

1 Steve W. Berman (*pro hac vice*)  
Robert F. Lopez (*pro hac vice*)  
2 HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 Eighth Avenue, Suite 3300  
3 Seattle, WA 98101  
Telephone: (206) 623-7292  
4 Facsimile: (206) 623-0594  
steve@hbsslaw.com  
5 robl@hbsslaw.com

6 *Class Counsel*

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 FREE RANGE CONTENT, INC., a California  
corporation, COCONUT ISLAND  
12 SOFTWARE, INC., a Hawaii corporation,  
13 TAYLOR CHOSE, a Minnesota resident, and  
MATTHEW SIMPSON, a British Columbia,  
14 Canada resident, on behalf of themselves and all  
others similarly situated,

15 Plaintiffs,

16 v.

17 GOOGLE LLC, a Delaware corporation,

18 Defendant.  
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No. 5:14-cv-02329-BLF

DECLARATION OF ROBERT F.  
LOPEZ IN SUPPORT OF PLAINTIFFS'  
MOTION FOR AWARD OF  
ATTORNEYS' FEES, COSTS,  
EXPENSES, AND SERVICE AWARDS  
TO CLASS REPRESENTATIVES

DATE: October 17, 2018

TIME: 9:00 a.m.

DEPT: Courtroom 4, 5th Floor

JUDGE: Hon. Beth Labson Freeman

1 I, Robert F. Lopez, hereby declare as follows:

2 1. I am a partner at Hagens Berman Sobol Shapiro, LLP, which has been appointed as class  
3 counsel in this matter. I am one of the attorneys, including my partner Mr. Berman and others, who  
4 represented the plaintiffs and proposed settlement class in this matter. I submit this declaration in  
5 support of Plaintiffs' Motion for Award of Attorneys' Fees, Costs, Expenses, and Service Awards to  
6 Class Representatives. I make this declaration based upon personal knowledge, and I am otherwise  
7 competent to be a witness.

8 2. This matter involves Google's AdSense program. Plaintiffs and settlement class  
9 members were former AdSense publishers—they displayed ads that Google pushed to their web  
10 properties in exchange for an advertiser revenue share. Google terminated these publishers' AdSense  
11 accounts for what it deemed breaches of contract, and when it did so, it withheld all unpaid earnings in  
12 their accounts at the time of termination. Plaintiffs contended that this practice was unlawful under  
13 several aspects of California law, which applied in light of California choice-of-law provisions in the  
14 AdSense contracts. After much litigation, the parties reached a mediated settlement on behalf of a class  
15 consisting of former publishers subject to AdSense contracts for the U.S. and Canada. Attached as  
16 Exhibit A is a true and correct copy of the parties' Class Action Settlement Agreement. (Dkt. No. 253-  
17 2.) We, as appointed class counsel for the certified litigation class and the settlement class, endorse the  
18 value and reasonableness of this proposed settlement.

19 3. This matter could not have proceeded through litigation and to the settlement now  
20 before the Court were it not for the service of our clients and named plaintiffs Free Range Content, Inc.  
21 (FRC); Coconut Island Software, Inc. (CIS); Taylor Chose; and Matthew Simpson. As set forth in  
22 greater detail in their own supporting declarations, plaintiffs assisted us with the preparation of  
23 complaints in this matter; worked with counsel on initial disclosures; consulted with counsel as  
24 requested, and on their own initiative, throughout the pendency of this case; monitored the proceedings  
25 on their own behalf and on behalf of the putative class; worked with counsel to prepare, review, and  
26 submit declarations in support of their claims and those of the proposed settlement class; answered  
27 interrogatories and responded to requests for production, including by gathering and producing  
28 documents, in consultation with counsel; answered requests for admission (three of the four plaintiffs

1 did so); and prepared for and sat for depositions. They also reviewed their deposition transcripts.  
 2 Additionally, they made themselves available whenever we asked for consultation or assistance in this  
 3 matter. We support their requests for \$5,000 service awards, as contemplated by the settlement  
 4 agreement. (Ex. A, ¶¶ 9.1-9.3.)

#### 5 HAGENS BERMAN'S QUALIFICATIONS AND EXPERIENCE

6 4. Hagens Berman is a leader in class-action litigation. (*See* Ex. B (Hagens Berman firm  
 7 resume); *see also* <http://www.hbsslaw.com/>.) The firm has achieved extraordinary results for millions of  
 8 consumers, investors, employees, inventors, and whistleblowers.

9 5. We have extensive experience in successfully prosecuting class actions throughout the  
 10 United States. The firm has represented millions of plaintiffs in large-scale, nationwide cases involving,  
 11 *inter alia*, product liability, consumer protection and fraud, tort, antitrust, and securities and investment  
 12 fraud, and has recovered billions for the classes it represented. Some of these groundbreaking recoveries  
 13 include:

- 14 a. *Visa-MasterCard Antitrust Litigation*, Case No. CV-96-5238 (E.D.N.Y.) – Hagens  
 15 Berman was co-lead counsel in this suit that challenged the charges imposed in  
 16 connection with debit cards. The result was the largest antitrust settlement in  
 history – a \$3.05 billion cash settlement and injunctive relief valued at over \$20  
 billion.
- 17 b. *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, & Prods. Liab.*  
 18 *Litig.*, 8:10ML2151 JVS (C.D. Cal.) – As co-lead counsel, we alleged a defect  
 19 causing dozens of models spanning an eight year period to undergo sudden,  
 20 unintended acceleration. The Firm's efforts resulted in a \$1.6 billion settlement  
 21 that included \$500 million in cash payments to class members; installation of a  
 safety-enhancing brake override system on millions of vehicles; and a substantial  
 extended warranty for millions of consumers. To our knowledge, this was the  
 largest automobile class settlement in U.S. history.
- 22 c. *In re Elec. Books Antitrust Litig.*, 11-md-2293 DLC (S.D.N.Y.) – Hagens Berman  
 23 pioneered this litigation as lead counsel against Apple and the largest e-book  
 24 publishers. We partnered with the U.S. Department of Justice and 33 state  
 25 attorneys general, representing purchasers of e-books in 19 states and four U.S.  
 territories. Consumers will receive \$560 million in benefits on single damages of  
 \$270 million.
- 26 d. *Average Wholesale Price Drug Litigation* – Hagens Berman was co-lead counsel to  
 27 several certified classes in litigation against the nation's largest pharmaceutical  
 28 companies. The suits allege that defendants artificially inflated the Average  
 Wholesale Price used as a benchmark for almost all prescription drug sales in the

1 United States. Hagens Berman was lead trial counsel in a consolidated trial  
2 resulting in verdicts against AstraZeneca and BMS, and class settlements  
3 approximating \$338 million were approved in favor of consumers and health  
4 plans. Hagens Berman was also special counsel to the states of Arizona,  
5 Montana, and Nevada in their AWP suits, which have settled on terms favorable  
6 to the states.

- 7 e. *McKesson and First DataBank Drug Litigation* – Hagens Berman was lead counsel in  
8 this RICO case alleging that McKesson and First DataBank fraudulently inflated  
9 the prices of more than 400 prescription drugs by manipulating drug-pricing  
10 benchmarks. The class action against McKesson settled for \$350 million on the  
11 eve of trial. The First DataBank settlement resulted in a four percent rollback on  
12 the prices of 95% of the nation’s retail branded drugs – a net impact of  
13 potentially billions of dollars. Building on the recovery against McKesson,  
14 Hagens Berman represents six states (Oregon, Virginia, Utah, Montana,  
15 Mississippi, and Connecticut), the City and County of San Francisco, and other  
16 local government agencies in their efforts to recoup the damages caused to their  
17 health plans by McKesson’s scheme. The county public-payor case (a class of  
18 counties) settled for \$82 million, and the City and County of San Francisco  
19 settled its claims for \$12.5 million.
- 20 f. *Schwab: YieldPlus Funds* – Hagens Berman filed the first class action against  
21 Charles Schwab Corporation, alleging that Schwab deceived investors about the  
22 underlying risk in its YieldPlus Funds Investor Shares and YieldPlus Funds Select  
23 Shares. On July 3, 2008, the Honorable William H. Alsup of the Northern  
24 District of California appointed five members of the YieldPlus Investor Group to  
25 the position of lead plaintiff and instructed them to interview and choose lead  
26 counsel. On August 14, 2008, they submitted their decision to the court to retain  
27 Hagens Berman, and on August 18, 2008, the Court approved that decision. *Id.*  
28 On April 19, 2011, Judge Alsup gave final approval to the \$235 million  
settlement.
- g. *Enron ERISA Litigation* – Hagens Berman was co-lead counsel in this litigation  
and recovered over \$220 million in settlements for the benefit of former Enron  
employees. This is the largest ERISA settlement in history.
- h. *DRAM Manufacturers* – Hagens Berman filed a class-action suit against the leading  
DRAM (Dynamic Random Access Memory) manufacturers, claiming the  
companies secretly agreed to reduce the supply of DRAM in order to artificially  
raise prices. DRAM is a necessary component in a wide variety of electronics,  
such as personal computers, cellular telephones, and digital cameras because it  
allows for the storage and retrieval of electronic data. Plaintiffs included  
equipment manufacturers, franchise distributors, smaller-volume customers, and  
consumers who purchased DRAM from any of the named defendants. The case  
settled for \$300 million.
- i. *Volkswagen “Clean Diesel” MDL* (N.D. Cal.). As lead counsel for the Volkswagen  
Franchise Dealers, we received final approval of a settlement of \$1.2 billion,  
representing a result of nearly full damages for the class. Mr. Berman also serves

1 on the Plaintiffs' Steering Committee and played a role in obtaining a settlement  
2 of \$14.7 billion on behalf of consumers that included injunctive relief in the form  
3 of an optional buyback of the affected vehicles.

- 4 j. *In re Stericycle, Inc. Steri-Safe Contract MDL* (N.D. Ill.). As lead counsel in this  
5 contract-based case involving pricing for medical-waste services, we and our  
6 clients recovered \$295 million for the class after intensive discovery, litigation,  
7 and economic modeling. The late Judge Milton Shadur, a true lion of the bench,  
8 deeply honored Hagens Berman by observing: "[I]t must be said that the track  
9 record of Hagens Berman and its lead partner Steve Berman is . . . impressive,  
10 having racked up such accomplishments as a \$1.6 billion settlement in the Toyota  
11 Unintended Acceleration Litigation and a substantial number of really  
12 outstanding big-ticket results." *In re Stericycle, Inc.*, 2013 WL 5609328, at \*2 (N.D.  
13 Ill. Oct. 11, 2013).

### 14 HAGENS BERMAN'S BILLING RATES

15 6. The current billing rates for Hagens Berman attorneys and non-attorney professionals  
16 who worked on this matter are specified in the chart attached as Exhibit C hereto. The billing rates for  
17 each attorney or other professional were established by Hagens Berman and reflect each professional's  
18 experience and training, and they are comparable to rates charged in this judicial district. These rates  
19 also represent our firm's customary and actual billing rates for work similar to that performed in this  
20 matter. Additional information about each partner and associate is available on the firm's website and in  
21 the firm resume attached as Exhibit B.

#### 22 Key attorneys who worked on this matter

- 23 a. Steve W. Berman has been an attorney for over 35 years and is a founding  
24 member and managing partner of Hagens Berman. His current rate is \$975 per  
25 hour. Mr. Berman has served as lead or co-lead counsel in securities, consumer,  
26 products liability, antitrust, employment class actions, and complex litigation  
27 throughout the country.
- 28 b. Robert F. Lopez, a partner at Hagens Berman, has been an attorney for 26 years.  
His current rate is \$575 per hour. He has extensive experience in complex  
commercial litigation and various other sorts of disputes, including individual,  
multi-party and class action cases. His cases have involved product defect,  
contract, warranty, drug pricing, consumer protection and fraud, securities,  
antitrust, False Claims Act, and consumer privacy issues.
- c. Chris A. O'Hara has practiced as an attorney for 29 years, with noteworthy  
experience in antitrust litigation, consumer protection, tax law, securities  
litigation, and pharmaceutical fraud. His current rate is \$625 per hour. Mr.  
O'Hara has played the invaluable role of working with claims administrators on

1 class settlements and class notice programs in many of the firm's complex class  
2 action settlements.

3 **Key paralegals and investigator who worked on this matter**

4 7. The firm also utilized the following paralegals whose rates are usual and customary based  
5 on years of litigation experience. Among them are:

6 a. Carrie L. Flexer (Current rate: \$250/hr). Ms. Flexer is the lead paralegal at  
7 Hagens Berman. Ms. Flexer has over 20 years of litigation paralegal experience.  
8 Courts in the Bay Area and throughout the United States have approved her rate  
9 on multiple occasions.

10 b. Robert N. Haegele (Current rate: \$200/hr). Mr. Haegele is a senior paralegal at  
11 Hagens Berman. Mr. Haegele has over 20 years of litigation paralegal experience.  
12 His rate has been approved on multiple occasions by courts in the Bay Area and  
13 throughout the United States.

14 c. Joseph Salonga (Current rate: \$200/hr). Mr. Salonga is a paralegal at Hagens  
15 Berman with nearly 10 years of litigation paralegal experience. Based on his  
16 experience, combined with his Ivy League education, his rate is well within the  
17 range of rates approved on multiple occasions by courts in the Bay Area and  
18 throughout the United States.

19 d. Rebecca Heneghen (Last rate: \$170/hr). Ms. Heneghen was a litigation paralegal  
20 at Hagens Berman Sobol Shapiro LLP, where she worked from 2012 through  
21 June 2015. By 2015 Ms. Heneghen had some eight years' experience as a  
22 paraprofessional, with the last three years focused on plaintiffs' class action  
23 litigation. Ms. Heneghen's rate of \$170/hr was approved in this district in the  
24 *Mahan* case referenced below.

