled at focusing the Courts' attention on key issues in litigation and at negotiating favorable settlements to bring relief to people who have experienced physical, emotional, and financial harm from environmental contamination, dangerous pharmaceutical drugs, and other negligent acts with far-reaching consequences.

Mike was a member of the litigation team that received the 1995 Trial Lawyer of the Year Award from Trial Lawyers for Public Justice for the *In re Exxon Valdez* litigation resulting from the devastation of thousands of miles of fishing ground around Prince William Sound, Kodiak Island, Chignik, and Cook Inlet after the infamous oil spill. He has more recently represented hundreds of clients in multiple states at risk of heart-valve damage or primary pulmonary hypertension from fen-phen diet drugs. Mike also has experience litigating and negotiating widespread medical negligence issues and misconduct by fiduciaries charged with investing retirement plan assets. With his focus on impact litigation, Mike strives to achieve full compensation for his clients as well as to compel institutional reform and change the conduct of powerful bad actors to prevent them from causing future harm.

Outside of work, Mike enjoys traveling with his family experiencing new places and cultures, as well as staying closer to home cheering on his kids' basketball and volleyball teams.

BAR & COURT ADMISSIONS

1985, Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Issaquah Food and Clothing Bank, *Vice-Chair*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

HONORS & AWARDS

Trial Lawyer of the Year – Trial Lawyers for Public Justice, 1995

Selected to Rising Stars and Super Lawyers lists in *Super Lawyers - Washington*, 2001, 2018-2021



EMMA WRIGHT

CONTACT INFO

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PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Data Privacy Litigation

EDUCATION

Loyola Marymount University

B.A., 2015, Political Science

Seattle University School of Law

J.D., *magna cum laude*, 2020
Editor-in-Chief, Seattle University
Law Review

Emma's fierce intelligence and attention to detail allows her to delve into the legal intricacies of every case. Emma brings great enthusiasm to Keller Rohrback's nationally recognized Complex Litigation Group—a practice for which she is well suited, as each case is unique and intellectually demanding.

Having aspired to be an attorney since childhood, Emma was initially drawn to litigation when she took a civil procedure course in law school and learned just how complex and rule-intensive litigation is. In addition, Emma sees complex litigation as an avenue with which to hold large corporations accountable, which connects to her personal dedication to equity.

In 2020, Emma graduated *magna cum laude* with her J.D. from Seattle University School of Law, where she served as Editor-in-Chief of the Seattle University Law Review, on the Moot Court Board, and as a research assistant to her civil procedure professor. During law school, she also externed for Judge John C. Coughenour of the Western District of Washington.

Drawn to the firm's culture of collaboration and commitment to social justice, Emma first worked at Keller Rohrback as a summer associate in 2018 and 2019, eventually returning to the firm full-time as an associate attorney in 2020. She is excited to rejoin the team working on *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, which the firm filed when Emma was a 1L summer associate.

In her spare time, Emma enjoys skiing, traveling, and spending time with her dog, Winter.

BAR & COURT ADMISSIONS

2020, Washington

KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

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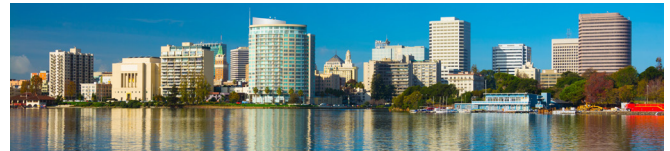
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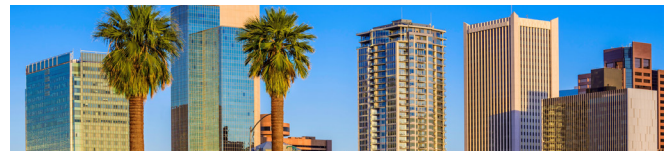
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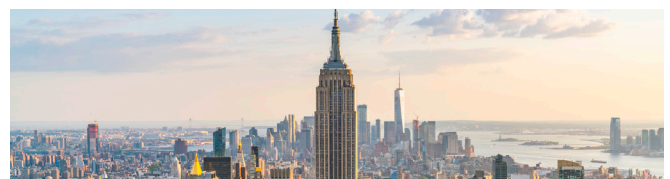


EXHIBIT B

1 GLANCY PRONGAY & MURRAY LLP
2 Lionel Z. Glancy (SBN 134180)
3 Marc L. Godino (SBN 182689)
4 1925 Century Park East, Suite 2100
5 Los Angeles, CA 90067
6 Telephone: (310) 201-9150
7 Facsimile: (310) 201-9160
8 Email: info@glancylaw.com

9 *Class Counsel*

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

12 COORDINATION PROCEEDING SPECIAL
13 TITLE [RULE 3.550]

14 LASH BOOST CASES

15 Included actions:

16 *Scherr v. Rodan & Fields, LLC*, Superior Court of
17 California, County of San Bernardino, Case No.
18 CIVDS 1723435

19 *Gorzo, et al. v. Rodan & Fields, LLC*, Superior
20 Court of California, County of San Francisco,
21 Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

**DECLARATION OF MARC L. GODINO
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARD**

1 I, Marc L. Godino, declare as follows:

2 1. I am a partner of the law firm of Glancy Prongay & Murray LLP one of Class Counsel
3 for Plaintiffs in the above-captioned case. I am a member of the California Bar and I am licensed to
4 practice law before this Court. I have knowledge of the matters set forth herein based on my personal
5 knowledge and my review of the records of my law firm and could and would testify competently to
6 them if called upon to do so.
7

8 2. I actively participated in this action since its inception, including negotiation of the
9 Settlement, and I am fully familiar with the proceedings being resolved. I make this Declaration in
10 support of Plaintiffs' motion for attorneys' fees and costs and for the Class Representatives' Service
11 Awards ("Motion"). Given my role in this litigation, I have personal knowledge of the legal services
12 rendered by the attorneys requesting fees and expenses. This declaration summarizes the work
13 performed by Glancy Prongay & Murray LLP ("GPM") in this litigation that led to the benefits
14 provided to the Class under the Agreement.
15

16 3. The hours accounted for in this declaration relate both to this matter and a related federal
17 action, *Barbara Lewis, et al. v. Rodan + Fields, LLC.*, Case No. 4:18-cv-02248-PJH (N.D. Cal.)
18 ("*Lewis*"), that included overlapping claims based on the same facts, and in which the plaintiffs were
19 represented by Class Counsel. The settlement in this matter also resolved the claims in the federal *Lewis*
20 matter, and the work performed in the federal action inured to the benefit of the Class and directly led
21 to the Settlement Agreement.
22

23 HISTORY OF THE LITIGATION

24 4. I have been the primary attorney responsible for, and working on this case, on behalf of
25 Plaintiffs. After performing research and investigating the facts underlying the allegations that form
26 the basis for this lawsuit, I drafted and filed an initial complaint against Defendant on April 26, 2018.
27 Among other things, I worked on the subsequent amended complaints filed in this case and *Lewis*; I
28

1 participated in drafting the opposition to the motion to dismiss as well as various discovery requests, I
2 oversaw the review of thousands of pages of documents produced by defendant in discovery, I
3 participated in the briefing for class certification and the several mediations that took place in this case
4 and *Lewis*, including in fashioning the relief; I worked on the settlement agreement and ancillary papers,
5 such as the claim form and notice; and I helped with preparing the motions for preliminary approval.
6

7 **THE RISKS BORNE BY GPM**

8 5. Since filing this case in 2018 my firm has spent hundreds of hours litigating these claims
9 with no guarantee of success, and that prosecution of this case would require that other work be
10 foregone, understood that there was substantial uncertainty regarding the applicable legal and factual
11 issues, and continued to prosecute the litigation in the face of substantial opposition. The risks were
12 especially significant given that this case was novel and complex in that it concerned both product
13 defects and misleading advertising.
14

15 6. GPM took this case on a fully contingent basis, meaning that the firm was not guaranteed
16 to be paid for any of its time. From the outset, GPM recognized that it would be contributing a
17 substantial amount of time and expenses, with no guarantee of compensation or recovery, in the hopes
18 of prevailing against a well-funded defense. As a result of my work in this case, I have foregone taking
19 on certain other cases because I did not know what the outcome of this case would be, i.e., whether it
20 would be litigated through trial, or settled at some point, and I wanted to be sure that I had enough time
21 to adequately represent the Plaintiffs in this matter.
22

23 7. Rodan + Fields at all times has been represented by a highly-skilled and well-resourced
24 litigation firm, so there was an increased risk that Plaintiffs would receive a defense verdict after a
25 prolonged trial.
26
27
28

LODESTAR AND EXPENSES FOR FIRM

8. GPM has established a long and successful record of litigating complex cases. With offices in California and New York, our lawyers routinely handle large and complex matters throughout the country. Our lawyers have achieved many significant consumer class action settlements. In many cases where I was the primary attorney, those cases ultimately settled for hundreds of millions of dollars in monetary relief, and changes to business practices.

9. A copy of the GPM's firm resume, reflecting that it is a well-established, successful law firm, is attached as **Exhibit 1**.

10. Under my supervision, our office manager created a spreadsheet with all of our hourly time entries.

11. The total number of hours of worked corresponding hourly rates are shown in the table below:

TIMEKEEPER/CASE	STATUS/GRADUATION YEAR	HOURS	RATE	LODESTAR
ATTORNEYS:				
Marc Godino	Partner, 1995	154.00	950.00	146,300.00
Danielle Manning	Associate, 2016	2.00	325.00	650.00
Michael Graff	Staff Attorney, 2011	571.00	380.00	216,980.00
Felicia M. Gordon	Staff Attorney, 2004	319.50	415.00	132,592.50
Kelly Lynn Woodson	Staff Attorney, 1999	22.50	395.00	8,887.50
TOTAL ATTORNEY	TOTAL	1,069.00		505,410.00
PARALEGALS:				
Harry Kharadjian	Senior Paralegal	7.25	325.00	2,356.25
Paul Harrigan	Senior Paralegal	2.50	325.00	812.50
Emily Oswald	Paralegal	2.00	225.00	450.00
Calysta Bevier	Clerk	0.10	175.00	17.50
TOTAL PARALEGAL	TOTAL	11.85		3,636.25
TOTAL LODESTAR	TOTAL	1,080.85		509,046.25

12. The TOTAL hours billed represent time spent.

1 13. GPM's rates are reasonable and fall well within the rates that courts have approved.
 2 Most recently on April 16, 2022 in *Olshansky, et al. v. ATC Healthcare Services, Inc.*, No. 37-2018-
 3 00065377 (San Diego Cty. Super. Ct.) Final Order and Judgment; March 23, 2022 in *Stringer, et al.*,
 4 *v. Nissan North America, Inc.*, No. 3:21-cv-00099 (M.D. Tenn.), Docket No. 126. *See also, Reniger,*
 5 *et al., v. Hyundai Motor America, et. al*, No. 14-03612 (N.D. Cal.), Docket No. 104; *Story Mammoth*
 6 *Mountain Ski Area, LLC*, No. 2:14-cv-02422 (E.D. Cal.), Docket No. 92; *Bercut, et al. v. Michaels*
 7 *Stores, Inc.*, No. SVC-257268 (Sonoma Cty. Super. Ct.), October 18, 2018 Final Approval Order;
 8 *Feist, et al. v. Petco Animal Supplies, Inc.*, No. 3:16-cv-01369 (S.D. Cal.), Docket No. 48; *Fisher, et*
 9 *al. v. Enterprise Rent-A-Car Company of Los Angeles, LLC*, No. 30-2017- 00907805 (Orange Cty.
 10 Super. Ct.), January 28, 2019 Final Approval Order.

11
 12 14. Expenses are accounted for and billed separately and are not duplicated in my firm's
 13 professional billing rate. GPM has not received reimbursement for expenses incurred in connection
 14 with this litigation. As of June 20, 2022, my firm had incurred a total of \$18,735.03 in unreimbursed
 15 expenses in connection with the prosecution of these cases. A summary of expenses incurred is set
 16 forth in the following chart
 17

CATEGORY OF EXPENSE	AMOUNT
COURIER	61.66
COURT FILING FEES	400.00
LITIGATION FUND	15,000.00
ONLINE RESEARCH	334.73
SERVICE OF PROCESS	179.48
TELEPHONE	94.00
TRAVEL AIRFARE	1,381.16
TRAVEL AUTO	120.00
TRAVEL HOTEL	975.84
TRAVEL MEALS	131.05
TRAVEL PARKING	57.11
GRAND TOTAL	18,735.03

EXHIBIT 1

FIRM RESUME

Glancy Prongay & Murray LLP (the “Firm”) has represented investors, consumers and employees for over 25 years. Based in Los Angeles, with offices in New York City and Berkeley, the Firm has successfully prosecuted class action cases and complex litigation in federal and state courts throughout the country. As Lead Counsel, Co-Lead Counsel, or as a member of Plaintiffs’ Counsel Executive Committees, the Firm’s attorneys have recovered billions of dollars for parties wronged by corporate fraud, antitrust violations and malfeasance. Indeed, the Institutional Shareholder Services unit of RiskMetrics Group has recognized the Firm as one of the top plaintiffs’ law firms in the United States in its Securities Class Action Services report for every year since the inception of the report in 2003. The Firm’s efforts have been publicized in major newspapers such as the *Wall Street Journal*, the *New York Times*, and the *Los Angeles Times*.

Glancy Prongay & Murray’s commitment to high quality and excellent personalized services has boosted its national reputation, and we are now recognized as one of the premier plaintiffs’ firms in the country. The Firm works tenaciously on behalf of clients to produce significant results and generate lasting corporate reform.

The Firm’s integrity and success originate from our attorneys, who are among the brightest and most experienced in the field. Our distinguished litigators have an unparalleled track record of investigating and prosecuting corporate wrongdoing. The Firm is respected for both the zealous advocacy with which we represent our clients’ interests as well as the highly-professional and ethical manner by which we achieve results. We are ideally positioned to pursue securities, antitrust, consumer, and derivative litigation on behalf of our clients. The Firm’s outstanding accomplishments are the direct result of the exceptional talents of our attorneys and employees.

SECURITIES CLASS ACTION SETTLEMENTS

Appointed as Lead or Co-Lead Counsel by judges throughout the United States, Glancy Prongay & Murray has achieved significant recoveries for class members in numerous securities class actions, including:

In re Mercury Interactive Corporation Securities Litigation, USDC Northern District of California, Case No. 05-3395-JF, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at over \$117 million.

In re Real Estate Associates Limited Partnership Litigation, USDC Central District of California, Case No. 98-7035-DDP, in which the Firm served as local counsel and

plaintiffs achieved a \$184 million jury verdict after a complex six week trial in Los Angeles, California and later settled the case for \$83 million.

In Re Yahoo! Inc. Securities Litigation, USDC Northern District of California, Case No. 5:17-cv-00373-LHK, in which the Firm served as Co-Lead Counsel and achieved an \$80 million settlement.

The City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A., USDC District of Minnesota, Case No. 10-cv-04372-DWF/JJG, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at \$62.5 million.

Shah v. Zimmer Biomet Holdings, Inc., USDC Northern District of Indiana, Case No. 3:16-cv-815-PPS-MGG, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$50 million.

Schleicher v. Wendt, (Conseco Securities Litigation), USDC Southern District of Indiana, Case No. 02-1332-SEB, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of over \$41 million.

Robb v. Fitbit, Inc., USDC Northern District of California, Case No. 3:16-cv-00151, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$33 million.

Yaldo v. Airtouch Communications, State of Michigan, Wayne County, Case No. 99-909694-CP, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at over \$32 million for defrauded consumers.

Lapin v. Goldman Sachs, USDC Southern District of New York, Case No. 03-0850-KJD, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$29 million.

In re Heritage Bond Litigation, USDC Central District of California, Case No. 02-ML-1475-DT, where as Co-Lead Counsel, the Firm recovered in excess of \$28 million for defrauded investors and continues to pursue additional defendants.

In re Livent, Inc. Noteholders Litigation, USDC Southern District of New York, Case No. 99 Civ 9425-VM, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of over \$27 million.

In re ECI Telecom Ltd. Securities Litigation, USDC Eastern District of Virginia, Case No. 01-913-A, in which the Firm served as sole Lead Counsel and recovered almost \$22 million for defrauded ECI investors.

Senn v. Sealed Air Corporation, USDC New Jersey, Case No. 03-cv-4372-DMC, a securities fraud class action, in which the Firm acted as co-lead counsel for the Class and achieved a settlement of \$20 million.

In re Gilat Satellite Networks, Ltd. Securities Litigation, USDC Eastern District of New York, Case No. 02-1510-CPS, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$20 million.

In re Lumenis, Ltd. Securities Litigation, USDC Southern District of New York, Case No.02-CV-1989-DAB, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at over \$20 million.

In re Infonet Services Corporation Securities Litigation, USDC Central District of California, Case No. CV 01-10456-NM, in which as Co-Lead Counsel, the Firm achieved a settlement of \$18 million.

In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98 Civ. 7530-NRB, a securities fraud class action in which the Firm served as sole Lead Counsel for the Class and achieved a settlement valued in excess of \$17 million.

In re Musicmaker.com Securities Litigation, USDC Central District of California, Case No. 00-02018-CAS, a securities fraud class action in which the Firm was sole Lead Counsel for the Class and recovered in excess of \$13 million.

In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079-AJT, in which the Firm was Co-Lead Counsel and recovered almost \$13 million for defrauded Lason stockholders.

In re Inso Corp. Securities Litigation, USDC District of Massachusetts, Case No. 99 10193-WGY, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

In re National TechTeam Securities Litigation, USDC Eastern District of Michigan, Case No. 97-74587-AC, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

Taft v. Ackermans (KPNQwest Securities Litigation), USDC Southern District of New York, Case No. 02-CV-07951-PKL, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement worth \$11 million.

Jenson v. First Trust Corporation, USDC Central District of California, Case No. 05-cv-3124-ABC, in which the Firm was appointed sole lead counsel and achieved an \$8.5 million settlement in a very difficult case involving a trustee's potential liability for losses incurred by investors in a Ponzi scheme. Kevin Ruf of the Firm also successfully defended in the 9th Circuit Court of Appeals the trial court's granting of class certification in this case.

In re Ramp Networks, Inc. Securities Litigation, USDC Northern District of California, Case No. C-00-3645-JCS, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of nearly \$7 million.

Capri v. Comerica, Inc., USDC Eastern District of Michigan, Case No. 02-CV-60211-MOB, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$6.0 million.

Plumbing Solutions Inc. v. Plug Power, Inc., USDC Eastern District of New York, Case No. CV 00 5553-ERK, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of over \$5 million.

Ree v. Procom Technologies, Inc., USDC Southern District of New York, Case No. 02-CV-7613-JGK, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$2.7 million.

Tatz v. Nanophase Technologies Corp., USDC Northern District of Illinois, Case No. 01-C-8440-MCA, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$2.5 million.

In re F & M Distributors Securities Litigation, USDC Eastern District of Michigan, Case No. 95 CV 71778-DT, a securities fraud class action in which the Firm served on the Executive Committee and helped secure a \$20.25 million settlement.

ANTITRUST PRACTICE GROUP AND ACHIEVEMENTS

Glancy Prongay & Murray's Antitrust Practice Group focuses on representing individuals and entities that have been victimized by unlawful monopolization, price-fixing, market allocation, and other anti-competitive conduct. The Firm has prosecuted significant antitrust cases and has helped individuals and businesses recover billions of dollars. Prosecuting civil antitrust cases under federal and state laws throughout the country, the Firm's Antitrust Practice Group represents consumers, businesses, and Health and Welfare Funds and seeks injunctive relief and damages for violations of antitrust and commodities laws. The Firm has served, or is currently serving, as Lead Counsel, Co-Lead Counsel or Class Counsel in a substantial number of antitrust class actions, including:

In re Nasdaq Market-Makers Antitrust Litigation, USDC Southern District of New York, Case No. 94 C 3996-RWS, MDL Docket No. 1023, a landmark antitrust lawsuit in which the Firm filed the first complaint against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in a case that recovered \$900 million for investors.

Sullivan v. DB Investments, USDC District of New Jersey, Case No. No. 04-cv-2819, where the Firm served as Co-Lead Settlement Counsel in an antitrust case against DeBeers relate to the pricing of diamonds that settled for \$295 million.

In re Korean Air Lines Antitrust Litig., USDC Central District of California, Master File No. CV 07-05107 SJO(AGRx), MDL No. 07-0189, where the Firm served as Co-Lead

Counsel in a case related to fixing of prices for airline tickets to Korea that settled for \$86 million.

In re Urethane Chemical Antitrust Litig., USDC District of Kansas, Case No. MDL 1616, where the Firm served as Co-Lead counsel in an antitrust price fixing case that settled \$33 million.

In re Western States Wholesale Natural Gas Litig., USDC District of Nevada, Case No. MDL 1566, where the Firm served as Class Counsel in an antitrust price fixing case that settled \$25 million.

In re Aggrenox Antitrust Litig., USDC District of Connecticut, Case No. 14-cv-2516, where the Firm played a major role in achieving a settlement of \$54,000,000.

In re Solodyn Antitrust Litig., USDC District of Massachusetts, Case No. MDL 2503, where the Firm played a major role in achieving a settlement of \$43,000,000.

In re Generic Pharmaceuticals Pricing Antitrust Litig., USDC Eastern District of Pennsylvania, Case No. 16-md-2427, where the Firm is representing a major Health and Welfare Fund in a case against a number of generic drug manufacturers for price fixing generic drugs.

In re Actos End Payor Antitrust Litig., USDC Southern District of New York, Case No. 13-cv-9244, where the Firm is serving on Plaintiffs' Executive Committee.

In re Heating Control Panel Direct Purchaser Action, USDC Eastern District of Michigan, Case No. 12-md-02311, representing a recreational vehicle manufacturer in a price-fixing class action involving direct purchasers of heating control panels.

In re Instrument Panel Clusters Direct Purchaser Action, USDC Eastern District of Michigan, Case No. 12-md-02311, representing a recreational vehicle manufacturer in a price-fixing class action involving direct purchasers of instrument panel clusters.

In addition, the Firm is currently involved in the prosecution of many market manipulation cases relating to violations of antitrust and commodities laws, including *Sullivan v. Barclays PLC* (manipulation of Euribor rate), *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, *In re LIBOR-Based Financial Instruments Antitrust Litig.*, *In re Gold Futures & Options Trading Litig.*, *In re Platinum & Palladium Antitrust Litig.*, *Sonterra Cap. Master Fund v. Credit Suisse Group AG* (Swiss Libor rate manipulation), *Twin City Iron Pension Fund v. Bank of Nova Scotia* (manipulation of treasury securities), and *Ploss v. Kraft Foods Group* (manipulation of wheat prices).

Glancy Prongay & Murray has been responsible for obtaining favorable appellate opinions which have broken new ground in the class action or securities fields, or which have promoted shareholder rights in prosecuting these actions. The Firm successfully argued the appeals in a number of cases:

In *Smith v. L'Oreal*, 39 Cal.4th 77 (2006), Firm partner Kevin Ruf established ground-breaking law when the California Supreme Court agreed with the Firm's position that waiting penalties under the California Labor Code are available to *any* employee after termination of employment, regardless of the reason for that termination.

OTHER NOTABLE ACHIEVEMENTS

Other notable Firm cases are: *Silber v. Mabon I*, 957 F.2d 697 (9th Cir. 1992) and *Silber v. Mabon II*, 18 F.3d 1449 (9th Cir. 1994), which are the leading decisions in the Ninth Circuit regarding the rights of opt-outs in class action settlements. In *Rothman v. Gregor*, 220 F.3d 81 (2d Cir. 2000), the Firm won a seminal victory for investors before the Second Circuit Court of Appeals, which adopted a more favorable pleading standard for investors in reversing the District Court's dismissal of the investors' complaint. After this successful appeal, the Firm then recovered millions of dollars for defrauded investors of the GT Interactive Corporation. The Firm also argued *Falkowski v. Imation Corp.*, 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003), and favorably obtained the substantial reversal of a lower court's dismissal of a cutting edge, complex class action initiated to seek redress for a group of employees whose stock options were improperly forfeited by a giant corporation in the course of its sale of the subsidiary at which they worked.

The Firm is also involved in the representation of individual investors in court proceedings throughout the United States and in arbitrations before the American Arbitration Association, National Association of Securities Dealers, New York Stock Exchange, and Pacific Stock Exchange. Mr. Glancy has successfully represented litigants in proceedings against such major securities firms and insurance companies as A.G. Edwards & Sons, Bear Stearns, Merrill Lynch & Co., Morgan Stanley, PaineWebber, Prudential, and Shearson Lehman Brothers.

One of the Firm's unique skills is the use of "group litigation" - the representation of groups of individuals who have been collectively victimized or defrauded by large institutions. This type of litigation brought on behalf of individuals who have been similarly damaged often provides an efficient and effective economic remedy that frequently has advantages over the class action or individual action devices. The Firm has successfully achieved results for groups of individuals in cases against major corporations such as Metropolitan Life Insurance Company, and Occidental Petroleum Corporation.

Glancy Prongay & Murray LLP currently consists of the following attorneys:

PARTNERS

LEE ALBERT, a partner, was admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey in 1986. He received his

B.S. and M.S. degrees from Temple University and Arcadia University in 1975 and 1980, respectively, and received his J.D. degree from Widener University School of Law in 1986. Upon graduation from law school, Mr. Albert spent several years working as a civil litigator in Philadelphia, PA. Mr. Albert has extensive litigation and appellate practice experience having argued before the Supreme and Superior Courts of Pennsylvania and has over fifteen years of trial experience in both jury and non-jury cases and arbitrations. Mr. Albert has represented a national health care provider at trial obtaining injunctive relief in federal court to enforce a five-year contract not to compete on behalf of a national health care provider and injunctive relief on behalf of an undergraduate university.

Currently, Mr. Albert represents clients in all types of complex litigation including matters concerning violations of federal and state antitrust and securities laws, mass tort/product liability and unfair and deceptive trade practices. Some of Mr. Albert's current major cases include *In Re Automotive Wire Harness Systems Antitrust Litigation* (E.D. Mich.); *In Re Heater Control Panels Antitrust Litigation* (E.D. Mich.); *Kleen Products, et al. v. Packaging Corp. of America* (N.D. Ill.); and *In re Class 8 Transmission Indirect Purchaser Antitrust Litigation* (D. Del.). Previously, Mr. Albert had a significant role in *Marine Products Antitrust Litigation* (C.D. Cal.); *Baby Products Antitrust Litigation* (E.D. Pa.); *In re ATM Fee Litigation* (N.D. Cal.); *In re Canadian Car Antitrust Litigation* (D. Me.); *In re Broadcom Securities Litigation* (C.D. Cal.); and has worked on *In re Avandia Marketing, Sales Practices and Products Liability Litigation* (E.D. Pa.); *In re Ortho Evra Birth Control Patch Litigation* (N.J. Super. Ct., Middlesex County); *In re AOL Time Warner, Inc. Securities Litigation* (S.D.N.Y.); *In re WorldCom, Inc. Securities Litigation* (S.D.N.Y.); and *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct.).

PETER A. BINKOW has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He served as Lead or Co-Lead Counsel in many class action cases, including: *In re Mercury Interactive Securities Litigation* (\$117.5 million recovery); *The City of Farmington Hills Retirement System v Wells Fargo* (\$62.5 million recovery); *Schleicher v Wendt* (Conseco Securities litigation - \$41.5 million recovery); *Lapin v Goldman Sachs* (\$29 million recovery); *In re Heritage Bond Litigation* (\$28 million recovery); *In re National Techteam Securities Litigation* (\$11 million recovery for investors); *In re Lason Inc. Securities Litigation* (\$12.68 million recovery), *In re ESC Medical Systems, Ltd. Securities Litigation* (\$17 million recovery); and many others. In *Schleicher v Wendt*, Mr. Binkow successfully argued the seminal Seventh Circuit case on class certification, in an opinion authored by Chief Judge Frank Easterbrook. He has argued and/or prepared appeals before the Ninth Circuit, Seventh Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow joined the Firm in 1994. He was born on August 16, 1965 in Detroit, Michigan. Mr. Binkow obtained a Bachelor of Arts degree from the University of Michigan in 1988 and a Juris Doctor degree from the University of Southern California in 1994.

JOSEPH D. COHEN has extensive complex civil litigation experience, and currently oversees the firm's settlement department, negotiating, documenting and obtaining court approval of the firm's securities, merger and derivative settlements.

Prior to joining the firm, Mr. Cohen successfully prosecuted numerous securities fraud, consumer fraud, antitrust and constitutional law cases in federal and state courts throughout the country. Cases in which Mr. Cohen took a lead role include: *Jordan v. California Dep't of Motor Vehicles*, 100 Cal. App. 4th 431 (2002) (complex action in which the California Court of Appeal held that California's Non-Resident Vehicle \$300 Smog Impact Fee violated the Commerce Clause of the United States Constitution, paving the way for the creation of a \$665 million fund and full refunds, with interest, to 1.7 million motorists); *In re Geodyne Res., Inc. Sec. Litig.* (Harris Cty. Tex.) (settlement of securities fraud class action, including related litigation, totaling over \$200 million); *In re Cmty. Psychiatric Centers Sec. Litig.* (C.D. Cal.) (settlement of \$55.5 million was obtained from the company and its auditors, Ernst & Young, LLP); *In re McLeodUSA Inc., Sec. Litig.* (N.D. Iowa) (\$30 million settlement); *In re Arakis Energy Corp. Sec. Litig.* (E.D.N.Y.) (\$24 million settlement); *In re Metris Cos., Inc., Sec. Litig.* (D. Minn.) (\$7.5 million settlement); *In re Landry's Seafood Rest., Inc. Sec. Litig.* (S.D. Tex.) (\$6 million settlement); and *Freedman v. Maspeth Fed. Loan and Savings Ass'n*, (E.D.N.Y.) (favorable resolution of issue of first impression under RESPA resulting in full recovery of improperly assessed late fees).

Mr. Cohen was also a member of the teams that obtained substantial recoveries in the following cases: *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* (S.D.N.Y.) (partial settlements of approximately \$2 billion); *In re Washington Mutual Mortgage-Backed Sec. Litig.* (W.D. Wash.) (settlement of \$26 million); *Mylan Pharm., Inc. v. Warner Chilcott Public Ltd. Co.* (E.D. Pa.) (\$8 million recovery in antitrust action on behalf of class of indirect purchasers of the prescription drug Doryx); *City of Omaha Police and Fire Ret. Sys. v. LHC Group, Inc.* (W.D. La.) (securities class action settlement of \$7.85 million); and *In re Pacific Biosciences of Cal., Inc. Sec. Litig.* (Cal. Super. Ct.) (\$7.6 million recovery).

In addition, Mr. Cohen was previously the head of the settlement department at Bernstein Litowitz Berger & Grossmann LLP. While at BLB&G, Mr. Cohen had primary responsibility for overseeing the team working on the following settlements, among others: *In Re Merck & Co., Inc. Sec., Deriv. & "ERISA" Litig.* (D.N.J.) (\$1.062 billion securities class action settlement); *New York State Teachers' Ret. Sys. v. General Motors Co.* (E.D. Mich.) (\$300 million securities class action settlement); *In re JPMorgan Chase & Co. Sec. Litig.* (S.D.N.Y.) (\$150 million settlement); *Dep't of the Treasury of the State of New Jersey and its Division of Inv. v. Cliffs Natural Res. Inc., et al.* (N.D. Ohio) (\$84 million securities class action settlement); *In re Penn West Petroleum Ltd. Sec. Litig.* (S.D.N.Y.) (\$19.76 million settlement); and *In re BioScrip, Inc. Sec. Litig.* (\$10.9 million settlement).

LIONEL Z. GLANCY, a graduate of University of Michigan Law School, is the founding partner of the Firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at a New York law firm concentrating in

securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last thirty years, having appeared and been appointed lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He has appeared and argued before dozens of district courts and a number of appellate courts. His efforts have resulted in the recovery of hundreds of millions of dollars in settlement proceeds for huge classes of shareholders. Well known in securities law, he has lectured on its developments and practice, including having lectured before Continuing Legal Education seminars and law schools.

Mr. Glancy was born in Windsor, Canada, on April 4, 1962. Mr. Glancy earned his undergraduate degree in political science in 1984 and his Juris Doctor degree in 1986, both from the University of Michigan. He was admitted to practice in California in 1988, and in Nevada and before the U.S. Court of Appeals, Ninth Circuit, in 1989.

MARC L. GODINO has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Since joining the firm in 2005, Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, merger & acquisition, and consumer cases throughout the country in both state and federal court, as well as represented defrauded investors at FINRA arbitrations. Mr. Godino manages the Firm's consumer class action department.

While a senior associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in *Small v. Fritz Co.*, 30 Cal. 4th 167 (April 7, 2003), in which the California Supreme Court created new law in the State of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including *The National Law Journal*, the *Los Angeles Times*, the *New York Times*, and the *New York Law Journal*, among others, and was heralded as a significant victory for shareholders.

Mr. Godino's successes with Glancy Prongay & Murray LLP include: *Good Morning To You Productions Corp., et al., v. Warner/Chappell Music, Inc., et al.*, Case No. 13-04460 (C.D. Cal.) (In this highly publicized case that attracted world-wide attention, Plaintiffs prevailed on their claim that the song "Happy Birthday" should be in the public domain and achieved a \$14,000,000 settlement to class members who paid a licensing fee for the song); *Ord v. First National Bank of Pennsylvania*, Case No. 12-766 (W. D. Pa.) (\$3,000,000 settlement plus injunctive relief); *Pappas v. Naked Juice Co. of Glendora, Inc.*, Case No. 11-08276 (C.D. Cal.) (\$9,000,000 settlement plus injunctive relief); *Astiana v. Kashi Company*, Case No. 11-1967 (S.D. Cal.) (\$5,000,000 settlement); *In re Magma Design Automation, Inc. Securities Litigation*, Case No. 05-2394 (N.D. Cal.) (\$13,500,000 settlement); *In re Hovnanian Enterprises, Inc. Securities Litigation*, Case No. 08-cv-0099 (D.N.J.) (\$4,000,000 settlement); *In re Skilled Healthcare Group, Inc. Securities Litigation*, Case No. 09-5416 (C.D. Cal.) (\$3,000,000 settlement); *Kelly v. Phiten USA, Inc.*, Case No. 11-67 (S.D. Iowa) (\$3,200,000 settlement plus injunctive relief); (*Shin et al., v. BMW of North America*, 2009 WL

2163509 (C.D. Cal. July 16, 2009) (after defeating a motion to dismiss, the case settled on very favorable terms for class members including free replacement of cracked wheels); *Payday Advance Plus, Inc. v. MIVA, Inc.*, Case No. 06-1923 (S.D.N.Y.) (\$3,936,812 settlement); *Esslinger, et al. v. HSBC Bank Nevada, N.A.*, Case No. 10-03213 (E.D. Pa.) (\$23,500,000 settlement); *In re Discover Payment Protection Plan Marketing and Sales Practices Litigation*, Case No. 10-06994 (\$10,500,000 settlement); *In Re: Bank of America Credit Protection Marketing and Sales Practices Litigation*, Case No. 11-md-02269 (N.D. Cal.) (\$20,000,000 settlement).

Mr. Godino was also the principal attorney in the following published decisions: *In re Zappos.com, Inc., Customer Data Sec. Breach Litigation*, 714 Fed Appx. 761 (9th Cir. 2018) (reversing order dismissing class action complaint); *Small et al., v. University Medical Center of Southern Nevada, et al.*, 2017 WL 3461364 (D. Nev. Aug. 10, 2017) (denying motion to dismiss); *Sciortino v. Pepsico, Inc.*, 108 F.Supp. 3d 780 (N.D. Cal.. June 5, 2015) (motion to dismiss denied); *Peterson v. CJ America, Inc.*, 2015 WL 11582832 (S.D. Cal. May 15, 2015) (motion to dismiss denied); *Lilly v. Jamba Juice Company*, 2014 WL 4652283 (N. D. Cal. Sep 18, 2014) (class certification granted in part); *Kramer v. Toyota Motor Corp.*, 705 F. 3d 1122 (9th Cir. 2013) (affirming denial of Defendant's motion to compel arbitration); *Sateriale, et al. v. R.J. Reynolds Tobacco Co.*, 697 F. 3d 777 (9th Cir. 2012) (reversing order dismissing class action complaint); *Shin v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (motion to dismiss denied); *In re 2TheMart.com Securities Litigation*, 114 F. Supp. 2d 955 (C.D. Cal. 2002) (motion to dismiss denied); *In re Irvine Sensors Securities Litigation*, 2003 U.S. Dist. LEXIS 18397 (C.D. Cal. 2003) (motion to dismiss denied).

The following represent just a few of the cases Mr. Godino is currently litigating in a leadership position: *Small v. University Medical Center of Southern Nevada*, Case No. 13-00298 (D. Nev.); *Courtright, et al., v. O'Reilly Automotive Stores, Inc., et al.*, Case No. 14-334 (W.D. Mo); *Keskinen v. Edgewell Personal Care Co., et al.*, Case No. 17-07721 (C.D. CA); *Ryan v. Rodan & Fields, LLC*, Case No. 18-02505 (N.D. Cal)

MATTHEW M. HOUSTON, a partner in the firm's New York office, graduated from Boston University School of Law in 1988. Mr. Houston is an active member of the Bar of the State of New York and an inactive member of the bar for the Commonwealth of Massachusetts. Mr. Houston is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the District of Massachusetts, and the Second, Seventh, Ninth, and Eleventh Circuit Court of Appeals of the United States. Mr. Houston repeatedly has been selected as a New York Metro Super Lawyer.

Mr. Houston has substantial courtroom experience involving complex actions in federal and state courts throughout the country. Mr. Houston was co-lead trial counsel in one the few ERISA class action cases taken to trial asserting breach of fiduciary duty claims against plan fiduciaries, *Brieger et al. v. Tellabs, Inc.*, No. 06-CV-01882 (N.D. Ill.), and has successfully prosecuted many ERISA actions, including *In re Royal Ahold N.V. Securities and ERISA Litigation*, Civil Action No. 1:03-md-01539. Mr. Houston has been one of the principal attorneys litigating claims in multi-district litigation concerning employment classification of pickup and delivery drivers and primarily responsible for

prosecuting ERISA class claims resulting in a \$242,000,000 settlement; *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700). Mr. Houston recently presented argument before the Eleventh Circuit Court of Appeals on behalf of a class of Florida pickup and delivery drivers obtaining a reversal of the lower court's grant of summary judgment. Mr. Houston represented the interests of Nevada and Arkansas drivers employed by FedEx Ground obtaining significant recoveries on their behalf. Mr. Houston also served as lead counsel in multi-district class litigation seeking to modify insurance claims handling practices; *In re UnumProvident Corp. ERISA Benefits Denial Actions*, No. 1:03-cv-1000 (MDL 1552).

Mr. Houston has played a principal role in numerous derivative and class actions wherein substantial benefits were conferred upon plaintiffs: *In re: Groupon Derivative Litigation*, No. 12-cv-5300 (N.D. Ill. 2012) (settlement of consolidated derivative action resulting in sweeping corporate governance reform estimated at \$159 million) *Bangari v. Lesnik, et al.*, No. 11 CH 41973 (Illinois Circuit Court, County of Cook) (settlement of claim resulting in payment of \$20 million to Career Education Corporation and implementation of extensive corporate governance reform); *In re Diamond Foods, Inc. Shareholder Litigation*, No. CGC-11-515895 (California Superior Court, County of San Francisco) (\$10.4 million in monetary relief including a \$5.4 million clawback of executive compensation and significant corporate governance reform); *Pace American Shareholder Litigation*, 94-92 TUC-RMB (securities fraud class action settlement resulting in a recovery of \$3.75 million); *In re Bay Financial Securities Litigation*, Master File No. 89-2377-DPW, (D. Mass.) (J. Woodlock) (settlement of action based upon federal securities law claims resulting in class recovery in excess of \$3.9 million); *Goldsmith v. Technology Solutions Company*, 92 C 4374 (N.D. Ill. 1992) (J. Manning) (recovery of \$4.6 million as a result of action alleging false and misleading statements regarding revenue recognition).

In addition to numerous employment and derivative cases, Mr. Houston has litigated actions asserting breach of fiduciary duty in the context of mergers and acquisitions. Mr. Houston has been responsible for securing millions of dollars in additional compensation and structural benefits for shareholders of target companies: *In re Instinet Group, Inc. Shareholders Litigation*, C.A. No. 1289 (Delaware Court of Chancery); *Jasinover v. The Rouse Company*, Case No. 13-C-04-59594 (Maryland Circuit Court); *McLaughlin v. Household International, Inc.*, Case No. 02 CH 20683 (Illinois Circuit Court); *Sebesta v. The Quizno's Corporation*, Case No. 2001 CV 6281 (Colorado District Court); *Crandon Capital Partners v. Sanford M. Kimmel*, C.A. No. 14998 (Del. Ch.); and *Crandon Capital Partners v. Kimmel*, C.A. No. 14998 (Del. Ch. 1996) (J. Chandler) (settlement of an action on behalf of shareholders of Transnational Reinsurance Co. whereby acquiring company provided an additional \$10.4 million in merger consideration).

JASON L. KRAJECER is a partner in the firm's Los Angeles office. He specializes in complex securities cases and has extensive experience in all phases of litigation (fact investigation, pre-trial motion practice, discovery, trial, appeal).

Prior to joining Glancy Prongay & Murray LLP, Mr. Krajcer was an Associate at Goodwin Procter LLP where he represented issuers, officers and directors in multi-hundred million and billion dollar securities cases. He began his legal career at Orrick, Herrington & Sutcliffe LLP, where he represented issuers, officers and directors in securities class actions, shareholder derivative actions, and matters before the U.S. Securities & Exchange Commission.

Mr. Krajcer is admitted to the State Bar of California, the Bar of the District of Columbia, the United States Supreme Court, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central and Southern Districts of California.

SUSAN G. KUPFER is the founding partner of the Firm's Berkeley office. Ms Kupfer joined the Firm in 2003. She is a native of New York City, and received her A.B. degree from Mount Holyoke College in 1969 and her Juris Doctor degree from Boston University School of Law in 1973. She did graduate work at Harvard Law School and, in 1977, was named Assistant Dean and Director of Clinical Programs at Harvard, supervising and teaching in that program of legal practice and related academic components.

For much of her legal career, Ms. Kupfer has been a professor of law. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional Law, Legal Ethics, and Jurisprudence. She has taught at Harvard Law School, Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law, and Northeastern University School of Law. From 1991 through 2002, she was a lecturer on law at the University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her publications include articles on federal civil rights litigation, legal ethics, and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation and legal ethics, to both law students and practicing attorneys.

Ms. Kupfer previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco, and was the Executive Director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio LLP before joining the Firm.

Ms. Kupfer's practice is concentrated in complex antitrust litigation. She currently serves, or has served, as Co-Lead Counsel in several multidistrict antitrust cases: *In re Photochromic Lens Antitrust Litig.* (MDL 2173, M.D. Fla. 2010); *In re Fresh and Process Potatoes Antitrust Litig.* (D. ID. 2011); *In re Korean Air Lines Antitrust Litig.* (MDL No. 1891, C.D. Cal. 2007); *In re Urethane Antitrust Litigation* (MDL 1616, D. Kan. 2004); *In re Western States Wholesale Natural Gas Litigation* (MDL 1566, D. Nev. 2005); and *Sullivan et al v. DB Investments et al* (D. N.J. 2004). She has been a member of the lead counsel teams that achieved significant settlements in: *In re Sorbates Antitrust Litigation* (\$96.5 million settlement); *In re Pillar Point Partners Antitrust Litigation* (\$50 million settlement); and *In re Critical Path Securities Litigation* (\$17.5 million settlement).

Ms. Kupfer is a member of the bar of Massachusetts and California, and is admitted to practice before the United States District Courts for the Northern, Central, Eastern and Southern Districts of California, the District of Massachusetts, the Courts of Appeals for the First and Ninth Circuits, and the U.S. Supreme Court.

GREGORY B. LINKH works out of the New York office, where he litigates antitrust, securities, shareholder derivative, and consumer cases. Greg graduated from the State University of New York at Binghamton in 1996 and from the University of Michigan Law School in 1999. While in law school, Greg externed with United States District Judge Gerald E. Rosen of the Eastern District of Michigan. Greg was previously associated with the law firms Dewey Ballantine LLP, Pomerantz Haudek Block Grossman & Gross LLP, and Murray Frank LLP.

Previously, Greg had significant roles in *In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation* (settled for \$125 million); *In re Crompton Corp. Securities Litigation* (settled \$11 million); *Lowry v. Andrx Corp.* (settled for \$8 million); *In re Xybernaut Corp. Securities MDL Litigation* (settled for \$6.3 million); and *In re EIS Int'l Inc. Securities Litigation* (settled for \$3.8 million). Greg also represented the West Virginia Investment Management Board ("WVIMB") in *WVIMB v. Residential Accredited Loans, Inc., et al.*, relating to the WVIMB's investment in residential mortgage-backed securities.

Currently, Greg is litigating various antitrust and securities cases, including *In re Korean Ramen Antitrust Litigation*, *In re Automotive Parts Antitrust Litigation*, and *In re Horsehead Holding Corp. Securities Litigation*.

Greg is the co-author of *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004); and *Staying Derivative Action Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL, P. 4, COL. 4 (Oct. 21, 2005).

BRIAN MURRAY is the managing partner of the Firm's New York Park Avenue office and the head of the Firm's Antitrust Practice Group. He received Bachelor of Arts and Master of Arts degrees from the University of Notre Dame in 1983 and 1986, respectively. He received a Juris Doctor degree, *cum laude*, from St. John's University School of Law in 1990. At St. John's, he was the Articles Editor of the ST. JOHN'S LAW REVIEW. Mr. Murray co-wrote: *Jurisdição Estrangeira Tem Papel Relevante Na De Fiesa De Investidores Brasileiros*, ESPAÇA JURÍDICO BOVESPA (August 2008); *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); *The Accident of Efficiency: Foreign Exchanges, American Depository Receipts, and Space Arbitrage*, 51 BUFFALO L. REV. 383 (2003); *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *He Lies, You Die: Criminal Trials, Truth, Perjury, and Fairness*, 27 NEW ENGLAND J. ON CIVIL AND CRIMINAL CONFINEMENT 1 (2001); *Subject Matter Jurisdiction Under the Federal Securities Laws: The State of Affairs After Itoba*, 20 MARYLAND J. OF INT'L L. AND TRADE 235 (1996); *Determining Excessive Trading in Option Accounts: A Synthetic Valuation Approach*, 23 U. DAYTON L. REV. 316 (1997); *Loss Causation Pleading Standard*, NEW YORK LAW JOURNAL (Feb. 25, 2005); *The PSLRA 'Automatic Stay' of Discovery*, NEW YORK LAW JOURNAL (March 3, 2003);

and *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004). He also authored *Protecting The Rights of International Clients in U.S. Securities Class Action Litigation*, INTERNATIONAL LITIGATION NEWS (Sept. 2007); *Lifting the PSLRA "Automatic Stay" of Discovery*, 80 N. DAK. L. REV. 405 (2004); *Aftermarket Purchaser Standing Under § 11 of the Securities Act of 1933*, 73 ST. JOHN'S L. REV. 633 (1999); *Recent Rulings Allow Section 11 Suits By Aftermarket Securities Purchasers*, NEW YORK LAW JOURNAL (Sept. 24, 1998); and *Comment, Weissmann v. Freeman: The Second Circuit Errs in its Analysis of Derivative Copy-rights by Joint Authors*, 63 ST. JOHN'S L. REV. 771 (1989).

Mr. Murray was on the trial team that prosecuted a securities fraud case under Section 10(b) of the Securities Exchange Act of 1934 against Microdyne Corporation in the Eastern District of Virginia and he was also on the trial team that presented a claim under Section 14 of the Securities Exchange Act of 1934 against Artek Systems Corporation and Dynatach Group which settled midway through the trial.

Mr. Murray's major cases include *In re Horsehead Holding Corp. Sec. Litig.*, No. 16-cv-292, 2018 WL 4838234 (D. Del. Oct. 4, 2018) (recommending denial of motion to dismiss securities fraud claims where company's generic cautionary statements failed to adequately warn of known problems); *In re Deutsche Bank Sec. Litig.*, --- F.R.D. ---, 2018 WL 4771525 (S.D.N.Y. Oct. 2, 2018) (granting class certification for Securities Act claims and rejecting defendants' argument that class representatives' trading profits made them atypical class members); *Robb v. Fitbit Inc.*, 216 F. Supp. 3d 1017 (N.D. Cal. 2016) (denying motion to dismiss securities fraud claims where confidential witness statements sufficiently established scienter); *In re Eagle Bldg. Tech. Sec. Litig.*, 221 F.R.D. 582 (S.D. Fla. 2004), 319 F. Supp. 2d 1318 (S.D. Fla. 2004) (complaint against auditor sustained due to magnitude and nature of fraud; no allegations of a "tip-off" were necessary); *In re Turkcell Iletisim A.S. Sec. Litig.*, 209 F.R.D. 353 (S.D.N.Y. 2002) (defining standards by which investment advisors have standing to sue); *In re Turkcell Iletisim A.S. Sec. Litig.*, 202 F. Supp. 2d 8 (S.D.N.Y. 2001) (liability found for false statements in prospectus concerning churn rates); *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998) (qualified independent underwriters held liable for pricing of offering); *Malone v. Microdyne Corp.*, 26 F.3d 471 (4th Cir. 1994) (reversal of directed verdict for defendants); and *Adair v. Bristol Tech. Systems, Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998) (aftermarket purchasers have standing under section 11 of the Securities Act of 1933). Mr. Murray also prevailed on an issue of first impression in the Superior Court of Massachusetts, in *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, in which the court applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts. 6 Mass. L. Rptr. 367 (Mass. Super. Jan. 28, 1997). In addition, in *Adair v. Microfield Graphics, Inc.* (D. Or.), Mr. Murray settled the case for 47% of estimated damages. *In the Qiao Xing Universal Telephone* case, claimants received 120% of their recognized losses.

Among his current cases, Mr. Murray represents a class of investors in a securities litigation involving preferred shares of Deutsche Bank and is lead counsel in a securities class action against Horsehead Holdings, Inc. in the District of Delaware.

Mr. Murray served as a Trustee of the Incorporated Village of Garden City (2000-2002); Commissioner of Police for Garden City (2000-2001); Co-Chairman, Derivative Suits Subcommittee, American Bar Association Class Action and Derivative Suits Committee, (2007-2010); Member, Sports Law Committee, Association of the Bar for the City of New York, 1994-1997; Member, Litigation Committee, Association of the Bar for the City of New York, 2003-2007; Member, New York State Bar Association Committee on Federal Constitution and Legislation, 2005-2008; Member, Federal Bar Council, Second Circuit Committee, 2007-present.

Mr. Murray has been a panelist at CLEs sponsored by the Federal Bar Council and the Institute for Law and Economic Policy, at the German-American Lawyers Association Annual Meeting in Frankfurt, Germany, and is a frequent lecturer before institutional investors in Europe and South America on the topic of class actions.

ROBERT V. PRONGAY is a partner in the Firm's Los Angeles office where he focuses on the investigation, initiation, and prosecution of complex securities cases on behalf of institutional and individual investors. Mr. Prongay's practice concentrates on actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

Mr. Prongay has extensive experience litigating complex cases in state and federal courts nationwide. Since joining the Firm, Mr. Prongay has successfully recovered millions of dollars for investors victimized by securities fraud and has negotiated the implementation of significant corporate governance reforms aimed at preventing the recurrence of corporate wrongdoing.

Mr. Prongay was recently recognized as one of thirty lawyers included in the Daily Journal's list of Top Plaintiffs Lawyers in California for 2017. Several of Mr. Prongay's cases have received national and regional press coverage. Mr. Prongay has been interviewed by journalists and writers for national and industry publications, ranging from *The Wall Street Journal* to the *Los Angeles Daily Journal*. Mr. Prongay has appeared as a guest on Bloomberg Television where he was interviewed about the securities litigation stemming from the high-profile initial public offering of Facebook, Inc.

Mr. Prongay received his Bachelor of Arts degree in Economics from the University of Southern California and his Juris Doctor degree from Seton Hall University School of Law. Mr. Prongay is also an alumnus of the Lawrenceville School.

DANIELLA QUITT, a partner in the firm's New York office, graduated from Fordham University School of Law in 1988, is a member of the Bar of the State of New York, and is also admitted to the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second, Fifth, and Ninth Circuits, and the United States Supreme Court.

Ms. Quitt has extensive experience in successfully litigating complex class actions from inception to trial and has played a significant role in numerous actions wherein

substantial benefits were conferred upon plaintiff shareholders, such as *In re Safety-Kleen Corp. Stockholders Litigation*, (D.S.C.) (settlement fund of \$44.5 million); *In re Laidlaw Stockholders Litigation*, (D.S.C.) (settlement fund of \$24 million); *In re UNUMProvident Corp. Securities Litigation*, (D. Me.) (settlement fund of \$45 million); *In re Harnischfeger Industries* (E.D. Wisc.) (settlement fund of \$10.1 million); *In re Oxford Health Plans, Inc. Derivative Litigation*, (S.D.N.Y.) (settlement benefit of \$13.7 million and corporate therapeutics); *In re JWP Inc. Securities Litigation*, (S.D.N.Y.) (settlement fund of \$37 million); *In re Home Shopping Network, Inc., Derivative Litigation*, (S.D. Fla.) (settlement benefit in excess of \$20 million); *In re Graham-Field Health Products, Inc. Securities Litigation*, (S.D.N.Y.) (settlement fund of \$5.65 million); *Benjamin v. Carusona*, (E.D.N.Y.) (prosecuted action on behalf of minority shareholders which resulted in a change of control from majority-controlled management at Gurney's Inn Resort & Spa Ltd.); *In re Rexel Shareholder Litigation*, (Sup. Ct. N.Y. County) (settlement benefit in excess of \$38 million); and *Croyden Assoc. v. Tesoro Petroleum Corp., et al.*, (Del. Ch.) (settlement benefit of \$19.2 million).

In connection with the settlement of *Alessi v. Beracha*, (Del. Ch.), a class action brought on behalf of the former minority shareholders of Earthgrains, Chancellor Chandler commented: "I give credit where credit is due, Ms. Quitt. You did a good job and got a good result, and you should be proud of it."

Ms. Quitt has focused her practice on shareholder rights and ERISA class actions but also handles general commercial and consumer litigation. Ms. Quitt serves as a member of the S.D.N.Y. ADR Panel and has been consistently selected as a New York Metro Super Lawyer.

JONATHAN M. ROTTER leads the Firm's intellectual property litigation practice and has extensive experience in class action litigation, including in the fields of data privacy, digital content, securities, consumer protection, and antitrust. His cases often involve technical and scientific issues, and he excels at the critical skill of understanding and organizing complex subject matter in a way helpful to judges, juries, and ultimately, the firm's clients. Since joining the firm, he has played a key role in cases recovering over \$100 million. He handles cases on contingency, partial contingency, and hourly bases, and works collaboratively with other lawyers and law firms across the country.

Before joining the firm, Mr. Rotter served for three years as the first Patent Pilot Program Law Clerk at the United States District Court for the Central District of California, both in Los Angeles and Orange County. There, he assisted the Honorable S. James Otero, Andrew J. Guilford, George H. Wu, John A. Kronstadt, and Beverly Reid O'Connell with hundreds of patent cases in every major field of technology, from complaint to post-trial motions, advised on case management strategy, and organized and provided judicial education. Mr. Rotter also served as a law clerk for the Honorable Milan D. Smith, Jr. on the United States Court of Appeals for the Ninth Circuit, working on the full range of matters handled by the Circuit.

Before his service to the courts, Mr. Rotter practiced at an international law firm, where he argued appeals at the Federal Circuit, Ninth Circuit, and California Court of Appeal,

tried cases, argued motions, and managed all aspects of complex litigation. He also served as a volunteer criminal prosecutor for the Los Angeles City Attorney's Office.

Mr. Rotter graduated with honors from Harvard Law School in 2004. He served as an editor of the Harvard Journal of Law & Technology, was a Fellow in Law and Economics at the John M. Olin Center for Law, Economics, and Business at Harvard Law School, and a Fellow in Justice, Welfare, and Economics at the Harvard University Weatherhead Center For International Affairs. He graduated with honors from the University of California, San Diego in 2000 with a B.S. in molecular biology and a B.A. in music.

Mr. Rotter serves on the Merit Selection Panel for Magistrate Judges in the Central District of California, and served on the Model Patent Jury Instructions and Model Patent Local Rules subcommittees of the American Intellectual Property Law Association. He has written extensively on intellectual property issues, and has been honored for his work with legal service organizations. He is admitted to practice in California and before the United States Courts of Appeals for the First, Second, Ninth and Federal Circuits, the United States District Courts for the Northern, Central, and Southern Districts of California, and the United States Patent & Trademark Office.

KEVIN F. RUF graduated from the University of California at Berkeley with a Bachelor of Arts in Economics and earned his Juris Doctor degree from the University of Michigan. He was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation. In 1993, he joined the firm Corbin & Fitzgerald (with future federal district court Judge Michael Fitzgerald) specializing in white collar criminal defense work.

Kevin joined the Glancy firm in 2001 and works on a diverse range of trial and appellate cases; he is also head of the firm's Labor practice. Kevin has successfully argued a number of important appeals, including in the 9th Circuit Court of Appeals. He has twice argued cases before the California Supreme Court – winning both.

In *Smith v. L'Oreal* (2006), after Kevin's winning arguments, the California Supreme Court established a fundamental right of all California workers to immediate payment of all earnings at the conclusion of their employment.

Kevin gave the winning oral argument in one of the most talked about and wide-reaching California Supreme Court cases of recent memory: *Lee v. Dynamex* (2018). The Dynamex decision altered 30 years of California law and established a new definition of employment that brings more workers within the protections of California's Labor Code. The California legislature was so impressed with the Dynamex result that promulgated AB5, a statute to formalize this new definition of employment and expand its reach.

Kevin won the prestigious California Lawyer of the Year (CLAY) award in 2019 for his work on the *Dynamex* case.

In 2021, Kevin was named by California's legal paper of record, the Daily Journal, as one of 18 California "Lawyers of the Decade."

Kevin has been named three times as one of the Daily Journal's "Top 75 Employment Lawyers."

Since 2014, Kevin has been an elected member of the Ojai Unified School District Board of Trustees. Kevin was also a Main Company Member of the world-famous Groundlings improv and sketch comedy troupe – where "everyone else got famous."

BENJAMIN I. SACHS-MICHAELS, a partner in the firm's New York office, graduated from Benjamin N. Cardozo School of Law in 2011. His practice focuses on shareholder derivative litigation and class actions on behalf of shareholders and consumers.

While in law school, Mr. Sachs-Michaels served as a judicial intern to Senior United States District Judge Thomas J. McAvoy in the United States District Court for the Northern District of New York and was a member of the Cardozo Journal of Conflict Resolution.

Mr. Sachs-Michaels is a member of the Bar of the State of New York. He is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

CASEY E. SADLER is a native of New York, New York. After graduating from the University of Southern California, Gould School of Law, Mr. Sadler joined the Firm in 2010. While attending law school, Mr. Sadler externed for the Enforcement Division of the Securities and Exchange Commission, spent a summer working for P.H. Parekh & Co. – one of the leading appellate law firms in New Delhi, India – and was a member of USC's Hale Moot Court Honors Program.

Mr. Sadler's practice focuses on securities and consumer litigation. A partner in the Firm's Los Angeles office, Mr. Sadler is admitted to the State Bar of California and the United States District Courts for the Northern, Southern, and Central Districts of California.

EX KANO S. SAMS II EX KANO S. SAMS II earned his Bachelor of Arts degree in Political Science from the University of California Los Angeles. Mr. Sams earned his Juris Doctor degree from the University of California Los Angeles School of Law, where he served as a member of the *UCLA Law Review*. After law school, Mr. Sams practiced class action civil rights litigation on behalf of plaintiffs. Subsequently, Mr. Sams was a partner at Coughlin Stoia Geller Rudman & Robbins LLP (currently Robbins Geller Rudman & Dowd LLP), where his practice focused on securities and consumer class actions on behalf of investors and consumers.

During his career, Mr. Sams has served as lead counsel in dozens of securities class actions and complex-litigation cases, and has worked on cases at all levels of the state and federal court systems throughout the United States. Mr. Sams was one of the

counsel for respondents in *Cyan, Inc. v. Beaver Cty. Employees Ret. Fund*, 138 S. Ct. 1061 (2018), in which the United States Supreme Court ruled unanimously in favor of respondents, holding that: (1) the Securities Litigation Uniform Standards Act of 1998 (“SLUSA”) does not strip state courts of jurisdiction over class actions alleging violations of only the Securities Act of 1933; and (2) SLUSA does not empower defendants to remove such actions from state to federal court. Mr. Sams also participated in a successful appeal before a Fifth Circuit panel that included former United States Supreme Court Justice Sandra Day O’Connor sitting by designation, in which the court unanimously vacated the lower court’s denial of class certification, reversed the lower court’s grant of summary judgment, and issued an important decision on the issue of loss causation in securities litigation: *Alaska Electrical Pension Fund v. Flowserve Corp.*, 572 F.3d 221 (5th Cir. 2009). The case settled for \$55 million.

Mr. Sams has also obtained other significant results. Notable examples include: *Beezley v. Fenix Parts, Inc.*, No. 1:17-CV-7896, 2018 WL 3454490 (N.D. Ill. July 13, 2018) (denying motion to dismiss); *In re Flowers Foods, Inc. Sec. Litig.*, No. 7:16-CV-222 (WLS), 2018 WL 1558558 (M.D. Ga. Mar. 23, 2018) (largely denying motion to dismiss; case settled for \$21 million); *In re King Digital Entm’t plc S’holder Litig.*, No. CGC-15-544770 (San Francisco Superior Court) (case settled for \$18.5 million); *In re Castlight Health, Inc. S’holder Litig.*, Lead Case No. CIV533203 (California Superior Court, County of San Mateo) (case settled for \$9.5 million); *Wiley v. Envivio, Inc.*, Master File No. CIV517185 (California Superior Court, County of San Mateo) (case settled for \$8.5 million); *In re CafePress Inc. S’holder Litig.*, Master File No. CIV522744 (California Superior Court, County of San Mateo) (case settled for \$8 million); *Estate of Gardner v. Continental Casualty Co.*, No. 3:13-cv-1918 (JBA), 2016 WL 806823 (D. Conn. Mar. 1, 2016) (granting class certification); *Forbush v. Goodale*, No. 33538/2011, 2013 WL 582255 (N.Y. Sup. Feb. 4, 2013) (denying motions to dismiss); *Curry v. Hansen Med., Inc.*, No. C 09-5094 CW, 2012 WL 3242447 (N.D. Cal. Aug. 10, 2012) (upholding complaint; case settled for \$8.5 million); *Wilkof v. Caraco Pharm. Labs., Ltd.*, 280 F.R.D. 332 (E.D. Mich. 2012) (granting class certification); *Puskala v. Koss Corp.*, 799 F. Supp. 2d 941 (E.D. Wis. 2011) (upholding complaint); *Mishkin v. Zynex Inc.*, Civil Action No. 09-cv-00780-REB-KLM, 2011 WL 1158715 (D. Colo. Mar. 30, 2011) (denying motion to dismiss); and *Tsirekidze v. Syntax-Brilliant Corp.*, No. CV-07-02204-PHX-FJM, 2009 WL 2151838 (D. Ariz. July 17, 2009) (granting class certification; case settled for \$10 million).

Additionally, Mr. Sams has successfully represented consumers in class action litigation. Mr. Sams worked on nationwide litigation and a trial against major tobacco companies, and in statewide tobacco litigation that resulted in a \$12.5 billion recovery for California cities and counties in a landmark settlement. He also was a principal attorney in a consumer class action against one of the largest banks in the country that resulted in a substantial recovery and a change in the company’s business practices. Mr. Sams also participated in settlement negotiations on behalf of environmental organizations along with the United States Department of Justice and the Ohio Attorney General’s Office that resulted in a consent decree requiring a company to perform remediation measures to address the effects of air and water pollution. Additionally, Mr. Sams has been an author or co-author of several articles in major legal publications,

including “9th Circuit Decision Clarifies Securities Fraud Loss Causation Rule” published in the February 8, 2018 issue of the *Daily Journal*, and “Market Efficiency in the World of High-Frequency Trading” published in the December 26, 2017 issue of the *Daily Journal*.

LEANNE HEINE SOLISH is a partner in GPM’s Los Angeles office. Her practice focuses on complex securities litigation.

Ms. Solish has extensive experience litigating complex cases in federal courts nationwide. Since joining GPM in 2012, Ms. Solish has helped secure several large class action settlements for injured investors, including: *The City of Farmington Hills Employees Retirement System v. Wells Fargo Bank*, Case No. 10-4372--DWF/JJG (D. Minn.) (\$62.5 million settlement on behalf of participants in Wells Fargo’s securities lending program. The settlement was reached on the eve of trial and ranked among the largest recoveries achieved in a securities lending class action stemming from the 2008 financial crisis.); *Mild v. PPG Industries, Inc. et al.*, Case No. 2:18-cv-04231 (C.D. Cal.) (\$25 million settlement); *In re Penn West Petroleum Ltd. Securities Litigation*, Case No. 1:14-cv-06046-JGK (S.D.N.Y.) (\$19 million settlement for the U.S. shareholder class as part of a \$39 million global settlement); *In re ITT Educational Services, Inc. Securities Litigation (Indiana)*, Case No. 1:14-cv-01599-TWP-DML (\$12.5375 million settlement); *In re Doral Financial Corporation Securities Litigation*, Case No. 3:14-cv-01393-GAG (D.P.R.) (\$7 million settlement); *Larson v. Insys Therapeutics Incorporated, et al.*, Lead Case No. 14-cv-01043-PHX-GMS (D. Ariz.) (\$6.125 million settlement); *In re Unilife Corporation Securities Litigation*, Case No. 1:16-cv-03976-RA (\$4.4 million settlement); and *In re K12 Inc. Securities Litigation*, Case No. 4:16-cv-04069-PJH (N.D. Cal.) (\$3.5 million settlement).

Super Lawyers Magazine has selected Ms. Solish as a “Rising Star” in the area of Securities Litigation for the past four consecutive years, 2016 through 2019.

Ms. Solish graduated *summa cum laude* with a B.S.M. in Accounting and Finance from Tulane University, where she was a member of the Beta Alpha Psi honors accounting organization and was inducted into the Beta Gamma Sigma Business Honors Society. Ms. Solish subsequently earned her J.D. from the University of Texas School of Law.

Ms. Solish is admitted to the State Bar of California, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central, Northern, and Southern Districts of California. Ms. Solish is also a Registered Certified Public Accountant in Illinois.

GARTH A. SPENCER’s work focuses on securities litigation on behalf of investors, as well as whistleblower, consumer and antitrust matters for plaintiffs. He has substantially contributed to a number of GPM’s successful cases, including *Robb v. Fitbit Inc.* (N.D. Cal.) (\$33 million settlement). Mr. Spencer joined the firm’s New York office in 2016, and transferred to Los Angeles in 2020. Prior to joining GPM, he worked in the tax group of a transactional law firm, and pursued tax whistleblower matters as a sole practitioner.

DAVID J. STONE has a broad background in complex commercial litigation, with particular focus on litigating corporate fiduciary claims, securities, and contract matters. Mr. Stone maintains a versatile practice in state and federal courts, representing clients in a wide-range of matters, including corporate derivative actions, securities class actions, litigating claims arising from master limited partnership “drop down” transactions, litigating consumer class actions (including data breach claims) litigating complex debt instruments, fraudulent conveyance actions, and appeals. Mr. Stone also has developed a specialized practice in litigation on behalf of post-bankruptcy confirmation trusts, including investigating and prosecuting D&O claims and general commercial litigation. In addition, Mr. Stone counsels clients on general business matters, including contract negotiation and corporate organization.

Mr. Stone graduated from Boston University School of Law in 1994 and was the Law Review Editor. He earned his B.A. at Tufts University in 1988, graduating *cum laude*. Following law school, Mr. Stone served as a clerk to the Honorable Joseph Tauro, then Chief Judge of the U.S. District Court for the District of Massachusetts. Prior to joining GPM, Mr. Stone practiced at international law firms Cravath, Swaine & Moore LLP, Morrison & Foerster LLP, and Greenberg Traurig LLP.

Mr. Stone is a member of the bar in New York and California, and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York, the Northern, Southern, and Central Districts of California, and the Court of Appeals for the Second and Third Circuits.

KARA M. WOLKE is a partner in the firm’s Los Angeles office. Ms. Wolke specializes in complex litigation, including the prosecution of securities fraud, derivative, consumer, and wage and hour class actions. She also has extensive experience in appellate advocacy in both State and Federal Circuit Courts of Appeals.

With over fifteen years of experience in financial class action litigation, Ms. Wolke has helped to recover hundreds of millions of dollars for injured investors, consumers, and employees. Notable cases include: *Christine Asia Co. Ltd., et al. v. Jack Yun Ma, et al.*, Case No. 15-md-02631 (S.D.N.Y.) (\$250 million securities class action settlement); *Farmington Hills Employees’ Retirement System v. Wells Fargo Bank*, Case No. 10-4372 (D. Minn.) (\$62.5 million settlement on behalf of participants in Wells Fargo’s securities lending program. The settlement was reached on the eve of trial and ranked among the largest recoveries achieved in a securities lending class action stemming from the 2008 financial crisis.); *Schleicher, et al. v. Wendt, et al.* (Conseco), Case No. 02-cv-1332 (S.D. Ind.) (\$41.5 million securities class action settlement); *Lapin v. Goldman Sachs*, Case No. 03-850 (S.D.N.Y.) (\$29 million securities class action settlement); *In Re: Mannkind Corporation Securities Litigation*, Case No. 11-929 (C.D. Cal.) (approximately \$22 million settlement – \$16 million in cash plus stock); *Jenson v. First Trust Corp.*, Case No. 05-3124 (C.D. Cal.) (\$8.5 million settlement of action alleging breach of fiduciary duty and breach of contract against trust company on behalf of a class of elderly investors); and *Pappas v. Naked Juice Co.*, Case No. 11-08276 (C.D. Cal.) (\$9 million settlement in consumer class action alleging misleading labeling of juice products as “All Natural”).

Ms. Wolke has been named a Super Lawyers “Rising Star,” and her work on behalf of investors has earned her recognition as a LawDragon Leading Plaintiff Financial Lawyer for 2019 and 2020.

With a background in intellectual property, Ms. Wolke was a part of the team of lawyers who successfully challenged the claim of copyright ownership to the song “*Happy Birthday to You*” on behalf of artists and filmmakers who had been forced to pay hefty licensing fees to publicly sing the world’s most famous song. In the resolution of that action, the defendant music publishing company funded a settlement of \$14 million and, significantly, agreed to relinquish the song to the public domain. Previously, Ms. Wolke penned an article regarding the failure of U.S. Copyright Law to provide an important public performance right in sound recordings, 7 Vand. J. Ent. L. & Prac. 411, which was nationally recognized and received an award by the American Bar Association and the Grammy® Foundation.

Committed to the provision of legal services to the poor, disadvantaged, and other vulnerable or disenfranchised individuals and groups, Ms. Wolke also oversees the Firm’s *pro bono practice*. Ms. Wolke currently serves as a volunteer attorney for KIND (Kids In Need of Defense), representing unaccompanied immigrant and refugee children in custody and deportation proceedings, and helping them to secure legal permanent residency status in the U.S.

Ms. Wolke graduated *summa cum laude* with a Bachelor of Science in Economics from The Ohio State University in 2001. She subsequently earned her J.D. (with honors) from Ohio State, where she was active in Moot Court and received the Dean’s Award for Excellence during each of her three years.

Ms. Wolke is admitted to the State Bar of California, the Ninth Circuit Court of Appeals, as well as the United States District Courts for the Northern, Southern, and Central Districts of California. She lives with her husband and two sons in Los Angeles.

OF COUNSEL

BRIAN D. BROOKS joined the New York office of Glancy Prongay & Murray LLP in 2019, specializing in antitrust, consumer, and securities litigation. His current cases include *In re Zetia Antitrust Litigation*, No. 18-md-2836 (E.D. Va.); *Staley, et al. v. Gilead Sciences, Inc., et al.*, No. 3:19-cv-02573-EMC (N.D. Cal.); and *In re: Seroquel XR (Extended Release Quetiapine Fumarate) Litigation*, No. 1:19-cv-08296-CM (S.D.N.Y.).

Prior to joining the firm, Mr. Brooks was an associate at Murray, Frank & Sailer, LLP in New York, where his practice was focused on antitrust, consumer, and securities matters, and later a partner at Smith, Segura & Raphael, LLP, in New York and Louisiana. During his tenure at Smith Segura & Raphael, LLP, Mr. Brooks represented direct purchasers in numerous antitrust matters, including *In re: Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, No. 2:13-md-02445 (E.D. Pa.), *In re: Niaspan Antitrust Litigation*, No. 2:13-md-02460 (E.D. Pa.), and *In re:*

Novartis & Par Antitrust Litigation (Exforge), No. 18-cv-4361 (S.D.N.Y.), and was an active member of the trial team for the class in *In re: Nexium (Esomeprazole) Antitrust Litigation*, No. 12-md-2409 (D. Mass.), the first post-*Actavis* reverse-payment case to be tried to verdict. He was also an active member of the litigation teams in the *King Drug Company of Florence, Inc. et al. v. Cephalon, Inc., et al. (Provigil)*, No. 2:06-cv-1797 (E.D. Pa.); *In re: Prograf Antitrust Litigation*, No. 1:11-md-2242 (D. Mass.) and *In re: Miralax antitrust matters*, which collectively settled for more than \$600 million, and a member of the litigation teams in *In re: Relafen Antitrust Litigation*, No. 01-cv-12239 (D. Mass.); *In re: Buspirone Antitrust Litigation*, MDL Dkt. No. 1410 (S.D.N.Y.); *In re: Remeron Antitrust Litigation*, No. 02-2007 (D.N.J.); *In re: Terazosin Hydrochloride Antitrust Litigation*, No. 99-MDL-1317 (S.D. Fla.); and *In re K-Dur Antitrust Litigation*, No. 10-cv-1652 (D.N.J.).

Mr. Brooks received his B.A. from Northwestern State University of Louisiana in 1998 and his J.D. from Washington and Lee School of Law in 2002, where he was a staff writer for the Environmental Law Digest and clerked for the Alderson Legal Assistance Program, handling legal matters for inmates of the Federal Detention Center in Alderson, West Virginia. He is admitted to practice in all state courts in New York and Louisiana, as well as the United States District Courts for the Southern and Eastern Districts of New York and the Eastern and Western Districts of Louisiana.

JOSHUA L. CROWELL concentrates his practice on prosecuting complex securities cases on behalf of investors.

Recently, he was co-lead counsel in *In re Yahoo! Inc. Securities Litigation*, No. 17-CV-00373-LHK (N.D. Cal.), which resulted in an \$80 million settlement for the class. He also led the prosecution of *In re Akorn, Inc. Securities Litigation*, No. 1:15-cv-01944 (N.D. Ill.), achieving a \$24 million class settlement.

Prior to joining Glancy Prongay & Murray LLP, Joshua was an Associate at Labaton Sucharow LLP in New York, where he substantially contributed to some of the firm's biggest successes. There he helped secure several large federal securities class settlements, including:

- *In re Countrywide Financial Corp. Securities Litigation*, No. CV 07-05295 MRP (MANx) (C.D. Cal.) – \$624 million
- *In re Schering-Plough Corp. / ENHANCE Securities Litigation*, No. 08-397 (DMC) (JAD) (D.N.J.) – \$473 million
- *In re Broadcom Corp. Class Action Litigation*, No. CV-06-5036-R (CWx) (C.D. Cal.) – \$173.5 million
- *In re Fannie Mae 2008 Securities Litigation*, No. 08-civ-7831-PAC (S.D.N.Y.) – \$170 million
- *Oppenheimer Champion Fund and Core Bond Fund actions*, Nos. 09-cv-525-JLK-KMT and 09-cv-1186-JLK-KMT (D. Colo.) – \$100 million combined

He began his legal career as an Associate at Paul, Hastings, Janofsky & Walker LLP in New York, primarily representing financial services clients in commercial litigation.

Super Lawyers has selected Joshua as a Rising Star in the area of Securities Litigation from 2015 through 2017.

Prior to attending law school, Joshua was a Senior Economics Consultant at Ernst & Young LLP, where he priced intercompany transactions and calculated the value of intellectual property. Joshua received a J.D., cum laude, from The George Washington University Law School. During law school, he was a member of The George Washington Law Review and the Mock Trial Board. He was also a law intern for Chief Judge Edward J. Damich of the United States Court of Federal Claims. Joshua earned a B.A. in International Relations from Carleton College.

MARK S. GREENSTONE specializes in consumer, financial fraud and employment-related class actions. Possessing significant law and motion and trial experience, Mr. Greenstone has represented clients in multi-million dollar disputes in California state and federal courts, as well as the Court of Federal Claims in Washington, D.C.

Mr. Greenstone received his training as an associate at Sheppard, Mullin, Richter & Hampton LLP where he specialized in complex business litigation relating to investment management, government contracts and real estate. Upon leaving Sheppard Mullin, Mr. Greenstone founded an internet-based company offering retail items on multiple platforms nationwide. He thereafter returned to law bringing a combination of business and legal skills to his practice.

Mr. Greenstone graduated Order of the Coif from the UCLA School of Law. He also received his undergraduate degree in Political Science from UCLA, where he graduated Magna Cum Laude and was inducted into the Phi Beta Kappa honor society.

Mr. Greenstone is a member of the Consumer Attorneys Association of Los Angeles, the Santa Monica Bar Association and the Beverly Hills Bar Association. He is admitted to practice in state and federal courts throughout California.

ROBERT I. HARWOOD, Of Counsel to the firm, graduated from William and Mary Law School in 1971, and has specialized in securities law and securities litigation since beginning his career in 1972 at the Enforcement Division of the New York Stock Exchange. Mr. Harwood was a founding member of Harwood Feffer LLP. He has prosecuted numerous securities, class, derivative, and ERISA actions. He is a member of the Trial Lawyers' Section of the New York State Bar Association and has served as a guest lecturer at trial advocacy programs sponsored by the Practising Law Institute. In a statewide survey of his legal peers published by Super Lawyers Magazine, Mr. Harwood has been consistently selected as a "New York Metro Super Lawyer." Super Lawyers are the top five percent of attorneys in New York, as chosen by their peers and through the independent research. He is also a Member of the Board of Directors of the MFY Legal Services Inc., which provides free legal representation in civil matters to the poor and the mentally ill in New York City. Since 1999, Mr. Harwood has also served as a Village Justice for the Village of Dobbs Ferry, New York.

Commenting on Mr. Harwood's abilities, in *In re Royal Dutch/Shell Transport ERISA Litigation*, (D.N.J.), Judge Bissell stated:

the Court knows the attorneys in the firms involved in this matter and they are highly experienced and highly skilled in matters of this kind. Moreover, in this case it showed. Those efforts were vigorous, imaginative and prompt in reaching the settlement of this matter with a minimal amount of discovery So both skill and efficiency were brought to the table here by counsel, no doubt about that.

Likewise, Judge Hurley stated in connection with *In re Olsten Corporation Securities Litigation*, No. 97 CV-5056 (E.D.N.Y. Aug. 31, 2001), wherein a settlement fund of \$24.1 million was created: "The quality of representation here I think has been excellent." Mr. Harwood was lead attorney in *Meritt v. Eckerd*, No. 86 Civ. 1222 (E.D.N.Y. May 30, 1986), where then Chief Judge Weinstein observed that counsel conducted the litigation with "speed and skill" resulting in a settlement having a value "in the order of \$20 Million Dollars." Mr. Harwood prosecuted the *Hoening v. Aylsworth* class action litigation in the United States District Court for the Western District of Texas (No. SA-86-CA-939), which resulted in a settlement fund of \$18 million and received favorable comment in the August 14, 1989 edition of *The Wall Street Journal* ("*Prospector Fund Finds Golden Touch in Class Action Suit*" p. 18, col. 1). Mr. Harwood served as co-lead counsel in *In Re Interco Incorporated Shareholders Litigation*, Consolidated C.A. No. 10111 (Delaware Chancery Court) (May 25, 1990), resulting in a settlement of \$18.5 million, where V.C. Berger found, "This is a case that has an extensive record that establishes it was very hard fought. There were intense efforts made by plaintiffs' attorneys and those efforts bore very significant fruit in the face of serious questions as to ultimate success on the merits."

Mr. Harwood served as lead counsel in *Morse v. McWhorter* (Columbia/HCA Healthcare Securities Litigation), (M.D. Tenn.), in which a settlement fund of \$49.5 million was created for the benefit of the Class, as well as *In re Bank One Securities Litigation*, (N.D. Ill.), which resulted in the creation of a \$45 million settlement fund. Mr. Harwood also served as co-lead counsel in *In re Safety-Kleen Corp. Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$44.5 million; *In re Laidlaw Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$24 million; *In re AIG ERISA Litigation*, (S.D.N.Y.), which resulted in a settlement fund of \$24.2 million; *In re JWP Inc. Securities Litigation*, (S.D.N.Y.), which resulted in a \$37 million settlement fund; *In re Oxford Health Plans, Inc. Derivative Litigation*, (S.D.N.Y.), which resulted in a settlement benefit of \$13.7 million and corporate therapeutics; and *In re UNUMProvident Corp. Securities Litigation*, (D. Me.), which resulted in the creation of settlement fund of \$45 million. Mr. Harwood has also been one of the lead attorneys in litigating claims in *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700), a multi-district litigation concerning employment classification of pickup and delivery drivers which resulted in a \$242,000,000 settlement.

CHARLES H. LINEHAN graduated summa cum laude from the University of California, Los Angeles with a Bachelor of Arts degree in Philosophy and a minor in Mathematics. Mr. Linehan received his Juris Doctor degree from the UCLA School of Law, where he was a member of the UCLA Moot Court Honors Board. While attending law school, Mr. Linehan participated in the school's First Amendment Amicus Brief Clinic (now the Scott & Cyan Banister First Amendment Clinic) where he worked with nationally recognized scholars and civil rights organizations to draft amicus briefs on various Free Speech issues.

ASSOCIATES

CHRISTOPHER FALLON focuses on securities, consumer, and anti-trust litigation. Prior to joining the firm, Mr. Fallon was a contract attorney with O'Melveny & Myers LLP working on anti-trust and business litigation disputes. He is a Certified E-Discovery Specialist through the Association of Certified E-Discovery Specialists (ACEDS).

Mr. Fallon earned his J.D. and a Certificate in Dispute Resolution from Pepperdine Law School in 2004. While attending law school, Christopher worked at the Pepperdine Special Education Advocacy Clinic and interned with the Rhode Island Office of the Attorney General. Prior to attending law school, he graduated from Boston College with a Bachelor of Arts in Economics and a minor in Irish Studies, then served as Deputy Campaign Finance Director on a U.S. Senate campaign.

THOMAS J. KENNEDY works out of the New York office, where he focuses on securities, antitrust, mass torts, and consumer litigation. He received a Juris Doctor degree from St. John's University School of Law in 1995. At St. John's, he was a member of the ST. JOHN'S JOURNAL OF LEGAL COMMENTARY. Mr. Kennedy graduated from Miami University in 1992 with a Bachelor of Science degree in Accounting and has passed the CPA exam. Mr. Kennedy was previously associated with the law firm Murray Frank LLP.

NATALIE S. PANG is an associate in the firm's Los Angeles office. Ms. Pang has advocated on behalf of thousands of consumers during her career. Ms. Pang has extensive experience in case management and all facets of litigation: from a case's inception through the discovery process--including taking and defending depositions and preparing witnesses for depositions and trial--mediation and settlement negotiations, pretrial motion work, trial and post-trial motion work.

Prior to joining the firm, Ms. Pang lead the mass torts department of her last firm, where she managed the cases of over two thousand individual clients. There, Ms. Pang worked on a wide variety of complex state and federal matters which included cases involving pharmaceutical drugs, medical devices, auto defects, toxic torts, false advertising, and uninhabitable conditions. Ms. Pang was also trial counsel in the notable case, *Celestino Acosta et al. v. City of Long Beach et al.* (BC591412) which was brought on behalf of residents of a mobile home park built on a former trash dump and resulted in a \$39.5 million verdict after an eleven-week jury trial in Los Angeles Superior Court.

Ms. Pang received her J.D. from Loyola Law School. While in law school, Ms. Pang received a Top 10 Brief Award as a Scott Moot Court competitor, was chosen to be a member of the Scott Moot Court Honor's Board, and competed as a member of the National Moot Court Team. Ms. Pang was also a Staffer and subsequently an Editor for Loyola's Entertainment Law Review as well as a Loyola Writing Tutor. During law school, Ms. Pang served as an extern for: the Hon. Rolf Treu (Los Angeles Superior Court), the Los Angeles City Attorney's Office, and the Federal Public Defender's Office. Ms. Pang obtained her undergraduate degree from the University of Southern California and worked in the healthcare industry prior to pursuing her career in law.

PAVITHRA RAJESH is a litigation associate in the firm's Los Angeles office. She specializes in fact discovery, including pre-litigation investigation, and develops legal theories in securities, derivative, and privacy-related matters.

Ms. Rajesh has unique writing experience from her judicial externship for the Patent Pilot Program in the United States District Court for the Central District of California, where she worked closely with the Clerk and judges in the program on patent cases. Drawing from this experience, Ms. Rajesh is passionate about expanding the firm's Intellectual Property practice, and she engages with experts to understand complex technology in a wide range of patents, including network security and videogame electronics.

Ms. Rajesh graduated from University of California, Santa Barbara with a Bachelor of Science degree in Mathematics and a Bachelor of Arts degree in Psychology. She received her Juris Doctor degree from UCLA School of Law. While in law school, Ms. Rajesh was an Associate Editor for the UCLA Law Review.

RAY D. SULENTIC prosecutes complex class actions for GPM. He enjoys advocating for investors because he used to be one. Before law school, Mr. Sulentic worked on Wall Street for roughly a decade—on both the buy-side, and the sell-side. His experience includes working as a former Director of Investments for a private equity fund; a special situations analyst for a \$10.0 billion multi-asset class hedge fund; and as a sell-side equity and commodity analyst for Bear Stearns & Co. Inc. While at Bear Stearns, Mr. Sulentic's investment analysis was featured in Barron's.

Since leaving the investment world, Mr. Sulentic received his early legal training from one of the largest law firms in the world, where he defended multinational corporations in securities suits and government investigations.

While in law school, Mr. Sulentic authored several seminar papers on securities law topics including on: whether SLUSA conferred exclusive jurisdiction to federal courts deciding cases under the Securities Act of 1933; how to overcome a corporation's unilaterally adopted bylaw amendment purporting to confer exclusive forum in Delaware; and on the proliferation of appraisal arbitration actions and whether public policy supports the Delaware Court of Chancery's role as an arbiter of market value.

He holds a B.S.M. in Finance from Tulane University; an M.B.A. with a concentration in Finance from Georgetown University; and a J.D. from the UCLA School of Law. The synergy of his finance and legal education and experience makes him well-suited for disputes related to complex accounting frauds, market manipulation matters, valuation disputes, and damages.

MELISSA WRIGHT is a litigation associate in the firm's Los Angeles office. Ms. Wright specializes in complex litigation, including the prosecution of securities fraud and consumer class actions. She has particular expertise in all aspects of the discovery phase of litigation, including drafting and responding to discovery requests, negotiating protocols for the production of Electronically Stored Information (ESI) and all facets of ESI discovery, and assisting in deposition preparation. She has managed multiple document production and review projects, including the development of ESI search terms, overseeing numerous attorneys reviewing large document productions, drafting meet and confer correspondence and motions to compel where necessary, and coordinating the analysis of information procured during the discovery phase for utilization in substantive motions or settlement negotiations.

Ms. Wright received her J.D. from the UC Davis School of Law in 2012, where she was a board member of Tax Law Society and externed for the California Board of Equalization's Tax Appeals Assistance Program focusing on consumer use tax issues. Ms. Wright also graduated from NYU School of Law, where she received her LL.M. in Taxation in 2013.

EXHIBIT C

1 Rosemary M. Rivas (State Bar No. 209147)
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8 *Counsel for Plaintiffs*

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 COORDINATION PROCEEDING SPECIAL
12 TITLE [RULE 3.550]

13 LASH BOOST CASES

14 Included actions:

15 *Scherr v. Rodan & Fields, LLC*, Superior Court of
16 California, County of San Bernardino, Case No.
17 CIVDS 1723435

18 *Gorzo, et al. v. Rodan & Fields, LLC*, Superior
19 Court of California, County of San Francisco,
20 Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

**DECLARATION OF ROSEMARY M.
RIVAS IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARD**

1 I, Rosemary M. Rivas, declare as follows:

2 1. I am a partner of the law firm of Gibbs Law Group LLP, and one of Class Counsel for
3 Plaintiffs in the above-captioned case and counsel of record for Plaintiff Bobbie Joe Huling. I am a
4 member of the California Bar and I am licensed to practice law before this Court. I have knowledge of
5 the matters set forth herein based on my personal knowledge and my review of the records of my law
6 firm and could and would testify competently to them if called upon to do so.

7
8 2. I actively participated in this action, including negotiation of the Settlement, and I am
9 fully familiar with the proceedings being resolved. I make this Declaration in support of Plaintiffs'
10 motion for attorneys' fees and costs and for the Class Representatives' Service Awards ("Motion").
11 Given my role in this litigation, I have personal knowledge of the legal services rendered by the
12 attorneys requesting fees and expenses. This declaration summarizes the work performed by Gibbs
13 Law Group LLP in this litigation that led to the benefits provided to the Class under the Agreement.

14
15 3. The hours accounted for in this declaration relate both to this matter and a related federal
16 action, *Barbara Lewis, et al. v. Rodan + Fields, LLC.*, Case No. 4:18-cv-02248-PJH (N.D. Cal.)
17 ("*Lewis*"), that included overlapping claims based on the same facts, and in which the plaintiffs were
18 represented by Class Counsel. The settlement in this matter also resolved the claims in the federal *Lewis*
19 matter, and the work performed in the federal action inured to the benefit of the Class and directly led
20 to the Settlement Agreement.

21 **HISTORY OF THE LITIGATION**

22
23 4. I have been the primary attorney responsible for, and working on this case, on behalf of
24 Plaintiffs. I began working on this case when I was a former partner with Levi & Korninsky, LLP and
25 after I joined Gibbs Law Group in January 2021, I continued working on this case. Among other things,
26 I worked on the complaints filed in this case and *Lewis*; I prepared for and took depositions of certain
27 of Defendant's 30b6 witnesses, including marketing; I defended Mrs. Bobbie Jo Huling's deposition
28

1 and have been in regular contact with her throughout the litigation; I participated in the several
2 mediations that took place in this case and *Lewis*, including in fashioning the relief; I worked on the
3 settlement agreement and ancillary papers, such as the claim form and notice; and I helped with
4 preparing the motions for preliminary approval. I also worked on the Spanish translation of the long
5 form and short forms of notice.
6

7 **THE RISKS BORNE BY GIBBS LAW GROUP**

8 5. When I first began working on this case, I anticipated spending hundreds of hours
9 litigating these claims with no guarantee of success, knew that prosecution of this case would require
10 that other work be foregone, understood that there was substantial uncertainty regarding the applicable
11 legal and factual issues, and continued to prosecute the litigation in the face of substantial opposition.
12 The risks were especially significant given that this case was novel and complex in that it concerned
13 both product defects and misleading advertising.
14

15 6. In continuing on in this case after I departed Levi & Korsinsky, LLP and joined Gibbs
16 Law Group, Gibbs Law Group bore considerable risk. Gibbs Law Group took this case on a fully
17 contingent basis, meaning that we were not guaranteed to be paid for any of our time. From the outset,
18 Gibbs Law Group recognized that it would be contributing a substantial amount of time, with no
19 guarantee of compensation or recovery, in the hopes of prevailing against a well-funded defense. As a
20 result of my continued work in this case, I have foregone taking on other cases while at Gibbs Law
21 Group because I did not know what the outcome of this case would be, i.e., whether it would be litigated
22 through trial, or settled at some point, and I wanted to be sure that I had enough time to adequately
23 represent the Plaintiffs in this matter.
24

25 7. Rodan + Fields at all times has been represented by a highly-skilled and well-resourced
26 litigation firm, so there was an increased risk that Plaintiffs would receive a defense verdict after a
27 prolonged trial.
28

1 **LODESTAR AND EXPENSES FOR FIRM**

2 8. Gibbs Law Group has established a long and successful record of litigating complex
3 cases. With offices in Oakland, California, our lawyers routinely handle large and complex matters
4 throughout the country. Our lawyers have achieved a number of jury verdicts and have litigated some
5 of the largest consumer cases. Our settlements have netted our clients hundreds of millions of dollars
6 in monetary relief, and changes to business practices.