25 8. Hagens Berman rates applied in this matter are consistent with prevailing rates in this  
26 judicial district. This assertion is based on our own fee awards, published awards in other cases, and  
27 periodic review of surveys. For example, Hagens Berman's rates such as those sought in this matter  
28 recently have been approved in the *Keller v. National Collegiate Athletic Ass'n* matter, N.D. Cal. No. 09-cv-  
1967-CW antitrust matter. *See Keller v. National Collegiate Athletic Ass'n*, 2015 WL 8616392, at \*1, 5, 9  
(N.D. Cal. Dec. 15, 2015). Docket No. 1195 in *Keller*, the Declaration of Robert B. Carey in Support of  
Motion for an Award of Attorneys' Fees, Expenses, an Incentive Award Payments, sets forth the rates  
for attorneys and other professionals who worked on that matter. Examples include Mr. Berman at the  
rate of \$900 per hour and other partners at the rates of \$700 per hour and \$550 per hour, as well as  
paralegals and our investigator at the rate of \$170 per hour. (*Id.* at 10-12.) Also, in *Mahan v. Trex Co.*,



1 *Inc.*, N.D. Cal. No. 09-cv-00670, a product defect case, Judge White in December 2013 approved rates  
2 similar to those sought here. (*See* Dkt. Nos. 309 at 5-6 (attorney declaration discussing rates); 309-3  
3 (chart setting forth rates); 341 (order granting request for fees, costs, and service awards).) (Sometimes  
4 the Court referred to the *Mahan* case as *Ross*, due to consolidation under the *Ross* docket number.)  
5 Those rates included Mr. Berman's rate on the matter at \$800 per hour, with other partners on the case  
6 billed from \$500-600 per hour. My own current rate as a Hagens Berman partner is \$575/hr.  
7 Additionally, similar rates for attorneys in other non-Hagens Berman Northern District of California  
8 cases have been approved in various cases. Among them was a rate of \$975 per hour for partners in the  
9 *AXA Rosenberg* litigation. (*See Mahan*, N.D. Cal. No. 09-cv-00670, at Dkt. No. 309, ¶ 18.) Thus, we  
10 submit that the rates for Hagens Berman attorneys and other professionals who worked on this case are  
11 reasonable, appropriate, and within the range of rates charged by attorneys and professionals with similar  
12 education and experience in this judicial district.

13 9. It is the policy of our firm to maintain daily, contemporaneous billing records setting  
14 forth time entries in increments of one-tenth of an hour. In connection with this fee application, I and a  
15 colleague, at my direction, reviewed our time entries for purposes of categorizing them in a manner that  
16 we thought would be helpful to the Court in this process. Along the way, I and my colleague, at my  
17 direction, made cuts to entries (sometimes cutting the time entry altogether) where there might be  
18 inefficiencies or duplication. In other instances I directed that we cut the time altogether of certain  
19 timekeepers who had performed certain discrete or limited case-related tasks. We believe that the time  
20 comprising our adjusted lodestar in this matter was reasonably expended on behalf of our clients and the  
21 settlement class. Attached as Exhibit C is a chart containing true and correct categorized summaries of  
22 time reasonably accrued in this matter. This chart includes summaries not only of class counsel time,  
23 but also that of Mr. Levetown, Ms. Barry, and Mr. Aulakh, as referenced in the declarations they have  
24 also submitted with plaintiffs' instant motion. Mr. Paris, another attorney who worked on this matter on  
25 behalf of plaintiffs, submits a similar summary with his declaration. We asked that these other attorneys  
26 review their time for reasonableness before submitting any of it in support of plaintiffs' fee motion, and  
27 we believe they have done so. Exhibit C also contains the reviewed, adjusted lodestars (including totals)  
28 for class counsel and these other attorneys.

**REASONABLENESS OF COUNSEL’S FEES**

10. Given the complicated technical matters inherent in this case, including with respect to Google’s fraud-detection methods, practices, and policies; questions regarding the nature and implications of the unpaid earnings withheld from plaintiffs and the proposed class; the various facts in play for our four named plaintiffs; and the fact that we sought to certify a nationwide+ class of tens of thousands of former AdSense publishers, each of whom had been terminated for purported breach of contract by Google, this case was novel and complex. To our knowledge, an AdSense class case such as this one had never been attempted before, even though it was not difficult to find publisher complaints regarding Google’s termination and withholding practices online.

11. Also, we faced experienced and highly skilled opposing lawyers from a renowned firm, all with well-deserved reputations for strong and vigorous advocacy—which they exhibited here—in the defense of their clients.

12. As a result of the work we did in this case, in which we and our clients continually faced difficult challenges of law and fact, we collectively were able to achieve a \$11 million cash settlement for the class. This is a laudable achievement considering the many defenses that Google arrayed before the plaintiffs and proposed class, not to mention its financial ability to litigate for the long term. Given the context, nature, and constituent tasks of our efforts as described below, we believe the time expended in prosecuting this matter was thoroughly reasonable.

13. The plaintiffs and proposed class in this matter were represented throughout by dedicated counsel, all of whom have extensive experience in class-action and commercial litigation. As our attached firm resume and biographies show, Hagens Berman and its attorneys, led by Mr. Berman, have prosecuted many complex class cases, including commercial and consumer actions. This experience informed our belief as to what was reasonable in terms of the time and effort we expended in this matter.

**SUMMARY OF TIME ACCRUED BY HAGENS BERMAN PROFESSIONALS**

14. Below we summarize how attorney and para-professional time was accrued by class counsel and other plaintiffs’ counsel (the latter described in their declarations) in this matter. We refer to



1 these same categories in the chart attached as Ex. C. But first, I provide a brief account of the  
2 proceedings in which this work was performed.

### 3 **Proceedings**

4 15. We represented the plaintiffs in this matter in order to help them address the harm that  
5 they and other Google AdSense publishers felt when, in connection with terminating them for  
6 purported breach of contract, Google withheld the unpaid amounts in their AdSense accounts. This  
7 case has been hotly litigated through two fully briefed and argued motions to dismiss, a fully briefed and  
8 argued motion for reconsideration, and a fully and voluminously supported and argued motion for class  
9 certification.

10 16. Much discovery has been undertaken as well. The parties' efforts included 169 requests  
11 for production and numerous interrogatories from the plaintiffs; numerous requests for production and  
12 interrogatories from Google; the parties' answers, objections, and document production in response to  
13 these requests, with Google producing tens of thousands of documents, totaling over 96,000 pages, to  
14 the plaintiffs, which included myriad details concerning the inner-workings of the AdSense program and  
15 Google's fraud-detection practices; depositions of the parties, including a 30(b)(6) deposition of Google  
16 for which it produced three designees; consultation with experts and, in connection with plaintiffs'  
17 motion for class certification, depositions of each side's consultant; requests for admission to and from  
18 both sides, and both sides' responses; and many, many calls and exchanges to discuss and work out  
19 various discovery-related disputes.

20 17. On May 15, 2017, after Google filed its opposition to plaintiffs' motion for class  
21 certification, and following an exchange of mediation letters and voluminous exhibits, the parties  
22 engaged in an in-person mediation session with the Hon. Layn Phillips (U.S.D.J. Ret.) and his colleague,  
23 Greg Lindstrom, in Newport Beach, California. The parties did not settle that day.

24 18. After the Court issued its class-certification decision on July 13, 2017 (Dkt. No. 234), in  
25 which it certified a litigation class, the parties engaged in further settlement discussions with and via Mr.  
26 Lindstrom. During this time, plaintiffs did not abate discovery or preparations for motions for summary  
27 judgment and trial. Instead, the parties continued with discovery and prepared for summary judgment  
28

1 and trial, the latter of which was scheduled for March 2018. This work continued through (and in some  
2 regards past) the date the parties agreed to a settlement-in-principle.

3 19. On September 14, 2017, following many exchanges with and through Mr. Lindstrom,  
4 including writings by the plaintiffs, the parties agreed to hear a mediator's recommendation. After  
5 deliberation, the plaintiffs (and Google) accepted this recommendation in principle.

6 20. The parties advised the Court on September 20, 2017, that they had reached a settlement  
7 in principle. (Dkt. No. 232.) But much more attorney effort and time was needed before final terms  
8 would be reached, such that preliminary approval proceedings could be scheduled. On March 1, 2018,  
9 following much negotiation and discussion, including numerous email exchanges; requests for, and  
10 production of, further data; telephone conferences; exchanges of drafts and terms; and consultation with  
11 clients, the parties, via counsel, inked their Settlement Agreement.

12 21. To reiterate, the Settlement Agreement provides that Google will pay a non-reversionary  
13 sum of \$11 million to former publishers subject to Google's U.S., U.S. territory, and Canadian AdSense  
14 terms and conditions.

15 22. The settlement allows qualified settlement class members to make claims for 100% of  
16 funds withheld in connection with Google's termination of their AdSense accounts for breach. To  
17 account for the possible oversubscription of the net settlement fund, the parties anticipated various  
18 settlement scenarios and devised corresponding payment groups in order to enable a fair distribution of  
19 settlement benefits. (*See* Ex. A, ¶¶ 2.2-2.4.4.)

#### 20 **Categories and summaries**

21 23. In order to assist the Court in its deliberations, we have examined and categorized the  
22 various tasks performed in this matter as follows. We report lodestar figures for these categories in the  
23 attached Ex. C.

24 a. **Investigation, research, and preparation of complaints:** Investigation and  
25 analysis of fact, legal, and technical issues pertaining to plaintiffs' claims; legal and  
26 factual research, including analysis of publicly available statements; extensive  
27 review and analysis of technical documents; and drafting of the initial and  
28 subsequent versions of the complaint.

b. **Case management and administration:** Consultation with the named  
plaintiffs and members of the putative class throughout the pendency of the case;

1 innumerable telephone conferences and emails with opposing counsel regarding  
2 case issues; communications with database staff re: our document repository;  
3 coordination among counsel and staff re: work assignments and needed projects  
and tasks; case management efforts with the Court; and coordination regarding  
assignments, time maintenance, and recordkeeping.

- 4 c. **Discovery:** Work on initial disclosures and review and analysis of Googles'  
5 disclosures; interrogatories, requests for production, and requests for admission  
6 from plaintiffs to Google, and vice-versa; numerous depositions of parties and  
7 party representatives on both sides, including depositions of each side's  
8 consulting expert; document production and document review (including review  
and analysis of the voluminous materials produced by Google); and numerous  
conferences with Google.
- 9 d. **Motions:** Research and drafting of the opposition to Googles' two motions to  
10 dismiss (including extensive analysis of Google's first motion to dismiss, which  
11 was mooted when plaintiffs responded with an amended complaint); preparation  
12 for, and oral argument, at the hearing on these motions; a motion (and pre-  
13 motion) for reconsideration regarding plaintiffs' liquidated-damages based theory;  
14 a motion regarding the protective order to be entered in this matter; review and  
15 analysis of Google's motion to exclude international class members, and a  
16 motion asking that it be held in abeyance.
- 17 e. **Experts:** Work pertaining to and with consulting experts, including the  
18 preparation of questions; deposition preparation and the defense of plaintiffs'  
19 consultant's deposition; preparation for the deposition of defendant's consultant;  
20 extensive document review and analysis in advance of the deposition of Google's  
21 consultant; the preparation of exhibits therefor, and the deposition of Google's  
22 consultant.
- 23 f. **Class certification:** Research and drafting of motion for class certification,  
24 including plaintiffs' reply brief; work on motions to, and responses to motions to,  
25 seal; extensive factual and legal research and analysis re: Google's voluminous,  
26 extensive, detailed, and technical opposition papers; consultation with named  
27 plaintiffs regarding plaintiffs' opening papers and reply; work with plaintiffs  
28 regarding preparation of their supporting declarations; preparation of oral  
argument outline; preparation for hearing; attendance at hearing and argument;  
and analysis of the Court's decision, including follow-up legal and fact research,  
and expert consultation.
- g. **Settlement:** Consultation with the named plaintiffs regarding settlement issues;  
settlement negotiations and mediations, and the drafting of mediation briefing, as  
well as an in-person mediation with Judge Phillips and Mr. Lindstrom; continued  
and negotiations following the in-person mediation, with and without the aid of  
the mediator; drafting and analysis of term sheets; drafting and revision of further  
writings for use in negotiations; drafting and revision of settlement-related  
documents, including the first and amended settlement agreements; interviewing  
prospective settlement administrators; conferring with notice providers regarding  
a suitable notice program in this case; research regarding suitable potential *cy pres*

1 recipients; working with the settlement administrator and Google on notice  
2 documents and the claim form; and continuing work with the settlement  
3 provider regarding notice and claims processing.

- 4 h. **Settlement approval process:** Research for, and drafting of, the motion for  
5 preliminary approval and related papers; further negotiation and follow-up in  
6 response to the Court's requests regarding changes to the settlement agreement;  
7 working with Google on revisions to the settlement agreement; working with the  
8 four plaintiffs to prepare their declarations in support of the instant motion; and  
9 research toward, and drafting of, the instant motion.