7
8 9. A copy of the Gibbs Law Group’s firm resume, reflecting that it is a well-established,
9 successful law firm, is attached as **Exhibit 1**.

10 10. Under my supervision, our office manager created a spreadsheet with all of our hourly
11 time entries.

12 11. The total number of hours of work I performed and my hourly rate from January 2021
13 to the present are shown in the table below:
14

15

NAME	TITLE	GRADUATION YEAR	HOURS WORKED	RATE	LODESTAR
Rosemary M. Rivas	Partner	2000	122.60	\$850.00	\$104,210.00
TOTAL HOURS			122.60	TOTAL LOADSTAR	\$104,210.00

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20 12. The TOTAL hours billed represent time spent.

21 13. Gibbs Law Group’s 2022 rates are reasonable and fall well within the rates that courts
22 in California have approved. *See, e.g., Stathakos v. Columbia Sportswear Co.* (N.D. Cal. Apr. 9, 2018)
23 No. 15-CV-04543-YGR, 2018 WL 1710075, at *6 (“[S]everal courts in this district have approved
24 hourly rates equal to or greater than the rates at issue here in similar cases.”); *Kumar v. Salov N. Am.*
25 *Corp.* (N.D. Cal. July 7, 2017) No. 14-CV-2411-YGR, 2017 WL 2902898, at *7 (finding Class
26
27
28

1 Counsel's rates were "reasonable and commensurate with those charged by attorneys with similar
2 experience in the market").

3 14. Expenses are accounted for and billed separately and are not duplicated in my firm's
4 professional billing rate. Gibbs Law Group has not received reimbursement for expenses incurred in
5 connection with this litigation. As of June 20, 2022, my firm had incurred a total of \$493.44 in
6 unreimbursed actual third-party expenses in connection with the prosecution of these cases. A summary
7 of expenses incurred is set forth in the following chart:
8

9

COST	AMOUNT
Postage	
Conference calls	
PACER and document-retrieval fees	
Transcripts	
Document hosting	
Photocopies	
Fedex and courtesy copies	
Westlaw fees	399.44
Powerbeats exemplars	
<i>Pro hac vice</i> fees	
Filing, CourtCall, and other court-related fees	94.00
Litigation Fund	
Travel expenses	
Mediation	
Expert fees	
Total	\$493.44

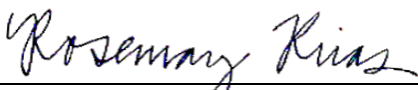
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15. The actual expenses incurred in prosecuting these cases are reflected on the computerized accounting records of my firm prepared by bookkeeping staff, based on receipts and check records, and accurately reflect all expenses incurred.

16. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed at San Francisco, California this 22nd day of June 2022.



ROSEMARY M. RIVAS

EXHIBIT 1

Firm Resume

Gibbs Law Group is a national litigation firm representing plaintiffs in class and collective actions in state and federal courts, and in arbitration matters worldwide. The firm serves clients in consumer protection, securities and financial fraud, antitrust, whistleblower, personal injury, and employment cases.

The firm regularly prosecutes multi-state class actions and has one of the best track records in the country for successfully certifying classes, developing practical damages methodologies, obtaining prompt relief for class members victimized by unlawful practices, and working cooperatively with other firms.

Our attorneys take pride in their ability to simplify complex issues; willingness to pursue narrow and innovative legal theories; ability to work cooperatively with other plaintiffs' firms; and desire to outwork and outlast well-funded defense teams.

As a result, our firm and attorneys are frequently recognized by the courts, our peers, and the legal media for the quality of their work:

- Top Plaintiff Lawyers in California, *Daily Journal*, 2021 (Andre Mura, Amy Zeman)
- Top Women Lawyers in California, *Daily Journal*, 2021 (Amy Zeman)
- Product Liability MVP, *Law360*, 2021 (Amy Zeman)
- Lawyer of the Year- Mass Torts/ Class Action, *Best Lawyers*, 2022 (Eric Gibbs)
- Ranked Law Firm in California Litigation: Mainly Plaintiffs – Band 2, *Chambers USA*, 2022
- Winning Litigators Finalist, *National Law Journal*, 2021 (Amy Zeman)
- Class Action Practice Group of the Year, *Law360*, 2019
- Top Boutique Law Firms in California, *Daily Journal*, 2019
- Titans of the Plaintiffs Bar, *Law360*, 2019 (Eric Gibbs)
- Two 2019 California Lawyer Attorney of the Year (CLAY) Awards
- Top Plaintiff Lawyers in California, *Daily Journal*, 2020, 2019, 2016 (Eric Gibbs)
- Cybersecurity and Privacy MVP, *Law360*, 2018 (Eric Gibbs)
- Top Cybersecurity/ Privacy Attorneys Under 40, *Law360 Rising Stars*, 2017 (Andre Mura)
- Top Class Action Attorneys Under 40, *Law360 Rising Stars*, 2017 (David Stein)
- Top 40 Lawyers Under 40, *Daily Journal*, 2017 (David Stein)
- AV-Preeminent, *Martindale-Hubbell* (Eric Gibbs)

ATTORNEYS

Partners

<i>Eric Gibbs</i>	p. 3
<i>David Berger</i>	p. 5
<i>Dylan Hughes</i>	p. 7
<i>Amanda Karl</i>	p. 8
<i>Linda Lam</i>	p. 10
<i>Steve Lopez</i>	p. 11
<i>Karen Barth Menzies</i>	p. 12
<i>Geoffrey Munroe</i>	p. 14
<i>Andre Mura</i>	p. 15
<i>Rosemary Rivas</i>	p. 17
<i>Michael Schrag</i>	p. 19
<i>David Stein</i>	p. 21
<i>Steven Tindall</i>	p. 23
<i>Amy Zeman</i>	p. 25

Of Counsel & Counsel

<i>Josh Bloomfield</i>	p. 27
<i>Parker Hutchinson</i>	p. 28
<i>Shawn Judge</i>	p. 29
<i>Micha Star Liberty</i>	p. 30
<i>Rosanne Mah</i>	p. 31
<i>George Sampson</i>	p. 32
<i>Mark Troutman</i>	p. 33

Associates

<i>Brian Bailey</i>	p. 34
<i>Erin Barlow</i>	p. 35
<i>Aaron Blumenthal</i>	p. 36
<i>Kyla Gibboney</i>	p. 37
<i>Julia Gonzalez</i>	p. 38
<i>Jeff Kosbie</i>	p. 39
<i>Ashleigh Musser</i>	p. 40
<i>Dasha Sominski</i>	p. 41
<i>Zeke Wald</i>	p. 42
<i>Taylor Walters</i>	p. 43

SIGNIFICANT RECOVERIES

<i>Deceptive Marketing</i>	p. 44
<i>Defective Products</i>	p. 45
<i>Antitrust & Unfair Business Practices</i>	p. 47
<i>Securities & Financial Fraud</i>	p. 50
<i>Data Breach & Privacy</i>	p. 50
<i>Mass Tort</i>	p. 51
<i>Sexual Assault Litigation</i>	p. 52
<i>Government Reform</i>	p. 52

Diversity, Equity & Inclusiveness

Gibbs Law Group is committed to diversity, inclusion, and racial justice in everything we do. Our commitment to equity and opportunity starts within our firm and extends to our community and to our work. We seek to create a culture where our employees feel comfortable bringing their full selves to work, and where we have the knowledge and skills necessary to effectively advocate for our diverse clients.

To support our goal of advancing equity both inside and outside our firm, we created an Equity, Diversity and Inclusion Task Force comprised of partners, associates, and staff. The Task Force is working to promote diversity among our employees, the clients we represent, and the causes we support. Some of the Task Force's work to date includes:

- Implementing modifications to the firm's hiring practices to diversify our applicant pool and to prioritize diversity in hiring and retention.
- Participated in the California State Bar's annual summit on diversity and equity in the legal profession.
- Outreach to diversity-focused law school organizations to expand awareness of complex litigation opportunities and ensure a diverse pool of applicants.
- Identifying and supporting diversity-focused legal organizations and non-profits.
- Maximizing the firm's capacity for social change in the community.
- Commitment to implementing annual anti-bias and microaggressions trainings.

Voting Rights Task Force

Gibbs Law Group is proud to have launched our Voting Rights Task Force, through which we have been participating in efforts to protect and expand civic participation across the country. The Task Force seeks to identify specific opportunities for both our attorneys and staff to promote voter engagement and maximize voter participation. We implemented new programs to promote firmwide involvement in protecting and expanding the right to vote, including:

- Making Election Day a firm holiday.
- Allowing support staff to bill a set number of hours per week to Voting Rights Task Force efforts, including with nonprofit organizations.
- Encouraging attorney participation in voter protection volunteer opportunities during elections, including staffing voter protection hotlines, poll watching, and helping triage issues that arise.



Eric H. Gibbs | Partner

Eric Gibbs prosecutes antitrust, consumer protection, whistleblower, financial fraud and mass tort matters. He has been appointed to leadership positions in dozens of contested, high profile class actions and coordinated proceedings. Eric has recovered billions of dollars for the clients and classes he represents and has negotiated groundbreaking settlements that resulted in meaningful reforms to business practices and have favorably impacted plaintiffs' legal rights.

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Practice Emphasis

Antitrust & Unfair Competition
Banking and Financial Fraud
Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower

Education

Seattle University School of
Law, J.D., 1995

San Francisco State
University, B.A., 1991

Awards & Honors

"Lawyer of the Year," Best
Lawyers in America for Class
Actions/ Mass Tort Litigation
(2022)

Nationwide Products Liability:
Plaintiffs – Band 4,
Chambers USA, 2022

Titans of the Plaintiffs Bar,
Law 360, 2019

California Lawyer Attorney of
the Year Award, 2019

Top Plaintiff Lawyers in
California for 2020, 2019,
2016, Daily Journal

Lawdragon 500 Leading
Plaintiff Consumer Lawyer,
2019-2022

Cybersecurity & Privacy
MVP, Law 360, 2018

Consumer Protection MVP,
Law 360, 2016

AV Preeminent® Peer
Review Rated by Martindale-
Hubbell

Top 100 Super Lawyers in
Northern California

Admissions

California

Reputation and Recognition by the Courts

In over 20 years of practice, Eric has developed a distinguished reputation with his peers and the judiciary for his ability to work efficiently and cooperatively with co-counsel, and professionally with opposing counsel in class action litigation.

"[Mr. Gibbs] efficiently managed the requests from well over 20 different law firms and effectively represented the interests of Non-Settling Plaintiffs throughout this litigation."

- Hon. G. Wu, *In re Hyundai & Kia Fuel Economy Litig.* (C.D. Cal)

"The attorneys who handled the case were particularly skilled by virtue of their ability and experience."

- Hon. D. Debevoise, *In re: Mercedes-Benz Teleaid Contract Litig.* (D. N.J.)

"They are experienced and knowledgeable counsel and have significant breadth of experience in terms of consumer class actions."

- Hon. R. Sabraw, *Mitchell v. Am. Fair Credit Assoc'n* (Alameda Cty. Superior Ct.)

"Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

- Hon. J. Fogel, *Sugarman v. Ducati N. Am.* (N.D. Cal)

Achievements and Leadership

Eric has been recognized as a leading lawyer in class and mass actions. In 2019, *Law360* recognized Eric among its "Titans of the Plaintiffs Bar," one of only 10 attorneys nationwide to receive the prestigious award. He also received the 2019 *California Lawyer Attorney of the Year (CLAY) Award* for his work in the Anthem Data Breach Litigation. *Daily Journal* named him to its coveted list of "Top Plaintiff Lawyers in California" for 2020, 2019 and 2016. *Law360* recognized Eric as a "2016 Consumer Protection MVP," (the only plaintiff-side lawyer in the country selected in that category) and as a "2018 Cybersecurity & Privacy MVP." Consumer Attorneys of California selected Eric and co-counsel as finalists for *Consumer Attorney of the Year* for achieving a \$100 million settlement in the Chase "Check Loan" Litigation. His cases have been chronicled in major legal and news publications including *NBC News*, *CNN*, the *National Law Journal*, *The New York Times*, *Market Watch*, and *Bloomberg News*. Eric holds a variety of leadership positions in professional associations for consumer advocacy, and he frequently presents on developing trends in the law at conferences throughout the country.

Litigation Highlights

In re Anthem, Inc. Data Breach Privacy Litigation – Served as a court-appointed member of the Plaintiffs' Steering Committee representing the interests of plaintiffs and putative class members following a massive data breach of approximately 80 million personal records. The lawsuit settled in August 2018 for \$115 million, the largest data breach settlement in history at the time.

In re Chase Bank U.S.A., N.A. “Check Loan” Contract Litigation – multidistrict litigation that alleged Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. Eric led negotiations in the case, which resulted in a \$100 million settlement with Chase eight weeks prior to trial.

In re Adobe Systems Inc. Privacy Litigation – As court-appointed lead counsel, Eric and his team reversed a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41 page decision in plaintiffs’ favor and Eric negotiated a comprehensive reform of Adobe’s data security practices. The court’s landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

In re Hyundai & Kia Fuel Econ. Litigation – As court-appointed liaison counsel, Eric reconciled the plaintiffs’ interests and coordinated discovery and settlement negotiations. He helped finalize a settlement with an estimated value of up to \$210 million.

Skold v. Intel Corp. – After more than a decade of litigation, Eric as lead counsel achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel’s benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

Parkinson v. Hyundai Motor America – Eric served as class counsel in this lawsuit alleging that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, Hyundai agreed to a settlement that provided for 50-100% reimbursements to class members for their repairs and full reimbursement for rental vehicle expenses.

De La Cruz v. Masco Retail Cabinet Group – Eric served as lead attorney litigating the collective claims of dozens of misclassified account representatives for overtime pay under the Fair Labor Standards Act (FLSA). Successfully certified a class of current and former Masco account representatives and personally arbitrated the case to judgment obtaining full recovery for the class.

In re Providian Credit Card Cases – Eric played a prominent role in this nationwide class action suit brought on behalf of Providian credit card holders alleging that Providian engaged in unlawful and fraudulent business practices in connection with the marketing and fee assessments for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

Professional Affiliations

American Association for Justice
American Bar Foundation- Fellow
Consumer Attorneys of California
National Association of Consumer Advocates
Pound Civil Justice Institute- Fellow
Public Justice Foundation- Class Action Preservation Project Committee



David M. Berger | Partner

David Berger represents plaintiffs in class actions with a special emphasis on data breach, privacy, and financial services litigation. He currently serves as court-appointed Class Counsel in *In re US Fertility LLC Data Security Litigation*, and has represented data breach victims in some of the largest and most influential privacy cases, including litigation against Equifax, Anthem, Vizio, Adobe, Banner Health, and Excellus BlueCross BlueShield. David has repeatedly obtained record-breaking settlements on behalf of his clients, including in the Equifax and Anthem data breach cases, which set successive records for the largest data breach settlement in history.

David is widely regarded as a leader in emerging litigation involving data breach and privacy, which is underscored by his broad technical expertise—from hacking techniques and cybersecurity controls to industry standard IT practices, information security frameworks, and auditing processes. He has deposed Chief Information Security Officers and information security professionals at Fortune 500 corporations, worked with expert witnesses on cutting-edge cybersecurity and damages theories, and supervised large-scale document review teams poring over millions of technical documents in a compressed timeframe. In addition, David holds the Certified Information Privacy Technologist (CIPT) certification through the International Association of Privacy Professionals, a program primarily designed for career IT professionals; this allows him to communicate directly with company witnesses, without the need for expert translation.

Outside of his litigation experience, David is an active member of the class action legal community, frequently speaking at conferences on data breach cases and security issues and other class action topics. David serves as the Chair of the American Association for Justice's Consumer Privacy and Data Breach Litigation Group and is an active member of the Sedona Conference's Working Group on Data Security and Privacy Liability.

Prior to joining Gibbs Law Group, he served as a law clerk to the Honorable Laurel Beeler, Northern District of California (2011-2014). Before law school, David worked as a magazine editor and television presenter in Taiwan and managed an outdoor center on an island off the West Coast of Scotland.

Litigation Highlights

In re Equifax, Inc. Customer Data Security Breach Litigation – Key member of litigation team securing historic \$1.5 billion class action settlement on behalf of 147 million consumers whose social security numbers and other private data were exposed in a 2017 data breach, described by the court as “the largest and most comprehensive recovery in a data breach case in U.S. history by several orders of magnitude.” David played an integral role in negotiating key business practice changes, including overhauling Equifax's handling of consumers' personal information and data security and requiring that the company spend at least \$1 billion for data security and related technology over five years.

In re Anthem, Inc. Data Breach Privacy Litigation – Key member of the litigation team representing interests of plaintiffs and putative class members following massive data breach of approximately 80 million personal records, including names, dates of birth, Social Security numbers, health care ID numbers, email and physical addresses, employment information, and income data. The lawsuit settled in August 2018 for \$115 million, the largest data breach settlement in history.

Fero v. Excellus Health Plan Inc. – Key member of the litigation team representing the interests of 7 million Excellus health plan subscribers and 3.5 million Lifetime subscribers whose personal and medical information was compromised.

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Practice Emphasis

Class Actions
Consumer Protection
Privacy

Education

J.D., Northwestern University
School of Law, 2008

B.A., University of Wisconsin,
Madison, 1998

Admissions

California

In re Adobe Systems Inc. Privacy Litigation – Key member of the litigation team that succeeded in reversing a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41-page decision in plaintiffs' favor and the settlement resulted in a comprehensive reform of Adobe's data security practices. The court's landmark decision on Article III standing marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

Awards & Honors

Certified Information Privacy Technologist, International Association of Privacy Professionals (IAPP)
Northern California Super Lawyers (2021)
Rising Star, Northern California Super Lawyers (2016- 2018)

Professional Affiliations

Chair, American Association for Justice- Consumer Privacy and Data Breach Litigation Group
Consumer Attorneys of California
Sedona Conference, Working Group on Data Security and Privacy Liability

Presentations and Publications

Presenter, "Communicating with the Class," Class Action Mastery Forum, January 2019.
Presenter, "Hot Topics in Consumer Class Actions Against Insurers: Filed Rate Doctrine, Standing, and Reverse Preemption of RICO Claims," Sacramento California Insurance Regulation and Litigation Seminar, Clyde & Co., March 2018.
Presenter, "Winning strategies in privacy and data security class actions: the plaintiffs' perspective," Berkeley Center for Law & Technology, Berkeley Law School, January 2017.
Presenter, "Don't be Spokeo'd: What You Need to Know in Litigating Data Breach Cases (from breach to remedies)," ABA Business Law Section Annual Meeting, September 8, 2016.
Presenter, "Developments in 'E-Commerce' Class Actions and Privacy Law," Perrin Class Action Litigation Conference, May 16, 2016.
Presenter, "Data Breach Class Action Litigation," Mass Torts Made Perfect Conference, April 22, 2016.



Dylan Hughes | Partner

Dylan Hughes concentrates his practice on investigating and prosecuting fraud matters on behalf of whistleblowers, consumers and employees who have been harmed by corporate misconduct. He coordinates initial case evaluations and analyses in a variety of practice areas and has substantial experience in matters involving health care fraud, particularly in the Medicare and pharmaceutical contexts. Dylan represents consumers in cases ranging from false advertising to defective products, and employees in misclassification and wage and hour cases under state and federal laws.

Mr. Hughes has extensive experience prosecuting complex personal injury cases. He helped to obtain millions of dollars for women who suffered blood clots and other serious injuries after taking birth control pills. He has also represented clients injured by defective medical devices, including defibrillators, blood filters, as well as back pain implants. Mr. Hughes was part of the team that recently settled a case alleging medical malpractice for a spinal surgery that resulted in partial paralysis.

Mr. Hughes began his career as a law clerk for the Honorable Paul A. Mapes, Administrative Law Judge of the Office of Administrative Law Judges, United States Department of Labor. He is a member of the American Bar Association, Consumer Attorneys of California, American Association for Justice Class Action Litigation Group and the Consumer Rights Section of the Barristers Club.

Litigation Highlights

Skold v. Intel Corp. – Key member of the legal team in this decade-long litigation that achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel’s benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

In re Adobe Systems Inc. Privacy Litigation – Key member of the litigation team that succeeded in reversing a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41-page decision in plaintiffs’ favor and the settlement resulted in a comprehensive reform of Adobe’s data security practices. The court’s landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

Velasco v. Chrysler Group LLP – represented consumers who alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. In addition to negotiating a recall of all 2012-13 Jeep Grand Cherokee and Dodge Durango vehicles, the lawsuit also resulted in Chrysler reimbursing owners for all repair and rental car expenses, and extending its warranty.

Parkinson v. Hyundai Motor America – certified a nationwide class alleging Hyundai sold vehicles with defective flywheel systems, resulting in a favorable settlement for the class.

Awards & Honors

Northern California Super Lawyer (2012-2021)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group

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Practice Emphasis

Class Actions
Consumer Protection
Employment Law
Whistleblower

Education

University of California,
Hastings College of Law, J.D.,
2000

University of California at
Berkeley, B.A., 1995

Admissions

California



Amanda Karl | Partner

Amanda Karl represents consumers, employees and others who have been harmed by corporations. She has prosecuted a wide range of complex cases, including product defect, failure-to-warn, wage and hour, data breach, sexual assault, and securities cases, within a variety of industries. In addition, Amanda is committed to fighting voter suppression—she spearheads Gibbs Law Group’s Voting Rights Task Force.

Amanda is a 2014 graduate (Order of the Coif) of the University of California at Berkeley School of Law, where she served as the Managing Editor of the California Law Review and Director of the Workers’ Rights Disability Law Clinic. During law school, she worked as a Clinical Law Student at the East Bay Community Law Center, assisting with litigation targeting criminal record reporting violations, and as a law clerk at Equal Rights Advocates, working on women’s employment issues. Amanda received her undergraduate degree, *magna cum laude*, in Sociology and Human Rights from Columbia University in 2009.

Following graduation from law school, she served as a law clerk to the Honorable Richard A. Paez, United States Court of Appeals for the Ninth Circuit and to the Honorable Claudia Wilken, Northern District of California. Outside of work, Amanda serves on the Board of Directors of the East Bay Community Law Center, a legal nonprofit organization that is both the largest provider of free legal services in the East Bay Area and Berkeley Law’s largest clinical offering.

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Education

University of California at Berkeley, J.D., *Order of the Coif*, 2014

Columbia University, B.A.,
magna cum laude, 2009

Admissions

California

Litigation Highlights

Hamilton v. American Income Life – Represented a class of insurance agents and trainees in employment litigation alleging that they were misclassified as independent contractors, not paid properly while training, and not reimbursed for expenses. The case culminated in a \$5.75 million settlement for class members.

A.B. v. Regents of the University of California – Member of the litigation team representing plaintiffs who were former patients of UCLA OB-GYN Dr. James Heaps, alleging Title IX violations and sexual harassment against both Heaps and UCLA. A \$73 million dollar settlement has been reached that, if approved, will go towards compensating over 5,500 women who received treatment from Dr. Heaps.

In re Taxotere Products Liability Litigation– Member of the litigation team representing plaintiffs throughout the country who allege that they suffered permanent, disfiguring hair loss after treatment with a chemotherapy drug that did not warn of this possible side effect.

In re Behr Process Corp.– Represented a nationwide class of consumers who purchased DeckOver, a deck resurfer for long-lasting wood protection, which allegedly caused deck surfaces to peel, bubble, and crack shortly after application. The litigation resulted in a favorable, uncapped settlement for the class.

Deora v. NantHealth - Represented a certified class of investors in litigation alleging multiple violations of federal securities laws related to the healthcare technology company’s initial public offering in 2016. Amanda was a member of the team that achieved a \$16.5 million dollar settlement in favor of NantHealth investors.

Awards & Honors

Rising Star, *Northern California Super Lawyers*, (2018-2021)

Professional Affiliations

East Bay Community Law Center, Board Member
American Association for Justice
Consumer Attorneys of California

Presentations and Articles

Presenter, “Rule 12 and Related Motions,” Pincus Federal Boot Camp, May 2022

Presenter, “Looking Forward Post-COVID,” CAOC Sonoma Travel Seminar, March 2022

Author, “Work Unseen: Successfully Effectuating a Damages Class Settlement,” Daily Journal, November 2021

Presenter, “Unpacking Public Interest Law,” People’s Parity Project, April 2021

Presenter, “Wage and Hour Litigation & Enforcement Webinar,” HB Litigation, February 2020

Author, “Epic Systems and the Erosion of Federal Class Actions,” Law260 Expert Analysis, July 2018

Presenter, “From Clerkship to Career in Public Interest,” Berkeley Consumer Advocacy and Protection Society, October 2017

Author, “California Omissions Claims: Safety Required?” Law360 Expert Analysis, February 2017



Linda Lam | Partner

Linda Lam focuses her practice on representing individuals who have been harmed by corporate misconduct. She has prosecuted fraud, employment, breach of contract, breach of fiduciary duty, and medical malpractice claims brought under federal and state laws.

Linda has been an advocate for borrowers who lost their homes to foreclosure during the financial crisis, individuals who were fraudulently induced to purchase investment products, as well as veterans who received negligent care at VA facilities. Linda’s dedication to her clients has led her to being recognized as a “Rising Star” by the *Northern California Super Lawyers* for the past three years.

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lpl@classlawgroup.com

Practice Emphasis

Class Actions
Consumer Protection

Education

University of California,
Hastings College of Law, J.D.,
magna cum laude, 2014

University of California Los
Angeles, B.A., 2011

Admissions

California

Linda graduated *magna cum laude* from the University of California, Hastings College of the Law in 2014. Before joining Gibbs Law Group, Linda was an associate attorney at a national employment law firm, where she represented employees and retirees in wage and hour and employee benefits cases.

Litigation Highlights

Hernandez v. Wells Fargo Bank, N.A. – represents a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo erroneously denied them trial mortgage modifications. The case settled in two phases for a total of \$40.3 million, resulting in significant compensation payments to each class member.

RCHFU, LLC v. Marriott Vacations Worldwide Corp. – represents plaintiffs alleging that Marriott Vacations Worldwide and other defendants breached various fiduciary duties by engaging in acts that decimated the value of the plaintiffs’ property interests in the Ritz-Carlton Club located in Aspen, Colorado.

Cooper v. United States of America – represented a veteran of the United States Army who alleged that he received negligent medical care at a VA facility, resulting in a delayed diagnosis of aggressive prostate cancer. The plaintiff alleged that by the time the cancer was discovered and diagnosed, it had become incurable. Linda was part of the trial team that won a \$2.5 million judgment for the plaintiff.

Ulti-Mate Connectors, Inc. v. American General Life Insurance Agency – represented plaintiffs who alleged that American General, among other defendants, fraudulently organized, administered, and sold rights to participate in voluntary employee beneficiary association plans that were not compliant with IRS regulations. The litigation resulted in a favorable settlement for the plaintiffs.

Awards & Honors

Northern California Super Lawyers, *Rising Star* (2017 - 2021)

Professional Affiliations

American Association for Justice
Consumer Attorneys of California

Publications & Presentations

The Real ID Act: Proposed Amendments for Credibility Determinations, *11 Hastings Race & Poverty L.J.* 321, 2014.



Steve Lopez | Partner

Steve Lopez represents consumers, employees and whistleblowers who have been harmed by corporate misconduct. He has prosecuted a variety of consumer protection cases ranging from false advertising to defective products, as well as complex employment cases involving also involved in the investigation and development of new cases.

He serves on the Board of Directors of Consumer Attorneys of California and was selected from a statewide pool of applicants for the 2015 Diversity Leadership Academy, a prestigious training program aimed to educate the next generation of progressive leaders.

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Practice Emphasis

Class Actions
Consumer Protection

Education

University of California at
Berkeley (Berkeley Law),
J.D., 2014

University of Virginia, B.A.,
2008

Admissions

California

Steve is a 2014 graduate of the University of California, Berkeley School of Law, where he was a Publishing Editor for the California Law Review and an Editor for the Berkeley Journal of Employment and Labor Law. He was also a member of the La Raza Law Students Association and the Legal Aid Society–Employment Law Center’s Berkeley Workers’ Rights Clinic.

Prior to law school, Mr. Lopez performed research for a consulting firm dedicated to improving justice programs. He received his B.A. in economics and international relations from the University of Virginia in 2008.

Litigation Highlights

Velasco v. Chrysler Group LLC – Member of the litigation team that represented consumers who alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. The lawsuit resulted in a recall of all 2012-13 Jeep Grand Cherokee and Dodge Durango vehicles, as well as reimbursements for all repair and rental car expenses, and extended vehicle warranties.

In re Hyundai Sonata Engine Litigation– Representing plaintiffs who allege that their 2011-2014 Hyundai Sonatas suffered premature and catastrophic engine failures due to defective rotating assemblies. The Court granted preliminary approval to a comprehensive settlement in June 2016.

Southern California Gas Leak Cases – Member of the litigation team representing residents of communities in or near the Los Angeles suburbs of Porter Ranch who were affected by the Aliso Canyon well rupture and ensuing gas leak, the largest methane leak in U.S. history. The lawsuits seek relief for those who were displaced from their homes, suffered illnesses and injuries, sustained property value losses, or lost business due to the leak.

Smith v. Family Video Movie Club, Inc. – Member of the litigation team representing the interests of hourly retail employees who alleged they were not properly compensated for all wages and overtime earned. The Court recently certified a class.

Awards & Honors

Northern California Super Lawyers, *Rising Star* (2017 - 2021)

Professional Affiliations

American Association for Justice
Board of Directors, Consumer Attorneys of California



Karen Barth Menzies | Partner

Karen is a nationally recognized mass tort attorney with more than twenty years of experience in federal and state litigation. Courts throughout the country have appointed Karen to serve in leadership positions including Lead Counsel, Liaison Counsel and Plaintiff Steering Committee in some of the largest pharmaceutical and device mass tort cases. Karen currently serves in leadership positions in the Taxotere Litigation (federal court), Zolof Birth Defect Litigation (federal and California state courts), Transvaginal Mesh Litigation (federal and California state courts), Fosamax Femur Fracture Litigation (California state court), Lexapro/Celexa Birth Defect Litigation (Missouri state court).

Karen is particularly focused on women's health issues and sexual abuse claims, including a current Boy Scouts of America sexual abuse lawsuit investigation involving claims of abuse by scoutmasters, troop leaders and other adults affiliated with the Boy Scouts of America. She also represents women suffering permanent baldness following breast cancer chemotherapy treatments with Taxotere, and children who experienced severe side effects after taking the widely prescribed medication Risperdal. Karen believes in advocating for the victims who've been taken advantage of, and helping to ensure drug safety in the face of profit-driven corporations that hide the risks of their products. She has testified twice before FDA advisory boards as well as the California State Legislature on the safety concerns regarding the SSRI antidepressants and the manufacturers' misconduct. She has also advised victim advocacy groups in their efforts to inform governmental agencies and legislative bodies of harms caused by corporations.

Karen frequently publishes and presents on issues involving drug safety, mass tort litigation, FDA reform and federal preemption for both legal organizations (plaintiff and defense) and medical groups.

kbm@classlawgroup.com

Practice Emphasis

Class Actions
Mass Personal Injury

Education

University of California, Davis
King Hall School of Law, J.D.,
1995

Colorado State University,
B.A., 1989

Admissions

California

Awards & Honors

AV Preeminent® Peer Review Rated by Martindale-Hubbell
Best Lawyers in America, Personal Injury Litigation (2021)
Individual Recognition Chambers USA: Product Liability Plaintiffs (2020)
Southern California Super Lawyer (2004-2021)
Lawyer of the Year by *Lanier's Weekly USA* (2004)
California Lawyer of the Year by *California Lanier* magazine (2005)
Consumer Attorney of the Year Finalist by CAOC (2006)

Professional Affiliations

American Association for Justice, Co-Chair, Taxotere Litigation Group
Consumer Attorneys of California
Consumer Attorneys of Los Angeles
American Bar Association (appointed member of the Plaintiffs' Task Force)
Women En Mass
The Sedona Conference (WG1, Electronic Document Retention and Production)
The National Trial Lawyers
National Women Trial Lawyers Association
LA County Bar Association
Women Lawyers Association of Los Angeles
Public Justice

Select Publications & Presentations

Author, "Prepping for the Prescriber Deposition," Trial Magazine, American Association for Justice, January 2020.

Presenter, “Deposing the Treating/ Prescribing Physician, Learned Intermediary, the One Potentially Fatal Fact Witness,” American Association for Justice Convention: Discovery and Litigation Strategies for Drug and Device Cases, February 2019.

Presenter, “A Funny Thing Did Happen on the Way to the Forum: Navigating the New Landscape of Personal Jurisdiction Challenges,” ABA Section of Litigation 2019 Environmental & Energy, Mass Torts, and Products Liability Litigation Committees’ Joint CLE Seminar, March 2018.

Presenter, “Federal and State Court Coordination of Mass Tort Litigation: Navigating State Court vs. Multidistrict Litigation, Mass Torts Made Perfect Conference, October 2018.

Presenter, “Taxotere Litigation: Federal MDL 2740, New Orleans and State Court Jurisdictions, Mass Torts Made Perfect Conference, October 2018.

Presenter, “505(b)(2) Defendants – The Non-Generic Alternative; Social Media and Support Groups; Settlement Committees,” AAJ Section on Torts, Environmental and Product Liability (STEP): On the Cutting Edge of Torts Litigation, July 2018.

Presenter, “Location, Location, Location Part II: State Court Consolidations,” AAJ Mass Torts Best Practices Seminar, July 2017.

Presenter, “Personal Jurisdiction in Mass Torts and Class Actions: Bristol-Myers Squibb Co. v. Superior Court (Cal. 2016),” Mass Torts Judicial Forum with Judge Corodemus and JAMS, April 2017.

Author, “Bringing the Remote Office Closer,” Trial Magazine, American Association for Justice, March 2017.



Geoffrey Munroe | Partner

Geoffrey Munroe represents plaintiffs in high-profile class action and mass tort cases in both federal and state courts throughout the United States. He was selected as a Rising Star by Northern California Super Lawyers (2010-2014), recognizing him as one of the best young attorneys practicing in Northern California, and as a Northern California Super Lawyer every year from 2015-2020. He is the co-author of "*Consumer Class Actions in the Wake of Daugherty v. American Honda Motor Company*," CAOC's Forum Magazine, January/February 2009, and a frequent contributor to the Class Action Litigation Group Newsletter of the American Association for Justice.

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Practice Emphasis

Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower

Education

University of California,
Berkeley School of Law, J.D.,
2003

University of California at
Berkeley, B.A., 2000

Admissions

California

Mr. Munroe is a 2003 graduate of the University of California at Berkeley School of Law (Berkeley Law), where he was the recipient of the American Jurisprudence Award in Torts, Business Law & Policy and Computer Law. He received his undergraduate degree in chemistry from the University of California at Berkeley in 2000. Mr. Munroe is a member of the Public Justice Class Action Preservation Project Committee, the Class Action Litigation Group of the American Association for Justice and the Consumer Attorneys of California. He is a member of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit, as well as the United States District Courts for the Northern, Central and Southern Districts of California.

Litigation Highlights

Skold v. Intel Corp. – Key member of the briefing team in this decade-long litigation that achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel's benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

In re Chase Bank U.S.A., N.A. "Check Loan" Contract Litigation – Key member of the litigation team in this multidistrict case alleging that Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. The litigation resulted in a \$100 million settlement with Chase eight weeks prior to trial.

In re Mercedes-Benz Tele Aid Contract Litigation – Key member of the litigation team in this multi-district litigation alleging that Mercedes-Benz failed to disclose to its customers that the "Tele Aid" equipment installed in their vehicles would soon be obsolete and require an expensive replacement to keep working. Resulted in a class settlement providing for cash reimbursements of \$650, or new vehicle credits for up to \$1,300.

Parkinson v. Hyundai Motor America – key member of the briefing team that achieved certification of a nationwide class alleging Hyundai sold vehicles with defective flywheel systems, before ultimately reaching a favorable settlement for the class.

Awards & Honors

Northern California Super Lawyers (2015-2021)
Northern California Super Lawyers, *Rising Star* (2010 - 2014)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group
Public Justice- Class Action Preservation Project



Andre M. Mura | Partner

Andre M. Mura represents plaintiffs in class action and complex litigation concerning consumers' and workers' rights, products liability, drug and medical devices, federal jurisdiction, and constitutional law. Before joining Gibbs Law Group, Andre was senior litigation counsel at the Center for Constitutional Litigation PC, where he represented plaintiffs in high-stakes appeals and complex litigation in state supreme courts and federal appellate courts.

Andre was named among the Top Plaintiff Lawyers in California for 2021 by Daily Journal, and he received a 2019 California Lawyer Attorney of the Year Award for his work in the California Supreme Court in *De La Torre v. CashCall*. He is on the Board of the Civil Justice Research Initiative of Berkeley Law, a Fellow of the American Bar Foundation, a member of the Lawyers Committee of the National Center for State Courts, a Trustee of the Pound Civil Justice Institute, immediate past Chair of the American Association for Justice's LGBT Caucus, past Trustee of the National College of Advocacy, and a member of Williams College's Latino/a Alumni Network.

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Practice Emphasis

Class Actions
Consumer Protection
Constitutional Law
Employment Law
Mass Personal Injury

Education

The George Washington
University Law School, J.D.,
2004

Williams College, B.A., 2000

Admissions

California
District of Columbia

Litigation Highlights

In re: 3M Combat Arms Earplug Products Liability Litigation – Andre was court-appointed to the plaintiffs' law-and-briefing committee in this multi-district litigation on behalf of military servicemembers and veterans who suffered injuries due to defective 3M earplugs, which were standard-issue for U.S. military members for more than a decade.

In re: Taxotere (Docetaxel) Products Liability Litigation – Andre was a member of the trial team in a two-week federal jury trial and is member of Plaintiffs' Steering Committee and co-chair of Law and Briefing in this multi-district litigation on behalf of breast cancer survivors who suffered permanent hair loss after using the Taxotere chemotherapy drug.

In re: Vizio, Inc. Consumer Privacy Litigation – Andre is co-lead counsel for the settlement class in this multi-district lawsuit alleging that Vizio collected and sold data about consumers' television viewing habits and their digital identities to advertisers without consumers' knowledge or consent. He negotiated a settlement providing for class-wide injunctive relief transforming the company's data collection practices, as well as a \$17 million fund to compensate consumers who were affected.

De La Torre v. CashCall - Andre played a key role in briefing before the California Supreme Court, resulting in a unanimous decision in the plaintiffs' favor. The decision changed decades-old assumptions that lenders in California had a virtual "safe harbor" from unconscionability challenges to loan interest rate terms.

In re: Lenovo Adware Litigation - Andre briefed and argued a motion to dismiss and motion to certify a nationwide litigation class for monetary damages. The court approved a \$7.3 million class action settlement to resolve allegations that Lenovo preinstalled software on laptops that caused performance, privacy and security issues for consumers.

Beaver et. al. v. Tarsadia Hotels, Inc. et. al. – Andre contributed to briefing before the Ninth Circuit Court of Appeals resulting in a unanimous decision affirming the lower court's ruling that the UCL's four-year statute of limitations (and its accrual rule) applied in claims alleging violations of the Interstate Land Sales Full Disclosure Act (ILSA) even though ILSA has a shorter statute of limitations.

Watts v. Lester E. Cox Medical Centers, 376 S.W.3d 633 (Mo. 2012) Andre successfully argued that a state law limiting compensatory damages in medical malpractice cases violated his client's right to trial by jury. In ruling for Andre's client, the Missouri high court agreed to overturn a 20-year-old precedent.

U.S. Supreme Court Advocacy

Merck Sharp & Dohme Corp. v. Albrecht, 139 S. Ct. 1668 (2019), Before the U.S. Supreme Court, in a case concerning the scope of federal immunity for brand-name drug manufacturers, Andre represented medical doctors appearing as amici curiae. His amicus brief was much discussed at oral argument, with Supreme Court counsel for Albrecht telling the Justices, “It’s a beautifully done amicus brief to explain what the scientists knew and when they knew it....”

J. McIntyre Machinery, Ltd. v. Nicastro, 131 S. Ct. 2780 (2011), Andre was a lead author of merits briefing addressing whether personal jurisdiction exists over a foreign manufacturer.

Mutual Pharmaceutical Co., Inc. v. Bartlett, 133 S. Ct. 2466 (2013), Andre was the lead author of an amicus curiae brief for the American Association for Justice and Public Justice in case examining whether federal drug safety law preempts state-law liability for defectively designed generic drugs.

Awards & Honors

Top Plaintiff Lawyers in California, *Daily Journal* (2021)

California Lawyer Attorney of the Year (CLAY) Award, *Daily Journal* (2019)

Top Cybersecurity & Privacy Attorneys Under 40, *Law360* Rising Stars (2017)

Northern California Super Lawyers (2019-2021); *Rising Star* (2016-2018)

Professional Affiliations

American Association for Justice- Board of Governors, Class Action Litigation Group, Legal Affairs Group, LGBT Caucus

American Bar Association Tort Trial and Insurance Practice Section, Plaintiff’s Practice Standing Committee Member

American Bar Foundation, Fellow

Consumer Attorneys of California, Member

Civil Justice Research Initiative of Berkeley Law, Board Member

National Center for State Courts, Lawyers Committee

Pound Civil Justice Institute, Trustee

Public Justice Foundation, Class Action Preservation Project Committee

Select Publications & Presentations

Presenter, “Consumer Advocates Speak,” Practicing Law Institute, 24th Annual Consumer Financial Services Institute.

Author, “Staying on Track After Bristol-Myers,” Trial Magazine, American Association for Justice, April 2019.

Presenter, “Personal Jurisdiction, Choice of Law & Hyundai,” Class Action Mastery Forum, January 2019.

Presenter, “Jurisdictional Issues Post Bristol-Myers,” Bridgeport 2018 Class Action Litigation Conference, September 2018.

Panelist, “State Court Protection of Individual Constitutional Rights,” Pound Civil Justice Institute 2018 Forum for State Appellate Court Judges, July 2018.

Author, *Buckman Stops Here! Limits on Preemption of State Tort Claims Involving Allegations of Fraud on the PTO or the FDA*, 41 Rutgers L.J. 309, 2010.



Rosemary Rivas | Partner

Rosemary has dedicated her legal career to representing consumers in complex class action litigation involving a wide variety of claims, from false advertising and defective products to privacy violations. She is committed to obtaining justice for consumers and has recovered billions of dollars for her clients and the classes they represent.

Rosemary serves in leadership positions in a number of large-scale complex class action cases and multi-district litigation. She was appointed to the Plaintiffs' Steering Committee in the Volkswagen Clean Diesel Litigation, which resulted in a record-breaking settlement totaling more than \$14 billion. For her work in the Volkswagen case, Rosemary received the 2018 *California Lawyer Attorney of the Year (CLAY) Award*, which is given to outstanding California lawyers "whose extraordinary work and cases had a major impact on the law." In 2022, Rosemary was appointed to serve as Plaintiffs' Interim Co-Lead Counsel in the *In re: Gerber Heavy Metals Baby Food Litigation*, which involves allegations that Gerber marketed and sold baby foods containing dangerous levels of heavy metals such as lead and inorganic arsenic.

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Practice Emphasis

Class Actions
Consumer Protection

Education

University of California,
Hastings College of Law, J.D.,
2000

San Francisco State
University, B.A., 1997

Admissions

California

She has received numerous awards and honors for the quality of her legal work, including the Bay Area Legal Aid Guardian of Justice Award for her achievements in the law and her role in helping direct *ex parte* (remaining settlement) funds to promote equal access to the legal system. She was also recognized as a *Northern California Super Lawyer* and previously was named a *Rising Star* by Super Lawyers Magazine.

Rosemary is a fluent Spanish-speaker and previously served on the Board and as Diversity Director of the Barristers Club of the San Francisco Bar Association. She frequently presents at legal conferences on developments in consumer protection and class action litigation.

Litigation Highlights

In re: Gerber Products Company Heavy Metals Baby Food Litigation –

A congressional report released in 2021 found that several baby food manufacturers, including Gerber, have marketed and sold baby foods containing dangerously high levels of heavy metals that can harm the development of a baby's brain, including inorganic arsenic, lead, cadmium, and mercury. In his order appointing Rosemary M. Rivas as Interim Co-Lead Counsel, Judge Michael S. Nachmanoff wrote that Rosemary has "significant experience and knowledge litigating class action cases involving food mislabeling consumer fraud."

Awards & Honors

California Lawyer Attorney of the Year (CLAY) Award (2018)
Northern California Super Lawyers (2019-2021)
Guardian of Justice Award, Bay Area Legal Aid (2015)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group
Public Justice- Class Action Preservation Project

Publications and Presentations

Presenter, "Consumer Class Actions," Western Alliance Bank Class Action Law Forum, 2021.

Presenter, “Nationwide Settlement Classes: The Impact of the Hyundai/ Kia Litigation,” National Consumer Law Center’s Consumer Rights Litigation Conference and Class Action Symposium, 2018.

Presenter, “One Class or 50? Choice of Law Considerations as Potential Impediment to Nationwide Class Action Settlements,” 5th Annual Western CLE Program on Class Actions and Mass Torts, 2018.

Presenter, “The Right Approach to Effective Claims,” Beard Group- Class Action Money & Ethics, 2018.

Presenter, “False Advertising Class Actions: A Practitioner’s Guide to Class Certification, Damages and Trial,” The Bar Association of San Francisco, 2017.



Michael Schrag | Partner

Michael Schrag has 25 years of experience representing individual and small business plaintiffs in a broad range of complex class actions against large corporations in the banking, credit card, telecommunications, and real estate sectors. He has recovered hundreds of millions of dollars on behalf of his clients and his class action practice covers a broad range of legal areas including, breach of contract, consumer protection, antitrust, and civil RICO cases. Michael also represents individuals and large groups of plaintiffs in breach of fiduciary duty product liability, personal injury and medical malpractice cases.

He currently serves as court-appointed Co-Lead class counsel in *Hernandez v. Wells Fargo Bank*, representing a certified class of over one thousand borrowers who lost their homes after Wells Fargo wrongfully denied them mortgage modifications. Michael, helped craft an innovative damages theory to help borrowers recover losses, and achieved a \$40 million settlement, which was praised for bringing “significant” relief to the class. Michael was also appointed Co-Lead class counsel in a related case that settled for \$12 million.

Michael is also on the Expert Committee and trial team in the *In re: Disposable Contact Lens Antitrust Litigation*, a nationwide class action lawsuit alleging that manufacturers and distributors conspired to fix prices of contact lenses being sold to consumers. The court certified a nationwide class, and plaintiffs have obtained partial settlements from three defendants totaling \$45 million. Michael was also appointed by a federal judge to serve on the Plaintiffs’ Executive Committee in the *In Re Cattle Antitrust Litigation* and is prosecuting an antitrust class action against Jiffy Lube, which accuses the company of suppressing employees’ wages by prohibiting them from transferring from one Jiffy Lube franchise to another. He is also representing victims of a real estate Ponzi scheme in *Camenisch v. Umpqua Bank*, an action against a bank for allegedly aiding and abetting a fraudulent investment scheme that caused California investors to lose hundreds of millions of dollars.

A Bay Area native, Michael began his career prosecuting securities class actions and serving as a law clerk to the Honorable Judith N. Keep, U.S. District Judge, Southern District of California. Before joining Gibbs Law Group, Michael was a partner and co-founder of Meade & Schrag, LLP, where he prosecuted class actions and also litigated personal injury, medical malpractice, breach of contract, and business litigation matters.

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Practice Emphasis

Antitrust
Class Actions
Consumer Protection
Mass Personal Injury
Securities and Financial Fraud
Whistleblower

Education

University of California,
Berkeley School of Law, J.D.,
1996

Columbia College at Columbia
University, B.A., 1989

Admissions

California

Awards & Honors

*Northern California Super
Lawyers*, 2019-2020

Best Lawyers in America, 2020-
2021 Edition

Litigation Highlights

Hernandez v. Wells Fargo Bank, N.A. - Michael serves as court-appointed co-lead counsel representing a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo Bank erroneously denied their home loan modification requests. The case settled in two phases for a total of \$40.3 million. Class members have received significant compensation payments.

Ryder v. Wells Fargo - Michael was appointed co-lead class counsel in a lawsuit related to *Hernandez* on behalf of Wells Fargo borrowers who were erroneously denied trial modifications but didn’t lose their homes. In August 2021, the Court granted preliminary approval of a \$12 million settlement and set the final approval hearing for January 2022.

In re: Wells Fargo Collateral Protection Insurance Litigation- Michael served on the court-appointed, three-firm Plaintiffs’ Steering Committee in this multi-district litigation on behalf of consumers who took out car loans from Wells Fargo and were charged for auto insurance they did not need. The parties agreed to a settlement of \$393.5 million for affected consumers and the Court granted final approval in November 2019.

In re: Disposable Contact Lens Antitrust Litigation-(MDL No. 2626) Michael is currently a member of the expert committee in this antitrust class action challenging the minimum resale pricing policies of the dominant disposable contact lens manufacturers. After a two-day hearing the Court certified the class and trial is set for later this year.

Beaver v. Tarsadia Hotels- Michael served as co-lead counsel on behalf of consumers in this unfair competition class action against real estate developers selling hotel-condominium units. Lawsuit alleged that sellers concealed certain Congressionally-mandated protections in the sales contracts, including a statutory rescission right. After six years of litigation including a win in the Ninth Circuit that established favorable law for consumers, the lawsuit settled for \$51.15 million. In granting final approval, Judge Curiel concluded that the settlement was "an excellent result," and noted "Class Counsel overcame several hurdles that reflect their skill and experience." *Beaver v. Tarsadia Hotels*, 816 F. 3d1170 (9th Cir. 2016)

In re Currency Conversion Fee Antitrust Litigation (MDL No. 1409)– This action alleged that Visa, MasterCard and their then member banks, including Bank of America and Chase, fixed the price of foreign currency conversion fees on international credit and debit card transactions. Michael was part of the team that prevailed at trial in a related state court action, and then obtained a \$336 million global settlement for the class in this multidistrict antitrust litigation against the country's largest credit card issuers and networks.

Asokan et. al. v. American General Ins. Co.- Member of the trial team in this insurance and investment fraud case against American General Insurance Co, an AIG subsidiary. Michael and his team represented six plaintiffs who were marketed an investment involving a specialized whole life policy that would supposedly provide tax benefits. American General knew but concealed from plaintiffs that the plans no longer complied with the law. Plaintiffs suffered losses as a result of this fraud by concealment. Among other tasks, Michael had primary responsibility for working with plaintiffs' damages expert and conducted the direct and re-direct examination of this expert at trial. The case settled for a confidential sum 8 days into the jury trial.

Smith et. al. v. American General Ins. Co. - Michael was a key member of the litigation team that represented nine high net worth plaintiffs in this RICO action alleging that American General and the other members of the enterprise falsely marketed and sold our clients a whole life policy that would *supposedly* provide a multitude of tax benefits, but concealed the fact that the IRS had changed its regulations, rendering these plans no longer compliant with the law. Among other tasks, Michael had primary responsibility for working with plaintiffs' damages expert and deposing the defendants' damages expert. The case settled for a confidential sum.

Ammari v. Pacific Bell Directory – Represented consumers who overpaid an AT&T subsidiary for advertising in Yellow Pages directories. Plaintiffs prevailed at trial and on two appeals to obtain a \$27 million judgment for class members, a result the *National Law Journal* deemed as one of the top 100 verdicts in 2009.

In Re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation – recovered over \$10 million on behalf of his clients in this multidistrict litigation that awarded a total of \$1 billion to patients who received defective hip implants.

Awards & Honors

Best Lawyers in America, 2020-2021 Edition
Northern California Super Lawyers, 2019-2021



David Stein | Partner

David Stein represents clients in federal and state cases nationwide, ranging from securities and financial fraud class actions, to product liability, privacy, and data breach suits. Courts have appointed David as lead counsel in a number of these cases and he has been praised by *Law360* as a tenacious litigator with a “reputation as one of the best consumer advocates around.”

The *Daily Journal* recognized David as one of the Top 40 attorneys in the state of California under the age of 40, and he was also honored in *Law360*'s nationwide list of “Top Class Action Attorneys Under 40.” For the last seven years, he has been rated by his colleagues as a Northern California Super Lawyers Rising Star.

David is frequently called upon to discuss emerging issues in complex litigation. He currently serves on *Law360*'s Product Liability Editorial Advisory Board, advising on emerging trends impacting product liability cases.

Before entering private practice, David served as judicial law clerk to U.S. District Court Judge Keith Starrett and U.S. Magistrate Judge Karen L. Hayes.

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Practice Emphasis

Class Actions
Consumer Protection
Financial Fraud
Securities Litigation

Education

Emory University School of Law, J.D., 2007

University of California at Santa Barbara, B.A., 2003

Admissions

California

Reputation and Recognition by the Courts

David has built a reputation for the quality of his representation and tenacious advocacy on behalf of the clients and classes he represents:

“[T]his is an extraordinarily complex case and an extraordinarily creative solution... I [want to] thank you and compliment you gentlemen. It's been a real pleasure to work with you.” - *Hon. D. Carter, Glenn v. Hyundai Motor America (C.D. Cal.)*

“You made it very easy to deal with this case and clearly your years of expertise have carried the day here. Nice work. Thank you.” - *Hon. M. Watson, In re Am. Honda Motor CR-V Vibration Litig. (S.D. Ohio)*

“Exceedingly well argued on both sides. Sometimes people really know their stuff on both sides which is what happened today so thank you.” - *Hon. J. Tigar, In re General Motors CP4 Fuel Pump Litig. (N.D. Cal.)*

Litigation Highlights

In re: Peregrine PFG Best Customer Accounts Litigation - Represented investors in a lawsuit against U.S. Bank and JPMorgan Chase arising from the collapse of Peregrine Financial Group, Inc. The former Peregrine customers were seeking to recover the millions of dollars that was stolen from them out of segregated funds accounts. Plaintiffs' efforts led to settlements with JPMorgan Chase and U.S. Bank worth over \$75 million.

Deora v. NantHealth - Lead Counsel for certified classes of investors in litigation alleging violations of federal securities laws related to the healthcare technology company's initial public offering in 2016. In September 2020, the Court granted final approval to a \$16.5 million class action settlement.

LLE One v. Facebook - Represented small businesses who alleged that Facebook overstated, for over a year, how long users were watching video ads on Facebook's platform. After years of litigation, the federal court approved a \$40 million settlement for the class.

Paeste v. Government of Guam - Secured a judgment against the Government of Guam and several of its highest-ranking officials in a suit involving the government's unlawful administration of income tax refunds. Mr. Stein defended the judgment in an oral argument before the U.S. Court of Appeals for the Ninth Circuit, leading to a complete victory for the taxpayers in the published decision, *Paeste v. Government of Guam*, 798 F.3d 1228 (9th Cir. 2015)

Edwards v. Ford Motor Co. – In a class action alleging that Ford sold vehicles despite a known safety defect, Mr. Stein twice argued plaintiff’s position before the U.S. Court of Appeals for the Ninth Circuit. In the first appeal, Mr. Stein succeeded in obtaining a reversal of the trial court’s denial of class certification. In the second, plaintiff again prevailed, with the Ninth Circuit affirming the conclusion that the lawsuit had driven Ford to offer free repairs, reimbursements, and extended warranties to the class.

In re: Hyundai Sonata Engine Litigation – Mr. Stein served as court-appointed co-lead counsel in this nationwide suit involving engine seizures at high speeds. The litigation led to a settlement that included nationwide vehicle recalls, extended warranties, and payments that averaged over three thousand dollars per class member.

Browne v. American Honda Motor Co., Inc. – Represented consumers who alleged that 750,000 Honda Accord and Acura TSX vehicles were sold with brake pads that wore out prematurely. A settlement ensued worth approximately \$25 million, with hundreds of thousands of class members electing to participate.

Awards & Honors

“2017 Top 40 Under 40,” *Daily Journal*

Top Class Action Attorneys Under 40, *Law360* Rising Stars (2017)

Northern California Super Lawyers *Rising Star* (2013-2021)

Professional Affiliations

American Association for Justice

Consumer Attorneys of California

Federal Bar Association

Public Justice Foundation

Publications & Presentations

Co-Author, “Recent Decision Highlights the Importance of Early Discovery in Arbitration,” *Daily Journal*, May 2019.

Presenter, “Article III Standing in Data Breach Litigation,” AAJ Class Action Seminar, December 2018.

Presenter, “Determining Damages in Class Actions,” *Class Action Mastery Conference*, HB Litigation, May 2018.

Presenter, “Mass Torts and Class Actions: The Latest and Greatest, Update on Class Action Standing” *56th Annual Consumer Attorneys of California Convention*, November 2017.

Author, Third Circuit Crystallizes Post-Spokeo Standard, *Impact Fund Practitioner Blog*, July 2017.

Presenter, “Class Certification,” “Class Remedies,” *HB Litigation Conferences, Mass Tort Med School + Class Actions*, March 2017.

Co-Author, “Beware Intended Consequences of Class Action Reform, Too,” *Law360 Expert Analysis*, March 14, 2017.

Author, *Wrong Problem, Wrong Solution: How Congress Failed the American Consumer*, 23 *Emory Bankr. Dev. J.* 619 (2007).



Steven Tindall | Partner

Steven Tindall represents employees seeking fair pay and just treatment in individual and class action lawsuits against employers. His cases involve allegations of misclassification, sexual harassment, discrimination, wrongful termination, retaliation, WARN Act, and ERISA violations. He has more than 20 years of experience representing employees in a variety of industries, including tech, gig economy, financial services, construction, transportation, and private education. Steven also represents consumers in individual and mass tort personal injury lawsuits and class action litigation. In 2019, he won a *California Lawyer Attorney of the Year Award*, which honors outstanding California lawyers “whose extraordinary work and cases had a major impact on the law.”

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Practice Emphasis

Class Actions
Employment Litigation

Education

University of California,
Berkeley School of Law, J.D.,
magna cum laude, 1996.

Yale University, B.A., *summa cum laude*, *Phi Beta Kappa*.

Admissions

California

Steven clerked for Hon. Judith N. Keep of the United States District Court for the Southern District of California and for Hon. Claudia Wilken of the U.S. District Court for the Northern District of California. Prior to joining Gibbs Law Group, he was a partner at Rukin Hyland Doria & Tindall, and at Lieff Cabraser Heimann & Bernstein. At Rukin Hyland and Lieff Cabraser, he focused on plaintiffs’ class action litigation in the fields of wage and hour law, antitrust, and consumer protection. Steven also litigated a number of mass tort personal injury and toxic tort cases.

He received his B.A. degree in English Literature from Yale University, graduating *summa cum laude*, Phi Beta Kappa, and with distinction in his major. He earned his J.D. degree from the University of California at Berkeley School of Law in 1996. While at Berkeley Law, Steven co-directed the East Bay Workers’ Rights Clinic.

Litigation Highlights

Breach of Contract – As co-lead counsel, Steven helped recover over \$29 million on behalf of hundreds of employees in a class action lawsuit involving breach of contract claims against a global consulting company.

Retirement Benefits – Represented retirees whose retirement benefits were slashed after a corporate spinoff. The litigation resulted in a \$9 million recovery paid out to class members.

Gig Economy – Represents thousands of individual clients in multiple gig economy cases alleging that they were misclassified as independent contractors and should be entitled to minimum wage, overtime pay, and expense reimbursement under California and other state labor laws.

Consumer Loans – Represents over 100,000 borrowers in a certified class action lawsuit against online lender, CashCall, alleging that they preyed on low-income borrowers through high interest rate loans. Steven was a key member of the litigation team that achieved a unanimous ruling from the CA Supreme Court regarding unconscionability of contracts.

Awards & Honors

California Lawyer Attorney of the Year (CLAY) Award (2019)
Northern California Super Lawyers (2009-2021)

Publications & Presentations

Co-Author, “DoorDash: Quick Food, Slow Justice,” Daily Journal, March 24, 2020.

Presenter, “Damages & Penalties in Exemption and Misclassification Cases,” Bridgeport Independent Contractor, Joint Employment Misclassification Litigation Conference, July 26, 2019.

Contributor, “Can Interest Rates be Unconscionable?” Daily Journal Appellate Report Podcast, July 6, 2018.

Co-Author, “Epic Systems and the Erosion of Federal Class Actions,” Law360 Expert Analysis, July 5, 2018.

Co-Author, “Senate Should Reject Choice Act and Its Payday Free Pass,” Law360 Expert Analysis, July 12, 2017.

Presenter, “Understanding and Litigating PAGA Claims,” Bridgeport Continuing Legal Education, March 3, 2017.

Contributing Author, California Class Actions Practice and Procedure, Matthew Bender & Co., Inc., 2006

Author, *Do as She Does, Not as She Says: The Shortcomings of Justice O’Connor’s Direct Evidence Requirement in Price Waterhouse v. Hopkins*, Berkeley Journal of Employment and Labor Law, 17, No. 2, 1996



Amy Zeman | Partner

Amy has built a reputation in the plaintiffs' bar for delivering results and justice to consumers and sexual assault survivors in class action and mass tort litigation. She secured a \$73 million settlement in 2021 from UCLA on behalf of sexual assault survivors who brought claims against gynecologist Dr. James Heaps and achieved an historic \$14.975 million dollar jury verdict as co-lead trial counsel on behalf of Pacific Fertility Center patients whose genetic material was destroyed in a catastrophic cryo-preservation tank failure. Media throughout the country have hailed the verdict as groundbreaking, and the Washington Post noted it as "a historic verdict that could have far-reaching consequences for the loosely regulated U.S. fertility industry."

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Practice Emphasis

Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower/ Qui Tam

Education

University of California,
Hastings College of Law,
J.D., *magna cum laude*,
2010.

University of Missouri, B.A.,
summa cum laude, 1998.

Admissions

California
Florida

The Daily Journal recognized Amy among the Top Women Lawyers in California for 2021 and the Top Plaintiff Lawyers in California for 2021, and Northern California Super Lawyers named her a 2021 Super Lawyer. *Law360* honored Amy as an MVP in Product Liability for 2021, and the National Law Journal named her a 2021 Winning Litigators finalist. In 2020, Amy was elected co-chair of the American Association for Justice's Class Action Litigation Group.

Amy currently represents clients in a variety of mass injury matters, including additional families in the Pacific Fertility Center matter, individuals harmed by the chemotherapy drug Taxotere (docetaxel), and individuals affected by the Porter Ranch/Aliso Canyon gas leak. She serves in a court-appointed leadership role in a mass action coordinating claims on behalf of 18,000 boys who suffered irreversible male breast growth after being prescribed the antipsychotic medication Risperdal. Amy has previously represented clients injured by transvaginal mesh, the birth control medications Yaz and Yasmin, and the diabetes drug Actos.

Prior to attending law school, Amy pursued a career in the financial sector, acting as the Accounting and Compliance Manager for the Marin County Federal Credit Union for almost seven years. Amy was a spring 2010 extern for the Honorable Marilyn Hall Patel of the United States District Court, Northern District of California.

Litigation Highlights

Mass Tort Litigation

Pacific Fertility Center Litigation – Amy served as co-lead trial counsel in a three-week trial on behalf of several patients who tragically lost eggs and embryos in a catastrophic cryo-preservation tank failure at San Francisco's Pacific Fertility Center in 2018. The jury found the cryogenic tank manufacturer, Chart Inc., liable on all claims, and awarded \$14.975 million in aggregate damages to the five plaintiffs. Amy leads the Gibbs Law Group team, which first filed the lawsuit in March 2018 with co-counsel, and represents dozens of PFC patients whose frozen eggs and embryos were harmed or destroyed as a result of the tank failure. This was the first trial in the consolidated litigation, and five additional trials against Chart are scheduled for 2022 and 2023.

In re Risperdal and Invega Product Liability Cases – appointed by a California judge to serve as liaison counsel, responsible for coordinating and overseeing the lawsuits filed on behalf of thousands of male children who took the popular antipsychotic drug Risperdal and suffered irreversible gynecomastia, or male breast growth.

Taxotere (Docetaxel) Products Liability Litigation – selected to serve on the discovery committee in this multi-district litigation on behalf of breast cancer survivors who suffered permanent, disfiguring hair loss after using the Taxotere chemotherapy drug.

Yaz & Yasmin Birth Control Litigation – represented women throughout the country who suffered serious side effects after taking Yaz, Yasmin and Ocella birth control. The federal litigation resulted in settlements worth approximately \$1.6 billion.

Defective Product and Consumer Protection Litigation

Sanborn, et al. v. Nissan North America, Inc. – appointed as class counsel with Eric Gibbs and others. Obtained a settlement 11 days before trial was set to begin on claims that the dashboards in certain Nissan vehicles were melting into a shiny, sticky surface that produced a dangerous glare. The settlement allowed class members to obtain a \$1500-\$2000 dashboard replacement for just \$250, or equivalent reimbursement for prior replacements.

Chase Bank U.S.A., N.A. “Check Loan” Contract Litigation – key member of the litigation team in this multidistrict case alleging that Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. The litigation resulted in a \$100 million settlement eight weeks prior to trial.

Sugarman v. Ducati North America, Inc., - represented Ducati motorcycle owners whose fuel tanks on their motorcycles degraded and deformed due to incompatibility with the motorcycles’ fuel. In January 2012, the Court approved a settlement that provided an extended warranty and repairs, writing, “The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court’s opinion, counsel obtained an excellent result for the class.”

Awards & Honors

Winning Litigators Finalist, National Law Journal (2021)
Product Liability MVP, Law360 (2021)
Top Plaintiff Lawyers in California, Daily Journal (2021)
Top Women Lawyers in California, Daily Journal (2021)
Northern California Super Lawyers (2021)
Rising Star, Northern California Super Lawyers (2013-2020)

Professional Affiliations

American Association for Justice - Co-Vice Chair of the Class Action Litigation Group; Past Co-Chair of the Qui Tam Litigation Group; Member of the Women Trial Lawyers Caucus
Consumer Attorneys of California

Publications & Presentations

Co-author, “Tips on Client Contact and Case Management in Mass Torts Part I: Client Intake and Gathering Relevant Information,” American Association for Justice, Women Trial Lawyers Caucus Connections Count Newsletter, 2013.

Co-author, “Tips on Client Contact and Case Management in Mass Torts Part II: Organizing and Working with Client Information,” American Association for Justice, Women Trial Lawyers Caucus Connections Count Newsletter, 2013.

Presenter, “Fees in Class Action Cases,” and “Qui Tam Case Strategies,” Mass Tort Med School and Class Action Conference, March 2017.

Presenter, “Claims-processing in Large and Mass-Tort MDLs,” Emerging Issues in Mass-Tort MDLs Conference, Duke University, October 2016.

Presenter, “Best Practices in Law Firm Management,” American Association for Justice 2016 Winter Convention, Women’s Trial Lawyers Caucus Leadership Summit, February 2016.

Presenter, “Lumber Liquidators Litigation,” American Association for Justice 2015 Annual Convention, July 2015.



Josh Bloomfield | Counsel

Josh Bloomfield represents plaintiffs in class and other complex litigation, with particular experience in antitrust, consumer protection and data breach matters. He is a member of the California Bar and is admitted to practice before the United States District Courts for the Northern, Central and Southern Districts of California.

At Gibbs Law Group, Josh has been an advocate for borrowers who lost their homes to foreclosure during the financial crisis, individuals harmed by corporate misconduct related to the COVID-19 pandemic, and consumers and employees who have suffered the consequences of antitrust conspiracies.

During more than 20 years of practice, Josh has represented clients in a variety of civil, criminal and administrative matters - from a distinguished professor of aeronautics and astronautics in a National Science Foundation research misconduct investigation, to several Major League Baseball teams in player arbitrations. Josh also served as vice president and general counsel to an innovative business venture in the second-home alternative marketplace, offering investors direct participation in ownership of a portfolio of luxury vacation properties.

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Practice Emphasis

Antitrust
Class Actions
Consumer Protection

Education

UCLA School of Law, J.D.,
2000
University of Pennsylvania,
B.A., *with honors*, 1996

Admissions

California

Litigation Highlights

Hernandez v. Wells Fargo Bank, N.A.

Represents a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo erroneously denied them trial mortgage modifications. The case settled in two phases for a total of \$40.3 million, resulting in significant compensation payments to each class member.

Disposable Contact Lens Antitrust Litigation

Represents a class of consumers in the Disposable Contact Lens Antitrust Litigation, which challenges a series of “minimum pricing” policies imposed by contact lens manufacturers. The suit alleges that consumers paid supracompetitive prices as a result of a conspiracy among optometrists, manufacturers and a distributor of disposable contact lenses.

In re Anthem, Inc. Data Breach Privacy Litigation

Represented interests of plaintiffs and putative class members following massive data breach of approximately 80 million personal records, including names, dates of birth, Social Security numbers, health care ID numbers, email and physical addresses, employment information, and income data.

Jiffy Lube Antitrust Litigation

Represents Jiffy Lube workers who were harmed by a “no-poach” policy whereby Jiffy Lube required its franchisees to agree not to solicit or hire current or former employees of other franchisees. The suit alleges that workers’ wages were suppressed by this restraint on the market for their labor.

Airbnb Host Class Action Lawsuit

Represents Airbnb hosts – in federal court and in individual arbitrations - who allege that Airbnb took advantage of the COVID-19 pandemic and seized funds that belonged to hosts while claiming that the money would be refunded to guests.



Parker Hutchinson | Counsel

Parker Hutchinson represents plaintiffs in class actions and other complex litigation, with extensive practice in the field of prescription drug product liability. Parker currently represents clients in multi district litigation including servicemembers who suffered hearing loss or tinnitus from defective 3M ear plugs and cancer survivors who suffered permanent disfiguring hair loss from the chemotherapy drug Taxotere. Prior to joining Gibbs Law Group, Parker wrote extensive briefing *In re Taxotere* as a member of the Plaintiffs' Law & Briefing Committee. In his appellate advocacy work, Parker has also achieved an expansion of the definition of "adverse employment action" under Title VII in an issue of first impression.

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Education

Columbia Law School, J.D.,
2009

Tulane University, B.A., *cum
laude*, 2004

Admissions

New York

Louisiana

Parker is a 2009 graduate of Columbia Law School, where he was a leader at the Columbia Journal of European Law. During law school, Parker was a judicial extern with the Honorable Stanwood Duval, Jr. of the Eastern District of Louisiana. Before law school, Parker worked as a congressional staffer, a musician, and a writer. He involved himself closely in New Orleans's recovery following Hurricane Katrina, including the resurrection of progressive community radio station WTUL. He received his undergraduate degree, *cum laude*, from Tulane University in 2004.



Shawn Judge | Counsel

Shawn Judge focuses on class actions, mass torts, and other complex litigation matters. Shawn has been appointed Chair by a federal court to two pipeline compensation commissions, and he currently serves as Special Counsel for the Ohio Attorney General litigating claims against five of the country's largest pharmaceutical companies alleging misrepresentations and deceptive marketing that caused the nation's current devastating opioid crisis. He routinely serves as an invited speaker on civil litigation and mediation and is a former Ohio Bar Examiner.

Shawn is also an experienced mediator offering private mediation services for civil disputes. For over a decade, Shawn mediated cases for the U.S. District Court for the Southern District of Ohio as a judicial clerk. He received mediation training at the Harvard Negotiation Institute at Harvard Law School and the Straus Institute for Dispute Resolution at the Pepperdine University School of Law.

Previously, Shawn has served as a judicial clerk for the U.S. District Court for the Southern District of Ohio, the Supreme Court of Ohio, and Ohio's Ninth District Court of Appeals. He has previously served as adjunct professor at The Ohio State University Moritz College of Law, Ohio Northern University Pettit College of Law, and Capital University Law School. Shawn received his B.A. with honors from The College of Wooster, holds an M.A. in English from Wright State University, and received his J.D. with honors from The Ohio State University Moritz College of Law.

Awards & Honors

Ohio Super Lawyer (2021)

Litigation Highlights

State of Ohio ex rel. Dave Yost, Ohio Attorney General v. Purdue Pharma L.P.:

Represents the State of Ohio in litigation alleging that the six major manufacturers of prescription opioids created a public nuisance, which caused billions of dollars in damages to the state and its citizens. The litigation is ongoing.

Eaton v. Ascent Resources – Utica, LLC: Represents a class and sub-classes of oil and gas lessors with leases with Ascent Resources – Utica, LLC. Plaintiffs claim that Ascent takes improper post-production deductions from their royalty payments that are either not allowed under their contracts or are unreasonable in amount. On August 4, 2021, the Court granted class certification in the case, which marks one of the first cases of a court certifying an Ohio class action regarding the underpayment of oil and gas royalties. The lawsuit is ongoing.

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Practice Emphasis

Class Actions

Consumer Protection

Education

The Ohio State University
Moritz College of Law, J.D.,
1998

Wright State University, M.A.,
1995

The College of Wooster, B.A.,
with honors, 1993

Admissions

Ohio



Micha Star Liberty | Of Counsel

Micha Star Liberty is a nationally recognized trial attorney dedicated to representing individuals who have been injured or abused, including survivors of sexual abuse. With more than twenty years of experience, Micha has been widely recognized for her achievements, receiving numerous awards including Top 100 Women Lawyers in California, Top 100 High Stakes Litigators, and Top Plaintiff Lawyers in California. In 2018, Micha was honored with the Woman Advocate of the Year award for her work on legislation and prosecuting numerous cases in support of the #MeToo movement. In 2015, the Consumer Attorneys of California recognized Micha as Street Fighter of the Year for holding the Contra Costa County School District accountable in a child sexual abuse case.

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Practice Emphasis

Sexual Assault

Education

University of Hastings,
College of the Law, J.D.,
2001

University of California at Los
Angeles, B.A., 1995

Admissions

California

Micha also contributes to the legal profession in leadership and has served as past president of Consumer Attorneys of California, Western Trial Lawyers, and Alameda-Contra Costa Trial Lawyers, as well as past vice president of the State Bar of California. Micha is a frequent lecturer and published author on legal topics, focusing much of her public speaking on trial practice, discovery techniques, the importance of mentoring, and best practices for opening a law office and law office management. Micha is also a certified mediator with over 40 hours of training, and she has performed private mediations as well as mediations for the Contra Costa Superior Court with a trauma-informed perspective.

Micha has worked at the White House (Clinton Administration) and for two Members of Congress: for U.S. Representative Mel Watt, from North Carolina, and for U.S. Representative Anna Eshoo. While in law school, Micha served as a judicial extern to Senior United States District Court Judge Thelton E. Henderson.

Professional Affiliations

Alameda-Contra Costa Trial Lawyers Association, Past President

American Association for Justice, Board of Governors, Co-Chair Sexual Assault Litigation Group

Consumer Attorneys of California, Past President, Past Diversity Committee Co-Chair, Past Chair New Lawyers Caucus

Continuing Education of the Bar

Western Trial Lawyers Association, Past President



Rosanne Mah | Counsel

Rosanne Mah represents consumers in complex class action litigation involving deceptive or misleading practices, false advertising, and data/privacy issues. She is a member of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California.

Rosanne is integrally involved in the discovery and client outreach process for the Boy Scouts of America Lawsuits, where she represents sexual abuse survivors who were abused by leaders and other affiliates within the organization. She is also involved in communicating with potential class representatives and clients for both the Toxic Baby Food lawsuit, alleging that certain baby food manufacturers were selling products containing poisonous heavy metals, and the Midwestern Pet Food lawsuit alleging that over 70 dogs have died after eating food contaminated with dangerous levels of aflatoxin, a mold toxin.

Rosanne has 15 years of experience in providing the highest level of legal representation to individuals and businesses in a wide variety of cases. Throughout her career she has specialized in consumer protection, defective products, cybersecurity, data privacy, and employment law at several law firms, all while running her own practice. Rosanne attended the University of San Francisco, School of Law, during which she was a judicial extern with the Honorable Anne Bouliane of the San Francisco Superior Court.

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Practice Emphasis

Class Actions
Consumer Protection

Education

University of San Francisco
School of Law, J.D., 2005
University of California at
Santa Cruz, B.A., 1995

Admissions

California



George Sampson | Of Counsel

George Sampson brings 35 years of experience prosecuting complex antitrust cases on behalf of consumers and small businesses. George began his career in antitrust enforcement in 1984, when he joined the New York Attorney General's Antitrust Bureau. He served as an Assistant Attorney General for 10 years – the last two years (1992-1994) as Chief of the Antitrust Bureau. George was the lead trial attorney in a civil bid-rigging action in which he won the state's first ever bid-rigging jury trial, recovering \$7.8 million for the state.

George's principal experience has been to assist expert witnesses in antitrust cases. He has either taken or defended the deposition of nearly every leading antitrust economist, whether at the class certification stage or the liability and damages phases of complex antitrust class actions. He is conversant with complex economic analyses, econometric damages models, and equally important, translating expert economic analysis into language judges and juries can readily grasp.

Currently George serves as Trial Counsel in the Disposable Contact Lens Antitrust Litigation, a class action lawsuit filed 14 years after the original Contact Lens case was tried in 2001. Along with Michael Schrag, he has been principally responsible for all of the expert economics work on the case, including presenting evidence at the two-day class certification hearing. The court's 178 page order granting class certification has been appealed by defendants.

George Sampson is Of Counsel to Gibbs Law Group and the founding partner of Sampson Dunlap LLP.

Litigation Highlights

In re Disposable Contact Lens Antitrust Litigation

George served as co-lead counsel where he was principally responsible for all expert economic testimony. He successfully settled the case after five weeks of trial for a total recovery in excess of \$90 million.

In re Visa Check/MasterMoney Antitrust Litigation

George was appointed co-lead counsel to the litigation team. His team achieved settlement on the eve of trial for \$3 billion, at the time the largest antitrust class settlement ever achieved.

McDonough v. Toys R Us

George took on a "hub-and-spoke" case against Toys R Us for forcing baby product manufacturers to raise prices at competing retailers. Again, George was principally responsible for all expert economic testimony. After extensive discovery and a two-day class certification hearing, the case settled for \$35 million.

Professional Affiliations

American Antitrust Institute, Advisory Board Member
American Bar Association, Antitrust Law Section
Washington State Bar Association, Antitrust and Consumer Protection Committee

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Practice Emphasis

Antitrust Litigation

Class Actions

Education

New York University School of Law, J.D.

Cornell University, B.A.

Admissions

Washington



Mark Troutman | Counsel

Mark Troutman is dedicated to protecting consumers against corporate misdeeds and has led class action efforts across the country. Mark has been appointed to leadership roles in many of his complex litigation cases, and he currently serves as Special Counsel for the Ohio Attorney General in bringing claims against five of the country's largest pharmaceutical companies alleging misrepresentations and deceptive marketing that have caused the nation's current devastating opioid crisis.

As lead counsel in a consumer class action against Porsche, Mark achieved a \$45 million settlement for the class. Previously, Mark has been lead counsel in a consumer class action against a fitness chain, and co-lead counsel in a class action claiming improper deductions from royalty payments to lessors of a major oil and gas operator.

Before joining Gibbs Law Group, Mark co-led the class action practice group of a leading Ohio firm. Mark has been honored as a top plaintiff-side Class Action Litigator by the Best Lawyers in America and as a Rising Star by Ohio Super Lawyers. He has co-authored the leading guide on Ohio Consumer Law for more than 10 years and he continues to help advance the Ohio plaintiffs' bar as a member of the Ohio Association for Justice.

Litigation Highlights

State of Ohio ex rel. Dave Yost, Ohio Attorney General v. Purdue Pharma L.P.:

Represents the State of Ohio in litigation alleging that the six major manufacturers of prescription opioids created a public nuisance, which caused billions of dollars in damages to the state and its citizens. The litigation is ongoing.

In re Porsche Cars North America, Inc. Coolant Tubes Product Liability Litigation:

Represented a class of nearly 50,000 Porsche Cayenne vehicle owners alleging that Porsche defectively designed its 2003-2010 model year vehicles with plastic coolant tubes, which due to their positioning, would prematurely wear them down from the vehicle's heat and require costly repairs. The settlement compensated class members for a significant portion of the repair costs, with an estimated settlement value of more than \$40 million.

Gascho v. Global Fitness Holdings: Represented a class and sub-classes of current and former gym members alleging that the Urban Active gym chain took excessive and/or unauthorized fees from gym members, which were not included in class members' contracts or in violation of state law. The settlement reimbursed class members for the improper charges to their accounts.

Eaton v. Ascent Resources – Utica, LLC: Represents a class and sub-classes of oil and gas lessors with leases with Ascent Resources – Utica, LLC. Plaintiffs claim that Ascent takes improper post-production deductions from their royalty payments that are either not allowed under their contracts or are unreasonable in amount. On August 4, 2021, the Court granted class certification in the case, which marks one of the first cases of a court certifying an Ohio class action regarding the underpayment of oil and gas royalties.. The lawsuit is ongoing.

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Practice Emphasis

Class Actions

Consumer Protection

Education

The Ohio State University
Moritz College of Law, J.D.,
2003

The Ohio State University,
B.A, *summa cum laude*,
2000

Admissions

Ohio



Brian Bailey | Associate

Brian represents clients who have been harmed by corporate misconduct in complex litigation including employment discrimination, personal injury, data breach and consumer protection cases. He represents people who were injured and lost homes or businesses in our PG&E wildfire cases.

Prior to Gibbs Law Group, Brian worked at the Federal Labor Relations Authority in Dallas, Texas where he conducted investigations on federal unfair labor practices and coordinated federal union elections. Previously, Brian represented a high volume of disabled individuals in administrative hearings.

Brian is a 2016 graduate of Texas A&M University School of Law, where he served as the president of the TAMU Black Law Student Association. During law school, he interned for the Honorable Justice Ken Molberg when he was District Judge at the 95th Texas Civil District Court and served as a research assistant for Professors Michael Z. Green and Sahar Aziz. Prior to law school, Brian worked as an international flight attendant at United Airlines and volunteered as an Occupational Injury Representative at the Association of Flight Attendants, Local Council 11 in Washington D.C. Brian holds a B.S. with honors in business administration from Colorado Technical University.

T 510.956.5256

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Education

Texas A&M University
School of Law, J.D., 2016

Colorado Technical
University, B.S., *with honors*

Admissions

Texas

Professional Affiliations

L. Clifford Davis Legal Association
The International Legal Honor Society of Phi Delta Phi
The American Constitution Society for Law & Policy
Texas Young Lawyers Association
State Bar of Texas, member of the following Sections:

- African-American Lawyers (AALS)
- Consumer and Commercial Law
- Labor and Employment Law
- LGBT Law



Erin Barlow | Associate

Erin is a zealous advocate for survivors of sexual assault as well as consumers who have been harmed by corporate wrongdoing. She also has experience advocating for California wildfire victims, as well as fighting for individuals who suffered injuries from using defective drug and medical devices.

Erin is a 2021 graduate, *cum laude*, of the University of California Hastings College of the Law. In law school, she served as Senior Acquisitions Editor for Hastings Environmental Law Journal. She also was a Certified Law Student in the Individual Representation Clinic where she successfully appealed an adverse Social Security determination and got an individual's prior criminal convictions expunged. Erin received CALI awards for receiving the highest grade in Legal Research and Writing and in Environmental Justice and the Law. She received her undergraduate degrees in Politics and Marine Biology from the University of California Santa Cruz in 2014.

Presentations and Articles

Author, “Unprecedented Marine Biodiversity Shifts Necessitate Innovation: The Case for Dynamic Ocean Management in the UN High-Seas Conservation Agreement the Presenter, “Unpacking Public Interest Law,” Hastings Environmental Law Journal, 27 Hastings Env't'l L.J. 121, 2021

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Education

University of California,
Hastings College of Law, J.D.,
cum laude, 2021

University of California at Santa
Cruz, B.A. and B.S., 2014

Admissions

California



Aaron Blumenthal | Associate

Aaron Blumenthal represents employees, whistleblowers, and consumers in complex and class action litigation. He is a member of our California whistleblower attorney practice group.

Aaron attended law school at the University of California at Berkeley, where he graduated *Order of the Coif*, the highest level of distinction. While in law school, Aaron wrote an article about class action waivers that was published by the California Law Review, one of the top law reviews in the country. He also served as a research assistant to Professor Franklin Zimring, who described Aaron in the acknowledgements section of one of his books as a “statistical jack-of-all-trades.”

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Education

University of California,
Berkeley Law, J.D., 2015

University of California at
Berkeley, B.A., *Phi Beta
Kappa*, 2008

Admissions

California

Litigation Highlights

In Re Anthem, Inc. Data Breach Litigation - represented consumers whose personal information was impacted by the Anthem data breach, which was announced in 2015 as affecting nearly 80 million insurance customers. The case resulted in a \$115 million settlement, which offered extended credit monitoring to affected consumers.

LLE One v. Facebook – key member of the litigation team representing video advertisers in a putative class action against Facebook alleging that the company inflated its metrics for the average time users spent watching video ads, causing the plaintiffs to spend more for video advertising on Facebook than they otherwise would have.

JPMorgan Chase Litigation - represented a class of mortgage borrowers against JPMorgan Chase, alleging that the bank charged them invalid "post-payment interest" when they paid off their loans. The case resulted in an \$11 million settlement.

Neilson Mass Layoff Lawsuit - represents a putative class of former employees of Neilson Financial Services, who allege they were laid off in violation of the California WARN Act.

Awards & Honors

Rising Star, Northern California Super Lawyers, 2018-2021

Presentations and Articles

Co-author, “DoorDash: Quick Food, Slow Justice,” Daily Journal, March 2020

Co-author, “In the Breach,” Trial Magazine, American Association for Justice, September 2017

Author, “Winning Strategies in Privacy and Data Security Class Actions: The Plaintiffs’ Perspective,” Berkeley Center for Law & Technology, January 2017

Author, “Circumventing Concepcion: Conceptualizing Innovative Strategies to Ensure the Enforcement of Consumer Protection Laws in the Age of the Inviolable Class Action Waiver,” 103 Calif. L. Review 699, 2015

Author, “Religiosity and Same-Sex Marriage in the United States and Europe,” 32 Berkeley J. Int’l. L. 195, 2014.



Kyla Gibboney | Associate

Kyla represents consumers, employees, investors, and others who have been harmed by corporate misconduct. She prosecutes a wide range of complex class action cases, including antitrust, securities, consumer protection, financial fraud, and product defect across a variety of industries.

Kyla is a vital member of the team prosecuting the firm's financial fraud lawsuits against GreenSky, a financial technology company that facilitates consumer loans for construction projects and medical procedures. As part of her work on that case, she helped defeat GreenSky's motions to dismiss borrowers' complaints that GreenSky charges unlawful fees and attempts to force borrowers to pursue their claims in arbitration instead of in court. Kyla also has extensive experience litigating antitrust class actions. She currently represents cattle ranchers in *In re Cattle Antitrust Litigation*, a lawsuit challenging the country's largest beef purchasers' method for setting prices for fed cattle, and has worked on several pharmaceutical lawsuits that challenged reverse payment patent settlements, a practice in which brand pharmaceutical companies pay generic would-be competitors to stay out of the market, resulting in higher drug prices.

Kyla is a 2014 graduate of the University of California Hastings School of Law, where she was an extern with the United States Department of Justice's Antitrust Division and for Magistrate Judge Kandis A. Westmore and California Court of Appeal Justice Sandra Margulies. During law school, Kyla was also a law clerk for the Anti-Predatory Lending group of Community Legal Services in East Palo Alto, where she fought for economic justice for low-income borrowers and homeowners in East Palo Alto, and volunteered with the General Assistance Advocacy Project in San Francisco.

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Education

University of California,
Hastings College of Law, J.D.,
cum laude, 2014

University of California at
Berkeley, B.A., 2009

Admissions

California

Litigation Highlights

GreenSky Litigation – Key member of the litigation team representing consumers who took out loans for home maintenance repairs and were charged hidden fees by GreenSky, Inc.

Deora v. NantHealth – Represented investors who alleged that NantHealth's founder violated federal securities law and artificially inflated stock prices by structuring a purportedly philanthropic donation to the University of Utah to require the University to pay NantHealth \$10 million for research services. Kyla gathered the evidence necessary to come to a settlement in the case, which included interrogating several key fact witnesses.

LLE One v. Facebook – Part of the team representing advertisers who accused Facebook of inflating its viewership metrics by as much as 900% when selling its ad services. The lawsuit resulted in a \$40 million settlement for the class, and Kyla helped to oversee settlement distribution to over 1 million individuals and entities.

Awards & Honors

Rising Star, *Northern California Super Lawyers*, (2018-2021).



Julia Gonzalez | Associate

Julia works with employees who have faced discrimination, misclassification, wage and hour violations, and other workplace injustices, advocating for their rights in individual and class cases. She is also a member of the litigation team in our Washington State Voter Discrimination lawsuit, working to combat voter suppression and to ensure equal access to the democratic process.

Julia is a 2021 graduate of the University of California, Berkeley, School of Law. In law school, she was an Articles Editor and Executive Editor for the Berkeley Journal of Employment and Labor Law, the leading law review for employment and labor law scholarship. She twice competed in the Traynor Moot Court competition, where her team received the award for Best Brief in 2020. Julia was a member of the Consumer Advocacy and Protection Society and received the American Jurisprudence Award in Consumer Protection Law. She also provided direct legal services through the Workers' Rights Clinic and the Tenants' Rights Workshop. Julia received her undergraduate degree, *cum laude*, in Sociology from Yale University in 2013, and spent the year between college and law school as a full-time volunteer at the St. Francis Center, a multi-service non-profit in the North Fair Oaks neighborhood of Redwood City.

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Education

University of California at
Berkeley, J.D., 2021

Yale University, B.A., *cum
laude*, 2013

Admissions

California

Litigation Highlights

Postmates Driver Misclassification – Represents hundreds of gig economy workers in legal actions alleging that they were misclassified as independent contractors and should be entitled to minimum wage, overtime pay, and expense reimbursement under California and other state labor laws.



Jeff Kosbie | Associate

Jeff Kosbie represents plaintiffs in class actions and other complex lawsuits involving consumer protection, securities fraud and employment law. He previously worked as a staff attorney in the United States Court of Appeals for the Ninth Circuit (2017-2018) and served as a Multidistrict Litigation Law Clerk to the Judges Lucy Koh, Beth Freeman, and Edward Davila of the Northern District of California (2018-2019).

Jeff serves as Co-chair of Bay Area Lawyers for Individual Freedom (“BALIF”), the nation’s oldest and largest association of lesbian, gay, bisexual and transgender (LGBTQI) persons in the field of law, and he is on the board of the BALIF Foundation. He was also selected to serve on the California Lawyers Association Litigation Section Executive Committee. He has published multiple articles in law reviews related to the history of LGBTQ rights. Jeff is a 2015 graduate, *magna cum laude*, of Northwestern University School of Law and Northwestern University Graduate School where he received a J.D. and a Ph.D. in Sociology. While in law school, Jeff served as an Articles Editor of the Northwestern Journal of Law and Social Policy. He received his undergraduate degree, *summa cum laude*, *Phi Beta Kappa*, in Sociology from Brandeis University in 2006.

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Education

Northwestern University School of Law, J.D., *magna cum laude*, 2015

Northwestern University Graduate School, Ph.D., 2015

Brandeis University, B.A., *summa cum laude*, *Phi Beta Kappa*, 2006

Admissions

California

Awards & Honors

Best LGBTQ+ Lawyers Under 40, LGBT Bar Association, 2021
Unity Award, Minority Bar Coalition, 2019
Rising Star, Northern California Super Lawyers, 2021

Professional Affiliations

American Association for Justice
Bay Area Lawyers for Individual Freedom, Co-chair
BALIF Foundation, Board
California Lawyers Association, Litigation Section Executive Committee
Consumer Attorneys of California

Presentations and Articles

- Author, “Overdue Protection for LGTBQ Workers,” Trial Magazine, American Association for Justice, September 2020
- Author, “How the Right to be Sexual Shaped the Emergence of LGBT Rights,” 22 U. Pa. J. Const. L. 1389, August 2020
- Presenter, “LGBTQ+ Employment Rights Webinar,” American Association for Justice, June 2020
- Presenter, “Free Speech & LGBTQ+ Advocacy,” Annual Symposium, William & Mary Journal of Race, Gender, and Social Justice, February 2020
- Presenter, “Wage and Hour Litigation & Enforcement Webinar,” HB Litigation, February 2020
- Author, “Donor Preferences and the Crisis in Public Interest Law,” 57 Santa Clara L. Rev. 43, 2017
- Author, “(No) State Interests in Regulating Gender: How Suppression of Gender Nonconformity Violates Freedom of Speech,” 19 Wm. & Mary J. Women & L. 187, 2013



Ashleigh Musser | Associate

Ashleigh represents consumers and employees in class actions and mass arbitration involving consumer protection and employment law. She litigates complex cases involving misclassification, discrimination, and wage and hour claims brought under state law, including under the Private Attorneys General Act (PAGA). She currently represents thousands of gig economy workers in legal actions alleging that they were misclassified as independent contractors and should be entitled to minimum wage, overtime pay, and expense reimbursement under California and other state labor laws. Ashleigh is a proficient Spanish speaker and has experience representing and working with Spanish-speaking clients.