### 7 **ADDITIONAL WORK**

8 24. Additional work remains to be reasonably performed. The final approval hearing is  
9 scheduled for October 17, 2018, and we presently estimate that before then, we will need to work  
10 approximately 30 additional hours to answer questions posed by class members or the settlement  
11 administrator, to draft and file final approval papers, to draft responses to any objections by class  
12 members, and to prepare for argument. Also, beyond the final approval hearing, assuming final  
13 approval is granted, we presently estimate that an additional 30-40 hours of work will be necessary to  
14 attend to the issues that will arise during administration of the settlement, to field inquiries from class  
15 members regarding the settlement, to work with Google to address any class-member appeals or  
16 concerns under the settlement, and to work with the settlement administrator and Google, as required,  
17 to see that class claims are decided and that eligible claimants get the settlement benefits they deserve,  
18 among other activities. These are conservative projections; we could be required to spend much more  
19 time on any or all of these tasks, as matters develop.

20 25. In a case with numerous legal and technical complexities, where former publishers faced  
21 a determined, well-financed, and well-represented company, plaintiffs and their counsel were able to  
22 achieve a significant non-reversionary cash settlement. This result is genuinely favorable to class  
23 members; these former publishers, given practical realities, truly needed dedicated counsel to advocate  
24 for them in a class setting.

### 25 **COSTS AND EXPENSES**

26 26. Hagens Berman also incurred a total of \$116,710.72 in actual costs and expenses in this  
27 matter, per the chart attached as Ex. D. This summary was prepared by regular records kept by our  
28

1 accounting department. Based on our experience, we know that incurring such costs and expenses is  
2 typical in cases of this sort and size. Mr. Paris's declaration adds detail for an additional \$610.00 in costs  
3 and expenses for which plaintiffs seek reimbursement. Though these sums total over \$116,045,  
4 plaintiffs seek reimbursement only of that sum here. (This was the approximate figure the parties'  
5 published in the notice to the settlement class.) Reimbursement of costs and expenses is contemplated  
6 by the settlement agreement. (Ex. A., ¶ 8.1.)

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

9 Executed on August 3, 2018, in Seattle, Washington.

10  
11 /s/ Robert F. Lopez  
12 Robert F. Lopez

# EXHIBIT A

**CLASS ACTION SETTLEMENT AGREEMENT**

*Free Range Content, Inc. v. Google LLC., No. 5:14-cv-02329-BLF*

PREAMBLE ..... 1

RECITALS..... 1

AGREEMENT ..... 3

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    2.    Settlement Relief..... 9

    3.    Claims Process ..... 16

    4.    Notice and Administration ..... 19

    5.    Objections and Exclusions ..... 24

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#### PREAMBLE

This Class Action Settlement Agreement ("Settlement Agreement," "Settlement," or "Agreement") is entered into by and among Free Range Content, Inc., Coconut Island Software, Inc., Taylor Chose, and Matthew Simpson (collectively, "Plaintiffs"), the Settlement Class (as defined in § 1.41), and Defendant Google LLC, as successor to Google Inc. ("Google" or "Defendant") (together, the "Parties"). This Settlement Agreement is intended by the Parties to fully, finally, and forever resolve, discharge, and settle the Released Claims (as defined in § 1.34) on the terms and conditions of this Agreement. It is subject to the final approval of the United States District Court for the Northern District of California (the "Court").

#### RECITALS

The following recitals are incorporated by reference and are considered part of the Settlement Agreement:

- A. This putative class action was filed in the United States District Court for the Northern District of California under the caption *Free Range Content, Inc. et al. v. Google Inc.*, No. 5:14-cv-02329-BLF.
- B. Plaintiffs alleged claims against Google in connection with Google's AdSense program for breach of contract; breach of the implied covenant of good faith and fair dealing; unjust enrichment; violations of the California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code §§ 17200 *et seq.*; and for declaratory relief. Plaintiffs alleged that Google terminated AdSense publishers from the AdSense program and improperly withheld unpaid amounts in those publishers' AdSense accounts. Google denied these allegations. (Dkt. Nos. 92, 94.) Plaintiffs sought to certify a class to bring these claims as a class action. (Dkt. No. 160.)
- C. Throughout the course of the litigation, the Parties engaged in formal and informal attempts at settlement, including one in-person mediation session with the Hon. Layn R. Phillips and Greg Lindstrom ("Phillips ADR"), on May 15, 2017. This

mediation occurred prior to the Court ruling on Plaintiffs' motion for class certification and was unsuccessful.

- D. On July 13, 2017, following discovery and briefing on class certification, the Court granted in part and denied in part Plaintiffs' motion for class certification. (Dkt. No. 224.) Specifically, the Court certified the "Rule 23(b)(3) Terms-of-Service Class only as to the claim for breach of the implied covenant of good faith and fair dealing" for publishers subject to the localized AdSense terms for United States publishers. The Court declined to certify any of Plaintiffs' other claims or proposed classes.
- E. Following the Court's ruling on class certification, the Parties engaged in further discussions with Phillips ADR. These discussions were successful, and the Parties came to an agreement in principle.
- F. Plaintiffs believe that Google is liable for the conduct at issue in the Action (defined below) and that Plaintiffs would have ultimately succeeded had this Action gone to trial. Nonetheless, Plaintiffs and Class Counsel (defined below) recognize that Google raised defenses as to both liability and damages, which created a material risk that Plaintiffs would not have prevailed. Plaintiffs and Class Counsel have considered this risk and the uncertain outcomes associated with upcoming events in this litigation, such as Google's forthcoming motion for summary judgment, trial, and any appeal that may have followed. As a result, Plaintiffs believe that it is desirable that the Released Claims (defined below) be fully and finally compromised, settled, resolved with prejudice, and barred pursuant to the terms of this Agreement.
- G. Based on their comprehensive examination and evaluation of the law and facts at issue in the Action, Class Counsel have concluded that the terms and conditions of this Agreement are fair, reasonable, and adequate to resolve the claims alleged by the Settlement Class. Class Counsel believe that it is in the best interests of the Settlement Class to settle the claims raised in this Action pursuant to the terms of this Agreement.

H. Google has at all times denied—and continues to deny—any and all alleged wrongdoing. Specifically, Google denies that its conduct concerning Google AdSense violates any law, and it is prepared to continue its vigorous defense, including at summary judgment and trial. Even so, taking into account the uncertainty and risks inherent in summary judgment and trial, Google has concluded that continuing to defend this Action would be burdensome and expensive. Google believes that it is desirable and beneficial to fully and finally settle and terminate this Action in the manner specified in and upon the terms of this Agreement.

**IT IS THEREFORE HEREBY STIPULATED AND AGREED** by and among Plaintiffs, the Settlement Class, and Defendant, by and through their respective counsel, that, subject to final approval of the Court after a hearing as provided for in this Agreement, or as otherwise ordered by the Court, and in consideration of the benefits flowing to the Parties from the Agreement, the Action and the Released Claims shall be fully and finally compromised, settled, and released, and the Action shall be dismissed with prejudice, upon and subject to the terms and conditions set forth in this Agreement.

#### **AGREEMENT**

##### **1. Definitions**

As used in this Settlement Agreement, the following terms have the special meanings below:

- 1.1. **“ACH Transfer”** means an electronic transfer of funds between banks through the Automated Clearing House (“ACH”) network.
- 1.2. **“Action”** means the case entitled Free Range Content, Inc. v. Google LLC, No. 5:14-cv-02329-BLF, pending in the United States District Court for the Northern District of California.
- 1.3. **“Amount Allegedly Withheld”** means the amount in dollars reflected in Google’s AdSense billing records at the time the account balance became zero, after Google terminated the AdSense account.

- 1.4. **"Claim"** means a Settlement Class Member's written submission that may, if valid, entitle the Settlement Class Member to a Settlement Payment.
- 1.5. **"Claimant"** means a Settlement Class Member who has submitted a Claim that the Settlement Administrator has determined is valid and timely in accordance with the claims process described in § 3.
- 1.6. **"Claim Form"** means the document Settlement Class Members submit to make a Claim pursuant to this Agreement. The Claim Form will be available online at the Settlement Website, and the contents of the Claim Form will be approved by the Court.
- 1.7. **"Claims Deadline"** means the date by which Settlement Class Members must submit all Claims Forms on the Settlement Website for the Claim Forms to be timely. The Claims Deadline shall be 60 days after the Notice Date and shall be clearly stated in the Notice and on the Claim Form.
- 1.8. **"Class Counsel"** means the law firm of Hagens Berman Sobol Shapiro LLP, by Steve W. Berman and Robert F. Lopez.
- 1.9. **"Class Representative(s)"** means each and all of the named Plaintiffs in this Action: Free Range Content, Inc., Coconut Island Software, Inc., Taylor Chose, and Matthew Simpson.
- 1.10. **"Court"** means the United States District Court for the Northern District Court of California, the Hon. Beth Labson Freeman presiding, or any judge who succeeds her as the judge in this Action.
- 1.11. **"Cy Pres Recipients"** means Public Counsel and Public Justice Foundation.
- 1.12. **"Defendant"** means Google LLC, as successor to Google Inc.
- 1.13. **"Defendant's Counsel"** means Michael G. Rhodes and Jeffrey M. Gutkin of the law firm of Cooley LLP.
- 1.14. **"Distribution Date"** means the date that Settlement Payments are distributed to Claimants. The Distribution Date shall be no more than 30 days following the Effective Date of the Settlement.
- 1.15. **"Effective Date"** means the first business day after all the following conditions have occurred:

- (a) Class Counsel and Defendant's Counsel have executed this Settlement Agreement.
- (b) The Court has entered the Final Approval Order.
- (c) The Final Approval Order has become a final, non-appealable judgment approving the Settlement Agreement in all respects and is no longer subject to review, reconsideration, rehearing, appeal, petition for permission to appeal, petition for a writ of certiorari, or any other appellate review of any kind.

- 1.16. **"Email Notice"** means the notice of the Settlement that is emailed to Settlement Class Members, providing a link to the Claim Form, a link to the Settlement Website, and contact information for the Settlement Administrator.
- 1.17. **"Exclusion List"** means the list of all persons and entities who have timely and validly excluded themselves from the Settlement.
- 1.18. **"Fee, Cost, and Expense Award"** means the amount of attorneys' fees and reimbursement of costs and expenses awarded to Class Counsel by the Court from the Settlement Fund.
- 1.19. **"Final Approval Order"** means the final judgment and order to be entered by the Court, following the Final Fairness Hearing, which approves the Settlement and sets the amounts of the Fee and Expense Award and the Service Awards.
- 1.20. **"Final Fairness Hearing"** means the Court hearing where the Parties will request the Final Approval Order be entered approving this Agreement, and where Class Counsel will request that the Court approve the Fee and Expense Award and the Service Awards. The Final Fairness Hearing must occur at least 30 days after the Claims Deadline and the Objection and Exclusion Deadline, on such date as set by the Court.
- 1.21. **"Net Settlement Fund"** means the Settlement Fund, reduced by the sum of the following amounts: Notice and Administrative Costs, any Service Awards, and any Fee and Expense Award.

- 1.22. **"Notice"** means the notice of this proposed Settlement Agreement and of the Final Fairness Hearing, which will be disseminated to Settlement Class Members in accordance with the terms of this Agreement.
- 1.23. **"Notice and Administrative Costs"** means all costs and expenses actually incurred by the Settlement Administrator in the dissemination of Notice; the establishment of the Settlement Website; the administrative processing, handling, review, and payment of Claims; and all other expenses reasonably necessary for effective Notice and administration of the Settlement pursuant to the Preliminary Approval order.
- 1.24. **"Notice Date"** means the date on which Notice to Settlement Class Members is complete. The Notice Date shall be as soon as reasonably practicable, but no later than 60 days following Preliminary Approval.
- 1.25. **"Objection"** means the formal written notice that a Settlement Class Member may submit to the Settlement Administrator in order to object to the Settlement.
- 1.26. **"Objection and Exclusion Deadline"** means the date by which a Settlement Class Member must submit an Objection to this Agreement or an Opt-Out Form to the Settlement Administrator. The Objection and Exclusion Deadline shall be 60 days after the Notice Date.
- 1.27. **"Objector"** means a person or entity who submits an Objection.
- 1.28. **"Opt-Out Form"** means the form provided by the Settlement Administrator that Settlement Class Members must use to request exclusion from the Settlement.
- 1.29. **"Parties"** means Plaintiffs Free Range Content, Inc., Coconut Island Software, Inc., Taylor Chose, and Matthew Simpson, the Settlement Class, and Defendant Google LLC, as successor to Google Inc.
- 1.30. **"Plaintiffs"** means Free Range Content, Inc., Coconut Island Software, Inc., Taylor Chose, and Matthew Simpson.
- 1.31. **"Preliminary Approval"** means the Court's order preliminarily approving the Settlement Agreement, preliminarily certifying the Settlement Class, and authorizing the dissemination of the Notice.

- 1.32. **"PST"** means Pacific Standard Time. If a deadline with a time stated in PST occurs when Daylight Saving Time is in effect, this deadline's time will instead be governed by Pacific Daylight Time ("PDT").
- 1.33. **"Rejected Claimant"** means a person or entity who submitted a Claim that the Settlement Administrator deemed invalid or untimely.
- 1.34. **"Released Claims"** means any and all claims, demands, actions, causes of action, lawsuits, arbitrations, damages, or liabilities, whether known, unknown, legal, equitable, or otherwise, that arise out of or relate to the allegations in the operative complaint and that occurred during the Settlement Class Period, including, but not limited to, those relating to: 1) the termination of any Settlement Class Member's Google AdSense account or 2) the withholding of unpaid amounts in any Settlement Class Member's Google AdSense account at the time of termination.
- 1.35. **"Releasees"** means Defendant Google LLC, as well as all of Google's current or former directors, officers, members, administrators, agents, insurers, beneficiaries, trustees, employee benefit plans, representatives, servants, employees, attorneys, parents, subsidiaries, affiliates, divisions, branches, units, shareholders, investors, contractors, successors, joint venturers, predecessors, related entities, and assigns, and all other individuals and entities acting on Google's behalf.
- 1.36. **"Releasing Class Members"** means all Settlement Class Members, except those who appear on the Exclusion List, and each of their respective current or former directors, officers, trustees, beneficiaries, insurers, predecessors, successors, assigns, legatees, heirs, partners, agents, personal representatives, and all other individuals or entities acting on a Releasing Class Member's behalf.
- 1.37. **"Releasing Named Plaintiffs"** means the named Plaintiffs in this Action: Free Range Content, Inc., Coconut Island Software, Inc., Taylor Chose, and Matthew Simpson, on behalf of themselves and each of their respective current or former directors, officers, members, administrators, employees, employee benefit



plans, servants, contractors, trustees, beneficiaries, insurers, predecessors, successors, assigns, legatees, heirs, parents, subsidiaries, affiliates, divisions, branches, units, shareholders, investors, attorneys, partners, related entities, joint venturers, agents, personal representatives, and all other individuals or entities acting on the Plaintiffs' behalf.

- 1.38. **"Residual Settlement Payment"** means the amount Settlement Class Members who submit Valid Claims and/or the *Cy Pres* Recipients identified in § 1.11 shall receive from the Net Settlement Fund if any funds remain after Settlement Payments are made.
- 1.39. **"Service Award"** means the award sought by each Class Representative in consideration for their service during the course of the Action and subsequently approved by the Court. Any such Service Award is separate and apart from any Settlement Payments the Class Representative may receive as a result of submitting a Claim as a Settlement Class Member.
- 1.40. **"Settlement Administrator"** means Garden City Group, LLC ("GCG"), the firm that will provide Notice and Claims administration services in connection with the Settlement Agreement.
- 1.41. **"Settlement Class"** means all persons or entities Google's records indicate are located within the United States, American Samoa, Puerto Rico, the United States Minor Outlying Islands, the U.S. Virgin Islands, or Canada, whose AdSense account Google disabled or terminated on any date between May 20, 2010 and the date the Court grants Preliminary Approval of this Settlement, and whose last AdSense unpaid amounts Google withheld in their entirety, and permanently, on any date between May 20, 2010 and the date the Court grants Preliminary Approval of this Settlement in connection with such disablement or termination, and where the sum withheld totals \$10 or more.
- 1.42. **"Settlement Class Members"** means members of the Settlement Class.
- 1.43. **"Settlement Class Period"** means the period from May 20, 2010 through the date the Court grants Preliminary Approval of this Settlement.

- 1.44. **"Settlement Fund"** means a cash fund of \$11,000,000, to be paid by Google in accordance with the terms of this Settlement Agreement.
- 1.45. **"Settlement Payment"** means the amount a Claimant shall receive from the Net Settlement Fund in accordance with the formula outlined in § 2.4.
- 1.46. **"Settlement Website"** means a website created and maintained by the Settlement Administrator for the purpose of providing the Settlement Class with Notice of the proposed Settlement. This website will allow Settlement Class Members to submit Claims, update their contact information and payment method, and opt-out of the Agreement.
- 1.47. **"Valid Claim"** means a Settlement Class Member's written Claim that the Settlement Administrator has deemed valid and timely and accepted for Settlement Payment.
- 1.48. **"Website Notice"** means the formal legal notice of the proposed Settlement terms that will be hosted on the Settlement Website, as approved by Class Counsel, Defendant's Counsel, and the Court.

## 2. Settlement Relief

- 2.1. **Settlement Fund.** Subject to the terms of this Agreement, Google shall establish a Settlement Fund of \$11,000,000. Google's total financial commitment under this Agreement shall be \$11,000,000.
- 2.2. **Payments from Settlement Fund.** Google shall make the following payments from the Settlement Fund in this order:
  - (i) Notice and Administrative Costs Estimate to the Settlement Administrator, pursuant to § 4.8 below (set aside no later than 30 days following Preliminary Approval)
  - (ii) Fee, Cost, and Expense Award (pursuant to § 8)
  - (iii) Service Awards (pursuant to § 9)
  - (iv) Settlement Payments to Settlement Class Members (pursuant to § 2.4)

2.3. **Deposits to Settlement Fund.** Google shall deposit funds into the Settlement Fund as necessary to make all payments in accordance with § 2.2 above, not to exceed its total financial commitment of \$11,000,000.

2.4. **Settlement Payments to Settlement Class Members.** Except as provided in Scenario 1 (defined below), the entire Net Settlement Fund will be distributed as Settlement Payments to Settlement Class Members who submit Valid Claims.

2.4.1. **Settlement Scenarios.** Depending on the total of the Amounts Allegedly Withheld for all Valid Claims, the amount of payment to each Claimant will vary. There are three possible payment scenarios: Scenario (1) the Net Settlement Fund exceeds the full amount of all Valid Claims; Scenario (2) the Net Settlement Fund is less than the full amount of all Valid Claims, but exceeds the amount required to pay Claimants the "Adjusted Amount" (specified below) for each Claimant's "Payment Group" (defined below); or Scenario (3) the Net Settlement Fund is equal to or less than the amount required to pay Claimants the Adjusted Amount specified for each Claimant's Payment Group. The Settlement Payments to Claimants submitting Valid Claims under each scenario are discussed below.

2.4.2. **Scenario 1.** In the event that the Net Settlement Fund exceeds the total of the Amounts Allegedly Withheld for all Claimants submitting Valid Claims, Claimants submitting Valid Claims will be paid their Amount Allegedly Withheld, regardless of the Payment Group (defined below) to which they are assigned. Any remaining amount left in the Net Settlement Fund will be paid to the *Cy Pres* Recipients identified in § 1.11.

2.4.3. **Scenario 2.** In the event the Net Settlement Fund is less than the total of the Amounts Allegedly Withheld for all Claimants submitting Valid Claims, but greater than the amount needed to pay each Claimant submitting a Valid Claim his or her Adjusted Amount (specified below), Claimants submitting a Valid Claim will receive Settlement Payments of

their Adjusted Amount. The "Adjusted Amount" for each Claimant, based on the Claimant's "Payment Group" will be defined as follows:

- (i) **"Payment Group 1,"** Claimants who were bound by the 2013 Terms of Service for their country or territory and who timely sent a notice of dispute to Google. Payment Group 1 includes Claimants whose AdSense account Google disabled or terminated on any date between and including April 23, 2013 and the date the Court grants Preliminary Approval of this Settlement; whose last AdSense unpaid amounts, totaling \$10 or more, Google withheld in full in connection with such disablement or termination; and who, either according to Google's records or as demonstrated by documentary evidence deemed genuine and sufficient by the Settlement Administrator, submitted a written notice of dispute (including but not limited to an appeal) to Google within 30 days of notice from Google of such termination or disablement of, or such withholding from, their AdSense publishers' accounts. The Adjusted Amount for each Claimant in Payment Group 1 shall be 100% of the Claimant's individual Amount Allegedly Withheld;
- (ii) **"Payment Group 2,"** Claimants who were bound by the 2010 Terms and Conditions for their country or territory and who timely sent a notice of dispute to Google. Payment Group 2 includes Claimants whose AdSense account Google disabled or terminated on any date from May 20, 2010 up until and including April 22, 2013; whose last AdSense unpaid amounts, totaling \$10 or more, Google withheld in full in connection with such disablement or termination; and who, either according to Google's records or as demonstrated by

documentary evidence deemed genuine and sufficient by the Settlement Administrator, submitted a written notice of dispute (including but not limited to an appeal) to Google within 30 days of notice from Google of such termination or disablement of, or such withholding from, their AdSense publishers' accounts. The Adjusted Amount for each Claimant in Payment Group 2 shall be 50% of the Claimant's individual Amount Allegedly Withheld;

- (iii) **"Payment Group 3,"** Claimants who were bound by either the 2013 Terms of Service for their country or territory or the 2010 Terms and Conditions for their country or territory, but who did not timely send a notice of dispute to Google. Payment Group 3 includes Claimants whose AdSense account Google disabled or terminated on any date from May 20, 2010 up until and including the date on which the Court grants Preliminary Approval of this Settlement; whose last AdSense unpaid amounts, totaling \$10 or more, Google withheld in full in connection with such disablement or termination; and who did not submit a written notice of dispute (including but not limited to an appeal) that can be verified by the means set forth in §§ 2.4.3 (i-ii) to Google within 30 days of notice from Google of such termination or disablement of, or such withholding from, their AdSense publishers' accounts. The Adjusted Amount for each Claimant in Payment Group 3 shall be 30% of the Claimant's individual Amount Allegedly Withheld.
- (iv) Thus, the Adjusted Amounts would create a default ratio of recovery between the three Payment Groups of 10 / 5 / 3 for Payment Groups 1, 2, and 3, respectively.

- (v) After the Adjusted Amounts to Claimants in each Payment Group have been allocated, the remainder of the Net Settlement Fund shall be distributed to Claimants in Payment Group 2, such that all members of that Payment Group will have their Adjusted Amount evenly increased to a higher percentage until the Net Settlement Fund is exhausted or until the Adjusted Amount for Payment Group 2 reaches 100%.
- (vi) If the Adjusted Amount for Payment Group 2 reaches 100% and funds remain in the Net Settlement Fund, the remainder shall be distributed to Claimants in Payment Group 3, such that all members of that Payment Group will have their Adjusted Amount evenly increased to a higher percentage until the Net Settlement Fund is exhausted.

2.4.4. **Scenario 3.** If the total of the Adjusted Amounts for all Claimants with Valid Claims is equal to the Net Settlement Fund, Claimants with Valid Claims shall be paid their Adjusted Amounts. If the total of the Adjusted Amounts for all Claimants with Valid Claims exceeds the Net Settlement Fund, then the Adjusted Amount for each Claimant with a Valid Claim shall be the Adjusted Amount decreased to a lower percentage, on a pro-rata basis, until the total of the Adjusted Amounts equals the Net Settlement Fund. In this event, the Adjusted Amounts for each Payment Group will be reduced in a manner that maintains the 10/5/3 ratio of percentages between Payment Groups 1, 2, and 3, respectively, as specified in Section 2.4.3 (i-iii) above. To illustrate, if the total of the Adjusted Amounts for all Valid Claims were twice the Net Settlement Fund, Claimants in Payment Group 1 would receive 50% of their Amounts Allegedly Withheld, Claimants in Payment Group 2 would receive 25% of their Amounts Allegedly

Withheld, and Claimants in Payment Group 3 would receive 15% of their Amounts Allegedly Withheld.

2.4.5. **Default Payment Method.** For each Claimant, the Settlement Administrator shall, by default, provide Settlement Payments through ACH Transfer to the Claimant's bank account.

- (i) Settlement Class Members with Valid Claims who elect to receive an ACH Transfer, but fail to provide sufficient or correct information to permit such ACH Transfer, shall, after a reasonable attempt to resolve any such Settlement Payment issues, relinquish their right to Settlement Payments.

2.4.6. **Option to Change Payment Method.** Claimants may elect to change the Default Payment Method by which they receive their Settlement Payment and instead receive a physical check mailed to their address; Claimants may make this change when they complete the Claim Form on the Settlement Website. The Claim Form will request any additional payment information necessary for the Settlement Administrator to provide the Settlement Payment through the method the Claimant elects.

- (i) Settlement Class Members who elect to receive a physical check shall have 90 days from its date within which to cash that check.

2.4.7. **Minimum Payment.** Notwithstanding §§ 2.4.1–2.4.4 above, no Settlement Payment shall be made to a Claimant who has elected to receive a physical check instead of an ACH Transfer if the total amount of that Settlement Payment would be less than \$3.00. Any such monies shall be distributed to other Claimants (those who either elected to receive an ACH Transfer or who elected to receive a physical check, but



whose claims exceed \$3.00) on a *pro rata* basis (in accordance with §§ 2.4.3 and 2.4.4 above).

2.5. **Distribution of Residual Funds.** If, after the process outlined in § 2.4 above is completed, additional funds remain in the Net Settlement Fund, these funds, together with any funds from failed ACH Transfers and uncleared physical checks, shall be distributed as Residual Settlement Payments, as follows:

2.5.1 **Failed ACH Transfers and Uncleared Checks.** If 100% of the Net Settlement Fund is initially distributed to Claimants, any funds from failed ACH Transfers and uncleared physical checks shall be returned to the Net Settlement Fund and redistributed to Settlement Class Members for whom ACH Transfers were successful on a *pro rata* basis in accordance with § 2.4 above. Notwithstanding this provision, no Settlement Payment shall be made to a Settlement Class Member under this section if the Settlement Class Member has already received 100% of the amount due for a Valid Claim pursuant to § 2.4.1– 2.4.4 above, or if the amount of this payment would be less than \$3.00 and the Claimant has elected to receive a physical check instead of an ACH Transfer. Any remaining funds, after completion of this process, shall be distributed to the *Cy Pres* Recipients.

2.5.2 If less than 100% of the Net Settlement Fund is initially distributed to Claimants, any funds from failed ACH Transfers and uncleared physical checks shall be distributed to the *Cy Pres* Recipients.

2.6. **Timing of Payment.** Settlement Payments from the Net Settlement Fund shall be distributed to Claimants within 30 days following the Effective Date. Residual Settlement Payments from the Net Settlement Fund shall be distributed in accordance with § 2.5 above within 120 days following the Distribution Date.

### 3. Claims Process

3.1. **Claim Form.** Each Settlement Class Member shall be entitled to submit a Claim for Settlement Payment as described in this section.

3.1.1. The Claim Form will be available on the Settlement Website and may be completed and submitted online or in hard copy sent by postal mail or facsimile to the Settlement Administrator.