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Education

Seattle University School of Law, J.D., 2014

Bates College, B.A., 2010

Admissions

California

Ashleigh previously worked at a litigation firm in San Francisco, representing clients in criminal and civil proceedings, with an emphasis in personal injury, real estate, and wrongful death claims. More recently, she counseled and represented plaintiffs in individual and representative labor and employment matters at a boutique law firm in San Francisco. She has extensive experience protecting the rights of employees in cases involving California Labor Code violations, California Family Rights Act violations, and violations of the California Fair Employment and Housing Act, which includes representing plaintiffs with sexual harassment, disability and pregnancy discrimination, and retaliation claims.

Ashleigh is a 2014 graduate of Seattle University School of Law, where she served as the treasurer of the Moot Court Board, and as a chair of the International Law Society. During her time in law school, Ashleigh externed at the AIDS Legal Referral Panel of San Francisco, and subsequently volunteered as a licensed lawyer, where she represented clients facing eviction, and researched issues including the impact lump sum payments have on Section 8, the Housing Choice Voucher Program. As a law student, Ashleigh studied abroad at the University of Witwatersrand in Johannesburg, South Africa, focusing on how businesses adversely impact human rights, primarily in African countries. Ashleigh further diversified her legal experience by becoming a licensed to practice intern in Washington State, allowing her to practice law as a law student for the City Prosecutor's Office. In this role, she had to balance defending the City with the rights of the individuals that came before her in court.

Professional Affiliations

California Employment Lawyers Association
San Francisco Trial Lawyers Association

Awards & Honors

Rising Star, Northern California Super Lawyers, 2021



Dasha Sominski | Associate

Dasha Sominski represents plaintiffs in a wide range of complex class action cases, including defective products, financial fraud, securities, and sexual assault. Dasha's background as a transactional paralegal and litigation assistant at major defense firms in the Pacific Northwest continues to aid her in prosecuting corporate misconduct. Her insider knowledge about corporate practices offers a helpful perspective, and enables case teams to learn critical information early and deploy unique litigation strategies as a result.

Dasha graduated *cum laude* from Seattle University School of Law in 2021. While in law school, Dasha was a staff editor for the Seattle Journal of Technology, Environmental, and Innovation Law, received a CALI award for earning the highest grade in Torts, and was recognized by the Alpha Sigma Nu honor society for her achievement being in the top 4% of her class. During her 3L year, Dasha externed for Associate Chief Justice Charles W. Johnson at the Washington Supreme Court, which helped her develop an understanding of a judicial chambers' inner workings and further enhanced her legal research and strategy skills.

As a college student, Dasha engaged in community building and advocacy work. In 2015, Dasha was selected for the 36 under 36 award by the Jewish Week in recognition of her outstanding advocacy for LGBTQ+ people within the Orthodox Jewish community, including at Yeshiva University, where she received her undergraduate degree in psychology and creative writing. Her participation in the art activism project "Jews of New York" was recognized by the Boston Globe, Jerusalem Post, NY Daily News and other media outlets.

Dasha is fluent in Russian and proficient in Hebrew.

Dasha is admitted to practice law in California under her full legal name, Iudis Sominskaia.

Professional Affiliations

American Association for Justice
Bay Area Lawyers for Individual Freedom
Consumer Attorneys of California
Eastern European Bar Association
Jewish Bar Association of San Francisco

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Education

Seattle University School of Law, J.D., *cum laude*, 2021

Yeshiva University, B.A., 2015

Admissions

California



Zeke Wald | Associate

Zeke is dedicated to representing plaintiffs in class action and complex litigation concerning consumers' and workers' rights, products liability, privacy law, and constitutional law.

Zeke graduated from the University of California, Berkeley School of Law in 2021, where he was an Articles editor for the California Law Review, a research assistant for Professor Sean Farhang's work on complex litigation, and an advocate with the East Bay Community Law Center's Community Economic Justice clinic. Zeke also co-founded the Law and Political Economy society, which focuses on bringing students deeper into critical legal theory, and served as a leader of Berkeley's Gun Violence Prevention Project, an organization that supported the Giffords Law Center and the Brady Center's national, state, and local litigation efforts and policy advocacy on behalf of survivors of gun violence.

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Education

University of California at
Berkeley, Berkeley Law, J.D.,
2021

University of California at Santa
Barbara, B.A., highest honors,
2016

Admissions

California

Zeke received his undergraduate dual degrees in Economics and Psychology from the University of California, Santa Barbara with highest honors. Prior to law school, Zeke worked for a tech startup dedicated to providing consumers with access to objective, unbiased information about products and services, and as a legal secretary at a family law firm focusing on complex parentage and custody cases and assisted reproduction law.

Litigation Highlights

In re: 3M Combat Arms Earplug Products Liability Litigation – This multi-district litigation concerns allegations that 3M's dual-ended Combat Arms earplugs were defective and caused servicemembers and civilians to develop hearing loss or tinnitus. Zeke is a member of the team supporting the Law, Briefing, and Legal Drafting Committee.

Presentations and Articles

- Author, "Election Law's Efficiency-Convergence Dilemma," October 2020
- Author, "Driving in the Rearview: Looking Forward by Looking Back," The Law and Political Economy Society at Berkeley Law Blog, March 2020
- Author, "The Efficient Administration of Elections: How Competing Economic Principles Have Overtaken the Law of Democracy," The Law and Political Economy Society at Berkeley Law Blog, November 2019



Tayler Walters | Associate

Tayler Walters works with consumers in class actions to combat unfair business practices by corporations, including investors who have been victimized in financial fraud schemes and people whose personal information has been compromised in large-scale data/privacy breaches. She previously worked in a plaintiff's law firm advocating for consumers in a range of areas, including personal injury, product liability, premises liability, employment law, and elder abuse.

Tayler is a 2020 graduate, *magna cum laude*, of the University of San Francisco School of Law. In law school, she served as a Development Director on the Moot Court Board where she coached her fellow students and competed in the National Appellate Advocacy Competition. Tayler received a Merit Scholarship, earned CALI awards for receiving the highest grade in Professional Responsibility and in Contracts Law, and externed for California Supreme Court Chief Justice Tani Cantil-Sakauye. Tayler received her undergraduate degree in Political Science and Government from the University of Colorado Boulder in 2017.

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Education

University of San Francisco
School of Law, J.D., *magna cum laude*, 2020

University of Colorado
Boulder, B.A., 2017

Admissions

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SIGNIFICANT RECOVERIES

Some examples of the cases in which our lawyers played a significant role are described below:

Deceptive Marketing

Hyundai and Kia Fuel Economy Litigation, No. 2:13-md-2424 (C.D. Cal.). In a lawsuit alleging false advertising of vehicle fuel efficiency, the court appointed Eric Gibbs as liaison counsel. Mr. Gibbs regularly reported to the Court, coordinated a wide-ranging discovery process, and advanced the view of plaintiffs seeking relief under the laws of over twenty states. Ultimately Mr. Gibbs helped negotiate a revised nationwide class action settlement with an estimated value of up to \$210 million. The Honorable George H. Wu wrote that Mr. Gibbs had “efficiently managed the requests from well over 20 different law firms and effectively represented the interests of Non-Settling Plaintiffs throughout this litigation. This included actively participating in revisions to the proposed settlement in a manner that addressed many weaknesses in the original proposed settlement.”

In Re Mercedes-Benz Tele Aid Contract Litigation, MDL No. 1914, No. 07-cv-02720 (D.N.J.). Gibbs Law Group attorneys and co-counsel served as co-lead class counsel on behalf of consumers who were not told their vehicles’ navigation systems were on the verge of becoming obsolete. Counsel successfully certified a nationwide litigation class, before negotiating a settlement valued between approximately \$25 million and \$50 million. In approving the settlement, the court acknowledged that the case “involved years of difficult and hard-fought litigation by able counsel on both sides” and that “the attorneys who handled the case were particularly skilled by virtue of their ability and experience.”

In re Providian Credit Card Cases, JCCP No. 4085 (Cal. Super. Ct. San Francisco Cty). Mr. Gibbs played a prominent role in this nationwide class action suit brought on behalf of Providian credit card holders. The lawsuit alleged that Providian engaged in unlawful, unfair and fraudulent business practices in connection with the marketing and fee assessments for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

In re Hyundai and Kia Horsepower Litigation, No. 02CC00287 (Cal. Super. Ct. Orange Cty). In a class action on behalf of U.S. Hyundai and Kia owners and lessees, contending that Hyundai advertised false horsepower ratings in the United States, attorneys from Gibbs Law Group negotiated a class action settlement valued at between \$75 million and \$125 million which provided owners nationwide with cash payments and dealer credits.

Skold v. Intel Corp., No. 1-05-cv-039231 (Cal. Super. Ct. Santa Clara Cty.). Gibbs Law Group attorneys represented Intel consumers through a decade of hard-fought litigation, ultimately certifying a nationwide class under an innovative “price inflation” theory and negotiating a settlement that provided refunds and \$4 million in cy pres donations. In approving the settlement, Judge Peter Kirwan wrote: “It is abundantly clear that Class Counsel invested an incredible amount of time and costs in a case which lasted approximately 10 years with no guarantee that they would prevail. . . . Simply put, Class Counsel earned their fees in this case.”

Steff v. United Online, Inc., No. BC265953 (Cal. Super. Ct. Los Angeles Cty.). Mr. Gibbs served as lead counsel in this nationwide class action suit brought against NetZero, Inc. and its parent, United Online, Inc., by former NetZero customers. Plaintiffs alleged that defendants falsely advertised their internet service as unlimited and guaranteed for a specific period of time. The Honorable Victoria G. Chaney of the Los Angeles Superior Court granted final approval of a settlement that provided full refunds to customers whose services were cancelled and which placed restrictions on Defendants' advertising.

Khaliki v. Helzberg's Diamond Shops, Inc., No. 11-cv-00010 (W.D. Mo.). Gibbs Law Group attorneys and co-counsel represented consumers who alleged deceptive marketing in connection with the sale of princess-cut diamonds. The firms achieved a positive settlement, which the court approved, recognizing "that Class Counsel provided excellent representation" and achieved "a favorable result relatively early in the case, which benefits the Class while preserving judicial resources." The court went on to recognize that "Class Counsel faced considerable risk in pursuing this litigation on a contingent basis, and obtained a favorable result for the class given the legal and factual complexities and challenges presented."

Defective Products

In re Pacific Fertility Center Litigation, Case No. 3:18-cv-01586 (N.D. Cal). Gibbs Law Group attorneys served as co-lead trial counsel in a three-week trial on behalf of several patients who tragically lost eggs and embryos in a catastrophic cryo-preservation tank failure at San Francisco's Pacific Fertility Center in 2018. The jury found cryogenic tank manufacturer, Chart Inc., liable on all claims, determining that the tank contained manufacturing and design defects, and that Chart had negligently failed to recall or retrofit the tank's controller, despite having known for years that the controller model was prone to malfunction. For each claim, the jury found that the deficiency was a substantial factor in causing harm to the plaintiffs, and awarded \$14.975 million in aggregate damages. This was the first trial in the consolidated litigation, and five additional trials against Chart are scheduled for 2022 and 2023.

In re: American Honda Motor Co., Inc., CR-V Vibration Marketing and Sales Practices Litigation, No. 2:15-md-02661 (S.D. Ohio) Gibbs Law Group attorneys served as co-lead counsel in this multidistrict litigation on behalf of Honda CR-V owners who complained that their vehicles were vibrating excessively. After several lawsuits had been filed, Honda began issuing repair bulletins, setting forth repairs to address the vibration. Honda did not publicize the repairs well and as a result, Plaintiffs' alleged many CR-V owners and lessees—including those who had previously been told that repairs were unavailable—continued to experience the vibration. In early 2018, the parties negotiated a comprehensive settlement to resolve the multidistrict litigation on a class-wide basis. The settlement ensured that all affected vehicle owners were made aware of the free warranty repairs, including requiring Honda to proactively reach out to CR-V owners and dealers in several ways to publicize the repair options available.

In re General Motors Cases, No. JCCP 4396 (Cal. Super. Ct. L.A. Cty) - certified California state court class action against General Motors alleging violations of California's "Secret Warranty" law, California Civil Code § 1794.90 et seq.

Glenn v. Hyundai Motor America, Case No. 8:15-cv-02052 (C.D. Cal). Gibbs Law Group attorneys represented drivers from six states who alleged their vehicles came with defective sunroofs that could shatter without warning. The case persisted through several years of fiercely contested litigation before resolving for a package of class-wide benefits conservatively valued at over \$30 million. In approving the settlement, U.S. District Court Judge David O. Carter praised the resolution: "[T]his is an extraordinarily complex case and an extraordinarily creative solution."

Amborn et al. v. Behr Process Corp., No. 17-cv-4464 (N.D. Ill.) Gibbs Law Group served as co-lead counsel in this coordinated lawsuit against Behr and Home Depot alleging that Behr's DeckOver deck resurfacing product is prone to peeling, chipping, bubbling, and degrading soon after application. The team negotiated a class-wide settlement, which provided class members who submitted claims with 1) a refund for their purchase; and 2) substantial compensation for money spent removing DeckOver or repairing their deck. The settlement was granted final approval on December 19, 2018.

In re Hyundai Sonata Engine Litigation, Case No. 5:15-cv-01685 (N.D. Cal.). Gibbs Law Group attorneys served as court-appointed co-lead class counsel on behalf of plaintiffs who alleged their 2011-2014 Hyundai Sonatas suffered premature and catastrophic engine failures due to defective rotating assemblies. We negotiated a comprehensive settlement providing for nationwide recalls, warranty extensions, repair reimbursements, and compensation for class members who had already traded-in or sold their vehicles at a loss. The average payment to class members exceeded \$3,000.

Sugarman v. Ducati North America, Inc., No. 10-cv-05246 (N.D. Cal.). Gibbs Law Group attorneys served as class counsel on behalf of Ducati motorcycle owners whose fuel tanks on their motorcycles degraded and deformed due to incompatibility with the motorcycles' fuel. In January 2012, the Court approved a settlement that provided an extended warranty and repairs, writing, "The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

Parkinson v. Hyundai Motor America, No. 06-cv-00345 (C.D. Cal.). Gibbs Law Group attorneys served as class counsel in this class action featuring allegations that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, our lawyers negotiated a settlement that provided for reimbursements to class members for their repairs, depending on their vehicle's mileage at time of repair, from 50% to 100% reimbursement. The settlement also provided full reimbursement for rental vehicle expenses for class members who rented a vehicle while flywheel or clutch repairs were being performed. After the settlement was approved, the court wrote, "Perhaps the best barometer of ... the benefit obtained for the class ... is the perception of class members themselves. Counsel submitted dozens of letters from class members sharing their joy, appreciation, and relief that someone finally did something to help them."

Browne v. Am. Honda Motor Co., Inc., No. 09-cv-06750 (C.D. Cal.). Gibbs Law Group attorneys and co-counsel represented plaintiffs who alleged that about 750,000 Honda Accord and Acura TSX vehicles were sold with brake pads that wore out prematurely. We negotiated a settlement in which improved brake pads were made available and class members who had them installed could be reimbursed. The settlement received final court approval in July 2010 and provided an estimated value of \$25 million.

In Re General Motors Dex-Cool Cases., No. HG03093843 (Cal. Super Ct. Alameda Cty). Gibbs Law Group attorneys served as co-lead counsel in these class action lawsuits filed throughout the country, where plaintiffs alleged that General Motors' Dex-Cool engine coolant damaged certain vehicles' engines, and that in other vehicles, Dex-Cool formed a rusty sludge that caused vehicles to overheat. After consumer classes were certified in both Missouri and California, General Motors agreed to cash payments to class members nationwide. On October 27, 2008, the California court granted final approval to the settlement.

In re iPod Cases, JCCP No. 4355 (Cal. Super. Ct. San Mateo Cty). Mr. Gibbs, as court appointed co-lead counsel, negotiated a settlement that provided warranty extensions, battery replacements, cash payments, and store credits for class members who experienced battery failure. In approving the settlement, the Hon. Beth L. Freeman said that the class was represented by "extremely well qualified" counsel who negotiated a "significant and substantial benefit" for the class members.

Roy v. Hyundai Motor America, No. 05-cv-00483 (C.D. Cal.). Gibbs Law Group attorneys served as co-lead counsel in this nationwide class action suit brought on behalf of Hyundai Elantra owners and lessees, alleging that an air bag system in vehicles was defective. Our attorneys helped negotiate a settlement whereby Hyundai agreed to repair the air bag systems, provide reimbursement for transportation expenses, and administer an alternative dispute resolution program for trade-ins and buy-backs. In approving the settlement, the Honorable Alicemarie H. Stotler presiding, described the settlement as “pragmatic” and a “win-win” for all involved.

Velasco v. Chrysler Group LLC, No. 2:13-cv-08080 (C.D. Cal.). In this class action, consumers alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. Gibbs Law Group attorneys and their co-counsel defeated the majority of Chrysler’s motion to dismiss and engaged in extensive deposition and document discovery. In 2015, the parties reached a settlement contingent on Chrysler initiating a recall of hundreds of thousands of vehicles, reimbursing owners for past repairs, and extending its warranty for the repairs conducted through the recall. When he granted final settlement approval, the Honorable Dean D. Pregerson acknowledged that the case had been “hard fought” and “well-litigated by both sides.”

Edwards v. Ford Motor Co., No. 11-cv-1058 (S.D. Cal.). This lawsuit alleged that Ford sold vehicles despite a known safety defect that caused them to surge into intersections, through crosswalks, and up on to curbs. The litigation twice went to the U.S. Court of Appeals for the Ninth Circuit, with plaintiff prevailing in both instances. In the first instance, the appellate court reversed the trial court’s denial of class certification. In the second, the Ninth Circuit affirmed the ruling below that plaintiff’s efforts had generated free repairs, reimbursements, and extended warranties for the class.

Sanborn, et al. v. Nissan North America, Inc., No. 00:14-cv-62567 (S.D. Fla.). Gibbs Law Group litigated this action against a vigorous defense for two years, seeking relief for Nissan Altima owners whose dashboards were melting into a sticky, shiny, gooey surface that they alleged caused a substantial and dangerous glare. After largely prevailing on a motion to dismiss, Gibbs Law Group attorneys and their co-counsel prepared the case to the brink of trial, reaching a settlement just ten days before the scheduled trial start. The settlement allowed class members to obtain steeply discounted dashboard replacements and reimbursement toward prior replacement costs.

Bacca v. BMW of N. Am., No. 2:06-cv-6753 (C.D. Cal.) In a class action alleging that BMW vehicles suffered from defective sub-frames, we negotiated a settlement with BMW in which class members nationwide received full reimbursement for prior sub-frame repair costs as well as free nationwide inspections and program.

Antitrust and Unfair Business Practices

In re: Wells Fargo Collateral Protection Insurance Litigation, MDL Case No.: 8:17-ML-2797 (C.D. Cal.). Eric Gibbs and Michael Schrag were appointed to the three-firm Plaintiffs’ Steering Committee in this multi-district litigation on behalf of consumers who took out car loans from Wells Fargo and were charged for auto insurance they did not need. The parties announced a proposed settlement of at least \$393.5 million for affected consumers and the Court granted final approval in November 2019.

In re Currency Conversion Fee Antitrust Litigation, MDL No. 1409 (S.D.N.Y.); ***Schwartz v. Visa, et. al.***, No. 822404-4 (Cal. Super. Ct., Alameda Cty). Mr. Schrag helped initiate and prosecute several class actions against Visa, MasterCard, and other major U.S. banks, such as Chase and Bank of America, for failing to disclose their price fixing of currency conversion fees charged to cardholders. After prevailing at trial in *Schwartz v. Visa, et. al.*, plaintiffs were successful in obtaining a \$336 million global settlement for the class.

In re TFT-LCD (Flat Panel) Antitrust Litigation, MDL 1827 (N.D. Cal.). Gibbs Law Group attorneys were among the team serving as liaison counsel in this multi-district antitrust litigation against numerous TFT-LCD (Flat Panel) manufacturers alleging a conspiracy to fix prices, which has achieved settlements of more than \$400 million to date.

In re Natural Gas Antitrust Cases I, II, III and IV, JCCP No. 4221 (Cal. Super. Ct. San Diego Cty). Gibbs Law Group attorneys served in a leadership capacity in this coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market, which has achieved settlements of nearly \$160 million.

Beaver v. Tarsadia Hotels, No. 11-cv-1842 (S.D. Cal.); Gibbs Law Group attorneys served as co-lead counsel representing buyers of San Diego Hard Rock Hotel condominium units in this class action lawsuit against real estate developers concerning unfair competition claims. The lawsuit settled for \$51.15 million.

LLE One, LLC et al. v. Facebook, Inc., No. 4:16-cv-6232 (N.D. Cal.); Gibbs Law Group attorneys represent small businesses and other advertisers in a class action lawsuit alleging that Facebook overstated its metrics for the average time spent watching video ads on its platform. The Court granted final approval to a \$40 million class action settlement on June 26, 2020.

Hernandez v. Wells Fargo Bank, N.A., No. 3:18-cv-07354 (N.D. Cal.); Gibbs Law Group attorneys serve as court-appointed co-lead counsel representing a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo erroneously denied them trial mortgage modifications. The case settled in two phases for a total of \$40.3 million. Class members have received significant compensation payments of up to \$120,000.

Ammari Electronics, et al. v. Pacific Bell Directory, No. RG05198014 (Cal. Super. Ct. Alameda Cty). Mr. Schrag obtained a \$27 million judgment against an AT&T subsidiary after a jury trial and two successful appeals in this breach of contract class action on behalf of thousands of California businesses that advertised in Pacific Bell yellow pages directories. The National Law Journal featured this win in its “Top 100 Verdicts of 2009.”

In re LookSmart Litigation, No. 02-407778 (Cal. Super. Ct. San Francisco Cty). This nationwide class action suit was brought against LookSmart, Ltd. on behalf of LookSmart’s customers who paid an advertised “one time payment” to have their web sites listed in LookSmart’s directory, only to be later charged additional payments to continue service. Plaintiffs’ claims included breach of contract and violation of California’s consumer protection laws. On October 31, 2003, the Honorable Ronald M. Quidachay granted final approval of a nationwide class action settlement providing cash and benefits valued at approximately \$20 million.

Lehman v. Blue Shield of California, No. CGC-03-419349 (Cal. Super. Ct. S.F. Cty.). In this class action lawsuit alleging that Blue Shield engaged in unlawful, unfair and fraudulent business practices when it modified the risk tier structure of its individual and family health care plans, Gibbs Law Group attorneys helped negotiate a \$6.5 million settlement on behalf of former and current Blue Shield subscribers residing in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

Wixon v. Wyndham Resort Development Corp., No. 07-cv-02361 (N.D. Cal.). Gibbs Law Group attorneys served as class and derivative counsel in this litigation brought against a timeshare developer and the directors of a timeshare corporation for violations of California state law. Plaintiffs alleged that the defendants violated their fiduciary duties as directors by taking actions for the financial benefit of the timeshare developer to the detriment of the owners of timeshare interests. On September 14, 2010, Judge White granted approval of a settlement of the plaintiffs' derivative claims.

Berrien, et al. v. New Raintree Resorts, LLC, et al., No. 10-cv-03125 (N.D. Cal.). Gibbs Law Group attorneys filed this class action on behalf of timeshare owners, challenging the imposition of unauthorized special assessment fees. On November 15, 2011, the parties reached a proposed settlement of the claims asserted by the plaintiffs on behalf of all class members who were charged the special assessment. On March 13, 2012, the Court issued its Final Class Action Settlement Approval Order and Judgment, approving the proposed settlement.

Benedict, et al. v. Diamond Resorts Corporation, et al., No. 12-cv-00183 (D. Hawaii). In this class action on behalf of timeshare owners, Gibbs Law Group attorneys represented plaintiffs challenging the imposition of an unauthorized special assessment fee. On November 6, 2012, the parties reached a proposed settlement of the claims asserted by the plaintiffs on behalf of all class members who were charged the special assessment. On June 6, 2013, the Court approved the settlement.

Allen Lund Co., Inc. v. AT&T Corp., No. 98-cv-1500 (C.D. Cal.). This class action lawsuit was brought on behalf of small businesses whose long-distance service was switched to Business Discount Plan, Inc. Gibbs Law Group attorneys served as class counsel and helped negotiate a settlement that provided full cash refunds and free long-distance telephone service.

Mackouse v. The Good Guys - California, Inc., No. 2002-049656 (Cal. Super Ct. Alameda Cty). This nationwide class action lawsuit was brought against The Good Guys and its affiliates alleging violations of the Song-Beverly Warranty Act and other California consumer statutes. The Plaintiff alleged that The Good Guys failed to honor its service contracts, which were offered for sale to customers and designed to protect a customer's purchase after the manufacturer's warranty expired. In May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement that provides cash refunds or services at the customer's election.

Mitchell v. Acosta Sales, LLC, No. 11-cv-01796 (C.D. Cal. 2011). Gibbs Law Group attorneys and co-counsel served as class counsel representing Acosta employees who alleged that they were required to work off-the-clock and were not reimbursed for required employment expenses. We helped negotiate a \$9.9 million settlement for merchandiser employees who were not paid for all the hours they worked. The Court granted final approval of the settlement in September 2013.

Rubaker v. Spansion, LLC, No. 09-cv-00842 (N.D. Cal. 2009). Gibbs Law Group attorneys and co-counsel filed a class action lawsuit on behalf of former Spansion employees that alleged that the company had failed to provide terminated employees from California and Texas with advance notice of the layoff, as required by the Workers Adjustment and Retraining Notification Act (WARN Act). The bankruptcy court approved the class action settlement we and co-counsel negotiated in 2010. The settlement was valued at \$8.6 million and resulted in cash payments to the former employees.

Securities and Financial Fraud

Deora v. NantHealth, No. 2:17-cv-1825 (C.D. Cal.) – Gibbs Law Group serves as Co-lead Counsel for certified classes of investors in litigation alleging violations of federal securities laws related to the healthcare technology company's statements in connections with its initial public offering in 2016 and afterward. In September 2020, the Court granted final approval to a \$16.5 million class action settlement.

Roth v. Aon Corp., No. 04-cv-06835 (N.D. Ill.). This securities fraud class action alleged that Aon Corporation and its key executives made misstatements and failed to disclose important information to investors about Aon's role in and reliance on contingent commission kickbacks and steering arrangements with insurers. Mr. Schrag helped prosecute this securities fraud class action against Aon Corporation which resulted in a \$30 million settlement for the plaintiff class.

In re Peregrine Financial Group Customer Litigation, No. 12-cv-5546 (N.D. Ill.). Mr. Stein was among the attorneys serving as co-lead counsel for futures and commodities investors who lost millions of dollars in the collapse of Peregrine Financial Group, Inc. Through several years of litigation, counsel helped deliver settlements worth more than \$75 million from U.S. Bank, N.A., and JPMorgan Chase Bank, N.A.

In re Chase Bank USA, N.A. "Check Loan" Contract Litigation, No. 09-2032 (N.D. Cal.). Gibbs Law Group attorneys and counsel from several firms led this nationwide class action lawsuit alleging deceptive marketing and loan practices by Chase Bank USA, N.A. After a nationwide class was certified, U.S. District Court Judge Maxine M. Chesney granted final approval of a \$100 million settlement on behalf of Chase cardholders.

Mitchell v. American Fair Credit Association, No. 785811-2 (Cal. Super. Ct. Alameda Cty); ***Mitchell v. Bankfirst, N.A.***, No. 97-cv-01421 (N.D. Cal.). This class action lawsuit was brought on behalf of California members of the American Fair Credit Association (AFCA). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel. In February 2003, Judge Ronald Sabraw of the Alameda County Superior Court and Judge Maxine Chesney of the U.S. District Court for the Northern District of California granted final approval of settlements valued at over \$40 million.

Data Breach and Privacy

In re Equifax, Inc. Customer Data Security Breach Litig., MDL No. 2800, No. 1:17-md-2800 (N.D. Ga.) Gibbs Law Group attorneys serve on the Plaintiffs' Executive Committee in this nationwide class action stemming from a 2017 data breach that exposed social security numbers, birth dates, addresses, and in some cases, credit card numbers of more than 147 million consumers. On January 13, 2020, the Court granted final approval to a settlement valued at \$1.5 billion. Gibbs Law Group attorneys played an integral role in negotiating key business practice changes, including overhauling Equifax's handling of consumers' personal information and data security.

In re Anthem, Inc. Data Breach Litig., MDL No. 2617, No. 15-md-02617 (N.D. Cal.). Gibbs Law Group attorneys serve as part of the four-firm leadership team in this nationwide class action stemming from the largest healthcare data breach in history affecting approximately 80 million people. On August 15, 2018, the Court granted final approval to a \$115 million cash settlement.

In re: Vizio, Inc. Consumer Privacy Litigation, MDL No. 8:16-ml-02963 (C.D. Cal.). Gibbs Law Group attorneys are co-lead counsel in this multi-district lawsuit alleging that Vizio collected and sold data about consumers' television viewing habits and their digital identities to advertisers without consumers' knowledge or consent. Counsel achieved an important ruling on the application of the Video Privacy Protection Act (VPPA), a 1988 federal privacy law, which had never been extended to television manufacturers. The firm negotiated a settlement providing for class-wide injunctive relief transforming the company's data collection practices, as well as a \$17 million fund to compensate consumers who were affected. In granting preliminary approval, Judge Josephine Staton stated, "I'm glad I appointed all of you as lead counsel, because -- it probably is the best set of papers I've had on preliminary approval." She also noted "[E]very class member will benefit from the injunctive relief." On July 31, 2019, the Court granted final approval of the settlement.

In re Adobe Systems Inc. Privacy Litig., No. 13-cv-05226 (N.D. Cal.). In this nationwide class action stemming from a 2013 data breach, attorneys from Gibbs Law Group served as lead counsel on behalf of the millions of potentially affected consumers. Counsel achieved a landmark ruling on Article III standing (which has since been relied upon by the Seventh Circuit Court of Appeals and other courts) and then went on to negotiate a settlement requiring Adobe to provide enhanced security relief—including the implementation and maintenance of enhanced intrusion detection, network segmentation, and encryption.

Whitaker v. Health Net of Cal., Inc., et al., No. 11-cv-00910 (E.D. Cal.); ***Shurtleff v. Health Net of Cal., Inc.***, No. 34-2012-00121600 (Cal. Super Ct. Sacramento Cty). Gibbs Law Group attorneys served as co-lead counsel in this patient privacy case. On June 24, 2014, the court granted final approval of a settlement that provided class members with credit monitoring, established a \$2 million fund to reimburse consumers for related identity theft incidents, and instituted material upgrades to and monitoring of Health Net's information security protocols.

Smith v. Regents of the University of California, San Francisco, No. RG-08-410004 (Cal. Super Ct. Alameda Cty). Gibbs Law Group attorneys represented a patient who alleged that UCSF's disclosure of its patients' medical data to outside vendors violated California medical privacy law. The firm succeeded in negotiating improvements to UCSF's privacy procedures on behalf of a certified class of patients of the UCSF medical center. In approving the stipulated permanent injunction, Judge Stephen Brick found that "plaintiff Smith has achieved a substantial benefit to the entire class and the public at large."

Mass Tort

In re Actos Pioglitazone-Products Liability Litigation, No. 6:11-md-2299 (W.D. La.). Gibbs Law Group partners represented individuals who were diagnosed with bladder cancer after taking the oral diabetic drug Actos. The federal litigation resulted in a \$2.37 billion settlement.

In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation, MDL No. 2385, No. 3:09-md-02100 (S.D. Ill.). Gibbs Law Group attorneys represented women throughout the country who suffered serious side effects after taking Yaz, Yasmin and Ocella birth control. The federal litigation resulted in settlements worth approximately \$1.6 billion.

In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL No. 2385, No. 3:12-md-02385 (S.D. Ill.), Gibbs Law Group attorneys represented patients who suffered irreversible internal bleeding after taking Pradaxa blood thinners. Lawsuit resolved for settlements of approximately \$650 million.

In re: Sulzer Hip Prosthesis And Knew Prosthesis Liability Litigation, MDL No. 1401 (N.D. Ohio); Cal. JCCP No. 4165 (Cal. Super. Court, Alameda Cty). Mr. Schrag helped recover over \$10 million on behalf of his clients in this multidistrict litigation.

Sexual Assault Litigation

A.B. v. Regents of the University of California No. 2:20-cv-9555 (C.D. Cal.) – Gibbs Law Group represents former patients of UCLA OB-GYN Dr. James Heaps in a class action lawsuit alleging assault, abuse and harassment violations, and accusing UCLA of failing to protect patients after first becoming aware of the doctor’s misconduct. In November 2020, the parties announced a settlement, which will provide \$73 million in compensation to former patients of Dr. Heaps, as well as requiring a series of business practice reforms by UCLA for better handling of sexual assault investigations and practices going forward. Settlement approval is pending.

Government Reform

Paeste v. Government of Guam, No. 11-cv-0008 (D. Guam); Gibbs Law Group attorneys and co-counsel served as Class Counsel in litigation alleging the Government of Guam had a longstanding practice of delaying tax refunds for years on end, with the Government owing over \$200 million in past due refunds. After certifying a litigation class, Plaintiffs prevailed on both of their claims at the summary judgment stage, obtaining a permanent injunction that reformed the government’s administration of tax refunds. The judgment and injunction were upheld on appeal in a published decision by the Ninth Circuit. *Paeste v. Gov’t of Guam*, 798 F.3d 1228 (9th Cir. 2015).

EXHIBIT D

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5 Telephone: 212-363-7500
6 Email: cmaccarone@zlk.com

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8 *Attorneys for Plaintiffs, and the Proposed Class*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

Scherr v. Rodan & Fields, LLC; Superior Court of California, County of San Bernardino, Case No. CIVDS 1723435

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

Gorzo, et al. v. Rodan & Fields, LLC; Superior Court of California, County of San Francisco, Case No. CGC-18-565628

DECLARATION OF COURTNEY E. MACCARONE IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARD

I, Courtney E. Maccarone, declare as follows:

1. I am an attorney with the law firm of Levi & Korsinsky, LLP and one of the counsel for Plaintiffs in the action captioned *Barbara Lewis, et al. v. Rodan + Fields, LLC.*, Case No. 4:18-cv-02248-PJH (N.D. Cal.) which is now encompassed through the above-captioned case and settlement. I have knowledge of the matters set forth herein based on my personal knowledge and my review of the records of my law firm and could and would testify competently to them if called upon to do so.

2. I actively participated in this action, including negotiation of the Settlement, and I am fully familiar with the proceedings being resolved. I make this Declaration in support of Plaintiffs' motion for attorneys' fees and costs and for the Class Representatives' Service Awards ("Motion"). Given my role in this litigation, I have personal knowledge of the legal services rendered by the

1 attorneys requesting fees and expenses. This declaration summarizes the work performed by Levi &
2 Korsinsky, LLP in this litigation that led to the benefits provided to the Class under the Agreement.

3 3. The hours accounted for in this declaration relate both to this matter and a related federal
4 action, *Barbara Lewis, et al. v. Rodan + Fields, LLC.*, Case No. 4:18-cv-02248-PJH (N.D. Cal.), that
5 included overlapping claims based on the same facts, and in which the plaintiffs were represented by
6 Class Counsel. The settlement in this matter also resolved the claims in the federal *Lewis* matter, and
7 the work performed in the federal action inured to the benefit of the Class and directly led to the
8 Settlement Agreement.

9 HISTORY OF THE LITIGATION

10 4. Attorneys at my firm have actively participated in this action since March of 2018.
11 Specifically, they investigated Plaintiffs' claims; interviewed affected consumers and potential class
12 members; conducted legal research on the pertinent unsettled legal issues involved in the case; drafted
13 and reviewed pleadings; performed first and second level document review; drafted and reviewed
14 discovery-related documents; prepared plaintiffs for, and defended their depositions; took 30(b)(6)
15 depositions; attended and participated at mediation, and have actively participated in the negotiation of
16 this settlement.

17 THE RISKS BORNE BY LEVI & KORSINSKY, LLP

18 5. From the outset, Class Counsel anticipated spending hundreds of hours litigating these
19 claims with no guarantee of success, knew that prosecution of this case would require that other work
20 be foregone, understood that there was substantial uncertainty regarding the applicable legal and factual
21 issues, and continued to prosecute the litigation in the face of substantial opposition. The risks were
22 especially significant given that this case was novel and complex in that it concerned both product
23 defects and misleading advertising.

24 6. In accepting this case, Levi & Korsinsky, LLP bore considerable risk. Levi & Korsinsky,
25 LLP took this case on a fully contingent basis, meaning that we were not paid for any of our time, and
26 that we paid all costs and out-of-pocket expenses without any reimbursement to date. From the outset,
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1 Levi & Korsinsky, LLP recognized that it would be contributing a substantial amount of time and
2 advancing significant costs in prosecuting this class action, with no guarantee of compensation or
3 recovery, in the hopes of prevailing against a well-funded defense.

4 7. Rodan + Fields was represented by a highly-skilled and well-resourced litigation firm,
5 so there was an increased risk that Plaintiffs would receive a defense verdict after a prolonged trial.

6 **LODESTAR AND EXPENSES FOR FIRM**

7 8. Levi & Korsinsky, LLP is a national law firm with decades of combined experience
8 litigating complex securities, class, and consumer actions in state and federal courts throughout the
9 country and has established a long and successful record of litigating complex cases. With offices in
10 New York, Connecticut, Washington, D.C., and California, our lawyers routinely handle large and
11 complex matters throughout the country. Our lawyers have successfully managed resource-intensive
12 cases, with the firm routinely advancing the costs of litigation and dedicating substantial resources to
13 vigorously prosecute the claims of proposed class members. Our lawyers have achieved a substantial
14 number of settlements that have netted our clients hundreds of millions of dollars in monetary relief,
15 and changes.

16 9. A copy of the Levi & Korsinsky, LLP firm resume, reflecting that it is a well-
17 established, successful law firm, is attached as **Exhibit 1**.

18 10. Under my supervision, Amanda Herda, a paralegal, created a spreadsheet with all of our
19 hourly time entries.

20 11. In December of 2020, Rosemary Rivas departed Levi & Korsinsky, LLP, and thereafter
21 she joined the Gibbs Law Group LLP. Both Ms. Rivas and Levi & Korsinsky have continued to work
22 on this matter after her departure. To calculate Levi & Korsinsky's lodestar, I have included only those
23 hours billed by Ms. Rivas that predate her departure from our firm. I have also confirmed with Ms.
24 Rivas that the lodestar given in her separate declaration includes only the hours that she spent on this
25 matter after her departure from Levi & Korsinsky.

26 12. The total number of hours of work performed and Levi & Korsinsky, LLP's 2022 rates
27 are shown in the table below:

NAME	TITLE	GRADUATION YEAR	HOURS WORKED	RATE	LODESTAR
Rosemary Rivas	Partner	2000	219.50	\$ 975.00	\$214,012.50
Mark Reich	Partner	2000	5.90	\$ 800.00	\$4,720.00
Rosanne Mah	Associate	2005	7.30	\$ 700.00	\$5,110.00
Courtney Maccarone	Associate	2011	394.25	\$ 675.00	\$266,118.75
Tatyana Grubnik	Document Review Attorney	2001	218.50	\$ 475.00	\$103,787.50
Quentin Roberts	Associate	2015	0.6	\$ 425.00	\$255.00
Jenn Tash	Paralegal	N/A	3.45	\$ 325.00	\$1,121.25
Jamie Kornhaber	Paralegal	N/A	26.30	\$ 325.00	\$8,547.50
Amanda Herda	Paralegal	N/A	2.40	\$ 325.00	\$780.00
Joanna Chlebus	Paralegal	N/A	0.25	\$ 265.00	\$66.25
Emily Bigelow	Paralegal	N/A	7.60	\$ 265.00	\$2,014.00
TOTAL HOURS			886.05	TOTAL LODESTAR	\$ 606,532.75

13. The total hours billed represent time spent. We also anticipate spending additional hours, including preparation of this motion, performing future work overseeing administration of the settlement and communicating with class members, which further supports the reasonableness of the requested fee.

14. Levi & Korsinsky, LLP's 2022 rates are reasonable and fall well within the rates that courts in California have approved. *See, e.g., Stathakos v. Columbia Sportswear Co.* (N.D. Cal. Apr. 9, 2018) No. 15-CV-04543-YGR, 2018 WL 1710075, at *6 (“[S]everal courts in this district have approved hourly rates equal to or greater than the rates at issue here in similar cases.”); *Kumar v. Salov N. Am. Corp.* (N.D. Cal. July 7, 2017) No. 14-CV-2411-YGR, 2017 WL 2902898, at *7 (finding Class Counsel’s rates were “reasonable and commensurate with those charged by attorneys with similar experience in the market”).

15. Expenses are accounted for and billed separately and are not duplicated in my firm’s professional billing rate. Levi & Korsinsky, LLP has not received reimbursement for expenses incurred

1 in connection with this litigation. As of June 14, 2022, my firm had incurred a total of \$19,139.24 in
2 unreimbursed actual third-party expenses in connection with the prosecution of these cases. A summary
3 of expenses incurred is set forth in the following chart:

COST	AMOUNT
Postage	\$460.89
Court Reporting/ Transcripts	\$130.30
Filing, CourtCall, and other court-related fees	\$414.00
Litigation Fund	\$15,000.00
Travel expenses	\$2,866.00
Meals	\$268.05
Total	\$ 19,139.24

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15 16. The actual expenses incurred in prosecuting these cases are reflected on the
16 computerized accounting records of my firm prepared by bookkeeping staff, based on receipts and
17 check records, and accurately reflect all expenses incurred.

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

20 Executed at Dix Hills, New York this 22nd day of June 2022.

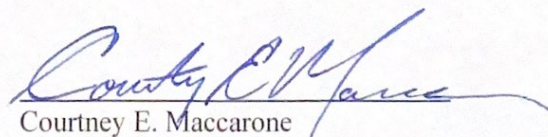
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Courtney E. Maccarone

Exhibit 1



RESUME

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Securities Fraud Class Actions
Derivative, Corporate Governance & Executive Compensation
Mergers & Acquisitions
Consumer Litigation

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 CHRISTINA FUHRMAN RUBEN MARQUEZ

ABOUT THE FIRM

Levi & Korsinsky, LLP is a national law firm with decades of combined experience litigating complex securities, class, and consumer actions in state and federal courts throughout the country. Our main office is located in New York City and we also maintain offices in Connecticut, California, and Washington, D.C.

We represent the interests of aggrieved shareholders in class action and derivative litigation through the vigorous prosecution of corporations that have committed securities fraud and boards of directors who have breached their fiduciary duties. We have served as Lead and Co-Lead Counsel in many precedent-setting litigations, recovered hundreds of millions of dollars for shareholders via securities fraud lawsuits, and obtained fair value, multi-billion-dollar settlements in merger transactions.

We also represent clients in high-stakes consumer class actions against some of the largest corporations in America. Our legal team has a long and successful track record of litigating high-stakes, resource-intensive cases and consistently achieving results for our clients.

Our attorneys are highly skilled and experienced in the field of securities class action litigation. They bring a vast breadth of knowledge and skill to the table and, as a result, are frequently appointed Lead Counsel in complex shareholder and consumer litigations in various jurisdictions. We are able to allocate substantial resources to each case, reviewing public documents, interviewing witnesses, and consulting with experts concerning issues particular to each case. Our attorneys are supported by exceptionally qualified professionals including financial experts, investigators, and administrative staff, as well as cutting-edge technology and e-discovery systems. Consequently, we are able to quickly mobilize and produce excellent litigation results. Our ability to try cases, and win them, results in substantially better recoveries than our peers.

We do not shy away from uphill battles – indeed, we routinely take on complex and challenging cases, and we prosecute them with integrity, determination, and professionalism.



PRACTICE AREAS

Securities Class Actions

Over the last four years, Levi & Korsinsky has been lead, or co-lead counsel in 35 separate settlements that have resulted in nearly \$200 million in recoveries for shareholders. During that time, Levi & Korsinsky has consistently ranked in the Top 10 in terms of number of settlements achieved for shareholders each year, according to reports published by ISS. In Lex Machina's Securities Litigation Report, Levi & Korsinsky ranked as one of the Top 5 Securities Firm for the period from 2018 to 2020. Law360 dubbed the Firm one of the "busiest securities firms" in what is "on track to be one of the busiest years for federal securities litigation" in 2018. In 2019, Lawdragon Magazine ranked multiple members of Levi & Korsinsky among the 500 Leading Plaintiff Financial Lawyers in America. Our firm has been appointed Lead Counsel in a significant number of class actions filed in both federal and state courts across the country.

In **In re Tesla Inc. Securities Litigation**, Case No. 18-cv-4865-EMC (N.D. Cal.), the firm represents a certified class of Tesla investors who sustained damages when Elon Musk tweeted "Am considering taking Tesla private at \$420. Funding secured," on August 7, 2018. In a monumental win for the class, our attorneys successfully obtained partial summary judgment against Mr. Musk on the issues of falsity and scienter, meaning that trial will primarily focus on damages, which are presently estimated to be well in excess of \$2 billion. Trial is scheduled to begin on January 17, 2023.

In **In re U.S. Steel Consolidated Cases**, Case No. 17-559-CB (W.D. Pa.), the firm represents a certified class of U.S. Steel investors who sustained damages in connection with the company's false and materially misleading statements about its Carnegie Way initiative.

As Lead Counsel in **In re Avon Products Inc. Securities Litigation**, Case No. 19-cv-1420-MKV (S.D.N.Y.), having been commenced in the U.S. District Court for the Southern District of New York, the Firm achieved a \$14.5 million cash settlement to successfully end claims alleged by a class of investors that the beauty company loosened its recruiting standards in its critical market in Brazil, eventually causing the company's stock price to crater. The case raised important issues concerning the use of confidential witnesses located abroad in support of scienter allegations and the scope of the attorney work product doctrine with respect to what discovery could be sought of confidential sources who are located in foreign countries.

In **Rougier v. Applied Optoelectronics, Inc.**, Case No. 17-cv-2399 (S.D. Tex.), the Firm served as sole Lead Counsel, prevailed against Defendants' Motion to Dismiss, and achieved class certification before the Parties reached a settlement. The Court granted final approval of a \$15.5 million settlement on November 24, 2020.



“Class Counsel have demonstrated that they are skilled in this area of the law and therefore adequate to represent the Settlement Class as well.”