3.1.2. The Claim Form shall, among other terms: require the Settlement Class Member to attest that he or she did not intentionally violate Google's policies or intentionally cause invalid clicks with regard to the funds that Google withheld in connection with termination or disablement of the Settlement Class Member's AdSense account; ask the Settlement Class Member to advise as to whether he or she submitted a written notice of dispute (including but not limited to an appeal) within 30 days of notice from Google of termination or disablement of, or withholding in connection with termination or disablement of, the Claimant's AdSense publisher's account; invite the Settlement Class Member to attach whatever evidence, if any, of having submitted such a timely notice of dispute (including, but not limited to, a copy of such notice) that the Class Member would like the Settlement Administrator to consider; advise the Settlement Class Member that if he or she does not attach any evidence of having timely submitted a notice of dispute, the Settlement Administrator will rely solely on Google's records to make the determination as to whether the Settlement Class Member submitted such notice; and require Settlement Class Members to affirm under penalty of perjury that the information they submit is, to the best of their knowledge, true and correct.

3.2. **Deadline to File Claims.** The Claims Deadline shall be 60 days after the Notice Date. To be considered timely, all Claims Forms must be submitted on the Settlement Website or mailed or faxed to the Settlement Administrator by the

Claims Deadline, which shall be clearly stated in the Notice and on the Claim Form.

3.2.1. For Claim Forms submitted electronically on the Settlement Website, the deadline is 11:59 p.m. PST on the Claims Deadline.

3.2.2. For Claim Forms mailed or transmitted via facsimile to the Settlement Administrator, the Claims Form must be postmarked by the Claims Deadline or faxed by 11:59 p.m. PST on the Claims Deadline.

3.3. **Claims Review.** The Settlement Administrator shall review all Claims to determine their validity and to which Payment Group, as defined in § 2.4.3 above, each Claimant belongs. The Settlement Administrator shall reject any Claim that does not comply in any material respect with the instructions on the Claim Form; is not submitted by a Settlement Class Member; is a duplicate of another Claim; is a fraudulent Claim; or is submitted after the Claims Deadline. The Settlement Administrator shall first attempt to determine whether a Settlement Class Member timely submitted a written notice of dispute (including but not limited to an appeal) to Google regarding Google's termination or disablement of, or withholding in connection with such termination or disablement of, the Settlement Class Member's AdSense account based on Google's own records of such written notice of dispute, which Google shall provide to the Settlement Administrator when it provides data regarding the unpaid amounts for each claimant per § 3.7 below, in the form of a table or chart indicating which Settlement Class Members submitted a written notice of dispute and which did not, and, second, if the Settlement Class Member has submitted a copy of the claimed notice of dispute, by reasonably attempting to confirm the authenticity and validity of that claimed notice, including by potential consultation with Google. The decision of the Settlement Administrator shall be final as to the validity of any claim of timely written notice of dispute, and as to the determination of the Payment Group into which the Settlement Class Member's Claim shall be placed.

Finally, the Settlement Administrator shall cross-reference Claims against a list of Settlement Class Members provided by Google. Google, in consultation with Class Counsel, may, but is not obligated to, verify the Settlement Administrator's determinations on the validity of a Claim. However, the Settlement Administrator's determination as to the validity of a claim shall be final, subject to § 3.6 below.

- 3.4. **Curable Deficiencies.** Notwithstanding § 3.3 above, prior to the rejection of a Claim Form, the Settlement Administrator shall communicate with the person or entity who submitted the Claim in an effort to remedy any curable deficiencies in the Claim Form.
- 3.5. **Notification of Rejected Claims.** Following any effort to resolve any curable deficiencies, the Settlement Administrator shall promptly notify all Rejected Claimants whose Claim Forms the Settlement Administrator proposes to reject, in whole or in part, and provide its reasons.
  - 3.5.1. If the Claim Form was submitted online, the Rejected Claimant shall be notified by email at the email address provided.
  - 3.5.2. If the Claim Form was submitted by postal mail or facsimile, the Rejected Claimant shall be notified by email if the Settlement Class Member has provided an email address, or, if not, by postal mail at the physical address provided.
- 3.6. **Claims Disputes and Inquiries.** The Settlement Administrator shall notify Class Counsel and Defendant's Counsel of any disputes regarding the rejection of a Claim. Class Counsel and Defendant's Counsel may review any Claims rejected by the Settlement Administrator. If Class Counsel and Defendant's Counsel agree that a Claim was improperly rejected, the Claim shall be deemed valid and paid. If Class Counsel and Defendant's Counsel do not agree as to whether a Claim was improperly rejected, the decision of the Settlement Administrator shall be final. Further, in response to an inquiry from, or dispute by, a Claimant

after the Claimant received a Settlement Payment, the Settlement Administrator may advise such Claimant of the unpaid-amount sum it used to calculate the Claimant's Settlement Payment.

3.7. **Claims Processing.** As soon as reasonably possible after the Claims Deadline, after all Claims have been processed to determine their validity, the Settlement Administrator will provide Class Counsel and Defendant's Counsel with a list of Claimants with Valid Claims and a list of all Claims it deems invalid or untimely. Within ten (10) business days of receiving the list of Claimants with Valid Claims from the Settlement Administrator, Google shall provide to the Settlement Administrator all other data reasonably necessary to administer the Claims process, including a table or chart indicating which Settlement Class Members submitted a written notice of dispute and which did not, and data regarding the Amount Allegedly Withheld from each Claimant's account. The Settlement Administrator will use this data to determine into which Payment Group each Claimant belongs.

3.8. **Reporting and Claims Database.** As soon as reasonably possible after receiving data regarding the Amount Allegedly Withheld from each Claimant's AdSense account, the Settlement Administrator will provide Class Counsel and Defendant's Counsel the total number of Claimants in each Payment Group, the total Amount Allegedly Withheld for each Payment Group, and its best estimate of the Adjusted Amount for each Payment Group. The Settlement Administrator will maintain a database of Claims, which will include all relevant information captured from Claimants' Claim Forms.

#### **4. Notice and Administration**

4.1. **Notice to the Settlement Class.** Direct Notice of the Settlement will be made to Settlement Class Members as set forth below.

4.1.1. Notice shall be completed as soon as reasonably practicable, but no later than 60 days following entry of the Preliminary Approval order.

4.1.2. Notice shall be conducted in accordance with the Notice Plan. The content of all forms of Notice, as specified in §§ 4.2—4.6 below, will be jointly agreed to by the Parties.

4.1.3. Within five (5) business days following entry of the Preliminary Approval Order, Google shall provide to the Settlement Administrator a list of all Settlement Class Members, as well as their contact information (including both email and physical addresses as available) as reflected in Google's current records.

4.1.4. All Notice and Administrative Costs shall be paid from the Settlement Fund.

4.2. **Direct Email Notice.** Within five (5) days of receiving Settlement Class Members' contact information from Google, as specified in § 4.1.3 above, the Settlement Administrator shall email Notice of the Settlement to all Settlement Class Members for which it has email addresses.

4.2.1. The Email Notice will provide a link to a Claim Form where the Settlement Class Member can submit a Claim; will provide a link to the Settlement Website; and will list contact information for the Settlement Administrator.

4.2.2. The Email Notice will be sent to the most current email address listed in the Settlement Class Member's AdSense account.

4.2.3. The Settlement Administrator will monitor the Email Notice process and optimize the delivery of the Email Notice to maximize the distribution of the Email Notice.

4.2.4. For Email Notices sent to Settlement Class Members that the Settlement Administrator can reasonably determine were not opened, the Settlement Administrator will send one additional Email Notice to such Settlement Class Members prior to the Supplemental Postcard Notice provision below (*see* § 4.3).

- 4.3 **Supplemental Postcard Notice.** Within 14 days after the Email Notices in § 4.2 above have been completed, the Settlement Administrator will mail Supplemental Postcard Notice to all Settlement Class Members to whom Email Notice bounced (as reasonably determined by the Settlement Administrator) and for whom a physical address is available. The Postcard Notice will include the Settlement Website and contact information for the Settlement Administrator.
- 4.3.1. The Supplemental Postcard Notice will be mailed to the physical address listed in the Settlement Class Member's AdSense billing profile, per Google's current records.
- 4.4 **Website Notice.** Within five (5) business days of entry of the Preliminary Approval order, the Settlement Administrator will post the Website Notice in a user-accessible format on the Settlement Website.
- 4.4.1. Class Counsel, Defendant's Counsel, and the Settlement Administrator will jointly select the domain name for the Settlement Website.
- 4.4.2. The Settlement Website will include the Claims Form and Opt-Out Form; answers to frequently asked questions; a list of important deadlines; and case documents. Defendant's Counsel and Class Counsel must agree to any additions or revisions to the Settlement Website design or content.
- 4.4.3. The Settlement Website will remain active for at least 90 days following the Effective Date of the Settlement. However, the Settlement Administrator will disable online submissions through the Claim Form and the Opt-Out Form immediately following the Claims Deadline and the Objection and Exclusion Deadline.
- 4.5 **Press Release.** Within two (2) business days of entry of the Preliminary Approval order, Class Counsel will issue a Press Release, which Defendant's Counsel will have the opportunity to review and reasonably approve prior to publication,

providing Notice of the Settlement, a link to the Settlement Website, and contact information for the Settlement Administrator.

4.5.1. The Press Release will be issued through PR Newswire's US1 commercial newswire service and will also be posted on the Settlement Website and Class Counsel's website.

4.6 **Supplemental Digital Notice.** In the unlikely event that the Settlement Administrator determines that less than 72% of the Settlement Class is contacted through dissemination of the Direct Email Notice, the Supplemental Postcard Notice, the Website Notice, and the Press Release, then, within twenty-one (21) days after the Supplemental Postcard Notice in § 4.3 above has been completed, the Settlement Administrator will provide Supplemental Digital Notice to Settlement Class Members.

4.6.1. The Supplemental Digital Notice would include digital advertisements using programmatic purchasing, using an advertising network to be jointly agreed to by the Parties, to reach Settlement Class Members.

4.7 **CAFA Notice.** Not later than 10 days after this Settlement Agreement is filed with the Court, the Settlement Administrator, at Defendant's direction, shall serve notice of the Settlement and other required documents upon relevant government officials in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S. § 1715. Prior to the Preliminary Approval hearing, the Settlement Administrator shall provide proof of service of such notice for filing with the Court.

4.8 **Settlement Administrator.** The Settlement Administrator shall help implement the terms of the Settlement Agreement. The Settlement Administrator shall be responsible for:

- (a) Establishing, designing, and maintaining the Settlement Website;
- (b) Disseminating Notice, including Direct Email Notice, Supplemental Postcard Notice, Website Notice, Supplemental Digital Notice, as



needed, and CAFA Notice, in accordance with this Agreement, the Notice Plan, and the Court's orders;

- (c) Monitoring and responding to inquiries from Settlement Class Members in a timely fashion and, where necessary, forwarding such written inquiries to Class Counsel;
- (d) Accurately and objectively describing the terms of the Agreement in communications with Settlement Class Members, including training its employees and agents accordingly;
- (e) Receiving and compiling Opt-Out Forms and any other correspondence requesting exclusion from the Settlement;
- (f) Receiving and processing Claims, including by maintaining a database of Claims, and distributing Settlement Payments to Settlement Class Members;
- (g) Providing periodic reports on Claims, Objections, Opt-Out Forms and any other requests for exclusion from the Settlement, and any other such information that may be reasonably requested by Class Counsel and Defendant's Counsel;
- (h) Preparing a declaration attesting to compliance with the Notice requirements in this Agreement and providing such declaration to Class Counsel and Defendant's Counsel;
- (i) Seeking further clarification or authorization from Class Counsel and Defendant's Counsel when necessary for performance of its duties and the expenditure of cash from the Settlement Fund; and
- (j) Otherwise assisting with implementation and administration of the terms of this Settlement Agreement.

4.9 **Administrative Costs Estimate.** The Parties will obtain from the Settlement Administrator its best estimate of such anticipated administrative costs, which shall then be set aside from the Settlement Fund.

## 5. Objections and Exclusions

5.1. **Objections.** Any Settlement Class Member who has not submitted a timely written Opt-Out Form and who wishes to object to the fairness, reasonableness, or adequacy of the Settlement, the Fee and Expense Award, or the Service Awards must comply with the following requirements:

5.1.1. **Content of Objections.** All Objections and supporting papers must be in writing and must:

- (a) Clearly identify the case name and number, *Free Range Content, Inc. v. Google LLC.*, No. 5:14-cv-02329-BLF;
- (b) Include the full name, address, telephone number, email address, and AdSense publisher identification number (if known) associated with the Google AdSense account of the person or entity objecting;
- (c) Include the full name, address, telephone number, and email address of the Objector's counsel (if the Objector is represented by counsel);
- (d) Provide a detailed explanation stating the specific reasons for the Objection, including any legal and factual support and any evidence in support of the Objection;
- (e) State the total number of times the Objector, and, if the Objector is represented by counsel, the Objector's Counsel, has objected to any class action settlement in any state or federal court in the United States within the last 5 years; provide a list of each such objection with the case name, court, and case number; and provide the outcome or disposition of each such objection (*i.e.*, whether it was sustained or overruled in whole or part), including whether the Objector was paid any sum of money in connection with, or as a result of, the objection or any appeal; and
- (f) Be verified by an accompanying declaration submitted under penalty of perjury or a sworn affidavit.