The Honorable Barry Ted Moskowitz in In re Regulus Therapeutics Inc. Sec. Litig., No. 3:17-CV-182-BTM-RBB (S.D. Cal. Oct. 30, 2020)

In **In Re Helios and Matheson Analytics, Inc. Sec. Litig.**, Case No. 18-cv-6965-JGK (S.D.N.Y.), the Firm served as sole Lead Counsel. Although the company had filed a voluntary Bankruptcy petition for liquidation and had numerous creditors (including private parties and various state and federal regulatory agencies), the Firm was able to reach a settlement. The settlement was obtained at a time when a motion to dismiss filed by the defendants was still pending and a risk to the Class. In its role as Lead Counsel, the Firm achieved a settlement of \$8.25 million on behalf of the class. The Court granted final approval of the settlement on May 13, 2021.

In **In re Restoration Robotics, Inc. Sec. Litig.**, Case No. 18-cv-03712-EJD (N.D. Cal.), the Firm was sole Lead Counsel and achieved a settlement of \$4,175,000 for shareholders.

In **Kirkland, et al. v. WideOpenWest, Inc., et al.**, Index No. 653248/2018 (N.Y. Sup.) the Firm was Co-Lead Counsel and achieved a settlement of \$7,025,000 for shareholders.

In **Stein v. U.S. Xpress Enterprises, Inc., et al.**, Case No. 1:19-cv-98-TRM-CHS (E.D. Tenn.), the Firm is Co-Lead Counsel representing a certified class of USX investors and has prevailed on a Motion to Dismiss. The class action is in the early stages of discovery and shareholders stand to recover damages in connection with an Initial Public Offering.

We have also been appointed Lead or Co-Lead Counsel in the following securities class actions:

- **In re Grab Holdings Limited Securities Litigation**, 1:22-cv-02189-VM (S.D.N.Y. June 7, 2022)
- **Jiang v. Bluecity Holdings Limited et al.**, 1:21-cv-04044-FB-CLP (E.D.N.Y. December 22, 2021)
- **In re AppHarvest Securities Litigation**, 1:21-cv-07985-LJL (S.D.N.Y. December 13, 2021)
- **In re Coinbase Global, Inc. Securities Litigation**, 3:21-cv-05634-VC (N.D. Cal. November 5, 2021)
- **Miller v. Rekor Systems, Inc. et al.**, 1:21-cv-01604-GLR (D. Md. September 16, 2021)
- **John P. Norton, On Behalf Of The Norton Family Living Trust UAD 11/15/2002 V. Nutanix, Inc. Et Al**, 3:21-cv-04080-WHO (N.D. Cal. September 8, 2021)

- **Zaker v. Ebang International Holdings Inc. et al.**, 1:21-cv-03060-KPF (S.D.N.Y. July 21, 2021)
- **Valdes v. Kandi Technologies Group, Inc. et al.**, 2:20-cv-06042-LDH-AYS (E.D.N.Y. April 20, 2021)
- **In re QuantumScape Securities Class Action Litigation**, 3:21-cv-00058-WHO (N.D. Cal. April 20, 2021)
- **In re Minerva Neurosciences, Inc. Sec. Litig.**, 1:20-cv-12176-GAO (D. Mass. March 5, 2021)



In appointing the Firm Lead Counsel, the Honorable Analisa Torres noted our “extensive experience” in securities litigation.

White Pine Invs. v. CVR Ref., LP, No. 20 CIV. 2863 (S.D.N.Y. Jan. 5, 2021)

- **The Daniels Family 2001 Revocable Trust v. Las Vegas Sands Corp., et al.**, 1:20-cv-08062-JMF (D. Nev. Jan. 5, 2021)
- **Yaroni v. Pintec Technology Holdings Limited, et al.**, 1:20-cv-08062-JMF (S.D.N.Y. Dec. 15, 2020)
- **Nickerson v. American Electric Power Company, Inc., et al.**, 2:20-cv-04243-SDM-EPD (S.D. Ohio Nov. 24, 2020)
- **Ellison v. Tufin Software Technologies Ltd., et al.**, 1:20-cv-05646-GHW (S.D.N.Y. Oct. 19, 2020)
- **Hartel v. The GEO Group, Inc., et al.**, 9:20-cv-81063-RS (S.D. Fla. Oct. 1, 2020)
- **Posey, Sr. v. Brookdale Senior Living, Inc., et al.**, 3:20-cv-00543-AAT (M.D. Tenn. Sept. 14, 2020)
- **Snyder v. Baozun Inc.**, 1:19-cv-11290-ALC (S.D.N.Y. Sept. 8, 2020)



“I find the firm to be well-qualified to serve as Lead Counsel.”

The Honorable Andrew L. Carter, Jr. In Snyder v. Baozun Inc., No. 1:19-CV-11290 (S.D.N.Y. Sept. 8, 2020)

- **In re eHealth Inc. Sec. Litig.**, 4:20-cv-02395-JST (N.D. Cal. Jun. 24, 2020)
- **Mehdi v. Karyopharm Therapeutics Inc.**, 1:19-cv-11972-NMG (D. Mass. Apr. 29, 2020)
- **Brown v. Opera Ltd.**, 1:20-cv-00674-JGK (S.D.N.Y. Apr. 17, 2020)
- **In re Dropbox Sec. Litig.**, 5:19-cv-06348-BLF (N.D. Cal. Jan. 16, 2020)
- **In re Yunji Inc. Sec. Litig.**, 1:19-cv-6403-LDH-SMG (E.D.N.Y. Feb. 3, 2020)
- **Zhang v. Valaris plc**, 1:19-cv-7816-NRB (S.D.N.Y. Dec. 23, 2019)
- **In re Sundial Growers Inc. Sec. Litig.**, 1:19-cv-08913-ALC (S.D.N.Y. Dec. 20, 2019)
- **Costanzo v. DXC Technology Co.**, 5:19-cv-05794-BLF (N.D. Cal. Nov. 20, 2019)
- **Ferraro Family Foundation, Inc. v. Corcept Therapeutics Incorporated**, 5:19-cv-1372-LHK (N.D. Cal. Oct. 7, 2019)
- **Roberts v. Bloom Energy Corp.**, 4:19-cv-02935-HSG (N.D. Cal. Sept. 3, 2019)
- **Luo v. Sogou Inc.**, 1:19-cv-00230-JPO (S.D.N.Y. Apr. 2, 2019)

- **In re Aphria Inc. Sec. Litig.**, 1:18-cv-11376-GBD (S.D.N.Y. Mar. 27, 2019)
- **Chew v. MoneyGram International, Inc.**, 1:18-cv-07537 (N.D. Ill. Feb. 12, 2019)
- **Johnson v. Costco Wholesale Corp.**, 2:18-cv-01611-TSZ (W.D. Wash. Jan. 30, 2019)
- **Tung v. Dycom Industries, Inc.**, 9:18-cv-81448-RLR (S.D. Fla. Jan. 11, 2019)
- **Guyer v. MGT Capital Investments, Inc.**, 1:18-cv-09228-LAP (S.D.N.Y. Jan. 9, 2019)
- **In re Adient plc Sec. Litig.**, 1:18-CV-09116 (S.D.N.Y. Dec. 21, 2018)
- **In re Prothena Corp. plc Sec. Litig.**, 1:18-cv-06425 (S.D.N.Y. Oct. 31, 2018)
- **Pierrelouis v. Gogo Inc.**, 1:18-cv-04473 (N.D. Ill. Oct. 10, 2018)
- **Balestra v. Cloud With Me Ltd.**, 2:18-cv-00804-LPL (W.D. Pa. Oct. 18, 2018)

“Plaintiffs’ selected Class Counsel, the law firm of Levi & Korsinsky, LLP, has demonstrated the zeal and competence required to adequately represent the interests of the Class. The attorneys at Levi & Korsinsky have experience in securities and class actions issues and have been appointed lead counsel in a significant number of securities class actions across the country.”

The Honorable Christina Bryan in Rougier v. Applied Optoelectronics, Inc., No. 4:17-CV-02399 (S.D. Tex. Nov. 13, 2019)

- **Balestra v. Giga Watt, Inc.**, 2:18-cv-00103-SMJ (E.D. Wash. June 28, 2018)
- **Chandler v. Ulta Beauty, Inc.**, 1:18-cv-01577 (N.D. Ill. June 26, 2018)
- **In re Longfin Corp. Sec. Litig.**, 1:18-cv-2933 (S.D.N.Y. June 25, 2018)
- **Chahal v. Credit Suisse Group AG**, 1:18-cv-02268-AT (S.D.N.Y. June 21, 2018)
- **In re Bitconnect Sec. Litig.**, 9:18-cv-80086-DMM (S.D. Fla. June 19, 2018)
- **In re Aqua Metals Sec. Litig.**, 4:17-cv-07142-HSG (N.D. Cal. May 23, 2018)
- **Davy v. Paragon Coin, Inc.**, 4:18-cv-00671-JSW (N.D. Cal. May 10, 2018)
- **Rensel v. Centra Tech, Inc.**, 1:17-cv-24500-JLK (S.D. Fla. Apr. 11, 2018)
- **Cullinan v. Cemtrex, Inc.** 2:17-cv-01067 (E.D.N.Y. Mar. 3, 2018)
- **In re Navient Corporation Sec. Litig.**, 1:17-cv-08373-RBK-AMD (D.N.J. Feb. 2, 2018)
- **Huang v. Depomed, Inc.**, 3:17-cv-04830-JST (N.D. Cal. Dec. 8, 2017)
- **In re Regulus Therapeutics Inc. Sec. Litig.**, 3:17-cv-00182-BTM-RBB (D. Mass. Oct. 26, 2017)

- **Murphy III v. JBS S.A.**, 1:17-cv-03084-ILG-RER (E.D.N.Y. Oct. 10, 2017)
- **Ohren v. Amyris, Inc.**, 3:17-cv-002210-WHO (N.D. Cal. Aug. 8, 2017)
- **Beezley v. Fenix Parts, Inc.**, 2:17-cv-00233 (D.N.J. June 28, 2017)
- **M & M Hart Living Trust v. Global Eagle Entertainment, Inc.**, 2:17-cv-01479 (C.D. Cal. June 26, 2017)
- **In re Insys Therapeutics, Inc.**, 1:17-cv-1954 (S.D.N.Y. May 31, 2017)
- **Clevlen v. Anthera Pharmaceuticals, Inc.**, 3:17-cv-00715 (N.D. Cal. May 18, 2017)
- **In re Agile Therapeutics, Inc. Sec. Litig.**, 3:17-cv-00119-AET-LHG (D.N.J. May 15, 2017)
- **Roper v. SITO Mobile Ltd.**, 2:17-cv-01106-ES-MAH (D.N.J. May 8, 2017)
- **In re Illumina, Inc. Sec. Litig.**, 3:16-cv-03044-L-KSC (S.D. Cal. Mar. 30, 2017)
- **In re PTC Therapeutics, Inc.**, 2:16-cv-01224-KM-MAH (D.N.J. Nov. 14, 2016)
- **The TransEnterix Investor Group v. TransEnterix, Inc.**, 5:16-cv-00313-D (E.D.N.C. Aug. 30, 2016)
- **Gormley v. magicJack VocalTec Ltd.**, 1:16-cv-01869-VM (S.D.N.Y. July 12, 2016)
- **Azar v. Blount Int’l Inc.**, 3:16-cv-00483-SI (D. Or. July 1, 2016)
- **Plumley v. Sempra Energy**, 3:16-cv-00512-BEN-RBB (S.D. Cal. June 6, 2016)
- **Francisco v. Abengoa, S.A.**, 1:15-cv-06279-ER (S.D.N.Y. May 24, 2016)
- **De Vito v. Liquid Holdings Group, Inc.**, 2:15-cv-06969-KM-JBC (D.N.J. Apr. 7, 2016)
- **Ford v. Natural Health Trends Corp.**, 2:16-cv-00255-TJH-AFM (C.D. Cal. Mar. 29, 2016)
- **Levin v. Resource Capital Corp.**, 1:15-cv-07081-LLS (S.D.N.Y. Nov. 24, 2015)
- **Martin v. Altisource Residential Corp.**, 1:15-cv-00024 (D.V.I. Oct. 7, 2015)
- **Paggos v. Resonant, Inc.**, 2:15-cv-01970 SJO (VBKx) (C.D. Cal. Aug. 7, 2015)
- **Fragala v. 500.com Ltd.**, 2:15-cv-01463-MMM (C.D. Cal. July 7, 2015)
- **Stevens v. Quiksilver Inc.**, 8:15-cv-00516-JVS-JCGx. (C.D. Cal. June 26, 2015)
- **In re Ocean Power Technologies, Inc. Sec. Litig.**, 3:14-cv-3799 (FLW) (LHG) (D.N.J. Mar. 17, 2015)
- **In re Energy Recovery Inc. Sec. Litig.**, 3:15-cv-00265 (N.D. Cal. Jan. 20, 2015)
- **Ford v. TD Ameritrade Holding Corporation, et al.**, 8:14-cv-00396 (D. Neb. Dec. 2, 2014)
- **In re China Commercial Credit Sec. Litig.**, 1:15-cv-00557 (ALC) (D.N.J. Oct. 31, 2014)
- **In re Violin Memory, Inc. Sec. Litig.**, 4:13-cv-05486-YGR (N.D. Cal. Feb. 26, 2014)
- **Berry v. KiOR, Inc.**, 4:13-cv-02443 (S.D. Tex. Nov. 25, 2013)
- **In re OCZ Technology Group, Inc. Sec. Litig.**, 3:12-cv-05265-RS (N.D. Cal. Jan. 4, 2013)
- **In re Digital Domain Media Group, Inc. Sec. Litig.**, 2:12-cv-14333 (JEM) (S.D. Fla. Sept. 20, 2012)

“ Vice Chancellor Sam Glasscock, III said “it’s always a pleasure to have counsel who are articulate and exuberant...” and referred to our approach to merger litigation as “wholesome” and “a model of... plaintiffs’ litigation in the merger arena.”

Ocieczanek v. Thomas Properties Group, C.A. No. 9029-VCG (Del. Ch. May 15, 2014)

Derivative, Corporate Governance & Executive Compensation

As a leader in achieving important corporate governance reforms for the benefit of shareholders, the Firm protects shareholders by enforcing the obligations of corporate fiduciaries. Our efforts include the prosecution of derivative actions in courts around the country, making pre-litigation demands on corporate boards to investigate misconduct, and taking remedial action for the benefit of shareholders. In situations where a company's board responds to a demand by commencing its own investigation, we frequently work with the board's counsel to assist with and monitor the investigation, ensuring that the investigation is thorough and conducted in an appropriate manner.

We have also successfully prosecuted derivative and class action cases to hold corporate executives and board members accountable for various abuses and to help preserve corporate assets through longlasting and meaningful corporate governance changes, thus ensuring that prior misconduct does not reoccur. We have extensive experience challenging executive compensation and recapturing assets for the benefit of companies and their shareholders. We have secured corporate governance changes to ensure that executive compensation is consistent with shareholder-approved compensation plans, company performance, and federal securities laws.

The Firm was lead counsel in the derivative action styled **Police & Retirement System of the City of Detroit et al. v. Robert Greenberg et al.**, C.A. No. 2019-0578 (Del. Ch.). The action resulted in a settlement where Skechers Inc. cancelled nearly \$20 million in equity awards issued to Skechers' founder Robert Greenberg and two top officers in 2019 and 2020. Also, under the settlement, Skechers' board of directors must retain a consultant to advise on compensation decisions going forward.

In **In re Google Inc. Class C Shareholder Litigation**, C.A. No. 7469-CS (Del. Ch.), we challenged a stock recapitalization transaction to create a new class of nonvoting shares and strengthen the corporate control of the Google founders. We helped achieve an agreement that provided an adjustment payment to existing shareholders harmed by the transaction as well as providing enhanced board scrutiny of the Google founders' ability to transfer stock. Ultimately, Google's shareholders received payments of \$522 million and total net benefits estimated as exceeding \$3 billion.

In **In re Activision, Inc. Shareholder Derivative Litigation**, Case No. 06-cv-04771-MRP (JTLX) (C.D. Cal.), we were Co-Lead Counsel and challenged executive compensation related to the dating of options. This effort resulted in the recovery of more than \$24 million in excessive compensation and expenses, as well as the implementation of substantial corporate governance changes.

In **Pfeiffer v. Toll** (Toll Brothers Derivative Litigation), C.A. No. 4140-VCL (Del. Ch.), we prevailed in defeating defendants' motion to dismiss in a case seeking disgorgement of profits that company insiders reaped through a pattern of insider-trading. After extensive discovery, we secured a settlement returning \$16.25 million in cash to the company, including a significant contribution from the individuals who traded on inside information.

In **Rux v. Meyer**, C.A. No. 11577-CB (Del. Ch.), we challenged the re-purchase by Sirius XM of its stock from its controlling stockholder, Liberty Media, at an inflated, above-market price. After defeating a motion to dismiss and discovery, we obtained a settlement where SiriusXM recovered \$8.25 million, a substantial percentage of its over-payment.

In **In re EZCorp Inc. Consulting Agreement Derivative Litig.**, C.A. No. 9962-VCL (Del. Ch.), we challenged lucrative consulting agreements between EZCorp and its controlling stockholders. After surviving multiple motions to dismiss, we obtained a settlement where EZCorp was repaid \$6.5 million it had paid in consulting fees, or approximately 33% of the total at issue and the consulting agreements were discontinued.

In **Scherer v. Lu** (Diodes Incorporated), Case No. 13-358-GMS (D. Del.), we secured the cancellation of \$4.9 million worth of stock options granted to the company's CEO in violation of a shareholder-approved plan, and obtained additional disclosures to enable shareholders to cast a fullyinformed vote on the adoption of a new compensation plan at the company's annual meeting.

In **MacCormack v. Groupon, Inc.**, Case No. 13-940-GMS (D. Del.), we caused the cancellation of \$2.3 million worth of restricted stock units granted to a company executive in violation of a shareholder-approved plan, as well as the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan; we also obtained additional material disclosures to shareholders in connection with a shareholder vote on amendments to the plan.

In **Edwards v. Benson** (Headwaters Incorporated), Case No. 13-cv-330 (D. Utah), we caused the cancellation of \$3.2 million worth of stock appreciation rights granted to the company's CEO in violation of a shareholder-approved plan and the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan.

In **Pfeiffer v. Begley** (DeVry, Inc.), Case No. 12-CH-5105 (Ill. Cir. Ct. DuPage Cty.), we secured the cancellation of \$2.1 million worth of stock options granted to the company's CEO in 2008-2012 in violation of a shareholder-approved incentive plan.

In **Basch v. Healy** (EnerNOC), Case No. 13-cv-766 (D. Del.), we obtained a cash payment to the company to compensate for equity awards issued to officers in violation of the company's compensation plan and caused significant changes in the company's compensation policies and procedures designed to ensure that future compensation decisions are made consistent with the company's plans, charters and policies. We also impacted the board's creation of a new compensation plan and obtained additional disclosures to stockholders concerning the board's administration of the company's plan and the excess compensation.

In **Kleba v. Dees**, C.A. 3-1-13 (Tenn. Cir. Ct. Knox Cty.), we recovered approximately \$9 million in excess compensation given to insiders and the cancellation of millions of shares of stock options issued in violation of a shareholder-approved compensation plan. In addition, we obtained the adoption of formal corporate governance procedures designed to ensure that future compensation decisions are made independently and consistent with the plan.

In **Lopez v. Nudelman** (CTI BioPharma Corp.), 14-2-18941-9 SEA (Wash. Super. Ct. King Cty.), we recovered approximately \$3.5 million in excess compensation given to directors and obtained the adoption of a cap on director compensation, as well as other formal corporate governance procedures designed to implement best practices with regard to director and executive compensation.

In **In re i2 Technologies, Inc. Shareholder Litigation**, C.A. No. 4003-CC (Del. Ch.), as Counsel for the Lead Plaintiff, we challenged the fairness of certain asset sales made by the company and secured a \$4 million recovery.

In **In re Corinthian Colleges, Inc. Shareholder Derivative Litigation**, Case No. 06-cv-777-AHS (C.D. Cal.), we were Co-Lead Counsel and achieved a \$2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

In **Pfeiffer v. Alpert** (Beazer Homes Derivative Litigation), Case No. 10-cv-1063-PD (D. Del.), we successfully challenged certain aspects of the company's executive compensation structure, ultimately forcing the company to improve its compensation practices.

In **In re Cincinnati Bell, Inc., Derivative Litigation**, Case No. A1105305 (Ohio, Hamilton Cty. C.P.), we achieved significant corporate governance changes and enhancements related to the company's compensation policies and practices in order to better align executive compensation with company performance. Reforms included the formation of an entirely independent compensation committee with staggered terms and term limits for service.

In **Woodford v. Mizel** (M.D.C. Holdings, Inc.), Case No. 1:11-cv-879 (D. Del.), we challenged excessive executive compensation, ultimately obtaining millions of dollars in reductions of that compensation, as well as corporate governance enhancements designed to implement best practices with regard to executive compensation and increased shareholder input.

“...a model for how [the] great legal profession should conduct itself.”

*Justice Timothy S. Driscoll in Grossman v. State Bancorp, Inc., Index No. 600469/2011
(N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)*

Mergers & Acquisitions

Levi & Korsinsky has achieved an impressive record in obtaining injunctive relief for shareholders, and we are one of the premier law firms engaged in mergers & acquisitions and takeover litigation, consistently striving to maximize shareholder value. In these cases, we regularly fight to obtain settlements that enable the submission of competing buyout bid proposals, thereby increasing consideration for shareholders.

We have litigated landmark cases that have altered the landscape of mergers & acquisitions law and resulted in multi-million dollar awards to aggrieved shareholders.

In **In re Schuff International, Inc. Stockholders Litigation**, C.A. No. 10323-VCZ (Del. Ch.), we served as Co-Lead Counsel for the plaintiff class in achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.

In **In re Bluegreen Corp. Shareholder Litigation**, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cty., FL), as Co-Lead Counsel, we achieved a common fund recovery of \$36.5 million for minority shareholders in connection with a management-led buyout, increasing gross consideration to shareholders in connection with the transaction by 25% after three years of intense litigation.

In **In re CNX Gas Corp. Shareholder Litigation**, C.A. No. 5377-VCL (Del. Ch.), as Plaintiffs' Executive Committee Counsel, we obtained a landmark ruling from the Delaware Chancery Court that set forth a unified standard for assessing the rights of shareholders in the context of freeze-out transactions and ultimately led to a common fund recovery of over \$42.7 million for the company's shareholders.

In **Chen v. Howard-Anderson**, C.A. No 5878-VCL (Del. Ch.), we represented shareholders in challenging the merger between Occam Networks, Inc. and Calix, Inc., obtaining a preliminary injunction against the merger after showing that the proxy statement by which the shareholders were solicited to vote for the merger was materially false and misleading. Post-closing, we took the case to trial and recovered an additional \$35 million for the shareholders.

In **In re Sauer-Danfoss Stockholder Litig.**, C.A. No. 8396 (Del. Ch.), as one of plaintiffs' co-lead counsel, we recovered a \$10 million common fund settlement in connection with a controlling stockholder merger transaction.

In **In re Yongye International, Inc. Shareholders' Litigation**, Consolidated Case No.: A-12-670468-B (District Court, Clark County, Nevada), as one of plaintiffs' co-lead counsel, we recovered a \$6 million common fund settlement in connection with a management-led buyout of minority stockholders in a China-based company incorporated under Nevada law.

In **In re Great Wolf Resorts, Inc. Shareholder Litigation**, C.A. No. 7328-VCN (Del. Ch.), we achieved tremendous results for shareholders, including partial responsibility for a \$93 million (57%) increase in merger consideration and the waiver of several "don't-ask-don't-waive" standstill agreements that were restricting certain potential bidders from making a topping bid for the company.

In **In re Talecris Biotherapeutics Holdings Shareholder Litigation**, C.A. No. 5614-VCL (Del. Ch.), we served as counsel for one of the Lead Plaintiffs, achieving a settlement that increased the merger consideration to Talecris shareholders by an additional 500,000 shares of the acquiring company's stock and providing shareholders with appraisal rights.

In **In re Minerva Group LP v. Mod-Pac Corp.**, Index No. 800621/2013 (N.Y. Sup. Ct. Erie Cty.), we obtained a settlement in which defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share, representing a recovery of \$2.4 million for shareholders.

In **Stephen J. Dannis v. J.D. Nichols**, C.A. No. 13-CI-00452 (Ky. Cir. Ct. Jefferson Cty.), as Co-Lead Counsel, we obtained a 23% increase in the merger consideration (from \$7.50 to \$9.25 per unit) for shareholders of NTS Realty Holdings Limited Partnership. The total benefit of \$7.4 million was achieved after two years of hard-fought litigation, challenging the fairness of the going-private, squeeze-out merger by NTS's controlling unitholder and Chairman, Defendant Jack Nichols. The unitholders bringing the action alleged that Nichols' proposed transaction grossly undervalued NTS's units. The 23% increase in consideration was a remarkable result given that on October 18, 2013, the Special Committee appointed by the Board of Directors had terminated the existing merger agreement with Nichols. Through counsel's tenacious efforts the transaction was resurrected and improved.

In **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch.), Vice Chancellor Sam Glasscock, III of the Delaware Chancery Court partially granted shareholders' motion for preliminary injunction and ordered that defendants correct a material misrepresentation in the proxy statement related to the acquisition of Parlux Fragrances, Inc. by Perfumania Holding, Inc.

In **In re Complete Genomics, Inc. Shareholder Litigation**, C.A. No. 7888-VCL (Del. Ch.), we obtained preliminary injunctions of corporate merger and acquisition transactions, and Plaintiffs successfully enjoined a "don't-ask-don't-waive" standstill agreement.

In **Forgo v. Health Grades, Inc.**, C.A. No. 5716-VCS (Del. Ch.), as Co-Lead Counsel, our attorneys established that defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required under *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). We secured an agreement with defendants to take numerous steps to seek a superior offer for the company, including making key modifications to the merger agreement, creating an independent committee to evaluate potential offers, extending the tender offer period, and issuing a "Fort Howard" release affirmatively stating that the company would participate in good faith discussions with any party making a bona fide acquisition proposal.

In **In re Pamrapo Bancorp Shareholder Litigation**, Docket C-89-09 (N.J. Ch. Hudson Cty.) & HUD-L-3608- 12 (N.J. Law Div. Hudson Cty.), we defeated defendants' motion to dismiss shareholders' class action claims for money damages arising from the sale of Pamrapo Bancorp to BCB Bancorp at an allegedly unfair price through an unfair process. We then survived a motion for summary judgment, ultimately securing a settlement recovering \$1.95 million for the Class plus the Class's legal fees and expenses up to \$1 million (representing an increase in consideration of 15-23% for the members of the Class).

In **In re Integrated Silicon Solution, Inc. Stockholder Litigation**, Lead Case No. 115CV279142 (Super. Ct. Santa Clara, Cal.), we won an injunction requiring corrective disclosures concerning "don't-ask-don't-waive" standstill agreements and certain financial advisor conflicts of interests, and contributed to the integrity of a post-agreement bidding contest that led to an increase in consideration from \$19.25 to \$23 per share, a bump of almost 25 percent.

“I think you've done a superb job and I really appreciate the way this case was handled.”

The Honorable Ronald B. Rubin in Teoh v. Ferrantino, C.A. No. 356627 (Cir. Ct. for Montgomery Cnty., MD 2012)

Consumer Litigation

Levi & Korsinsky works hard to protect consumers by holding corporations accountable for defective products, false and misleading advertising, unfair or deceptive business practices, antitrust violations, and privacy right violations.

Our litigation and class action expertise combined with our in-depth understanding of federal and state laws enable us to fight for consumers who have been aggrieved by deceptive and unfair business practices and who purchased defective products, including automobiles, appliances, electronic goods, and other consumer products. The Firm also represents consumers in cases involving data breaches and privacy right violations. The Firm's attorneys have received a number of leadership appointments in consumer class action cases, including multidistrict litigation ("MDL"). Recently, Law.com identified the Firm as one of the top firms with MDL leadership appointments in the article titled, "There Are New Faces Leading MDLs. And They Aren't All Men" (July 6, 2020). Representative settled and ongoing cases include:

In **NV Security, Inc. v. Fluke Networks**, Case No. CV05-4217 GW (SSx) (C.D. Cal. 2005), we negotiated a settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery. We benefited the consumer class by obtaining the following relief: free repair of the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

In Re: Apple Inc. Device Performance Litig., Case No. 5:18-md-02827-EJD (N.D. Cal.): Plaintiffs' Executive Committee Counsel in proposed nationwide class action alleging that Apple purposefully throttled iPhone; Apple has agreed to pay up to \$500 million in cash (proposed settlement pending).

In Re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig., Case No. 3:18-md-02828 (D. Or.): Co-Lead Interim Class Counsel in proposed nationwide class action alleging that Intel manufactured and sold defective central processing units that allowed unauthorized access to consumer stored confidential information.

In Re: ZF-TRW Airbag Control Units Products Liability Litig., Case No. 2:19-ml-02905-JAK-FFM (C.D. Cal.): Plaintiffs' Steering Committee Counsel in proposed nationwide class action alleging that defendant auto manufacturers sold vehicles with defective airbags.

In Re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litig., Case No. 17-md-02785 (D. Kan.): Plaintiffs' Executive Committee Counsel in action alleging that Mylan and Pfizer violated antitrust laws and committed other violations relating to the sale of EpiPens. Nationwide class and multistate classes certified.

Sung, et al. v. Schurman Retail Group, Case No. 17-cv-02760-LB (N.D. Cal.): Co-Lead Class Counsel in nationwide class action alleging unauthorized disclosure of employee financial information; obtained final approval of nationwide class action settlement providing credit monitoring and identity theft restoration services through 2022 and cash payments of up to \$400.

Scott, et al. v. JPMorgan Chase Bank, N.A., Case No. 1:17-cv-00249 (D.D.C.): Co-Lead Class Counsel in nationwide class action settlement of claims alleging improper fees deducted from payments awarded to jurors; 100% direct refund of improper fees collected.

In Re: Citrix Data Breach Litig., Case No. 19-cv-61350-RKA (S.D. Fla.): Interim Class Counsel in action alleging company failed to implement reasonable security measures to protect employee financial information; common fund settlement of \$2.25 million pending.

Bustos v. Vonage America, Inc., Case No. 06 Civ. 2308 (HAA) (D.N.J.): Common fund settlement of \$1.75 million on behalf of class members who purchased Vonage Fax Service in an action alleging that Vonage made false and misleading statements in the marketing, advertising, and sale of Vonage Fax Service by failing to inform consumers that the protocol defendant used for the Vonage Fax Service was unreliable and unsuitable for facsimile communications.

Masterson v. Canon U.S.A., Case No. BC340740 (Cal. Super. Ct. L.A. Cty.): Settlement providing refunds to Canon SD camera purchasers for certain broken LCD repair charges and important changes to the product warranty.

“The quality of the representation... has been extremely high, not just in terms of the favorable outcome in terms of the substance of the settlement, but in terms of the diligence and the hard work that has gone into producing that outcome.”

The Honorable Joseph F. Bianco, in Landes v. Sony Mobile Communications, 17-cv-02264-JFB-SIL (E.D.N.Y. Dec. 1, 2017)



OUR ATTORNEYS

Managing Partners



EDUARD KORSINSKY

MANAGING PARTNER

Eduard Korsinsky is the Managing Partner and Co-Founder of Levi & Korsinsky LLP, a national securities firm that has recovered billions of dollars for investors since its formation in 2003. For more than 24 years Mr. Korsinsky has represented investors and institutional shareholders in complex securities matters. He has achieved significant recoveries for stockholders, including a \$79 million recovery for investors of E-Trade Financial Corporation and a payment ladder indemnifying investors of Google, Inc. up to \$8 billion in losses on a ground-breaking corporate governance case. His firm serves as lead counsel in some of the largest securities matters involving Tesla, US Steel, Kraft Heinz and others. He has been named a New York "Super Lawyer" by Thomson Reuters and is recognized as one of the country's leading practitioners in class action and derivative matters.

Mr. Korsinsky is also a co-founder of CORE Monitoring Systems LLC, a technology platform designed to assist institutional clients more effectively monitor their investment portfolios and maximize recoveries on securities litigation.

Cases he has litigated include:

- **E-Trade Financial Corp. Sec. Litig.**, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery
- **In re Activision, Inc. S'holder Derivative Litig.**, No. 06-cv-04771-MRP (JTLX)(C.D. Cal. 2006), recovered \$24 million in excess compensation
- **Corinthian Colleges, Inc., S'holder Derivative Litig.**, SACV-06-0777-AHS (C.D. Cal. 2009), obtained repricing of executive stock options providing more than \$2 million in benefits to the company
- **Pfeiffer v. Toll**, C.A. No. 4140-VCL (Del. Ch. 2010), \$16.25 million in insider trading profits recovered
- **In re Net2Phone, Inc. S'holder Litig.**, Case No. 1467-N (Del. Ch. 2005), obtained increase in tender offer price from \$1.70 per share to \$2.05 per share
- **In re Pamrapo Bancorp S'holder Litig.**, C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), obtained supplemental disclosures following the filing of a motion for preliminary injunction, pursued case post-closing, defeated motion for summary judgment, and obtained an increase in consideration of between 15-23% for the members of the Class
- **In re Google Inc. Class C S'holder Litig.**, C.A. No. 19786 (Del. Ch. 2012), obtained payment ladder indemnifying investors up to \$8 billion in losses stemming from trading discounts expected to affect the new stock
- **Woodford v. M.D.C. Holdings, Inc.**, 1:2011cv00879 (D. Del. 2012), one of a few successful challenges to say on pay voting, recovered millions of dollars in reductions to compensation
- **i2 Technologies, Inc. S'holder Litig.**, C.A. No. 4003-CC (Del. Ch. 2008), \$4 million recovered, challenging fairness of certain asset sales made by the company

- **Pfeiffer v. Alpert (Beazer Homes)**, C.A. No. 10-cv-1063-PD (D. Del. 2011), obtained substantial revisions to an unlawful executive compensation structure
- **In re NCS Healthcare, Inc. Sec. Litig.**, C.A. CA 19786, (Del. Ch. 2002), case settled for approximately \$100 million
- **Paraschos v. YBM Magnex Int'l, Inc.**, No. 98-CV-6444 (E.D. Pa.), United States and Canadian cases settled for \$85 million Canadian

PUBLICATIONS

- "Board Diversity: The Time for Change is Now, Will Shareholders Step Up?," *National Council on Teacher Retirement. FYI Newsletter* May 2021
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," *The Texas Association of Public Employee Retirement Systems (TEXPERS) Investment Insights April-May Edition* (2021)
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," *Michigan Association of Public Employee Retirement Systems (MAPERS) Newsletter* (2021)
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," *Florida Public Pension Trustees Association (FPPTA)* (2021)
- "NY Securities Rulings Don't Constitute Cyan Backlash", *Law360* (March 8, 2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *Building Trades News Newsletter* (2020-2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *The Texas Association of Public Employee Retirement Systems (TEXPERS) Monitor* (2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *Michigan Association of Public Employee Retirement Systems (MAPERS) Newsletter* (2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *Florida Public Pension Trustees Association (FPPTA)* (2021)
- Delaware Court Dismisses Compensation Case Against Goldman Sachs, *ABA Section of Securities Litigation News & Developments* (Nov. 7, 2011)
- SDNY Questions SEC Settlement Practices in Citigroup Settlement, *ABA Section of Securities Litigation News & Developments* (Nov. 7, 2011)
- New York Court Dismisses Shareholder Suit Against Goldman Sachs, *ABA Section of Securities Litigation News & Developments* (Oct. 31, 2011)

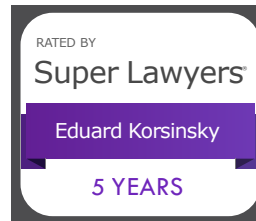
EDUCATION

- New York University School of Law, LL.M. Master of Law(s) Taxation (1997)
- Brooklyn Law School, J.D. (1995)
- Brooklyn College, B.S., Accounting, *summa cum laude* (1992)

ADMISSIONS

- New York (1996)
- New Jersey (1996)
- United States District Court for the Southern District of New York (1998)
- United States District Court for the Eastern District of New York (1998)
- United States Court of Appeals for the Second Circuit (2006)
- United States Court of Appeals for the Third Circuit (2010)
- United States District Court for the Northern District of New York (2011)
- United States District Court of New Jersey (2012)
- United States Court of Appeals for the Sixth Circuit (2013)

AWARDS





JOSEPH E. LEVI

MANAGING PARTNER

Joseph E. Levi is a central figure in shaping and managing the Firm's securities litigation practice. Mr. Levi has been lead or co-lead in dozens of cases involving the enforcement of shareholder rights in the context of mergers & acquisitions and securities fraud. In addition to his involvement in class action litigation, he has represented numerous patent holders in enforcing their patent rights in areas including computer hardware, software, communications, and information processing, and has been instrumental in obtaining substantial awards and settlements.

Mr. Levi and the Firm achieved success on behalf of the former shareholders of Occam Networks in litigation challenging the Company's merger with Calix, Inc., obtaining a preliminary injunction against the merger due to material representations and omissions in the proxy solicitation. **Chen v. Howard-Anderson**, No. 5878-VCL (Del. Ch.). Vigorous litigation efforts continued to trial, resulting in a \$35 million recovery for shareholders.

Mr. Levi and the Firm served as lead counsel in **Weigard v. Hicks**, No. 5732-VCS (Del. Ch.), which challenged the acquisition of Health Grades by affiliates of Vestar Capital Partners. Mr. Levi successfully demonstrated to the Court of Chancery that the defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize shareholder value. This ruling was used to reach a favorable settlement where defendants agreed to a host of measures designed to increase the likelihood of superior bid. Vice Chancellor Strine "applaud[ed]" the litigation team for their preparation and the extraordinary high-quality of the briefing.

“ [The court] appreciated very much the quality of the argument..., the obvious preparation that went into it, and the ability of counsel...”

Vice Chancellor Sam Glasscock, III in Dias v. Purches, C.A. No. 7199-VCG (Del. Ch. Apr. 5, 2012)

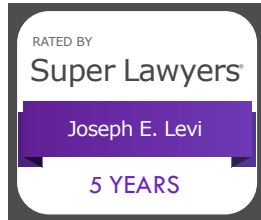
EDUCATION

- Brooklyn Law School, J.D., *magna cum laude* (1995)
- Polytechnic University, B.S., *summa cum laude* (1984); M.S. (1986)

ADMISSIONS

- New York (1996)
- New Jersey (1996)
- United States Patent and Trademark Office (1997)
- United States District Court for the Southern District of New York (1997)
- United States District Court for the Eastern District of New York (1997)

AWARDS





OUR ATTORNEYS

Partners



NICHOLAS I. PORRITT

PARTNER

Nicholas Porritt prosecutes securities class actions, shareholder class actions, derivative actions, and mergers and acquisitions litigation. He has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. Mr. Porritt has helped recover hundreds of millions of dollars on behalf of shareholders. He was one of the Lead Counsel in **In re Google Inc. Class C Shareholder Litigation**, C.A. No. 7469-CS (Del. Ch.), which resulted in a payment of \$522 million to shareholders and overall benefit of over \$3 billion to Google's minority shareholders. He was one of the lead counsel in **Chen v. Howard-Anderson**, No. 5878-VCL (Del. Ch.) that settled during trial resulting in a \$35 million payment to the former shareholders of Occam Networks, Inc., one of the largest quasi-appraisal recoveries for shareholders. Amongst other cases, he is currently lead counsel in **In re Tesla, Inc. Securities Litigation**, No. 3:18-cv-04865-EMC (N.D. Cal.), representing Tesla investors who were harmed by Elon Musk's "funding secured" tweet from August 7, 2018 as well as lead counsel in **Ford v. TD Ameritrade Holding Corp.**, No. 14-cv-396 (D. Neb.), representing TD Ameritrade customers harmed by its improper routing of their orders. Both cases involve over \$1 billion in estimated damages.

Some of Mr. Porritt's recent cases include:

- **In re Tesla, Inc. Sec. Litig.**, 2020 WL 1873441 (N.D. Cal.2020)
- **In Re Aphria, Inc. Securities Litigation**, 2020 WL 5819548 (S.D.N.Y. 2020)
- **Voulgaris, v. Array Biopharma Inc.**, 2020 WL 8367829 (D. Colo. 2020)
- **In Re Aphria, Inc. Securities Litigation**, No. 18 CIV. 11376 (GBD), 2020 WL 5819548 (S.D.N.Y. 2020)
- **In re Clovis Oncology, Inc. Deriv. Litig.**, 2019 WL 4850188 (Del. Ch. 2019)
- **Martin v. Altisource Residential Corp.**, 2019 WL 2762923 (D.V.I. 2019)
- **In re Navient Corp. Sec. Litig.**, 2019 WL 7288881 (D.N.J. 2019)
- **In re Bridgestone Inv. Corp.**, 789 Fed. App'x 13 (9th Cir. 2019)
- **Klein v. TD Ameritrade Holding Corp.**, 327 F.R.D. 283 (D. Neb. 2018)
- **Beezley v. Fenix Parts, Inc.**, 2018 WL 3454490 (N.D. Ill. 2018)
- **In re PTC Therapeutics Sec. Litig.**, 2017 WL 3705801 (D.N.J. 2017)
- **Zaghian v. Farrell**, 675 Fed. Appx. 718 (9th Cir. 2017)
- **Gormley v. magicJack VocalTec Ltd.**, 220 F. Supp. 3d 510 (S.D.N.Y. 2016)
- **Carlton v. Cannon**, 184 F. Supp. 3d 428 (S.D. Tex. 2016)

- **In re Violin Memory Sec. Litig.**, 2014 WL 5525946 (N.D. Cal. Oct. 31, 2014)
- **Garnitschnig v. Horovitz**, 48 F. Supp. 3d 820 (D. Md. 2014)
- **SEC v. Cuban**, 620 F.3d 551 (5th Cir. 2010)
- **Cozzarelli v. Inspire Pharmaceuticals, Inc.**, 549 F.3d 618 (4th Cir. 2008)
- **Teachers' Retirement System of Louisiana v. Hunter**, 477 F.3d 162 (4th Cir. 2007)

Mr. Porritt was selected by Lawdragon as one of the 500 leading plaintiff lawyers in financial litigation and was selected to the 2020 DC Super Lawyers list published by Thomson Reuters.

Mr. Porritt speaks frequently on current topics relating to securities laws and derivative actions, including presentations on behalf of the Council for Institutional Investors, Nasdaq, and the Practising Law Institute. He currently serves as co-chair of the American Bar Association Sub-Committee on Derivative Actions.

Before joining the Firm, Mr. Porritt practiced as a partner at Akin Gump Strauss Hauer & Feld LLP and prior to that was a partner at Wilson Sonsini Goodrich & Rosati PC. Mr. Porritt formerly practiced as a Barrister and Solicitor in Wellington, New Zealand and is a Solicitor of the Senior Courts of England & Wales.

PUBLICATIONS

- "Current Trends in Securities Litigation: How Companies and Counsel Should Respond," *Inside the Minds. Recent Developments in Securities Law* (Aspatore Press 2010)

EDUCATION

- University of Chicago Law School, J.D., With Honors (1996)
- University of Chicago Law School, LL.M. (1993)
- Victoria University of Wellington, LL.B. (Hons.), With First Class Honors, Senior Scholarship (1990)

ADMISSIONS

- New York (1997)
- District of Columbia (1998)
- United States District Court for the District of Columbia (1999)
- United States District Court for the Southern District of New York (2004)
- United States Court of Appeals for the Fourth Circuit (2004)
- United States Court of Appeals for the District of Columbia Circuit (2006)
- United States Supreme Court (2006)
- United States District Court for the District of Maryland (2007)
- United States District Court for the Eastern District of New York (2012)
- United States Court of Appeals for the Second Circuit (2014)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States Court of Appeals for the Eleventh Circuit (2017)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2019)

AWARDS





DONALD J. ENRIGHT

PARTNER

During his 24 years as a litigator and trial lawyer, Mr. Enright has handled matters in the fields of securities, commodities, consumer fraud and commercial litigation, with a particular emphasis on shareholder M&A and securities fraud class action litigation. He has been named as one of the leading financial litigators in the nation by Lawdragon, as a Washington, DC "Super Lawyer" by Thomson Reuters, and as one of the city's "Top Lawyers" by Washingtonian magazine.

Mr. Enright has shown a track record of achieving victories in federal trials and appeals, including:

- **Nathenson v. Zonagen, Inc.**, 267 F. 3d 400, 413 (5th Cir. 2001)
- **SEC v. Butler**, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005)
- **Belizan v. Hershon**, 434 F. 3d 579 (D.C. Cir. 2006)
- **Rensel v. Centra Tech, Inc.**, 2021 WL 2659784 (11th Cir. June 29, 2021)

Most recently, in **In re Schuff International, Inc. Stockholders Litigation**, Case No. 10323-VCZ, Mr. Enright served as Co-Lead Counsel for the plaintiff class in achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.

Similarly, as Co-Lead Counsel in **In re Bluegreen Corp. Shareholder Litigation**, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cnty., Fla.), Mr. Enright achieved a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders.

Also, in **In re CNX Gas Corp. Shareholders Litigation**, C.A. No. 53377-VCL (Del. Ch. 2010), in which Levi & Korsinsky served upon plaintiffs' Executive Committee, Mr. Enright helped obtain the recovery of a common fund of over \$42.7 million for stockholders.

Mr. Enright has also played a leadership role in numerous securities and shareholder class actions from inception to conclusion. Most recently, he has served as lead counsel in several cryptocurrency-related securities class actions. His leadership has produced multi-million-dollar recoveries in shareholder class actions involving such companies as:

- Allied Irish Banks PLC
- Iridium World Communications, Ltd.
- En Pointe Technologies, Inc.
- PriceSmart, Inc.
- Polk Audio, Inc.
- Meade Instruments Corp.
- Xicor, Inc.
- Streamlogic Corp.
- Interbank Funding Corp.
- Riggs National Corp.
- UTStarcom, Inc.
- Manugistics Group, Inc.

Mr. Enright also has a successful track record of obtaining injunctive relief in connection with shareholder M&A litigation, having won preliminary injunctions or other injunctive relief in the cases of:

- **In re Portec Rail Products, Inc. S'holder Litig.**, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- **In re Craftmade International, Inc. S'holder Litig.**, C.A. No. 6950-VCL (Del. Ch. 2011)
- **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch. 2012)
- **In re Complete Genomics, Inc. S'holder Litig.**, C.A. No. 7888-VCL (Del. Ch. 2012)
- **In re Integrated Silicon Solution, Inc. Stockholder Litig.**, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Mr. Enright has also demonstrated considerable success in obtaining deal price increases for shareholders in M&A litigation. As Co-Lead Counsel in the matter of **In re Great Wolf Resorts, Inc. Shareholder Litigation**, C.A. No. 7328-VCN (Del. Ch. 2012), Mr. Enright was partially responsible for a \$93 million (57%) increase in merger consideration and waiver of several “don’t-ask-don’t-waive” standstill agreements that were precluding certain potential bidders from making a topping bid for the company.