5.1.2. **Submission of Objections.** Any comments or Objections from Settlement Class Members regarding the proposed Settlement Agreement must be submitted in writing. If a Settlement Class Member does not submit a timely written Objection, or if the Settlement Class Member does not request participation in the Final Fairness Hearing, the Settlement Class Member will not be able to participate in the Final Fairness Hearing. A Settlement Class Member may submit comments or Objections online to the Settlement Website or by mail to the address provided in the Notice and on the Settlement Website, referencing *Free Range Content, Inc. v. Google LLC*, Case No. 5:14-CV-02329.

5.1.3. **Deadline for Objections.** Objections must be submitted by the Objection and Exclusion Deadline, which is 60 days after the Notice Date.

- (a) If submitted through the Settlement Website, Objections must be submitted on this date by 11:59 p.m. PST.
- (b) If submitted by postal mail, Objections must be postmarked by the Objection and Exclusion Deadline. The date of the postmark on the envelope containing the written statement objecting to the Settlement shall be the exclusive means used to determine whether an Objection and/or intention to appear has been timely submitted. In the event a postmark is illegible, the date of mailing shall be deemed to be three days prior to the date that the Settlement Administrator received a copy of the Objection.
- (c) Settlement Class Members who fail to submit timely written Objections in the manner specified above shall be deemed to have waived any objections and shall be forever barred from making any objection to the Agreement and the proposed Settlement by appearing at the Final Fairness Hearing, appeal, collateral attack, or otherwise.

5.1.4. **Attendance at Final Fairness Hearing.** Any Objector who timely submits an Objection has the option to appear and request to be heard at the Final Fairness Hearing, either in person or through the Objector's counsel. Any Objector wishing to appear and be heard at the Final Fairness Hearing must include a Notice of Intention to Appear in the body of the Objector's Objection. Objectors who fail to submit or include this Notice of Intention to Appear may not speak at the Final Fairness Hearing without permission of the Court.

5.1.5. **Objectors' Attorneys' Fees and Costs.** If an Objector makes an Objection through an attorney, the Objector shall be solely responsible for the Objector's attorneys' fees and costs.

5.1.6. **Court Approval for Payments to Objectors.** Unless approved by the Court after a hearing, no payment or other consideration may be provided to an Objector or an Objector's counsel in connection with foregoing or withdrawing an Objection or foregoing, dismissing, or abandoning an appeal from a judgment approving the Settlement, Service Awards, or the Fee and Expense Award.

5.1.7. **No Solicitation of Settlement Objections.** At no time shall any of the Parties or their counsel seek to solicit or otherwise encourage Settlement Class Members to submit written Objections to the Settlement or encourage an appeal from the Court's Final Approval Order.

5.2. **Requests for Exclusion.** The Notice shall advise all Settlement Class Members of their right to exclude themselves from the Settlement. This Settlement Agreement will not bind Settlement Class Members who opt-out of the Settlement.

5.2.1. **How to Opt-Out.** To request to be excluded from the Settlement, Settlement Class Members must timely submit a completed Opt-Out

Form. This Opt-Out Form may be completed electronically on the Settlement Website or timely faxed or sent by postal mail to the Settlement Administrator.

5.2.2. **Deadline to Opt-Out.** To be excluded from the Settlement, the Opt-Out Form must be completed by the Objection and Exclusion Deadline, which is 60 days after the Notice Date.

(i) If submitted electronically, the Opt-Out Form must be submitted no later than 11:59 p.m. PST on or before the Objection and Exclusion Deadline.

(ii) If submitted by facsimile or postal mail, the Opt-Out Form must be date-and-time-stamped, or postmarked, no later than the Objection and Exclusion Deadline. The Settlement Class Member must pay for Postage.

5.2.3. **Effect of Opt-Out.** Any person or entity who falls within the definition of the Settlement Class and who validly and timely requests exclusion from the Settlement shall not be a Settlement Class Member; shall not be bound by the Settlement Agreement; shall not be eligible to make a Claim for any benefit under the terms of the Settlement Agreement; and shall not be entitled to submit an Objection to the Settlement.

5.2.4. **Exclusion List.** No later than 7 days after the Objection and Exclusion Deadline, the Settlement Administrator shall provide Class Counsel and Defendant's Counsel with a list of all persons and entities who have timely and validly excluded themselves from the Settlement. The Exclusion List shall be filed with the Court as part of the Motion for Final Approval.

5.2.5. **Termination Clause.** If the Amount Allegedly Withheld from the Settlement Class Members requesting exclusion, in the aggregate, exceeds a sum agreed-to by the Parties in a Confidential Supplemental Settlement Agreement, then Google may, in its sole discretion, notify

Class Counsel in writing that it has elected to terminate this Settlement Agreement. Such notification of intent to terminate the Settlement Agreement must be provided a minimum of 7 days before the filing deadline for the motion seeking Final Approval. If this Settlement Agreement is terminated, it will be deemed null and void *ab initio* and § 7.5 below will apply. This confidential opt-out figure shall be communicated to the Court by the Parties via a sealed writing, in order to help discourage manipulation of the Settlement.

## 6. Releases

- 6.1. **No Admission of Liability.** This Settlement Agreement is made in compromise of a dispute. Neither the Agreement nor anything that the Parties stated or did during the negotiation of the Agreement shall be construed or used in any manner as an admission of liability or evidence of either party's fault, liability, or wrongdoing. Google expressly denies any liability or wrongdoing whatsoever.
- 6.2. **Named Plaintiffs' and Settlement Class Members' Release.** Upon the Effective Date of this Agreement, all the Named Plaintiffs and Releasing Class Members shall release, forever discharge, will not in any manner pursue this Action, and shall be forever barred from asserting, instituting, or maintaining against the Releasees, any and all Released Claims, as defined in § 1.34 of this Agreement.
- 6.3. **Release of Unknown Claims.** Releasing Named Plaintiffs and Releasing Class Members fully understand that the facts on which this Settlement Agreement is executed may be different from the facts now believed by Releasing Named Plaintiffs, Releasing Class Members, and their Counsel to be true. Releasing Named Plaintiffs and Releasing Class Members expressly accept and assume the risk of this possible difference in facts and agree that this Settlement Agreement remains effective despite any difference in facts. Releasing Named Plaintiffs and Releasing Class Members further agree that this waiver is an

essential and material term of this release and the Settlement that underlies it and that without such waiver the Settlement would not have been agreed to.

- 6.4. **Waiver of California Civil Code § 1542.** Releasing Named Plaintiffs and Releasing Class Members expressly waive and relinquish, to the fullest extent permitted by law, the provisions, rights, and benefits of California Civil Code § 1542, or any other similar provision under federal or state law. Releasing Named Plaintiffs and Releasing Class Members understand that California Civil Code § 1542 states:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

- 6.5. **Enforcement.** The Named Plaintiffs' and Settlement Class Members' Release shall not bar a claim, complaint, action, or proceeding for breach of this Settlement Agreement, for which the Court shall retain jurisdiction to resolve and enforce.

## 7. Court Approval of the Settlement

- 7.1. **Cooperation to Obtain Court Approval.** The Parties will jointly take all reasonable steps necessary to secure the Court's approval of this Settlement. Class Counsel will draft and file the motions for Preliminary Approval and Final Approval. Defendant's Counsel will be provided with advance copies of these papers approximately 5 calendar days prior to filing, and may join the motions or file separate briefs in support of Preliminary and Final Approval of the Settlement.
- 7.2. **Settlement Class.** The Parties agree that, for purposes of this Settlement, this Action should be certified and proceed as a class action under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes only. Class Counsel shall serve as counsel for the Settlement Class.

7.3. **Preliminary Approval.** Within 30 days after the execution of this Agreement, Plaintiffs, in consultation with Defendant, shall move the Court for an order seeking:

- (a) Certification of the Settlement Class and appointment of the Class Representatives and Class Counsel;
- (b) Preliminary Approval of the Settlement, approving the terms of this Agreement as fair, reasonable, and adequate and in the best interest of Settlement Class Members;
- (c) Approval of the Notice, including the form, manner, and content of the Direct Email Notice, Supplemental Postcard Notice, and Website Notice; and
- (d) Placement of the Final Fairness Hearing on the Court's calendar, with the hearing being set approximately 150 days after entry of Preliminary Approval, subject to the Court's availability.

7.4. **Final Approval.** At least 14 days prior to the Final Fairness Hearing, Plaintiffs, in consultation with Defendant, shall move the Court for the Final Approval Order seeking:

- (a) Final Approval of the Settlement, approving the terms of this Settlement to be fair, reasonable, and adequate and in the best interest of Settlement Class Members;
- (b) A finding that the Notice complied with the Settlement Agreement, all applicable law, and due process;
- (c) Distribution of the Settlement Fund and approval of the Settlement Payments and Residual Settlement Payments; and
- (d) Dismissal of the Action and entry of a Final Approval Order.



7.5. **Effect If Settlement Not Approved.** The Settlement Agreement is being entered into for settlement purposes only. If the Court does not grant Preliminary Approval, does not grant Final Approval, or if the Effective Date does not occur, this Settlement Agreement will be deemed null and void *ab initio*. In that event:

- (a) The Preliminary Approval Order and the Final Approval Order, to the extent they have been entered by the Court, will be vacated by operation of law;
- (b) The Parties will be restored to their respective positions immediately preceding execution of the Agreement, and any intervening Court rulings or decisions shall be vacated;
- (c) No term or condition of the Agreement, or any draft thereof, or any discussion, negotiation, documentation, or other part or aspect of the Parties' settlement discussions shall have any effect; nor shall any such matter be admissible in evidence for any purpose in the Action or any other proceeding; nor shall any such matter be used in the Action for any purpose whatsoever;
- (d) Google will retain all of its rights to object to any attempt by Plaintiffs to reference, cite to, or rely upon, in any way, the Agreement or any factual or legal statement or conclusion within it, including as to the feasibility of the maintenance of the Action as a class action.

7.6. **Modifications Suggested by the Court.** If the Court suggests any modifications to the Agreement or conditions either Preliminary Approval or Final Approval on modifications to the Agreement, the Parties shall, working in good faith and consistent with the Agreement, endeavor to cure any such deficiencies identified by the Court. However, the Parties shall not be obligated to make any additions or modifications to the Agreement that would affect the benefits provided to Settlement Class Members, or the cost to or burden on

Defendant, the content or extent of Notices required to Settlement Class Members, or the scope of any of the releases contemplated in this Agreement. If the Court orders or proposes such additions or modifications, the Parties will each have the right to terminate the Settlement Agreement within 7 days from the date of the Court's order or proposal. If either Party elects to terminate the Settlement Agreement pursuant to this section, the Agreement will be deemed null and void *ab initio* and the provisions of § 7.5 will apply.

- 7.7. Notwithstanding the foregoing, the Parties will not be entitled to terminate this Settlement Agreement based on any order relating to Class Counsel's anticipated motion for a Fee and Expense Award or to Plaintiffs' anticipated motion for Service Awards to the Named Plaintiffs, nor any appeal from such order or reversal or modification thereof.

#### **8. Class Counsel's Fees, Costs, and Expenses**

- 8.1. **Fee, Cost, and Expense Award.** Class Counsel will file a motion with the Court seeking a portion of the Settlement Fund as payment of their reasonable attorneys' fees, as well as reimbursement of actual costs and expenses, including experts and consultants, incurred in connection with prosecuting this Action. Google expressly reserves the right to oppose the motion seeking a Fee, Cost, and Expense Award for any reason, at its discretion.
- 8.2. **Disclosure of Amounts Sought.** In its Motion for Preliminary Approval of the Settlement and supporting papers, Class Counsel will provide the maximum amount of the Settlement Fund it will seek from the Court as attorneys' fees, as well as the total amount of costs and expenses (or best estimates for costs and expenses not yet charged) for which it will seek reimbursement. On or before the Notice Date, these amounts will also be disclosed in the Settlement Notice, which shall be posted on the Settlement Website.
- 8.3. **Motion for Attorneys' Fees, Costs, and Expenses.** At least 30 days prior to the Objection and Exclusion Deadline, Class Counsel will file a motion for

award of attorneys' fees, costs, and expenses. Class Counsel's motion for attorneys' fees, costs, and expenses will also be posted on the Settlement Website.

- 8.4. **Timing of Payment.** If awarded by the Court, the Fee, Cost, and Expense Award shall be payable from the Settlement Fund within 30 days after the date of entry of the Final Approval Order, notwithstanding the existence of any Objections, pending or forthcoming appeals, or collateral attack on the Settlement, the Fee, Cost, and Expense Award, or the Service Awards. At least 30 days prior to payment of the Fee, Cost, and Expense Award, Class Counsel shall furnish Defendant's Counsel with all necessary payment and routing information to facilitate the transfer.
- 8.5. **Clawback of Fee, Cost, and Expense Award.** If the Final Approval Order is vacated, overturned, reversed, or rendered void or unenforceable as a result of an appeal, or if the Settlement Agreement is voided, rescinded, or otherwise terminated, then Class Counsel shall, within 30 days, repay to Google the Fee, Cost, and Expense Award it received, plus interest Class Counsel earned on that amount, if any. For avoidance of doubt, Class Counsel shall have no obligation under any circumstances to reimburse Google for any sums Google pays to, or that are billed by, the Settlement Administrator for Settlement administration, Notice, or any other reason.
- 8.6. **Partial Repayment.** If the Fee, Cost, and Expense Award is reduced on appeal, but all other terms of the Settlement Agreement remain in full effect, Class Counsel shall only repay the portion of the Fee, Cost, and Expense Award by which it is reduced. This partial repayment of the Fee, Cost, and Expense Award shall be applied to the Net Settlement Fund and distributed in accordance with the terms of this Settlement Agreement. For avoidance of doubt, Class Counsel shall have no obligation under any circumstances to reimburse Google for any sums Google pays

to, or that are billed by, the Settlement Administrator for settlement administration, notice, or any other reason.

8.7. **Letter Agreement.** As a condition precedent to Google's obligation to pay the Fee, Cost, and Expense Award per the timing set forth in § 8.4, Class Counsel shall deliver to Google's Counsel a letter agreement executed by the law firm of Hagens Berman Sobol Shapiro LLP, acknowledging and agreeing to its obligations under this § 8 and agreeing to the jurisdiction of the Court for the purpose of enforcing this § 8.

8.8. **Distribution of Fee, Cost, and Expense Award.** Class Counsel shall have sole responsibility and discretion to distribute the Fee, Cost, and Expense Award to any other attorney or law firm that may claim they are owed attorneys' fees, costs, or expenses under the terms of this Settlement.

## 9. Service Awards

9.1. **Generally.** Class Counsel will seek Service Awards for each Class Representative in consideration for their service during the course of the Action and commensurate with their participation in the Action.

9.2. **Amount of Service Awards.** Any Service Awards are subject to the approval of the Court and shall not exceed \$5,000 per Class Representative. Any such Service Awards are separate and apart from any Settlement Payments the Class Representatives may receive as a result of submitting Claims as Settlement Class Members.

9.3. **Motion for Service Awards.** Class Counsel will provide the specific amounts it will seek in Service Awards for the Class Representatives at the same time it files its motion for attorneys' fees and expenses. This request for Service Awards will be filed at least 30 days prior to the Objection and Exclusion Deadline. It will also be posted on the Settlement Website.

9.4. **No Condition of Support.** Each Class Representative shall receive any Service Award they are awarded by the Court, irrespective of whether they support the terms of the Settlement.

9.5. **Payment of Service Awards.** If awarded by the Court, the Service Awards shall be payable from the Settlement Fund 30 days after the Effective Date of the Settlement. At least 30 days prior to payment of the Service Awards, Class Counsel shall furnish Defendant's Counsel with all necessary payment, routing, and tax information for the Class Representatives to facilitate the transfer.

#### **10. Miscellaneous Terms**

10.1. **Construction and Interpretation.** The following additional terms shall govern the construction and interpretation of this Agreement.

10.1.1. **Knowledge and Advice of Counsel.** Each party enters into the Settlement Agreement with the opportunity to seek the advice of counsel, and executes and delivers the Settlement Agreement being fully informed as to its terms, content, and effect.

10.1.2. **Entire Agreement.** The Agreement and attached exhibits set forth all terms agreed to by the Parties and supersede all previous or contemporaneous agreements between the Parties relating to the Agreement's subject matter. In entering into the Settlement Agreement, no Party has relied on, and no Party will have any right or remedy based on, any statement, representation, or warranty, whether made negligently or innocently, except those expressly set forth in the Agreement.

10.1.3. **No Construction Against Any Party.** The terms of the Settlement Agreement have been negotiated at arm's-length among knowledgeable parties represented by experienced counsel. The Parties agree that the normal rule of construction that any ambiguity in

a document is construed against the drafting party shall not apply to the interpretation or enforcement of the Settlement Agreement, as the Parties each participated in the drafting of the Settlement Agreement.

10.1.4. **Headings and Captions.** The headings and captions of sections in the Settlement Agreement are inserted for convenience, reference, and identification purposes only, and shall not control, define, limit, or affect any provisions of the Agreement.

10.1.5. **Severability.** If any term or part of a term of the Settlement Agreement is found to be invalid, illegal, or unenforceable, the rest of the Agreement will remain in effect.

10.2. **Specific Prohibitions.** The following specific prohibitions shall apply to the Settlement Agreement as follows:

10.2.1. **No Assignment.** The Settlement Agreement, including any of the rights and duties of each party under the Agreement, may not be assigned without prior written approval by the other party.

10.2.2. **No Waiver.** Neither party will be treated as having waived any rights or privileges, including attorney-client privilege, as the result of the Settlement Agreement. Additionally, a waiver of any breach of the Settlement Agreement by any party shall not be deemed to be a waiver by any party of any other breach of the Agreement.

10.2.3. **No Third-Party Beneficiaries.** The Settlement Agreement does not confer any benefits on any third party.

10.3. **Execution in Counterparts.** The Parties may execute the Settlement Agreement in counterparts, including PDF, facsimile, and any other electronic means, which, taken together, will constitute one instrument.


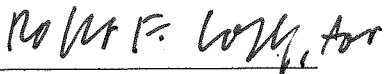
10.4. **Amendments.** Any amendment must be in writing, signed by Class Counsel and Defendant's Counsel, and expressly state that it is amending the Settlement Agreement.

10.5. **Governing Law.** All claims arising out of or relating to the Settlement Agreement will be governed by the laws of the State of California, without regard to, or application of, California's conflict of law rules.

10.6. **Enforcement and Jurisdiction.** The Court shall retain exclusive jurisdiction to enforce, interpret, and implement the Settlement Agreement, including any alleged violations, any disputes, and the terms of any order entered pursuant to this Agreement.

SIGNATORIES

IN WITNESS WHEREOF, each of the Parties hereto has reviewed and approved this Agreement and has caused this Agreement to be executed on its behalf by its duly authorized counsel of record or representative.

<p><b>DEFENDANT GOOGLE LLC</b></p> <p>AGREED TO: </p> <p>COOLEY LLP BY JEFFREY M. GUTKIN</p> <p>DATE: <u>3/1/18</u></p> <p><i>Attorneys for Defendant Google LLC, as authorized and on behalf of Defendant Google LLC</i></p>	<p><b>PLAINTIFFS FREE RANGE CONTENT, INC., COCONUT ISLAND SOFTWARE, INC., TAYLOR CHOSE, AND MATTHEW SIMPSON</b></p> <p>AGREED TO: </p> <p>HAGENS BERMAN SOBOL SHAPIRO LLP BY STEVE W. BERMAN</p> <p>DATE: <u>March 1, 2018</u></p> <p><i>Attorneys for Plaintiffs and the Proposed Settlement Class</i></p>
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# Exhibit B



HAGENS BERMAN



EXPERIENCE.  
INNOVATION.  
RESULTS.





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

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## INTRODUCTION

# The Firm

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

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

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

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

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

**A NATIONWIDE REACH.** The scope of our practice is truly nationwide. We have flourished through our network of offices in ten cities across the United States, including Seattle, Boston, Chicago, Los Angeles, New York, Phoenix, San Francisco, San Diego and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona and Illinois.

**INTRODUCTION**

# Locations

**SEATTLE**

1918 8th Avenue, Suite 3300  
Seattle, WA 98101  
(206) 623-7292 phone  
(206) 623-0594 fax

**BOSTON**

55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
(617) 482-3700 phone  
(617) 482-3003 fax

**BOSTON, NEWTON CENTRE**

1280 Centre Street, Suite 230  
Newton Centre, MA 02459  
(617) 641-9550 phone  
(617) 641-9551 fax

**CHICAGO**

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

**LOS ANGELES**

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

**NEW YORK**

555 Fifth Avenue, Suite 1700  
New York, NY 10017  
(212) 752-5455 phone  
(917) 210-3980 fax

**PHOENIX**

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

**SAN DIEGO**

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

**SAN FRANCISCO**

715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
(510) 725-3000 phone  
(510) 725-3001 fax

**WASHINGTON, D.C.**

1701 Pennsylvania Ave. NW, Suite 200  
Washington, D.C. 20006  
(202) 248-5403 phone  
(202) 580-6559 fax

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

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

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

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

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

– Associated Press

## Elite Trial Lawyers

*The National Law Journal*

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

*The National Law Journal*

## Most Feared Plaintiffs Firms

*Law360*

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

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

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

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

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

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



## VISA-MASTERCARD ANTITRUST LITIGATION

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

## E-BOOKS ANTITRUST LITIGATION

Hagens Berman secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

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

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206B**.

## TOYOTA UNINTENDED ACCELERATION LITIGATION

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

## MCKESSON DRUG LITIGATION

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

## DRAM ANTITRUST LITIGATION

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

## AVERAGE WHOLESAL PRICE DRUG LITIGATION

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

## CHARLES SCHWAB SECURITIES LITIGATION

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

## ENRON ERISA LITIGATION

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



# Practice Areas

## PRACTICE AREAS

# Antitrust

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

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

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

### > **Visa/MasterCard**

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

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

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

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

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

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

### > **Apple E-books**

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

**RESULT:** \$560 million total settlements.

## PRACTICE AREAS

# Antitrust

### > Animation Workers Antitrust

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

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

### > TFT LCDs

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

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

### > DRAM

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

**RESULT:** \$375 million settlement.

### > Optical Disk Drives

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

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

### > Lithium Ion Batteries

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

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

### > AC Nielsen

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

**RESULT:** \$55 million settlement.

### > Dairy Products

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

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

### > Toys "R" Us Baby Products

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

**RESULT:** \$35.5 million settlement.

## PRACTICE AREAS

# Antitrust

### > EA Madden

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

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

### > Resistors Antitrust Litigation

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

### > Nespresso

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

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

## PRACTICE AREAS

# Automotive - Non-Emissions Cases

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

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

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

### › General Motors Ignition Switch Litigation

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

### › Toyota Sudden, Unintended Acceleration Litigation

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

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

### › MyFord Touch

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

### › Nissan Quest Accelerator Litigation

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

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

### › Hyundai Kia MPG

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

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

**PRACTICE AREAS**

## Automotive - Non-Emissions Cases

**> Honda and Acura HandsFreeLink Defect**

The firm represents owners of Honda and Acura vehicles equipped with the HandsFreeLink Bluetooth phone-pairing system, alleging that it contains a battery-draining defect that has plagued vehicle owners for more than a decade.

**> BMW i3 REx**

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

**> Fiat Chrysler Gear Shifter Rollaway Defect**

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

**> Ford Shelby GT350 Mustang Overheating**

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

**> Tesla AP2 Defect**

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

## PRACTICE AREAS

# Automotive - Emissions Litigation

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

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

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

### > Volkswagen Diesel Emissions Litigation

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

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

### > Volkswagen Dealers Litigation

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

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

### > Mercedes BlueTEC Emissions Litigation

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

**PRACTICE AREAS**

## Automotive - Emissions Litigation

**> Chevy Cruze Diesel Emissions Litigation**

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

**> Audi Emissions Litigation**

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

**> Fiat Chrysler EcoDiesel Emissions Litigation**

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

**> Dodge RAM 2500/3500 Diesel Emissions Litigation**

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

**> General Motors Duramax Emissions Litigation**

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



## PRACTICE AREAS

# Civil and Human Rights

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

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

### › **World Trade Organization Protests**

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

### › **Hungarian Gold Train**

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

### › **Dole Bananas**

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

**PRACTICE AREAS**

## Consumer Protection - General Class Litigation

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

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

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

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

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

A few case examples are:

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

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

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

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

› **Stericycle**

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

**RESULT:** \$295 million settlement

› **Tenet Healthcare**

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

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

**PRACTICE AREAS**

## Consumer Protection - General Class Litigation

**> Wells Fargo Force-Placed Insurance**

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

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

**> Consumer Insurance Litigation**

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

## PRACTICE AREAS

# Consumer Protection - Drug and Supplement Litigation

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

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

### RECENT ANTITRUST RESOLUTIONS

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

#### > **Flonase Antitrust Litigation**

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

**RESULT:** \$150 million class settlement.

#### > **Prograf Antitrust Litigation**

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

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

#### > **Relafen Antitrust Litigation**

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

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

**PRACTICE AREAS**

## Consumer Protection - Drug and Supplement Litigation

**> Skelaxin Antitrust Litigation**

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

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

**> Tricor Antitrust**

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

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

**FRAUDULENT DRUG PRICING RESOLUTIONS**

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

**> McKesson and First DataBank Drug Litigation**

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

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

**> Average Wholesale Price Drug Litigation**

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

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

**FRAUDULENT MARKETING RESOLUTIONS**

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

**> Neurontin Third Party Payor Litigation**

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

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

**> Lupron**

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

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

## PRACTICE AREAS

# Consumer Protection - Drug and Supplement Litigation

### > Celebrex/Bextra

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

**RESULT:** \$89 million settlement.

### > Vioxx Third Party Payor Marketing and Sales Practices Litigation

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

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

**RESULT:** \$80 million settlement.

### > Serono Drug Litigation

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

**RESULT:** \$24 million settlement.

### > Bayer Combination Aspirin/Supplement Litigation

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

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

## OTHER LANDMARK CASES

### > New England Compounding Center Meningitis Outbreak

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

**RESULT:** \$100 million settlement.

**PRACTICE AREAS**

## Employment Litigation

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

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

**> CB Richard Ellis Sexual Harassment Litigation**

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

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

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

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

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

**> Washington State Ferry Workers Wage Litigation**

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

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

**> SunDance Rehabilitation Corporation**

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

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

**> Schneider National Carriers - Regional Drivers**

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

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

**> Schneider National Carriers - Mechanics**

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

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

## PRACTICE AREAS

# Employment Litigation

### > **Swift Transportation Co. of Arizona LLC**

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

The case is scheduled for trial in the U.S. District Court for the Western District of Washington in Tacoma in September 2017.