Similarly, Mr. Enright served as Co-Lead Counsel in the case of **Berger v. Life Sciences Research, Inc.**, No. SOM-C-12006-09 (NJ Sup. Ct. 2009), which caused a significant increase in the transaction price from \$7.50 to \$8.50 per share, representing additional consideration for shareholders of approximately \$11.5 million.

Mr. Enright also served as Co-Lead Counsel in **Minerva Group, LP v. Keane**, Index No. 800621/2013 (NY Sup. Ct. of Erie Cnty.) and obtained a settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share.

The courts have consistently recognized and praised the quality of Mr. Enright’s work. In **In re Interbank Funding Corp. Securities Litigation** (D.D.C. 02-1490), Judge Bates of the United States District Court for the District of Columbia observed that Mr. Enright had “...skillfully, efficiently, and zealously represented the class, and... worked relentlessly throughout the course of the case.”

Similarly, in **Freeland v. Iridium World Communications, LTD**, (D.D.C. 99-1002), Judge Nanette Laughrey stated that Mr. Enright had done “an outstanding job” in connection with the recovery of \$43.1 million for the shareholder class.

And, in the matter of **Osieczanek v. Thomas Properties Group**, C.A. No. 9029-VCG (Del. Ch. 2013), Vice Chancellor Sam Glasscock of the Chancery Court of Delaware observed that “it’s always a pleasure to have counsel [like Mr. Enright] who are articulate and exuberant in presenting their position,” and that Mr. Enright’s prosecution of a merger case was “wholesome” and served as “a model of . . . plaintiffs’ litigation in the merger arena.”

PUBLICATIONS

- “SEC Enforcement Actions and Investigations in Private and Public Offerings,” Securities: Public and Private Offerings, Second Edition, West Publishing 2007
- “Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?” J. Tax’n & Reg. Fin. Inst. September/October 2007, Page 5

EDUCATION

- George Washington University School of Law, J.D. (1996), where he was a Member Editor of The George Washington University Journal of International Law and Economics from 1994 to 1996
- Drew University, B.A., Political Science and Economics, *cum laude* (1993)

ADMISSIONS

- Maryland (1996)
- New Jersey (1996)
- United States District Court for the District of Maryland (1997)
- United States District Court for the District of New Jersey (1997)
- District of Columbia (1999)
- United States Court of Appeals for the Fourth Circuit (1999)
- United States Court of Appeals for the Fifth Circuit (1999)
- United States District Court for the District of Columbia (1999)
- United States Court of Appeals for the District of Columbia (2004)
- United States Court of Appeals for the Second Circuit (2005)
- United States Court of Appeals for the Third Circuit (2006)
- United States District Court for the District of Colorado (2017)

AWARDS





SHANNON L. HOPKINS

PARTNER

Shannon L. Hopkins manages the Firm's Connecticut office. She was selected in 2013 as a New York "Super Lawyer" by Thomson Reuters. For more than a decade Ms. Hopkins has been prosecuting a wide range of complex class action matters in securities fraud, mergers and acquisitions, and consumer fraud litigation on behalf of individuals and large institutional clients. Ms. Hopkins has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multimillion-dollar settlements on behalf of shareholders, including:

- **In re Force Protection, Inc. S'holder Litig.**, C.A. No. A-11-651336-B (D. Nev. 2015), \$11 million shareholder recovery
- **Craig Telke v. New Frontier Media, Inc.**, C.A. No. 1:12-cv-02941-JLK (D. Co. 2015), \$2.25 million shareholder recovery
- **Shona Investments v. Callisto Pharmaceuticals, Inc.**, C.A. No. 652783/2012 (NY Sup. Ct. 2015), shareholder recovery of \$2.5 million and increase in exchange ratio from 0.1700 to 0.1799
- **E-Trade Financial Corp. S'holder Litig.**, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery for the shareholder class
- **In re Cogent, Inc. S'holder Litig.**, C.A. No. 5780-VCP (Del. Ch. 2010), \$1.9 million shareholder recovery and corrective disclosures relating to the Merger
- **In re CMS Energy Sec. Litig.**, Civil No. 02 CV 72004 (GCS) (E.D. Mich. Sept. 6, 2007), \$200 million recovery
- **In re Sears, Roebuck and Co. Sec. Litig.**, No. 02-cv-07527 (N.D. Ill. Jan. 8, 2007), \$200 million recovery
- **In re El Paso Electric Co. Sec. Litig.**, C.A. No. 3:03-cv-00004-DB (W.D. Tex. Sept. 15, 2005), \$10 million recovery
- **In re Novastar Fin. Sec. Litig.**, 4:04-cv-00330-ODS (W.D. Mo. Apr. 14, 2009), \$7.25 million recovery

The quality of Ms. Hopkin's work has been noted by courts. In **In re Health Grades, Inc. Shareholder Litigation**, C.A. No. 5716-VCS (Del. Ch. 2010), where Ms. Hopkins was significantly involved with the briefing of the preliminary injunction motion, then Vice Chancellor Strine "applaud[ed]" Co-Lead Counsel for their preparation and the extraordinary high-quality of the briefing.

In addition to her legal practice, Ms. Hopkins is a Certified Public Accountant (1998 Massachusetts). Prior to becoming an attorney, Ms. Hopkins was a senior auditor with PricewaterhouseCoopers LLP, where she led audit engagements for large publicly held companies in a variety of industries.

PUBLICATIONS

- “Cybercrime Convention: A Positive Beginning to a Long Road Ahead,” 2 J. High Tech. L. 101 (2003)

EDUCATION

- Suffolk University Law School, J.D., *magna cum laude* (2003), where she served on the Journal for High Technology and as Vice Magister of the Phi Delta Phi International Honors Fraternity
- Bryant University, B.S.B.A., Accounting and Finance, *cum laude* (1995), where she was elected to the Beta Gamma Sigma Honor Society

ADMISSIONS

- Massachusetts (2003)
- United States District Court for the District of Massachusetts (2004)
- New York (2004)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the District of Colorado (2004)
- United States Court of Appeals for the First Circuit (2008)
- United States Court of Appeals for the Third Circuit (2010)
- Connecticut (2013)

AWARDS



“ In appointing the Firm Lead Counsel, the Honorable Gary Allen Feess noted our “significant prior experience in securities litigation and complex class actions.”

Zaghian v. THQ, Inc., 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)



GREGORY M. NESPOLE

PARTNER

Gregory Mark Nespole is a Partner of the Firm, having been previously a member of the management committee of one of the oldest firms in New York, as well as chair of that firm's investor protection practice. He specializes in complex class actions, derivative actions, and transactional litigation representing institutional investors such as public and labor pension funds, labor health and welfare benefit funds, and private institutions. Prior to practicing law, Mr. Nespole was a strategist on an arbitrage desk and an associate in a major international investment bank where he worked on structuring private placements and conducting transactional due diligence.

For over twenty years, Mr. Nespole has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million-dollar settlements on behalf of shareholders, including:

- Served as co-chair of a Madoff Related Litigation Task Force that recovered over several hundred million dollars for wronged investors;
- Obtained a \$90 million award on behalf of a publicly listed company against a global bank arising out of fraudulently marketed auction rated securities;
- Successfully obtained multi-million-dollar securities litigation recoveries and/or corporate governance reforms from Cablevision, JP Morgan, American Pharmaceutical Partners, Sepracor, and MBIA, among many others.

Mr. Nespole's peers have elected him a "Super Lawyer" in the class action field annually since 2009. He is active in his community as a youth sports coach.

EDUCATION

- Brooklyn Law School, J.D. (1993)
- Bates College, B.A. (1989)

ADMISSIONS

- New York (1994)
- United States District Court for the Southern District of New York (1994)
- United States District Court for the Eastern District of New York (1994)
- United States Court of Appeals for the Second Circuit (1994)
- United States Court of Appeals for the Fourth Circuit (1994)
- United States Court of Appeals for the Fifth Circuit (1994)
- United States District Court for the Northern District of New York (2018)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2020)

AWARDS





DANIEL TEPPER

PARTNER

Daniel Tepper is a Partner of the Firm with extensive experience in shareholder derivative suits, class actions and complex commercial litigation. Before he joined Levi & Korsinsky, Mr. Tepper was a partner in one of the oldest law firms in New York. He is an active member of the CPLR Committee of the New York State Bar Association and was an early member of its Electronic Discovery Committee. Mr. Tepper has been selected as a New York “Super Lawyer” in 2016 – 2021.

Some of the notable matters where Mr. Tepper had a leading role include:

- **Siegmund v. Bian**, Case No. 16-62506 (S.D. Fla.), achieving an estimated recovery of \$29.93 per share on behalf of a class of public shareholders of Linkwell Corp. who were forced to sell their stock at \$0.88 per share.
- **In re Platinum-Beechwood Litigation**, Case No. 18-06658 (S.D.N.Y.), achieved dismissal on behalf of an individual investor in Platinum Partners-affiliated investment fund.
- **Lakatamia Shipping Co. Ltd. v. Nobu Su**, Index No. 654860/2016 (Sup. Ct., N.Y. Co. 2016), achieved dismissal on suit attempting to domesticate a \$40 million UK judgment in New York State.
- **Zelouf Int’l Corp. v. Zelouf**, 45 Misc.3d 1205(A) (Sup.Ct. N.Y. Co., 2014), representing the plaintiff in an appraisal proceeding triggered by freeze-out merger of closely-held corporation. Achieved a \$10 million verdict after eleven day trial, with the Court rejecting a discount for lack of marketability.
- **Sacher v. Beacon Assocs. Mgmt. Corp.**, 114 A.D.3d 655 (2d Dep’t 2014), affirming denial of defendants’ motion to dismiss shareholder derivative suit by Madoff feeder fund against fund’s auditor for accounting malpractice.
- **In re Belzberg**, 95 A.D.3d 713 (1st Dep’t 2012), compelling a non-signatory to arbitrate brokerage agreement dispute arising under doctrine of direct benefits estoppel.
- **Estate of DeLeo**, Case No. 353758/A (Surrog. Ct., Nassau Co. 2011), achieving a full plaintiff’s verdict after a seven day trial which restored a multi-million dollar family business to its rightful owner.
- **CMIA Partners Equity Ltd. v. O’Neill**, 2010 NY Slip Op 52068(U) (Sup. Ct. N.Y. Co., 2010). Representing the independent directors of a Cayman Islands investment fund, won a dismissal on the pleadings in the first New York state case examining shareholder derivative suits under Cayman Islands law.
- **Hecht v. Andover Assocs. Mgmt. Corp.**, 27 Misc 3d 1202(A) (Sup. Ct. Nassau Co., 2010), aff’d, 114 A.D.3d 638 (2d Dep’t 2014). Participated in a \$213 million global settlement in the first Madoff-related feeder fund in the country to defeat a motion to dismiss.

EDUCATION

- New York University School of Law, J.D. (2000)
- The University of Texas at Austin, B.A. with Honors (1997), National Merit Scholar

ADMISSIONS

- Massachusetts (retired)
- New York (2002)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Western District of New York (2019)

AWARDS





ELIZABETH K. TRIPODI

PARTNER

Elizabeth K. Tripodi focuses her practice on shareholder M&A litigation, representing shareholders of public companies impacted by mergers, acquisitions, tender offers, and other change-in-control transactions. Ms. Tripodi has been named as a Washington, DC “Super Lawyer” and was selected as a “Rising Star” by Thomson Reuters for several consecutive years.

Ms. Tripodi has played a lead role in obtaining monetary recoveries for shareholders in M&A litigation:

- **In re Schuff International, Inc. Stockholders Litigation**, Case No. 10323-VCZ, achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.
- **In re Bluegreen Corp. S’holder Litig.**, Case No. 502011CA018111 (Circuit Ct. for Palm Beach Cty., FL), creation of a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders
- **In re Cybex International S’holder Litig**, Index No. 653794/2012 (N.Y. Sup. Ct. 2014), recovery of \$1.8 million common fund, which represented an 8% increase in stockholder consideration in connection with management-led cash-out merger
- **In re Great Wolf Resorts, Inc. S’holder Litig**, C.A. No. 7328-VCN (Del. Ch. 2012), where there was a \$93 million (57%) increase in merger consideration
- **Minerva Group, LP v. Keane**, Index No. 800621/2013 (N.Y. Sup. Ct. 2013), settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share

Ms. Tripodi has played a key role in obtaining injunctive relief while representing shareholders in connection with M&A litigation, including obtaining preliminary injunctions or other injunctive relief in the following actions:

- **In re Portec Rail Products, Inc. S’holder Litig**, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- **In re Craftmade International, Inc. S’holder Litig**, C.A. No. 6950-VCL (Del. Ch. 2011)
- **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch. 2012)
- **In re Complete Genomics, Inc. S’holder Litig**, C.A. No. 7888-VCL (Del. Ch. 2012)
- **In re Integrated Silicon Solution, Inc. Stockholder Litig.**, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Prior to joining Levi & Korsinsky, Ms. Tripodi was a member of the litigation team that served as Lead Counsel in, and was responsible for, the successful prosecution of numerous class actions, including: Rudolph v. UTStarcom (stock option backdating litigation obtaining a \$9.5 million settlement); Grecian v. Meade Instruments (stock option backdating litigation obtaining a \$3.5 million settlement).

EDUCATION

- American University Washington College of Law, *cum laude* (2006), where she served as Editor in Chief of the Business Law Brief, was a member of the National Environmental Moot Court team, and interned for Environmental Enforcement Section at the Department of Justice
- Davidson College, B.A., Art History (2000)

ADMISSIONS

- Virginia (2006)
- District of Columbia (2008)
- United States District Court for the Eastern District of Virginia (2006)
- United States District Court for the District of Columbia (2010)

AWARDS





ADAM M. APTON

PARTNER

Adam M. Apton focuses his practice on investor protection. He represents institutional investors and high net worth individuals in securities fraud, corporate governance, and shareholder rights litigation. Prior to joining the firm, Mr. Apton defended corporate clients against complex mass tort, commercial, and products liability lawsuits. Thomson Reuters has selected Mr. Apton to the Super Lawyers Washington, DC “Rising Stars” list every year since 2016, a distinction given to only the top 2.5% of lawyers.

Mr. Apton’s past representations and successes include:

- **In re Tesla, Inc. Securities Litigation**, No. 3:18-cv-04865-EMC (N.D. Cal.) (lead counsel in class action representing Tesla investors who were harmed by Elon Musk’s “funding secured” tweet from August 7, 2018)
- **In re Navient Corp. Securities Litigation**, 17-8373 (RBK/AMD) (D.N.J.) (lead counsel in class action against leading provider of student loans for alleged false and misleading statements about compliance with consumer protection laws)
- **In re Prothena Corporation Plc Securities Litigation**, 1:18-cv-06425-ALC (S.D.N.Y.) (\$15.75 million settlement fund against international drug company for false statements about development of lead biopharmaceutical product)
- **Martin v. Altisource Residential Corporation**, et al., 15-00024 (AET) (GWC) (D.V.I.) (\$15.5 million settlement fund against residential mortgage company for false statements about compliance with consumer regulations and corporate governance protocols)
- **Levin v. Resource Capital Corp., et al.**, 1:15-cv-07081-LLS (S.D.N.Y.) (\$9.5 million settlement in class action over fraudulent statements about toxic mezzanine loan assets)
- **Rux v. Meyer (Sirius XM Holdings Inc.)**, No. 11577 (Del. Ch.) (recovery of \$8.25 million against SiriusXM’s Board of Directors for engaging in harmful related-party transactions with controlling stockholder, John. C. Malone and Liberty Media Corp.)

PUBLICATIONS

- “Pleading Section 11 Liability for Secondary Offerings” American Bar Association: *Practice Points* (Jan. 4, 2017)
- “Second Circuit Rules in *Indiana Public Retirement System v. SAIC, Inc.*” American Bar Association: *Practice Points* (Apr. 4, 2016)
- “Second Circuit Applies *Omnicare* to Statements of Opinion in *Sanofi*” American Bar Association: *Practice Points* (Mar. 30, 2016)
- “Second Circuit Rules in *Action AG v. China North*” American Bar Association: *Practice Points* (Sept. 14, 2015)

EDUCATION

- New York Law School, J.D., *cum laude* (2009), where he served as Articles Editor of the New York Law School Law Review and interned for the New York State Supreme Court, Commercial Division
- University of Minnesota, B.A., Entrepreneurial Management & Psychology, With Distinction (2006)

ADMISSIONS

- New York (2010)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)
- District of Columbia (2013)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States Court of Appeals for the Second Circuit (2016)
- United States Court of Appeals for the Third Circuit (2016)
- California (2017)
- United States District Court for the Northern District of California (2017)
- United States District Court for the Central District of California (2017)
- United States District Court for the Southern District of California (2017)
- New Jersey (2020)
- United States District Court for the District of New Jersey (2020)

AWARDS





MARK S. REICH

PARTNER

Mark Samuel Reich is a Partner of the Firm. Mark's practice focuses on consumer class actions, including cases involving privacy and data breach issues, deceptive and unfair trade practices, advertising injury, product defect, and antitrust violations. Mark, who has experience and success outside the consumer arena, also supports the Firm's securities and derivative practices.

Mark is attentive to clients' interests and fosters their activism on behalf of class members. Clients he has worked with consistently and enthusiastically endorse Mark's work:



Mark attentively guided me through each stage of the litigation, prepared me for my deposition, and ensured that I and other wronged consumers were compensated and that purchasers in the future could not be duped by the appliance manufacturer's misleading marketing tactics."

- Katherine Danielkiewicz, Michigan



After my experience working with Mark and his colleague, any hesitancy I may have had in the past about leading or participating in a class action has gone away. Mark expertly countered every roadblock that the corporate defendant tried using to dismiss our case and we ultimately reached a resolution that exceeded my expectations"

- Barry Garfinkle, Pennsylvania

Before joining Levi Korsinsky, Mark practiced at the largest class action firm in the country for more than 15 years, including 8 years as a Partner. Prior to becoming a consumer and shareholder advocate, Mark practiced commercial litigation with an international law firm based in New York, where he defended litigations on behalf of a variety of corporate clients.

Mark has represented investors in securities litigation, devoted to protecting the rights of institutional and individual investors who were harmed by corporate misconduct. His case work involved **State Street Yield Plus Fund Litig.** (\$6.25 million recovery); **In re Doral Fin. Corp. Sec. Litig., SDNY** (\$129 million recovery); **Lockheed Martin Corp. Sec. Litig.** (\$19.5 million recovery); **Tile Shop Holdings, Inc.** (\$9.5 million settlement); **Curran v. Freshpet Inc.** (\$10.1 million settlement); **In re Jakks Pacific, Inc.** (\$3,925,000 settlement); **Fidelity Ultra Short Bond Fund Litig.** (\$7.5 million recovery); and **Cha v. Kinross Gold Corp.** (\$33 million settlement).



Never having been involved in a class action, I was uninformed and apprehensive. Mark and his colleagues not only explained the complexities, but maintained extensive ongoing, communications, involved us fully in all phases of the process; provided appropriate professional counsel and guidance to each participant, and achieved results that satisfied the original goals of the litigation”

- Fred Sharp, New York



It was a pleasure being represented by Mark. Above all he was patient throughout the tedious process of litigation. He is a good listener and a good communicator, which enhanced my participation and understanding of the process. He also provided excellent follow up throughout, making the process feel more like a team effort.”

- Louise Miljenovic, New Jersey

At his prior firm, Mark achieved notable success challenging unfair mergers and acquisitions in courts throughout the country. Among the M&A litigation that Mark handled or participated in, his notable cases include: **In re Aramark Corp. S’holders Litig.**, where he attained a \$222 million increase in consideration paid to shareholders of Aramark and a substantial reduction to management’s voting power – from 37% to 3.5% – in connection with the approval of the going-private transaction; **In re Delphi Fin. Grp. S’holders Litig.**, resulting in a \$49 million post-merger settlement for Class A Delphi shareholders; **In re TD Banknorth S’holders Litig.**, where Mark played a significant role in raising the inadequacy of the \$3 million initial settlement, which the court rejected as wholly inadequate, and later resulted in a vastly increased \$50 million recovery. Mark has also been part of ERISA litigation teams that led to meaningful results, including **In re Gen. Elec. Co. ERISA Litig.**, which resulting in structural changes to company’s 401(k) plan valued at over \$100 million, benefiting current and future plan participants.



We contacted Mark about our concerns about our oven’s failure to perform as advertised. He worked with us to formulate a strategy that ultimately led to a settlement that achieved our and others’ goals and specific needs.”

- Candace Oliarny, Idaho



My wife and I never having been involved with a law firm or Class Action had no idea what to expect. Within the first few phone meetings with Mark, we became assured as Mark explained in detail how the process worked, Mark is a great communicator. Mr. Reich is a true professional, his integrity through the years he worked with us was impeccable. Working with Mark was a truly positive experience, and have no reservations if we ever had to call on his services again.”

- Richard Thome, California

Before joining the Firm, Mark graduated with a Bachelor of Arts degree from Queens College in New York. He earned his Juris Doctor degree from Brooklyn Law School, where he served on the Moot Court Honor Society and The Journal of Law and Policy.

Mark regularly practices in federal and state courts throughout the country and is a member of the bar in New York. He has been recognized for his legal work by being named a New York Metro Super Lawyer by Super Lawyers Magazine every year since 2013. Mark is active in his local community and has been distinguished for his neighborhood support with a Certificate of Recognition by the Town of Hempstead.

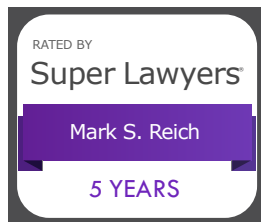
EDUCATION

- Brooklyn Law School, J.D. (2000)
- Queens College, B.A., Psychology and Journalism (1997)

ADMISSIONS

- New York (2001)
- United States District Court for the Southern District of New York (2001)
- United States District Court for the Eastern District of New York (2001)
- United States District Court for the Northern District of New York (2005)
- United States District Court for the Eastern District of Michigan (2017)

AWARDS





OUR ATTORNEYS

Counsel



ANDREW E. LENCYK

COUNSEL

Andrew E. Lencyk is Counsel to the Firm. Prior to joining the Firm, Mr. Lencyk was a partner in an established boutique firm in New York specializing in securities litigation. He was graduated magna cum laude from Fordham College, New York, with a B.A. in Economics and History, where he was a member of the College's Honors Program, and was elected to Phi Beta Kappa. Mr. Lencyk received his J.D. from Fordham University School of Law, where he was a member of the Fordham Urban Law Journal. He was named to the 2013, 2014, 2015, 2016, 2017, 2018 and 2019 Super Lawyers ®, New York Metro Edition.

Mr. Lencyk has co-authored the following articles for the Practising Law Institute's Accountants' Liability Handbooks:

- Liability in Forecast and Projection Engagements: Impact of Luce v. Edelstein
- An Accountant's Duty to Disclose Internal Control Weaknesses
- Whistle-blowing: An Accountants' Duty to Disclose A Client's Illegal Acts
- Pleading Motions under the Private Securities Litigation Reform Act of 1995
- Discovery Issues in Cases Involving Auditors (co-authored and appeared in the 2002 PLI Handbook on Accountants' Liability After Enron.)

In addition, he co-authored the following article for the Association of the Bar of the City of New York, Corporate & Securities Law Updates:

- Safe Harbor Provisions for Forward-Looking Statements (co-authored and published by the Association of the Bar of the City of New York, Corporate & Securities Law Updates, Vol. II, May 12, 2000)

Cases in which Mr. Lencyk actively represented plaintiffs include:

- **Kirkland et al. v. WideOpenWest, Inc.**, Index No. 653248/2018 (Sup. Ct, NY County) (substantially denying defendants' motion to dismiss Section 11 and 12(a)(2) claims)
- **In re Community Psychiatric Centers Securities Litigation**, SA CV-91-533-AHS (Eex) (C.D. Cal.) and McGann v. Ernst & Young, SA CV-93-0814-AHS (Eex) (C.D. Cal.)(recovery of \$54.5 million against company and its outside auditors)
- **In re Danskin Securities Litigation**, Master File No. 92 CIV. 8753 (JSM) (S.D.N.Y.);
- **In re JWP Securities Litigation**, Master File No. 92 Civ. 5815 (WCC) (S.D.N.Y.) (class recovery of approximately \$36 million)

- **In re Porta Systems Securities Litigation**, Master File No. 93 Civ. 1453 (TCP) (E.D.N.Y.);
 - **In re Leslie Fay Cos. Securities Litigation**, No. 92 Civ. 8036 (S.D.N.Y.)((\$35 million recovery)
 - **Berke v. Presstek, Inc.**, Civ. No. 96-347-M (MDL Docket No. 1140) (D.N.H.) (\$22 million recovery)
 - **In re Micro Focus Securities Litigation**, No. C-01-01352-SBA-WDB (N.D. Cal.)
 - **Dusek v. Mattel, Inc., et al.**, CV99-10864 MRP (C.D. Cal.) (\$122 million global settlement)
 - **In re Sonus Networks, Inc. Securities Litigation-II**, No. 06-CV-10040 (MLW) (D. Mass.)
 - **In re AIG ERISA Litigation**, No. 04 Civ. 9387 (JES) (S.D.N.Y.) (\$24.2 million recovery)
 - **In re Mutual Funds Investment Litigation**, MDL No. 1586 (D. Md.)
 - **In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner**, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md.)
 - **In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter**, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md.)
 - **In re AIG ERISA Litigation II**, No. 08 Civ. 5722 (LTS) (S.D.N.Y.) (\$40 million recovery); and
 - **Flynn v. Sientra, Inc.**, CV-15-07548 SJO (RAOx) (C.D. Cal.) (\$10.9 million recovery) (co-lead counsel)
- Court decisions in which Mr. Lencyk played an active role on behalf of plaintiffs include:
- **Pub. Empls' Ret. Sys. of Miss. v. TreeHouse Foods**, 2018 U.S. Dist. LEXIS 22717 (N.D. Ill. Feb. 12, 2018) (denying defendants' motion to dismiss in its entirety)
 - **Flynn v. Sientra, Inc.**, 2016 U.S. Dist. LEXIS 83409 (C.D. Cal. June 9, 2016) (denying in substantial part defendants' motions to dismiss Section 10(b), Section 11 and 12(b)(2) claims), motion for reconsideration denied, slip op. (C.D. Cal. Aug 12, 2016)
 - **In re Principal U.S. Property Account ERISA Litigation**, 274 F.R.D. 649 (S.D. Iowa 2011) (denying defendants' motion to dismiss)
 - **In re AIG ERISA Litigation II**, No. 08 Civ. 5722(LTS), 2011 U.S. Dist. LEXIS 35717 (S.D.N.Y. May 31, 2011) (denying in substantial part defendants' motions to dismiss), renewed motion to dismiss denied, slip op. (S.D.N.Y. June 26, 2014)
 - **In re Mutual Funds Investment Litigation**, 384 F. Supp. 2d 845 (D. Md. 2005) (denying in substantial part defendants' motions to dismiss), *In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner*, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md. Nov. 3, 2005) (denying in substantial part defendants' motions to dismiss), and *In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter*, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md. June 27, 2008) (same)
 - **In re AIG ERISA Litigation**, No. 04 Civ. 9387 (JES) (S.D.N.Y. Dec. 12, 2006) (denying defendants' motions to dismiss in their entirety)

- **Dusek v. Mattel, Inc., et al.**, CV99-10864 MRP (C.D. Cal. Dec. 17, 2001) (denying defendants' motions to dismiss Section 14(a) complaint in their entirety)
- **In re Micro Focus Sec. Litig.**, Case No. C-00-20055 SW (N.D. Cal. Dec. 20, 2000) (denying motion to dismiss Section 11 complaint);
- **Zuckerman v. FoxMeyer Health Corp.**, 4 F. Supp.2d 618 (N.D. Tex. 1998) (denying defendants' motion to dismiss in its entirety in one of the first cases decided in the Fifth Circuit under the Private Securities Litigation Reform Act of 1995)
- **In re U.S. Liquids Securities Litigation**, Master File No. H-99-2785 (S.D. Tex. Jan. 23, 2001) (denying motion to dismiss Section 11 claims)
- **Sands Point Partners, L.P., et al. v. Pediatrix Medical Group, Inc., et al.**, Case No. 99-6181-CIV-Zloch (S.D. Fla. June 6, 2000) (denying defendants' motion to dismiss in its entirety)
- **Berke v. Presstek, Inc.**, Civ. No. 96-347-M (MDL Docket No. 1140) (D.N.H. Mar. 30, 1999) (denying defendants' motion to dismiss)
- **Chalverus v. Pegasystems, Inc.**, 59 F. Supp. 2d 226 (D. Mass. 1999) (denying defendants' motion to dismiss);
- **Danis v. USN Communications, Inc.**, 73 F. Supp. 2d 923 (N.D. Ill. 1999) (denying defendants' motion to dismiss)

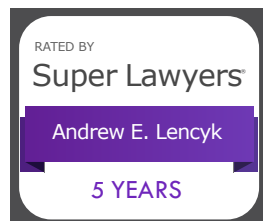
EDUCATION

- Fordham University School of Law, J.D. (1992)
- Fordham College, B.A. *magna cum laude*, 1988)

ADMISSIONS

- New York (1993)
- Connecticut (1992)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States Court of Appeals for the Second Circuit (2015)

AWARDS





OUR ATTORNEYS

Associates



JORDAN A. CAFRITZ

ASSOCIATE

Jordan Cafritz is an Associate with the Firm's Washington, D.C. office. While attending law school at American University he was an active member of the American University Business Law Review and worked as a Rule 16 attorney in the Criminal Justice Defense Clinic. After graduating from law school, Mr. Cafritz clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

EDUCATION

- American University Washington College of Law, J.D. (2014)
- University of Wisconsin-Madison, B.A., Economics & History (2010)

ADMISSIONS

- Maryland (2014)
- District of Columbia (2018)



NOAH GEMMA

ASSOCIATE

Noah Gemma previously worked as a summer associate at a boutique commercial litigation firm. He was also a judicial intern for Judge Virginia M. Hernandez Covington in the United States District Court for the Middle District of Florida and for Judge Bruce M. Selya in the United States Court of Appeals for the First Circuit. Mr. Gemma currently works on securities litigation, especially shareholder mergers and acquisitions cases and corporate governance litigation.

EDUCATION

- Georgetown University Law Center, J.D., Editor for *The Georgetown Law Journal* (2021)
- Providence College, B.A. (2018)

ADMISSIONS

- Rhode Island (2021)*

**Practice in the District of Columbia supervised by D.C. Bar member pursuant to D.C. Court of Appeals Rule 49(c)(8)*



DAVID C. JAYNES

ASSOCIATE

David C. Jaynes focuses his practice on investor protection and securities fraud litigation. In addition to his law degree, Mr. Jaynes has graduate degrees in business administration and finance. Prior to joining the firm, David worked in the Enforcement Division of the U.S Securities and Exchange Commission in the Salt Lake Regional Office as part of the Student Honors Program. Mr. Jaynes began his career as a prosecutor and has significant trial experience.

EDUCATION

- University of Utah, M.S., Finance (2020)
- University of Utah, M.B.A (2020)
- The George Washington University Law School, J.D. (2015)
- Brigham Young University, B.A., Middle East Studies and Arabic (2009)

ADMISSIONS

- Maryland (2015)
- Utah (2016)
- United States District Court for the District of Utah (2016)
- California (2021)



MICHAEL KEATING

ASSOCIATE

Michael Keating is an Associate with the Firm's Stamford office focusing on federal securities litigation. Mr. Keating previously interned with the Division of Enforcement for the Securities and Exchange Commission while attending law school.

EDUCATION

- University of Connecticut School of Law, J.D. (2019)
- University of Connecticut, B.A Psychology (2014)

ADMISSIONS

- Connecticut (2019)



ALEXANDER KROT

ASSOCIATE

EDUCATION

- American University, Kogod School of Business, M.B.A. (2012)
- Georgetown University Law Center, LL.M., Securities and Financial Regulation, With Distinction (2011)
- American University Washington College of Law, J.D. (2010)
- The George Washington University, B.B.A., Finance and International Business (2003)

ADMISSIONS

- Maryland (2011)
- District of Columbia (2014)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States District Court for the Eastern District of Wisconsin (2017)
- United States Court of Appeals for the Third Circuit (2018)



COURTNEY E. MACCARONE

ASSOCIATE

Courtney E. Maccarone focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, Ms. Maccarone was an associate at a boutique firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. Maccarone served as the Executive Symposium Editor of the Brooklyn Journal of International Law and was a member of the Moot Court Honor Society. Her note, "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights" was published in the Spring 2011 edition of the Brooklyn Journal of International Law.

Ms. Maccarone also gained experience in law school as an intern to the Honorable Martin Glenn of the Southern District of New York Bankruptcy Court and as a law clerk at a New York City-based class action firm. Ms. Maccarone has been recognized as a Super Lawyer "Rising Star" for the New York Metro area for the past seven consecutive years.

EDUCATION

- Brooklyn Law School, J.D., *magna cum laude* (2011)
- New York University, B.A., *magna cum laude* (2008)

ADMISSIONS

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

PUBLICATIONS

- "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights," published in the Spring 2011 edition of the *Brooklyn Journal of International Law*

AWARDS





ADAM C. MCCALL

ASSOCIATE

Mr. McCall is an Associate with the Firm. Prior to joining Levi & Korsinsky, Mr. McCall was an extern at the Securities and Exchange Commission's Division of Corporate Finance.

EDUCATION

- Georgetown University Law Center, LL.M., Securities and Financial Regulation (2015)
- California Western School of Law, J.D., *cum laude* (2013)
- Santa Clara University, Certificate of Advanced Accounting Proficiency (2010)
- University of Southern California, B.A. Economics (2008)

ADMISSIONS

- California (2014)
- United States District Court for the Central District of California (2015)
- United States District Court for the Eastern District of California (2015)
- United States District Court for the Northern District of California (2015)
- United States District Court for the Southern District of California (2015)
- United States Court of Appeals for the Ninth Circuit (2016)
- District of Columbia (2017)



RYAN MESSINA

ASSOCIATE

Ryan Messina is an Associate in Levi and Korsinsky's New York office. During law school, he worked at The Land Use and Sustainable Development Clinic helping to draft ordinances for developing communities and create conservation easements. He also interned for the Commercial Division of the New York Supreme Court.

EDUCATION

- West Virginia University College of Law, J.D. (2019)
- West Virginia College of Business and Economics, M.B.A (2019)
- West Virginia University, B.A. *cum laude* (2016)

ADMISSIONS

- West Virginia (2019)
- New York (2020)



AMANDA MILLER

ASSOCIATE

Amanda Miller is an Associate in Levi and Korsinsky's Stamford office where she focuses her practice on federal securities litigation.

Prior to joining Levi & Korsinsky, Amanda gained substantial experience at a boutique Boston firm where she was trained in securities and business litigation.

Amanda received her Juris Doctorate degree from Suffolk University Law School with an International Law concentration with Distinction and was selected to join the International Legal Honor Society of Phi Delta Phi. While in law school, Amanda focused her legal education on securities law & regulation, international investment law & arbitration, and business law.

EDUCATION

- Suffolk University Law School, J.D. (2021)
- Colorado State University, B.S. (2011)

ADMISSIONS

- Massachusetts (2021)
- United States District Court for the District of Massachusetts (2022)



MELISSA MULLER

ASSOCIATE

Melissa Muller is an Associate with the Firm's New York Office focusing on federal securities litigation. Ms. Muller previously worked as a paralegal for the New York office while attending law school.

EDUCATION

- New York Law School, J.D., Dean's Scholar Award, member of the Dean's Leadership Council (2018)
- John Jay College of Criminal Justice, B.A. (2013), *magna cum laude*

ADMISSIONS

- New York (2019)
- United States District Court for the Southern District of New York (2020)



GREGORY M. POTREPKA

ASSOCIATE

Gregory M. Potrepka is an Associate in Levi & Korsinsky's Connecticut office. Mr. Potrepka is an experienced lawyer having litigated cases in State, Federal, and Tribal courts, at both the trial and appellate levels. While in law school, Mr. Potrepka clerked in the Civil Division of the United States Attorney's Office for the District of Columbia.

EDUCATION

- University of Connecticut School of Law, J.D. (2015)
- University of Connecticut Department of Public Policy, M.P.A. (2015)
- University of Connecticut, B.A., Political Science (2010)

ADMISSIONS

- Connecticut (2015)
- Mashantucket Pequot Tribal Court (2015)
- United States District Court for the District of Connecticut (2016)
- United States District Court for the Southern District of New York (2018)
- United States District Court for the Eastern District of New York (2018)
- United States Court of Appeals for the Third Circuit (2020)



BRIAN STEWART

ASSOCIATE

Brian Stewart is an Associate with the Firm practicing in the Washington, D.C. office. Prior to joining the firm, Mr. Stewart was an associate at a small litigation firm in Washington D.C. and a regulatory analyst at the Financial Industry Regulatory Authority (FINRA). During law school, he interned for the Enforcement Divisions of the SEC and CFPB.

EDUCATION

- American University Washington College of Law, J.D. (2012)
- University of Washington, B.S., Economics and Mathematics (2008)

ADMISSIONS

- Maryland (2012)
- District of Columbia (2014)
- United States District Court for the District of Maryland (2017)
- United States District Court for the District of Colorado (2017)



CORREY A. SUK

ASSOCIATE

Correy A. Suk is an experienced litigator with a focus on shareholder derivative suits, class actions, and complex commercial litigation. Ms. Suk began her career with the Investor Protection Bureau of the Office of the New York State Attorney General and spent four years prosecuting shareholder derivative actions and securities fraud litigation at one of the oldest firms in the country. Prior to joining Levi & Korsinsky, Ms. Suk represented both individuals and corporations in complex business disputes at a New York litigation boutique. Ms. Suk's unflappable disposition and composure reflect a pragmatic approach to both litigation and negotiation. She thrives under pressure and serves as an aggressive advocate for her clients in the most high-stakes situations. Ms. Suk has been recognized as a Super Lawyers Rising Star every year since 2017.

EDUCATION

- The Ohio State University Moritz College of Law, J.D. (2011)
- Georgetown University, B.S.B.A. (2008)

ADMISSIONS

- New Jersey (2011)
- New York (2012)
- United States District Court for the Southern District of New York (2015)
- United States District Court for the Eastern District of New York (2015)
- United States District Court for the District of New Jersey (2016)

PUBLICATIONS

- "Unsafe Sexting: The Dangerous New Trend and the Need for Comprehensive Legal Reform," 9 Ohio St. J. Crim. L. 405 (2011)

AWARDS





MAX WEISS

ASSOCIATE

Max Weiss focuses his practice on investor protection and securities fraud litigation. He is proficient in litigation, legal research, motion practice, case evaluation and settlement negotiation. Prior to joining the firm, Max practiced in the general liability area and has extensive experience litigating high-exposure personal injury claims in New York State and federal trial and appellate courts. While in law school, Max gained experience helping pro se debtors prepare and file Chapter 7 and Chapter 13 petitions with the New York Legal Assistance Group (**NYLAG**) Bankruptcy Project and served as an intern to the Honorable Sean Lane of the Southern District of New York Bankruptcy Court.

EDUCATION

- St. John's School of Law, J.D. (2018), where he served as the Senior Executive Editor of the Journal of Civil Rights & Economic Development
- Colgate University, B.A., Political Science (2011)

ADMISSIONS

- New York (2019)
- United States District Court for the Southern District of New York (2019)
- United States District Court for the Eastern District of New York (2019)

EXHIBIT E

1 Joseph G. Sauder
2 Sauder Schelkopf LLC
3 1109 Lancaster Avenue
4 Berwyn, PA 19312
5 (610) 200-0580
6 jgs@sstriallawyers.com

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF SAN FRANCISCO**

9 **LASH BOOST CASES**

10 *Scherr v. Rodan & Fields, LLC*; Superior Court of
11 California, County of San Bernardino, Case No.
12 CIVDS 1723435

13 *Gorzo, et al. v. Rodan & Fields, LLC*; Superior
14 Court of California, County of San Francisco,
15 Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF JOSEPH G.
SAUDER IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

Hon. Ethan Schulman

1 I, Joseph G. Sauder, declare as follows:

2 1. I am a partner of the law firm of Sauder Schelkopf LLC and counsel for a Plaintiff in
3 the above-captioned case. I am a member of the Pennsylvania and New Jersey Bars. I have knowledge
4 of the matters set forth herein based on my personal knowledge and my review of the records of my
5 law firm and could and would testify competently to them if called upon to do so.
6

7 2. I actively participated in this action, including assisting with the negotiation of the
8 Settlement, and I am fully familiar with the proceedings being resolved. I make this Declaration in
9 support of Plaintiffs' motion for attorneys' fees and costs and for the Class Representatives' Service
10 Awards ("Motion"). Given my role in this litigation, I have personal knowledge of the legal services
11 rendered by the Sauder Schelkopf attorneys requesting fees and expenses. This declaration summarizes
12 the work performed by Sauder Schelkopf in this litigation that led to the benefits provided to the Class
13 under the Agreement.
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15 3. The hours accounted for in this declaration relate both to this matter and a related federal
16 action, *Barbara Lewis, et al. v. Rodan + Fields, LLC.*, Case No. 4:18-cv-02248-PJH (N.D. Cal.), that
17 included overlapping claims based on the same facts, and in which the plaintiffs were represented by
18 Class Counsel. The settlement in this matter also resolved the claims in the federal *Lewis* matter, and
19 the work performed in the federal action inured to the benefit of the Class and directly led to the
20 Settlement Agreement.
21

22 HISTORY OF THE LITIGATION

23 4. Attorneys at my firm were involved in many aspects of the related federal action. This
24 included interviewing intakes who contacted my firm regarding the allegations at issue in this case,
25 drafting a complaint, participating in discovery such as drafting the protective orders and ESI orders,
26 drafting discovery on behalf of our client, preparing our client for and attending our client's deposition,
27 drafting and editing the motion for class certification and reply brief in support of class certification,
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1 attending the numerous mediations and assisting in mediation strategy discussions, working through
2 settlement related issues with co-counsel, assisting with the motion for preliminary approval and
3 providing input on the various associated filings, as well as generally corresponding with co-counsel
4 regarding the status of the litigation.
5

6 **THE RISKS BORNE BY SAUDER SCHELKOPF**

7 5. From the outset, Class Counsel anticipated spending hundreds of hours litigating these
8 claims with no guarantee of success, knew that prosecution of this case would require that other work
9 be foregone, understood that there was substantial uncertainty regarding the applicable legal and factual
10 issues, and continued to prosecute the litigation in the face of substantial opposition. The risks were
11 especially significant given that this case was novel and complex in that it concerned both product
12 defects and misleading advertising.
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14 6. In accepting this case, Sauder Schelkopf bore considerable risk. Sauder Schelkopf took
15 this case on a fully contingent basis, meaning that we were not paid for any of our time, and that we
16 paid all costs and out-of-pocket expenses without any reimbursement to date. From the outset, Sauder
17 Schelkopf recognized that it would be contributing a substantial amount of time and advancing
18 significant costs in prosecuting this class action, with no guarantee of compensation or recovery, in the
19 hopes of prevailing against a well-funded defense.
20

21 7. Rodan + Fields were represented by a highly-skilled and well-resourced litigation firm,
22 so there was an increased risk that Plaintiffs would receive a defense verdict after a prolonged trial.
23

24 **LODESTAR AND EXPENSES FOR FIRM**

25 8. The attorneys at Sauder Schelkopf have established a long and successful record of
26 litigating complex cases. Our lawyers routinely handle large and complex matters throughout the
27 country, including: *Jackson v. Viking Group, Inc.*, No. 8:18-cv-02356-PJM, ECF No. 46 (D. Md.) (class
28 action settlement valued between \$30.45 million and \$50.75 million that provided a free replacement

1 program to replace the allegedly defective sprinklers with non-defective sprinklers, and a claims
2 program to reimburse those who experienced non-fire activations); *Cole v. NIBCO, Inc.*, No. 13-7871,
3 ECF No. 227 (D.N.J.) (\$43.5 million settlement related to allegedly defective plumbing products in
4 which Sauder Schelkopf served as class counsel); *In re: Hyundai and Kia Engine Litig.*, 8:17-cv-02208-
5 JLS-JDE (C.D. Cal.) (class action settlement with Hyundai and Kia valued at approximately \$892
6 million related to alleged engine defect); *In re Checking Account Overdraft Litig.*, MDL No. 2036 (S.D.
7 Fla.) (\$55 million class action settlement with US Bank and \$14.5 million class action settlement with
8 Comerica); *Traxler v. PPG Indus., Inc.*, No. 1:15-cv-00912-DAP (N.D. Ohio); (\$6.5 million class
9 action settlement on behalf of homeowners who purchased and used defective deck resurfacer); *Klug*
10 *v. Watts Regulator Co.*, No. 8:15-cv-61 (D. Neb.) and *Ponzo v. Watts Regulator Co.*, No. 8:16-200 (D.
11 Neb.) (achieved \$14 million joint settlement related to defective toilet connectors and water heater
12 connectors); *Salcedo v. Subaru of America, Inc.*, No. 1:17-cv-08173(JHR)(AMD) (D.N.J.) (class action
13 settlement with Subaru related to an alleged engine defect in certain Subaru WRX vehicles); *Bang v.*
14 *BMW of North America, LLC*, No. 2:15-cv-69450(MCA)(LDW) (D.N.J.) (class action settlement with
15 BMW related to an alleged oil consumption defect); *Yaeger v. Subaru of America, Inc.*, No. 1:14-cv-
16 04490(JBS)(KMW) (D.N.J.) (class action settlement with Subaru related to an alleged oil consumption
17 defect); *Davitt v. Honda North America, Inc.*, No. 2:13-cv-00381-MCA-JBC (D.N.J.) (class action
18 settlement with Honda related to alleged door lock actuator defect); *Fath v. American Honda Motor*
19 *Co.*, No. 18-cv-01549-WMW (D. Minn.) (class action settlement with Honda related to an alleged oil
20 dilution defect); *Tolmasoff v General Motors, LLC*, No. 2:16-cv-11747 (E.D. Mich.) (class action
21 settlement related to vehicles with overstated fuel economy). Our settlements have netted our clients
22 hundreds of millions of dollars in monetary relief, and changes.
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1 9. A copy of the Sauder Schelkopf firm resume, reflecting that it is a well-established,
2 successful law firm, is attached as **Exhibit 1**.

3 10. The total number of hours of work performed at Sauder Schelkopf's 2022 rates are
4 shown in the table below:
5

6 NAME	TITLE	GRADUATION YEAR	HOURS WORKED	RATE	LODESTAR
7 Joseph G. Sauder	Partner	1998	159.6	\$850	\$135,660.00
8 Matthew D. Schelkopf	Partner	2002	12.2	\$800	\$9,760.00
9 Lori G. Kier	Of Counsel	1991	6	\$600	\$3,600.00
10 Joseph B. Kenney	Associate	2013	80.3	\$575	\$46,172.50
11 TOTAL HOURS			258.1	TOTAL LOADSTAR	\$195,192.50

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13 w

14 11. The 258.1 hours billed represent time spent. We also anticipate spending additional
15 hours fielding inquiries regarding the settlement, monitoring and auditing the claims process, and
16 assisting with claims.

17 12. Sauder Schelkopf's 2022 rates are reasonable and fall well within the rates that courts
18 in California have approved. *See, e.g., Stathakos v. Columbia Sportswear Co.* (N.D. Cal. Apr. 9, 2018)
19 No. 15-CV-04543-YGR, 2018 WL 1710075, at *6 (“[S]everal courts in this district have approved
20 hourly rates equal to or greater than the rates at issue here in similar cases.”); *Kumar v. Salov N. Am.*
21 *Corp.* (N.D. Cal. July 7, 2017) No. 14-CV-2411-YGR, 2017 WL 2902898, at *7 (finding Class
22 Counsel's rates were “reasonable and commensurate with those charged by attorneys with similar
23 experience in the market”).
24

25 13. Expenses are accounted for and billed separately and are not duplicated in my firm's
26 professional billing rate. Sauder Schelkopf has not received reimbursement for expenses incurred in
27
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1 connection with this litigation. As of June 15, 2022, my firm had incurred a total of \$16,698.16 in
2 unreimbursed actual third-party expenses in connection with the prosecution of these cases. A summary
3 of expenses incurred is set forth in the following chart:
4

COST	AMOUNT
Postage	
Conference calls	
PACER and document-retrieval fees	
Transcripts	\$895.70
Document hosting	
Photocopies	
Fedex and courtesy copies	
Westlaw fees	
Powerbeats exemplars	
<i>Pro hac vice</i> fees	
Filing, CourtCall, and other court-related fees	
Litigation Fund	\$15,000.00
Travel expenses	\$802.46
Mediation	
Expert fees	
Total	\$16,698.16

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22 14. The actual expenses incurred in prosecuting these cases are reflected on the
23 computerized accounting records of my firm prepared by bookkeeping staff, based on receipts and
24 check records, and accurately reflect all expenses incurred.

25 15. I declare under penalty of perjury under the laws of the Commonwealth of Pennsylvania
26 that the foregoing is true and correct to the best of my knowledge.
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Executed at Berwyn, Pennsylvania on this 23rd day of June 2022.



Joseph G. Sauder

EXHIBIT 1

SAUDER | SCHELKOPF
Attorneys at Law

Telephone: 888.711.9975

Facsimile: 610.421.1326

1109 Lancaster Avenue

Berwyn, PA 19312

www.sauderschelkopf.com

Attorneys

Joseph G. Sauder
Matthew D. Schelkopf
Joseph B. Kenney
Lori G. Kier

Practice Areas

Automobile Defects and False Advertising
Consumer Fraud Class Actions
Sexual Misconduct and Gender Discrimination
Employee Rights Class Actions
General Complex Litigation

Case Highlights

Joseph G. Sauder, Partner

Joseph G. Sauder handles complex cases on behalf of individuals, sexual misconduct victims, consumers, small businesses and employees. Mr. Sauder currently serves as court appointed lead counsel in state and federal courts across the country. He has successfully litigated cases against some of the largest companies in the world.



Mr. Sauder started his legal career as a prosecutor in the Philadelphia District Attorney's Office where, from 1998 to 2003, he successfully tried hundreds of criminal cases to verdict, including sexual abuse cases. LawDragon recognized Mr. Sauder in its list of the ["500 Leading Plaintiff Consumer Lawyers"](#) for 2022. The Lawdragon consumer law guide offers the publication's take on the best of the U.S. plaintiff bar specializing in representing consumers. The publication notes "these are the lawyers who stand on the front line in individual lawsuits and class actions seeking justice. They relish their role of underdog, taking on the toughest cases" The American Lawyer named Joe Sauder to its [2021 Northeast Trailblazers](#). The honor recognizes 60 lawyers who are "truly agents of change." It "recognizes professionals in the Northeast who have moved the needle in the legal industry." The Northeast includes Maine, New York, New Jersey, Vermont, Massachusetts, Rhode Island, Connecticut, New Hampshire, and Pennsylvania. The Legal Intelligencer named Mr. Sauder in its [2020 Pennsylvania Trailblazers](#) list recognizing 31 lawyers who "have taken extra measures to contribute to positive outcomes . . . and who are truly agents of change." The Legal highlights Joe's innovative work on advocacy as class counsel in large institutional sex abuse cover-ups, women's, and children's rights. Mr. Sauder has been repeatedly recognized by his peers. Since 2011, Mr. Sauder has been selected as a [Pennsylvania SuperLawyer](#), a distinction held by the top 5% of attorneys in Pennsylvania, as chosen by their peers and through the independent research of Law & Politics.

Mr. Sauder received his Bachelor of Science, magna cum laude in Finance from Temple University in 1995. He graduated from Temple University School of Law in 1998, where he was a member of Temple Law Review.

Mr. Sauder is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey, the United States Court of Appeals for the Third Circuit, the United

States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey and the District of Colorado. Mr. Sauder currently serves as a lead counsel in numerous class actions related to product, construction and automotive defect cases pending throughout the country.

Matthew D. Schelkopf, Partner

Matthew D. Schelkopf has extensive trial and courtroom experience throughout the United States, with an emphasis on class actions involving automotive defects, consumer protection, defective products and mass torts litigation.



The Legal Intelligencer named Mr. Schelkopf in its [2020 Pennsylvania Trailblazers](#) list recognizing 31 lawyers who “have taken extra measures to contribute to positive outcomes . . . and who are truly agents of change.” *The Legal* highlights Matthew’s work on behalf of clients who have been victimized by corporations. Since 2010, Mr. Schelkopf has been selected by Pennsylvania Super Lawyers as a Rising Star (a distinction held by the top 2.5% of attorneys in PA) and then a Pennsylvania Super Lawyer, as chosen by their peers and through the independent research of Law & Politics. In 2012, The American Lawyer Media, publisher of *The Legal Intelligencer* and the *Pennsylvania Law Weekly*, named Mr. Schelkopf as one of the “Lawyers on the Fast Track” a distinction that recognized thirty-five Pennsylvania attorneys under the age of 40 who show outstanding promise in the legal profession and make a significant commitment to their community. Mr. Schelkopf was also selected as a Top 40 under 40 by the National Trial Lawyers in 2012-2015.

Mr. Schelkopf began his legal profession as a criminal prosecutor with the District Attorney’s Office of York County. He quickly progressed to Senior Deputy Prosecutor where he headed a trial team responsible for approximately 300 felony and misdemeanor cases each quarterly trial term.

In 2004, Mr. Schelkopf then associated with a suburban Philadelphia area law firm, litigating civil matters throughout Pennsylvania and New Jersey. In 2006, he was co-counsel in a Philadelphia County trial resulting in a \$30,000,000.00 jury verdict in favor of his clients - the largest state verdict recorded for that year. Mr. Schelkopf currently serves as a lead and co-lead counsel in numerous class actions related to product and automotive defect cases pending throughout the country.

Outside of the office, Mr. Schelkopf enjoys spending time with his family, mountain and road biking, skiing and restoring classic automobiles. Three of his auto restorations have been featured in nationally circulated automotive publications.

Joseph B. Kenney, Partner

Joseph B. Kenney has experience representing consumers in class actions involving defective products, automotive defects, false and misleading advertising, and other consumer protection litigation.

Joe received his J.D., *cum laude*, from Villanova University School of Law in 2013. He was elected as a Managing Editor of Student Works for the Jeffrey S. Moorad Journal of Sports Law for his third year of law school. As a staff writer, his comment was selected for publication in the Spring 2012 Volume of the Journal. Prior to law school, Joe attended Ursinus College where he was a member of the men's varsity soccer team.

Joe is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. In 2017 and 2018, Joe was distinguished as a Pennsylvania SuperLawyer Rising Star.



Lori Kier, Counsel

With a broad litigation background, Lori G. Kier serves as Of Counsel to the firm. For nearly 25 years, Ms. Kier served as senior attorney at the U.S. Environmental Protection Agency in Philadelphia. Prior to her time at EPA, Ms. Kier was a staff attorney at the U.S. Court of Appeals for the Third Circuit and a Law Clerk to U.S. District Judge Fred I. Parker (D. Vt.).



At EPA, Ms. Kier developed and prosecuted enforcement cases (administrative and judicial) under multiple state and federal environmental statutes, and participated in all aspects of litigation, both as primary counsel and in support of the U.S. Department of Justice. She led various teams in developing enforcement initiatives, most prominently in the areas of municipal and industrial stormwater. Other statutory areas covered included: Clean Water Act, Emergency Planning and Community Right-to-Know Act, Federal Insecticide, Fungicide, and Rodenticide Act National Historic Preservation Act, Resource Conservation and Recovery Act, Safe Drinking Water Act, and Toxic Substances Control Act.

As an active participant in her local community, Ms. Kier is currently a member of the East Goshen Township Zoning Hearing Board and previously served on the Township's Planning Commission. She serves as a Democratic Committee Person and has also been a mock trial coach for two local high schools as well as a judge for high school, college, and law school mock trial and moot court competitions

Practice Area: Consumer Fraud Class Actions

The attorneys at Sauder Schelkopf have prosecuted and resolved numerous consumer fraud class actions on behalf of millions of consumers against nationally known corporations for deceptive and unfair business practices. Sauder Schelkopf's experience includes the following types of consumer fraud class action cases:

Automotive Defects - Automobiles are a major expense and consumers expect them to provide safe and reliable transportation for themselves and their family and friends. Some vehicles, however, may contain manufacturing or design defects that can pose a danger to our families and others on the road. Even if these defects do not create a potential safety issue, they might result in costly repairs to consumers.

Construction Defects - When consumers purchase a home, they expect the plumbing and other basic functions of the home to work without fail. Certain companies, however, are known to cut corners when designing and manufacturing their products. When an essential component of the home fails, it can lead to costly repair bills, damage to the surrounding property in the home, and high homeowner's deductibles.

Consumer Electronics Defects - As technology continues to evolve, more and more consumers purchase and depend upon electronic devices in their daily routines. From smartphones to state-of-the-art drones, many manufacturers rush products to sale to take advantage of high consumer demand. As these products are rushed to market, consumers often are left between the difficult choice of paying expensive repair bills or placing their expensive product on the shelf to gather dust.

Medical Device Defects - Manufacturers of medical devices are held to high standards in the design, manufacturing, and marketing of their products. When a manufacturer learns of a defect in their medical device that could cause bodily harm to the end-user, the law imposes a strict duty on them to institute a recall immediately. Many times, however, manufacturers seek to place profits above the safety of their customers



Practice Area: Sexual Misconduct and Gender Discrimination

Sauder Schelkopf has a nationally recognized sexual misconduct practice with significant experience fighting for victims. Our former prosecutors have extensive experience investigating and trying cases. Sauder Schelkopf currently represents victims of clergy sexual abuse in dioceses throughout the country. We have numerous class action lawsuits pending throughout the country on behalf of sexual abuse survivors.



Practice Area: Employee Rights Class Actions

The attorneys at Sauder Schelkopf have protected workers' rights. Employees are given numerous protections under state and federal law. The attorneys at Sauder Schelkopf has held employers accountable to their obligations under the law when hiring, employing, and firing their workers.

If employees face discrimination based on their race, color, country of origin, religion, gender, sexual orientation, the employer is violating the law. In addition, many employees do not receive their due compensation as numerous employers engage in wage and hour violations. Whether you are a potential whistleblower, or your case is associated with any technical or creative legal matter, the attorneys at Sauder Schelkopf are available to discuss your potential case.

Case Highlights

The attorneys at Sauder Schelkopf have played a lead role in cases throughout the country including:

- *In re Checking Account Overdraft Litig., (S.D. Fla.)* (class action resulting in a \$55 million settlement with US Bank; \$14.5 million settlement with Comerica);
- *Afzal v. BMW of North America, LLC, (D.N.J.)* (class action on behalf of purchasers and lessees of BMW M3 vehicles with S65 engines containing an alleged rotating assembly defect resulting in engine failure);
- *Ajose v. Interline Brands, Inc., (M.D. Tenn.)* (\$16.5 million nationwide class action settlement on behalf of purchasers of defective toilet connectors);
- *Rangel v. Cardell Cabinetry, LLC, (W.D. Tex.)* (\$800,000 settlement on behalf of hundreds of former employees of a Texas cabinetry maker for Worker Adjustment and Retraining Notification (WARN) violations when they were fired without notice);
- *In re: Outer Banks Power Outage Litigation (E.D.N.C.)* (\$10.3 million settlement on behalf of businesses impacted by massive power outage and evacuation cause by a bridge builder);
- *Guill, Jr. v. Alliance Resource Partners, L.P. et al (S.D. Ill)* (WARN Act class action on behalf of 200 coal miners);
- *Bang v. BMW of North America, LLC, (D.N.J.)* (nationwide class action settlement on behalf of hundreds of thousands of purchasers and lessees of certain BMW vehicles with N63 engines containing alleged oil consumption defect);
- *Traxler v. PPG Industries, Inc. (N.D. Ohio)* (\$6.5 million class action settlement on behalf of homeowners who purchased and used defective deck stain);
- *Physicians of Winter Haven v. Steris Corp., (N.D. Ohio)* (\$20 million class action settlement on behalf of surgical centers to recoup out-of-pocket expenses related to recalled medical device);

- ***In re Stericycle Inc., Sterisafe Contract Litigation*, (N.D. Ill.)** (\$295 million class action settlement on behalf of medical waste disposal customers of Stericycle regarding alleged automated price increases in violation of contractual terms);
- ***Desio et al. v. Insinkerator et al.* (E.D. WA)** (\$3.8 million class action settlement on behalf of homeowners who purchased defective water filters);
- ***Davitt v. Honda North America, Inc.*, (D.N.J.)** (class action nationwide settlement on behalf of hundreds of thousands of purchasers and lessees of Honda CR-V vehicles with alleged defective door lock actuators);
- ***McCoy v. North State Aviation*, (M.D.NC)** (\$1.5 million settlement on behalf of hundreds of former employees for Worker Adjustment and Retraining Notification (WARN) violations when they were fired without notice);
- ***Henderson v. Volvo Cars of North America LLC*, (D.N.J.)** (class action nationwide settlement on behalf of 90,000 purchasers and lessees of Volvo vehicles with defective GM4T65 automatic transmissions);
- ***Klug v. Watts Regulatory Co., and Ponzo v. Watts Regulatory Co* (D. Neb.)** (\$14 million settlement on behalf of homeowners with defective toilet connectors and water heater connectors manufactured by Watts);
- ***Lax v. Toyota Motor Corporation* (N.D. Cal.)** (class action on behalf of hundreds of thousands of purchasers and lessees of certain Toyota vehicles with alleged oil consumption defect);
- ***Mendoza v. Hyundai Motor America, Inc.*, (N.D. Cal.)** (class action on behalf of hundreds of thousands of purchasers and lessees of certain Hyundai Sonata vehicles with alleged connecting rod bearing defect resulting in engine failure);
- ***Neale v. Volvo Cars of North America LLC*, (D.N.J.)** (certified class action on behalf of hundreds of thousands of purchasers and lessees of certain Volvo vehicles with alleged defective sunroof water drainage systems);
- ***Rivera v. Ford Motor Company*, (E.D. Mich.)** (class action on behalf of hundreds of thousands of purchasers and lessees of certain Ford Focus vehicles with alleged defective Evaporative Emission Control (EVAP) systems causing sudden and unexpected engine stalling);

- ***Wallis v. Kia Motors America, Inc., (N.D. Cal.)*** (class action on behalf of hundreds of thousands of purchasers and lessees of certain Kia vehicles with alleged connecting rod bearing defect resulting in engine failure);
- ***Whalen v. Ford Motor Co., (N.D. Cal.)*** (class action on behalf of hundreds of thousands of purchasers and lessees of certain Ford and Lincoln vehicles with alleged defective MyFord Touch infotainment systems);
- ***Tolmasoff v. General Motors, (E.D. MI.)*** (\$6 million nationwide class action settlement on behalf of purchasers and lessees alleging overstated MPG);
- ***Yaeger v. Subaru of America, Inc., (D.N.J.)*** (class action on behalf of hundreds of thousands of purchasers and lessees of certain Subaru vehicles with alleged oil consumption defect);
- ***Smith v. Gaiam, (D. Colo.)*** (\$10 million consumer class action settlement, which provided full relief to the class).
- ***International Brotherhood of Electrical Workers Local 98 Pension Fund v Encore, (San Diego, CA)*** (shareholder derivative settlement implemented industry-leading reforms to its risk management and corporate governance practices, including creating Chief Risk Officer and Chief Compliance Officer positions, various compliance committees, and procedures for consumer complaint monitoring)

EXHIBIT F

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Attorneys for Plaintiffs and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

LASH BOOST CASES

Scherr v. Rodan & Fields, LLC; Superior Court
of California, County of San Bernardino, Case
No. CIVDS 1723435

Gorzo, et al. v. Rodan & Fields, LLC;
Superior Court of California, County of San
Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF JOLENE LEWIS
VOLPE IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS**

I, Jolene Lewis Volpe, declare and state as follows:

1. I am a named Plaintiff and one of the Court-appointed class representatives in this action. I am an attorney licensed to practice in California and I work as a public defender in Ventura County.

1 2. I have personal knowledge of the matters set forth in this Declaration, which I
2 submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

3 3. I purchased one tube of Lash Boost in or about February 2018 from a Rodan &
4 Fields consultant. I became interested in Lash Boost because I didn't want to keep wearing
5 mascara but still wanted to improve the appearance of my eyelashes. A friend of mine who is
6 also a Rodan & Fields consultant told me that it worked well and made lashes grow naturally
7 really long. I had previously chosen not to use Latisse because of its side effects, but the Rodan
8 & Fields consultant said that Lash Boost wasn't like Latisse, didn't require a prescription, and
9 was all natural.
10

11 4. My background assumption, even before my reassuring conversation with the
12 Rodan & Fields consultant, was that a product like Lash Boost, which is marketed as a cosmetic
13 for application in the eye area, would be safe and would not contain drug ingredients. I do not
14 remember seeing any warnings about side effects or drug ingredients on Lash Boost's label or
15 packaging, nor did I receive such warnings from the consultant through whom I purchased Lash
16 Boost.
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18 5. After I received Lash Boost in the mail, I began using it, following the
19 instructions on the label. I don't remember the exact duration of my use, but a text conversation
20 which I have reviewed and previously produced to R+F indicates that I stopped using Lash Boost
21 around the middle of March 2018.
22

23 6. The first side effect I remember experiencing after beginning to use Lash Boost
24 was dry eyes. At first, I thought my dry eyes were probably due to nearby wildfires, so I kept
25 using Lash Boost. I then experienced a chalazion, a series of cysts and sties, and inflamed
26 eyelids. I also got sunken dark circles around my eyes, which I now attribute to the shrinking of
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28

1 fat cells around my eye. Eventually I realized that these side effects had to be caused by Lash
2 Boost because nothing else explained them. At that point, I stopped using the product.

3 7. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
4 about isopropyl cloprostenate's potential side effects, I would not have purchased the product.

5 8. I understand and am in favor of the Settlement in this case. I understand that this
6 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
7 11, 2022.

8 9. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
9 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
10 class. I understood that this would entail having my name on a publicly filed complaint, ongoing
11 engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the
12 class. I agreed to and did participate in discovery, including retrieving relevant documents and
13 sitting for my deposition. I understood that I might need to testify at trial and was prepared to do
14 so.
15

16 10. I have been directly involved in monitoring and overseeing the prosecution of the
17 *Lewis* action and now this action. Since I became involved in the *Lewis* action in 2018, I have
18 been in regular communication with my attorneys (Class Counsel) and have actively contributed
19 to the case. I've contributed in the following ways, among others:
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- 21 • I have provided information and documents to my attorneys during the investigation
22 of the potential claims in this action.
- 23 • I have reviewed the allegations of all relevant complaints in both *Lewis* and in this
24 action. Where appropriate, I have also reviewed information contained in other
25 documents filed in the course of the litigation.
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- 1 • I have assisted my attorneys in responding to Rodan & Fields’ requests for production
2 of documents, interrogatories, and requests for admission.
- 3 • I sat for an all-day deposition in which I was asked and answered detailed questions
4 about my purchase and use of Lash Boost, the side effects I experienced, and aspects
5 of my medical history.
- 6 • I understood that by signing up to be a class representative, my medical history might
7 be scrutinized and I would lose some privacy in that regard, and that is indeed what
8 happened during this litigation. I was asked intrusive questions at my deposition
9 about my medical history and required me to produce sensitive information about
10 myself.
- 11 • I have communicated regularly with my attorneys, including by participating in phone
12 and Zoom meetings as well as by corresponding by email, to stay informed about the
13 progress of the litigation, the settlement negotiations with Rodan & Fields, and the
14 settlement.
15
16

17 11. Based on my involvement throughout the prosecution and resolution of this case,
18 I strongly support the settlement and believe that it provides an excellent recovery for the class,
19 especially in view of the substantial risks I and the rest of the class faced in establishing liability
20 and damages.
21

22 12. I have evaluated and fully support my lawyers’ request for attorneys’ fees to be
23 paid from the settlement fund, as well as reimbursement of their expenses, which I believe are
24 reasonable.
25

26 13. In conclusion, as a named Plaintiff and class representative, I have been actively
27 involved in the prosecution of this action, and strongly endorse the settlement as fair, reasonable,
28

1 and adequate and believe that it represents a significant recovery for the class. I further strongly
2 support the approval of my attorneys' application for fees and expenses, and my request for a
3 service award based on my time and efforts to advance the claims of the class in this action.
4

5 I declare under penalty of perjury that the foregoing is true and correct.

6
7 Executed on June 21, 2022 at Ventura, California.

8
9
10 
11 _____
12 JOLENE LEWIS VOLPE
13 48765F1G2D9845D

12 4893-1490-6405, v. 2

EXHIBIT G

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Attorneys for Plaintiffs and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

LASH BOOST CASES

Scherr v. Rodan & Fields, LLC; Superior Court
of California, County of San Bernardino, Case
No. CIVDS 1723435

Gorzo, et al. v. Rodan & Fields, LLC;
Superior Court of California, County of San
Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF TERESA
GATTUSO IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS**

I, Teresa Gattuso, declare and state as follows:

1. I am a named Plaintiff and one of the Court-appointed class representatives in this
action.

2. I have personal knowledge of the matters set forth in this Declaration, which I
submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

1 3. I purchased one tube of Lash Boost in or about June 2017 from a Rodan & Fields
2 consultant because I wanted my eyelashes to grow longer.

3 4. I expected Lash Boost, as a product marketed as a cosmetic, to be safe, not to
4 have side effects, and not to contain drug ingredients. I do not remember seeing any warnings
5 about side effects or drug ingredients on Lash Boost’s label or packaging, nor did I receive such
6 warnings from the consultant through whom I purchased Lash Boost.

7 5. Some weeks after starting to use Lash Boost, I began to experience side effects.
8 The side effects I experienced included eye pain, unusual tearing, lid crusting, itchiness and
9 blurry vision. My eyelids were redder than normal and some of my eyelashes fell out.

10 6. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
11 about isopropyl cloprostenate’s potential side effects, I would not have purchased the product.

12 7. I understand and am in favor of the Settlement in this case. I understand that this
13 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
14 11, 2022.

15 8. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
16 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
17 class. I understood that this would entail having my name on a publicly filed complaint, ongoing
18 engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the
19 class. I agreed to and did participate in discovery, including retrieving relevant documents and
20 sitting for my deposition. I understood that I might need to testify at trial and was prepared to do
21 so.

22 9. I have been directly involved in monitoring and overseeing the prosecution of the
23 *Lewis* action and now this action. Since I became involved in the *Lewis* action in 2018, I have
24

1 been in regular communication with my attorneys (Class Counsel) and have actively contributed
2 to the case. I've contributed in the following ways, among others:

- 3 • I have provided information and documents to my attorneys during the investigation
4 of the potential claims in this action.
- 5 • I have reviewed the allegations of all relevant complaints in both *Lewis* and in this
6 action. Where appropriate, I have also reviewed information contained in other
7 documents filed in the course of the litigation.
- 8 • I have assisted my attorneys in responding to Rodan & Fields' requests for production
9 of documents, interrogatories, and requests for admission.
- 10 • I sat for an all-day deposition in which I was asked and answered detailed questions
11 about my purchase and use of Lash Boost, the side effects I experienced, and aspects
12 of my medical history.
- 13 • I understood that by signing up to be a class representative, my medical history might
14 be scrutinized and I would lose some privacy in that regard, and that is indeed what
15 happened during this litigation.
- 16 • I have communicated regularly with my attorneys, including by participating in phone
17 and Zoom meetings as well as by corresponding by email, to stay informed about the
18 progress of the litigation, the settlement negotiations with Rodan & Fields, and the
19 settlement.
- 20 • I have communicated regularly with my attorneys, including by participating in phone
21 and Zoom meetings as well as by corresponding by email, to stay informed about the
22 progress of the litigation, the settlement negotiations with Rodan & Fields, and the
23 settlement.

24 10. Based on my involvement throughout the prosecution and resolution of this case,
25 I strongly support the settlement and believe that it provides an excellent recovery for the class,
26 especially in view of the substantial risks I and the rest of the class faced in establishing liability
27 and damages.

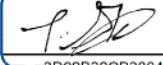
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11. I have evaluated and fully support my lawyers' request for attorneys' fees to be paid from the settlement fund, as well as reimbursement of their expenses, which I believe are reasonable.

12. In conclusion, as a named Plaintiff and class representative, I have been actively involved in the prosecution of this action, and strongly endorse the settlement as fair, reasonable, and adequate and believe that it represents a significant recovery for the class. I further strongly support the approval of my attorneys' application for fees and expenses, and my request for a service award based on my time and efforts to advance the claims of the class in this action.

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

Executed on 6/21/22, 2022 at Ronkonkoma, New York.

DocuSigned by:

TERESA GATTUSO

4876-8070-0965, v. 2

EXHIBIT H

TYCKO & ZAVAREEI LLP

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Attorneys for Plaintiffs and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

LASH BOOST CASES

Scherr v. Rodan & Fields, LLC; Superior Court
of California, County of San Bernardino, Case
No. CIVDS 1723435

Gorzo, et al. v. Rodan & Fields, LLC;
Superior Court of California, County of San
Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF DIXIE WILLIAMS
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

I, Dixie Williams, declare and state as follows:

1. I am a named Plaintiff and one of the Court-appointed class representatives in this action.
2. I have personal knowledge of the matters set forth in this Declaration, which I submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

1 3. I purchased one tube of Lash Boost in March 2017 from a Rodan & Fields
2 consultant because I wanted longer, visible lashes. I feel like my eyes can get hidden behind my
3 eyeglasses and I thought that improving the appearance of my lashes would counteract that.

4 4. When I purchased Lash Boost, I assumed that, as a cosmetic, it would be safe and
5 would not contain drug ingredients. I do not remember seeing any warnings about side effects or
6 drug ingredients on Lash Boost's label or packaging, nor did I receive such warnings from the
7 consultant through whom I purchased Lash Boost. I thought Lash Boost would be like mascara,
8 which I'd used in the past without any issues.

9 5. After I started using Lash Boost, my eyes burned and were watery and itchy. My
10 eyelid darkened and developed a rash and a bump. Eyelashes no longer grew where the bump
11 was located.

12 6. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
13 about isopropyl cloprostenate's potential side effects, I would not have purchased the product.

14 7. I understand and am in favor of the Settlement in this case. I understand that this
15 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
16 11, 2022.

17 8. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
18 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
19 class. I understood that this would entail having my name on a publicly filed complaint, ongoing
20 engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the
21 class. I agreed to and did participate in discovery, including retrieving relevant documents and
22 sitting for my deposition. I understood that I might need to testify at trial and was prepared to do
23 so.
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1 9. I have been directly involved in monitoring and overseeing the prosecution of the
2 *Lewis* action and now this action. Since I became involved in the *Lewis* action in 2018, I have
3 been in regular communication with my attorneys (Class Counsel) and have actively contributed
4 to the case. I've contributed in the following ways, among others:

- 5 • I have provided information and documents to my attorneys during the investigation
6 of the potential claims in this action.
- 7 • I have reviewed the allegations of all relevant complaints in both *Lewis* and in this
8 action. Where appropriate, I have also reviewed information contained in other
9 documents filed in the course of the litigation.
- 10 • I have assisted my attorneys in responding to Rodan & Fields' requests for production
11 of documents, interrogatories, and requests for admission.
- 12 • I sat for an all-day deposition in which I was asked and answered detailed questions
13 about my purchase and use of Lash Boost, the side effects I experienced, and aspects
14 of my medical history.
- 15 • I understood that by signing up to be a class representative, my medical history might
16 be scrutinized and I would lose some privacy in that regard, and that is indeed what
17 happened during this litigation. I found the deposition questions extremely intrusive,
18 as well as the requests for my medical records. I assisted my attorneys in filing a
19 motion for a protective order in the summer of 2020, which asked the federal court
20 presiding over *Lewis* to protect certain of my medical records from disclosure.
- 21 • I have communicated regularly with my attorneys, including by participating in phone
22 and Zoom meetings as well as by corresponding by email, to stay informed about the
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1 progress of the litigation, the settlement negotiations with Rodan & Fields, and the
2 settlement.

3 10. Based on my involvement throughout the prosecution and resolution of this case,
4 I strongly support the settlement and believe that it provides an excellent recovery for the class,
5 especially in view of the substantial risks I and the rest of the class faced in establishing liability
6 and damages.

7
8 11. I have evaluated and fully support my lawyers' request for attorneys' fees to be
9 paid from the settlement fund, as well as reimbursement of their expenses, which I believe are
10 reasonable.

11 12. In conclusion, as a named Plaintiff and class representative, I have been actively
12 involved in the prosecution of this action, and strongly endorse the settlement as fair, reasonable,
13 and adequate and believe that it represents a significant recovery for the class. I further strongly
14 support the approval of my attorneys' application for fees and expenses, and my request for a
15 service award based on my time and efforts to advance the claims of the class in this action.

16
17 I declare under penalty of perjury under the laws of California that the foregoing is true
18 and correct.

19
20 Executed on June 21st, 2022 at Las Vegas, Nevada.

21
22
23 DocuSigned by:
24 *Dixie Williams*
25 _____
DIXIE WILLIAMS

26 4860-0389-6613, v. 2

EXHIBIT I

1 **TYCKO & ZAVAREEI LLP**

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8 **KELLER ROHRBACK LLP**

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16 *Attorneys for Plaintiffs and the Proposed Class*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF SAN FRANCISCO**

19 **LASH BOOST CASES**

20 *Scherr v. Rodan & Fields, LLC*; Superior Court
21 of California, County of San Bernardino, Case
22 No. CIVDS 1723435

23 *Gorzo, et al. v. Rodan & Fields, LLC*;
24 Superior Court of California, County of San
25 Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF BOBBIE JOE
HULING IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS**

26 I, Bobbie Joe Huling, declare and state as follows:

- 27 1. I am a named Plaintiff and one of the Court-appointed class representatives in this
28 action.
2. I have personal knowledge of the matters set forth in this Declaration, which I
submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

1 3. My records indicate that I purchased one tube of Lash Boost in May 2017 for
2 \$135. This was a discounted price due to my enrollment in Rodan & Fields' "PC Perks"
3 program. I purchased Lash Boost through a Rodan & Fields consultant.
4

5 4. I first became interested in Lash Boost because I saw a friend whose eyelashes
6 looked good. She recommended Lash Boost. I then got in touch with the Rodan & Fields
7 consultant on Facebook.

8 5. Because Lash Boost is marketed as a cosmetic to apply to the eye area, I assumed
9 that it would be safe, not have side effects, and not contain drug ingredients. I do not remember
10 seeing any warnings about side effects or drug ingredients on Lash Boost's label or packaging,
11 nor did I receive such warnings from the consultant through whom I purchased Lash Boost.
12

13 6. A very short period after I started using Lash Boost, I experienced side effects. I
14 got a red-colored line on one of my eyelids. My eyes were itchy and inflamed. When I woke up
15 in the morning (I applied Lash Boost at night per the instructions), my vision was blurry. Also,
16 my irises are blue, but after I used Lash Boost, the inner part of my iris began to change color to
17 what appeared to be yellow. After I experienced side effects, I stopped using Lash Boost.

18 7. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
19 about isopropyl cloprostenate's potential side effects, I would not have purchased the product.
20

21 8. I understand and am in favor of the Settlement in this case. I understand that this
22 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
23 11, 2022.

24 9. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
25 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
26 class. I understood that this would entail having my name on a publicly filed complaint, ongoing
27
28

1 engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the
2 class. I agreed to and did participate in discovery, including retrieving relevant documents and
3 sitting for my deposition. I understood that I might need to testify at trial and was prepared to do
4 so.

5
6 10. I have been directly involved in monitoring and overseeing the prosecution of the
7 *Lewis* action and now this action. Since I became involved in the *Lewis* action in 2018, I have
8 been in regular communication with my attorneys (Class Counsel) and have actively contributed
9 to the case. I've contributed in the following ways, among others:

- 10
- 11 • I have provided information and documents to my attorneys during the investigation
12 of the potential claims in this action.
 - 13 • I have reviewed the allegations of all relevant complaints in both *Lewis* and in this
14 action. Where appropriate, I have also reviewed information contained in other
15 documents filed in the course of the litigation.
 - 16 • I have assisted my attorneys in responding to Rodan & Fields' requests for production
17 of documents, interrogatories, and requests for admission.
 - 18 • I sat for an all-day deposition in which I was asked and answered detailed questions
19 about my purchase and use of Lash Boost, the side effects I experienced, and aspects
20 of my medical history.
 - 21 • I understood that by signing up to be a class representative, my medical history might
22 be scrutinized and I would lose some privacy in that regard, and that is indeed what
23 happened during this litigation. The questions I was asked at my deposition were
24 particularly intrusive.
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- 1 • I have communicated regularly with my attorneys, including by participating in phone
2 and Zoom meetings as well as by corresponding by email, to stay informed about the
3 progress of the litigation, the settlement negotiations with Rodan & Fields, and the
4 settlement.
5

6 11. Based on my involvement throughout the prosecution and resolution of this case,
7 I strongly support the settlement and believe that it provides an excellent recovery for the class,
8 especially in view of the substantial risks I and the rest of the class faced in establishing liability
9 and damages.

10 12. I have evaluated and fully support my lawyers' request for attorneys' fees to be
11 paid from the settlement fund, as well as reimbursement of their expenses, which I believe are
12 reasonable.
13

14 13. In conclusion, as a named Plaintiff and class representative, I have been actively
15 involved in the prosecution of this action, and strongly endorse the settlement as fair, reasonable,
16 and adequate and believe that it represents a significant recovery for the class. I further strongly
17 support the approval of my attorneys' application for fees and expenses, and my request for a
18 service award based on my time and efforts to advance the claims of the class in this action.
19

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct.
22

23 Executed on June 22 , 2022 at Clermont , Florida.
24

25 *Bobbie Joe Huling*

Bobbie Joe Huling (Jun 22, 2022 1:18 EDT)

26 **BOBBIE JOE HULING**

27 4888-1984-7973, v. 2
28

EXHIBIT J

1 **TYCKO & ZAVAREEI LLP**

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15 Fax: (206) 623-3384

16 *Attorneys for Plaintiffs and the Proposed Class*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **COUNTY OF SAN FRANCISCO**

19 **LASH BOOST CASES**

20 *Scherr v. Rodan & Fields, LLC*; Superior Court
21 of California, County of San Bernardino, Case
22 No. CIVDS 1723435

23 *Gorzo, et al. v. Rodan & Fields, LLC*;
24 Superior Court of California, County of San
25 Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF ELISSA WAGNER
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

26 I, Elissa Wagner, declare and state as follows:

27 1. I am a named Plaintiff and one of the Court-appointed class representatives in this
28 action.

2. I have personal knowledge of the matters set forth in this Declaration, which I
submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

1 3. In the late winter or early spring of 2017, or thereabouts, a Rodan & Fields
2 consultant who is a friend of mine gave me a tube of Lash Boost. I didn't develop any side
3 effects as a result of my use of this item. After the first tube ran out, I purchased one tube of Lash
4 Boost in September 2017 through a Rodan & Fields consultant.

5
6 4. I was interested in purchasing Lash Boost because I saw people who had used it
7 and had gotten favorable results. I wanted thicker, fuller, and longer eyelashes.

8 5. Because Lash Boost is marketed as a cosmetic, I assumed that it would be safe,
9 not have side effects, and not contain drug ingredients—otherwise I didn't think it would be on
10 the market. I do not remember seeing any warnings about side effects or drug ingredients on
11 Lash Boost's label or packaging, nor did I receive such warnings from the consultant through
12 whom I purchased Lash Boost.

13
14 6. Soon after purchasing the second tube of Lash Boost and using it, I experienced
15 burning and irritation in my eyes, as well as a crusty discharge from my eyes in the morning.

16 7. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
17 about isopropyl cloprostenate's potential side effects, I would not have purchased the product.
18 I'd been aware of Latisse for years, but I declined to get a prescription for it.

19 8. I understand and am in favor of the Settlement in this case. I understand that this
20 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
21 11, 2022.

22
23 9. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
24 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
25 class. I understood that this would entail having my name on a publicly filed complaint, ongoing
26 engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the
27

1 class. I agreed to and did participate in discovery, including retrieving relevant documents and
2 sitting for my deposition. I understood that I might need to testify at trial and was prepared to do
3 so.

4
5 10. I have been directly involved in monitoring and overseeing the prosecution of the
6 *Lewis* action and now this action. Since I became involved in the *Lewis* action in 2018, I have
7 been in regular communication with my attorneys (Class Counsel) and have actively contributed
8 to the case. I've contributed in the following ways, among others:

- 9 • I have provided information and documents to my attorneys during the investigation
10 of the potential claims in this action.
- 11 • I have reviewed the allegations of all relevant complaints in both *Lewis* and in this
12 action. Where appropriate, I have also reviewed information contained in other
13 documents filed in the course of the litigation.
- 14 • I have assisted my attorneys in responding to Rodan & Fields' requests for production
15 of documents, interrogatories, and requests for admission.
- 16 • I sat for an all-day deposition in which I was asked and answered detailed questions
17 about my purchase and use of Lash Boost, the side effects I experienced, and aspects
18 of my medical history.
- 19 • I understood that by signing up to be a class representative, my medical history might
20 be scrutinized and I would lose some privacy in that regard, and that is indeed what
21 happened during this litigation.
- 22 • I have communicated regularly with my attorneys, including by participating in phone
23 and Zoom meetings as well as by corresponding by email, to stay informed about the
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1 progress of the litigation, the settlement negotiations with Rodan & Fields, and the
2 settlement.

3 11. Based on my involvement throughout the prosecution and resolution of this case,
4 I strongly support the settlement and believe that it provides an excellent recovery for the class,
5 especially in view of the substantial risks I and the rest of the class faced in establishing liability
6 and damages.
7

8 12. I have evaluated and fully support my lawyers' request for attorneys' fees to be
9 paid from the settlement fund, as well as reimbursement of their expenses, which I believe are
10 reasonable.
11

12 13. In conclusion, as a named Plaintiff and class representative, I have been actively
13 involved in the prosecution of this action, and strongly endorse the settlement as fair, reasonable,
14 and adequate and believe that it represents a significant recovery for the class. I further strongly
15 support the approval of my attorneys' application for fees and expenses, and my request for a
16 service award based on my time and efforts to advance the claims of the class in this action.
17

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.
20

21 Executed on June 21, 2022 at Bay Shore, New York.

22 

23 _____
24 ELISSA WAGNER

25
26 4883-3652-0229, v. 2
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EXHIBIT K

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Attorneys for Plaintiffs and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

LASH BOOST CASES

Scherr v. Rodan & Fields, LLC; Superior Court
of California, County of San Bernardino, Case
No. CIVDS 1723435

Gorzo, et al. v. Rodan & Fields, LLC;
Superior Court of California, County of San
Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF MARTHA MERLE
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

I, Martha Merle, declare and state as follows:

1. I am a named Plaintiff and one of the Court-appointed class representatives in this
action.

2. I have personal knowledge of the matters set forth in this Declaration, which I
submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

1 3. I purchased one tube of Lash Boost from a Rodan & Fields consultant because I
2 wanted my eyelashes to appear longer.

3 4. Because Lash Boost is marketed as a cosmetic to apply to a sensitive area of the
4 body, I assumed that it would be safe, not have side effects, and not contain drug ingredients. I
5 do not remember seeing any warnings about side effects or drug ingredients on Lash Boost's
6 label or packaging, nor did I receive such warnings from the consultant through whom I
7 purchased Lash Boost.
8

9 5. Some months after beginning to use Lash Boost, I experienced swelling, irritation,
10 itching, flaking, and eye pain. The skin around my eyes also became droopy. I discontinued Lash
11 Boost soon after first experiencing side effects.
12

13 6. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
14 about isopropyl cloprostenate's potential side effects, I would not have purchased the product.

15 7. I understand and am in favor of the Settlement in this case. I understand that this
16 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
17 11, 2022.

18 8. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
19 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
20 class. I understood that this would entail having my name on a publicly filed complaint, ongoing
21 engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the
22 class. I agreed to and did participate in discovery, including retrieving relevant documents and
23 sitting for my deposition. I understood that I might need to testify at trial and was prepared to do
24 so.
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1 9. I have been directly involved in monitoring and overseeing the prosecution of the
2 *Lewis* action and now this action. Since I became involved in the *Lewis* action in 2018, I have
3 been in regular communication with my attorneys (Class Counsel) and have actively contributed
4 to the case. I've contributed in the following ways, among others:

- 5 • I have provided information and documents to my attorneys during the investigation
6 of the potential claims in this action.
- 7 • I have reviewed the allegations of all relevant complaints in both *Lewis* and in this
8 action. Where appropriate, I have also reviewed information contained in other
9 documents filed in the course of the litigation.
- 10 • I have assisted my attorneys in responding to Rodan & Fields' requests for production
11 of documents, interrogatories, and requests for admission.
- 12 • I sat for an all-day deposition in which I was asked and answered detailed questions
13 about my purchase and use of Lash Boost, the side effects I experienced, and aspects
14 of my medical history.
- 15 • I understood that by signing up to be a class representative, my medical history might
16 be scrutinized and I would lose some privacy in that regard, and that is indeed what
17 happened during this litigation.
- 18 • I have communicated regularly with my attorneys, including by participating in phone
19 meetings as well as by corresponding by email, to stay informed about the progress of
20 the litigation, the settlement negotiations with Rodan & Fields, and the settlement.
- 21 • I have communicated regularly with my attorneys, including by participating in phone
22 meetings as well as by corresponding by email, to stay informed about the progress of
23 the litigation, the settlement negotiations with Rodan & Fields, and the settlement.

24 10. Based on my involvement throughout the prosecution and resolution of this case,
25 I strongly support the settlement and believe that it provides an excellent recovery for the class,
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1 especially in view of the substantial risks I and the rest of the class faced in establishing liability
2 and damages.

3 11. I have evaluated and fully support my lawyers' request for attorneys' fees to be
4 paid from the settlement fund, as well as reimbursement of their expenses, which I believe are
5 reasonable.
6

7 12. In conclusion, as a named Plaintiff and class representative, I have been actively
8 involved in the prosecution of this action, and strongly endorse the settlement as fair, reasonable,
9 and adequate and believe that it represents a significant recovery for the class. I further strongly
10 support the approval of my attorneys' application for fees and expenses, and my request for a
11 service award based on my time and efforts to advance the claims of the class in this action.
12

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

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16 Executed on 6/22/2022, at wellesley, Massachusetts.

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19 DocuSigned by:
Martha Merle
20 MARTHA MERLE
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21 4867-9445-7637, v. 2
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EXHIBIT L

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Attorneys for Plaintiffs and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

LASH BOOST CASES

Scherr v. Rodan & Fields, LLC; Superior Court
of California, County of San Bernardino, Case
No. CIVDS 1723435

Gorzo, et al. v. Rodan & Fields, LLC;
Superior Court of California, County of San
Francisco, Case No. CGC-18-565628

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**DECLARATION OF CYNTHIA
WHETSELL IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

I, Cynthia Whetsell, declare and state as follows:

1. I am a named Plaintiff and one of the Court-appointed class representatives in this
action.

2. I have personal knowledge of the matters set forth in this Declaration, which I
submit in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards.

1 3. I purchased Lash Boost in May 2017 from a Rodan & Fields consultant because I
2 wanted longer-looking eyelashes.

3 4. When I purchased Lash Boost, I assumed that, as a cosmetic, it would be safe and
4 would not contain drug ingredients. I do not remember seeing any warnings about side effects or
5 drug ingredients on Lash Boost's label or packaging, nor did I receive such warnings from the
6 consultant through whom I purchased Lash Boost.

7 5. Following my use of Lash Boost, I experienced burning, dryness, and redness in
8 my eyes. I also developed a grey spot in my vision and was diagnosed with retinopathy.

9 6. Had I known about the presence of isopropyl cloprostenate in Lash Boost and
10 about isopropyl cloprostenate's potential side effects, I would not have purchased the product.

11 7. I understand and am in favor of the Settlement in this case. I understand that this
12 Settlement covers U.S. consumers who bought Lash Boost between October 1, 2016 and March
13 11, 2022.

14 8. I agreed to be a named Plaintiff in *Lewis v. Rodan & Fields, LLC*, No. 4:18-cv-
15 02248 (N.D. Cal.) and also in this action, and to act as a class representative of the certified
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25 and damages.
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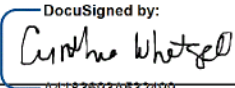
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11. I have evaluated and fully support my lawyers' request for attorneys' fees to be paid from the settlement fund, as well as reimbursement of their expenses, which I believe are reasonable.

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

Executed on June 23, 2022 at Peoria, Illinois.

DocuSigned by:

A4183093A532499...
CYNTHIA WHETSELL

4856-1775-8501, v. 2