## PRACTICE AREAS

# Environmental Litigation

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

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

### SCIENCE AND THE LAW

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

### ENVIRONMENTAL EXPERTS

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

### REAL IMPACTS

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

Hagens Berman's significant environmental cases include:

#### > Exxon Valdez Oil Spill Litigation

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

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

#### > San Francisco and Oakland Climate Change Litigation

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

#### > Chinook Ferry Litigation

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

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

#### > Grand Canyon Litigation

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

**RESULT:** The trial court enjoined the project.

## PRACTICE AREAS

# Environmental Litigation

### › Kerr-McGee Radiation Case

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

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

### › Skagit Valley Flood Litigation

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

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

### › Idaho Grass Burning Case

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

**RESULT:** The lawsuit settled in 2006 under confidential terms.

### › Dole Bananas Case

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

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

### › Diesel Emissions Litigation

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

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

### › Kivalina Global Warming Litigation

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

### › Cane Run Power Plant Coal Ash Case

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

**PRACTICE AREAS**

## Governmental Representation

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

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

### > **Big Tobacco**

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

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

**RESULT:** \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

### > **McKesson Average Wholesale Price Litigation**

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

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

### > **McKesson Government Litigation**

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

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

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

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

**RESULT:** \$25 million settlement.

### > **General Motors Ignition Switch Litigation**

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

**PRACTICE AREAS**

## Governmental Representation

**> State Opioid Litigation**

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

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

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

**> Municipal Lending**

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

## PRACTICE AREAS

# Intellectual Property

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

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

Our current and recent engagements include the following:

### > **Bombardier Inc.**

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

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

### > **Angry Birds**

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

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

### > **Samsung, LG, Apple**

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

**RESULT:** The case settled.

### > **Oracle**

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

### > **Salesforce**

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

### > **Nintendo**

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

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

**PRACTICE AREAS**

## Intellectual Property

**> Electronic Arts**

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

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

## PRACTICE AREAS

# Investor Fraud - Individual and Class Action Litigation

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

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

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

### > Charles Schwab Securities Litigation

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

**RESULT:** \$235 million class settlement for investors.

### > Oppenheimer

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

**RESULT:** \$100 million for the classes.

### > Tremont

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

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

### > Boeing

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

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

### > J.P. Morgan – Madoff

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

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

### > Morrison Knudsen

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

**RESULT:** More than \$63 million for investors.

### > Raytheon/Washington Group

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

**RESULT:** \$39 million settlement.

### > U.S. West

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

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

**PRACTICE AREAS**

## Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

### › **Theranos Investor Litigation**

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

### › **Aequitas Investor Litigation**

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

### › **China MediaExpress**

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

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

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

### › **Altisource Asset Management Corporation**

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

**WHISTLEBLOWERS**

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

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



## PRACTICE AREAS

# Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

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

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

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

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

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

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

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

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

## PRACTICE AREAS

# Personal Injury and Abuse

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

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

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

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

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

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

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

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

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

**PRACTICE AREAS**

## Sports Litigation

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

**› NCAA: Concussions**

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm has taken on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman serves as lead counsel in multi-district litigation as the firm finalizes a settlement that will bring sweeping changes to the NCAA's approach to concussion treatment and prevention; provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; and establish a \$5 million fund for concussion research.

The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

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

**› Player Likeness Rights**

Hagens Berman attorneys representing student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

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

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

**› FIFA/U.S. Soccer: Concussions**

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

## PRACTICE AREAS

# Sports Litigation

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

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

### › NCAA: Transfer Antitrust

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

It the firm's most recent suit against the sports-governing entity, a Division I student-athlete at Northwestern University was faced with repeated harassment from the university to transfer, in order to underhandedly free up his athletic scholarship. According to the complaint, the university resorted to falsified records of misconduct, verbal harassment and more.

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

### › NCAA: Scholarships/Grants-In-Aid (GIAs)

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

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players. The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

### › Pop Warner

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

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head.

In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not released. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

### › MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor

**PRACTICE AREAS**

## Sports Litigation

league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans.

**> Other Cases**

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

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

## PRACTICE AREAS

# Terrorism

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

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

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

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

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

### > Chiquita Bananas

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

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

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

**PRACTICE AREAS**

## Whistleblower Litigation

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

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

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

**FALSE CLAIMS ACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PRACTICE AREAS**

## Whistleblower Litigation

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

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

**> Medtronic**

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

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

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

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

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

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

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

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

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

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

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

**> EDGA Exchange Inc. and EDGX Exchange Inc.**

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

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



## PRACTICE AREAS

# Whistleblower Litigation

### > **Nav Sarao Futures Limited PLC**

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

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

### **INTERNAL REVENUE SERVICE**

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

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

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

# Appellate Victories

**APPELLATE VICTORIES**

## Strengthening Consumer Law

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

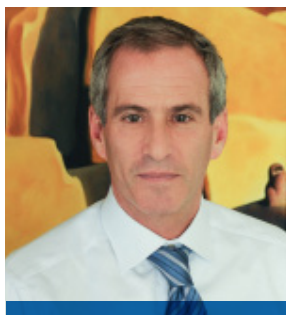
- › *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage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

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

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

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

Legal Team

**MANAGING PARTNER**

## Steve W. Berman

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

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 623-0594 fax  
steve@hbssl.com

**YEARS OF EXPERIENCE**

> 37

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

- > Washington
- > Illinois

**EDUCATION**

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

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

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

**CURRENT ROLE**

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

**RECENT CASES****> Emissions Litigation**

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

**> General Motors Ignition Switch Defect Litigation**

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

**> NCAA Grant-in-Aid Scholarships**

Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits student-athletes can receive as part of a scholarship, culminating in a \$208 million settlement. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve will co-lead a trial this year on the injunctive aspect of the case that could result in a change of NCAA rules limiting the financial treatment of athletes. The trial may change the landscape for how NCAA football and basketball players are compensated.

**MANAGING PARTNER****Steve W. Berman****> Climate Change** – New York City, San Francisco and Oakland

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

**> Opioids** – Orange County and Santa Clara County, Seattle

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

**> Antitrust Litigation**

Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Most recently, Steve filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices.

**> Consumer Protection**

Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

**RECENT SUCCESS****> Volkswagen Franchise Dealerships** – \$1.6 billion

Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.

**> Stericycle Sterisafe Contract Litigation** – \$295 million

Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.

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

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

**MANAGING PARTNER****Steve W. Berman****CAREER HIGHLIGHTS**

- › ***State Tobacco Litigation*** - \$206 billion  
Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$206 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.
- › ***Visa MasterCard ATM Antitrust Litigation*** - \$27 billion  
Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa's and MasterCard's networks.
- › ***Toyota Sudden, Unintended Acceleration*** - \$1.6 billion  
Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs' steering committee.
- › ***Washington Public Power Supply System (WPPSS)*** - \$700 million settlement  
Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.
- › ***E-books Antitrust Litigation*** - \$560 million settlement  
Fought against Apple and five of the nation's top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers' actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.
- › ***Enron Pension Protection Litigation*** - \$250 million settlement  
Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve to co-lead the case against Enron and the other defendants.
- › ***Charles Schwab Securities Litigation*** - \$235 million settlement  
Led the firm to file the first class-action lawsuit against Charles Schwab on Mar. 18, 2008, alleging that Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares.

**MANAGING PARTNER**

## Steve W. Berman

- › ***JP Morgan Madoff Lawsuit*** - \$218 million settlement  
Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world.
- › ***Boeing Securities Litigation*** - \$92.5 million settlement  
Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest.
- › ***NCAA Concussions*** - \$75 million settlement, and 50-year medical monitoring fund  
Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.
- › ***US Youth Soccer Settlement***  
Revolutionary settlement that changed U.S. Soccer regulations and bought sweeping safety measures to the game. Steve spearheaded a lawsuit against soccer-governing bodies, achieving a settlement that ended heading of the ball for U.S. Soccer's youngest players and greatly diminished risk of concussions and traumatic brain injuries. Additionally, the settlement highlights the importance of on-staff medical personnel at youth tournaments, as well as ongoing concussion education for coaches.

**RECOGNITION**

- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2016 & 2017 Class Action MVP of the Year, Law360
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2003-2017 Washington Super Lawyers
- › 2014-2016 Elite Trial Lawyers, The National Law Journal
- › 2014-2015 Lawdragon 500 Leading Lawyers in America
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

**OTHER NOTABLE CASES**

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



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

- › ***DRAM Memory Antitrust - \$345 million settlement***  
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- › ***Hyundai / Kia Fuel Efficiency - \$255 million settlement***  
Led the firm's aggressive fight against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles, securing what was believed to then be the second-largest automotive settlement in history.
- › ***Bextra/Celebrex Marketing and Products Liability Litigation - \$89 million settlement***  
Served as court-appointed member of the Plaintiffs Steering Committee and represented nationwide consumers and third party payers who paid for Celebrex and Bextra. The firm was praised by the court for its "unstinting" efforts on behalf of the class.
- › ***McKesson Governmental Entity Class Litigation - \$82 million settlement***  
Steve was lead counsel for a nationwide class of local governments that resulted in a settlement for drug price-fixing claims.
- › ***NCAA/Electronic Arts Name and Likeness - \$60 million settlement***  
Represented current and former student-athletes against the NCAA and Electronic Arts concerning illegal use of college football and basketball players' names and likenesses in video games without permission or consent from the players.
- › ***State and Governmental Drug Litigation***  
Steve served as outside counsel for the state of New York for its Vioxx claims, several states for AWP claims and several states for claims against McKesson. In each representation, Steve recovered far more than the states in the NAAG multi-state settlements.
- › ***Exxon Mobile Oil Spill***  
Steve represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multi-million dollar award).
- › ***Lumber Liquidators Flooring***  
Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

**PRESENTATIONS**

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

**PERSONAL INSIGHT**

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

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

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

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1950 office  
(617) 482-3003 fax  
tom@hbsslaw.com

**YEARS OF EXPERIENCE**

> 34

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Boston office
- > Leader in drug pricing litigation efforts against numerous pharmaceutical and medical device companies
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Currently court-appointed lead counsel for *In re Skelaxin Antitrust Litigation*, *In re Nexium Antitrust Litigation*, *In re Lipitor Antitrust Litigation*, *In re Effexor Antitrust Litigation*, and *In re Wellbutrin XL Antitrust Litigation*
- > Appointed lead counsel in MDL No. 2149: *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced by NECC, resulting in a \$200 million settlement
- > Lead counsel to the Prescription Access Litigation (PAL) project, the largest coalition of health care advocacy groups that fight illegal, loophole-based overpricing by pharmaceutical companies

**RECENT SUCCESS**

- > *Neurontin class action marketing settlement* (\$325 million)
- > *NECC meningitis outbreak settlement* (\$200 million)
- > *Flonase direct purchaser litigation settlement* (\$150 million)
- > *Wellbutrin XL direct purchaser litigation* (\$37.5 million)
- > *First Databank litigation* (4% price reduction of most retail drugs)
- > *McKesson litigation* (\$350 million)
- > *Zyprexa litigation on behalf of the State of Connecticut* (\$25 million)
- > *Vioxx third party payor litigation* (\$80 million)
- > *Paxil direct purchaser litigation* (\$150 million)
- > *Co-lead trial counsel in the Neurontin MDL* (\$142 million RICO jury verdict)

**RECOGNITION**

- > Massachusetts Ten Leading Litigators, *The National Law Journal*

**EXPERIENCE**

- > Seventeen years in large Boston firm handling large complex civil litigation
- > Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island
- > Private counsel for Massachusetts and New Hampshire in ground breaking litigation against tobacco industry (Significant injunctive relief and recovery of more than \$10 billion)
- > Judicial clerk for Chief Justice Allan M. Hale, Massachusetts Appeals Court, 1983-1984
- > Board Chairman, New England Shelter for Homeless Veterans, 1995-2002

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

## Thomas M. Sobol

**NOTABLE CASES****> \$142 Million Civil RICO Jury Verdict in Massachusetts Over Neurontin**

On Mar. 25, 2010, following a four-and-a-half week trial and two days of deliberations, a jury in the U.S. District Court for Massachusetts returned a \$142 million RICO verdict against Pfizer, Warner Lambert and Parke Davis in a suit related to Pfizer's fraudulent and unlawful promotion of the drug Neurontin. The jury also found, in an advisory capacity, that defendants violated the California Unfair Competition Law. HBSS served as co-lead trial counsel for plaintiffs Kaiser Foundation Health Plans and Kaiser Foundation Hospitals. HBSS attorneys played a pivotal role in preparing the case for trial. Thomas Sobol, managing partner of the HBSS Boston office, examined seven economic and scientific experts and presented the evidence of Defendants' decade-long campaign of fraudulent and deceptive actions in his closing argument that resulted in the RICO verdict. Post-trial briefing is underway and a final judgment has not yet been entered.

*Kaiser Foundation Health Plan, et al v. Pfizer, Inc., et al, D.Mass., Civil Action No. 04-cv-10739 (PBS).*

**> \$150 Million Settlement for Consumers and TPPs for Purchases of Lupron**

In late 2004, HBSS announced a proposed resolution on behalf of consumers and third-party payors of Lupron in the amount of \$150 million. The litigation alleged widespread fraudulent marketing and sales practices against TAP Pharmaceuticals, a joint venture between Abbott Laboratories and Takeda Pharmaceuticals, Inc., and followed TAP's agreement to pay \$875 million in combined criminal and civil penalties regarding marketing and sales practices for the prostate cancer drug Lupron. HBSS served as court-appointed Co-Lead and Liaison Counsel.

*In re Lupron Marketing and Sales Practices Litigation, D.Mass., MDL No. 1430.*

**> \$150 Million Resolution on Behalf of Direct Purchasers of Paxil**

HBSS announced a \$150 million resolution of claims in 2004 in litigation on behalf of direct purchasers of the "blockbuster" selective serotonin reuptake inhibitor Paxil, manufactured by GlaxoSmithKline Corporation. The suit alleged that GSK engaged in sham litigation with respect to certain patents, all in an effort to delay competition from the entry of a generic form of the drug. HBSS served as court-appointed Co-Lead Counsel.

*In re Paxil Direct Purchaser Litigation, E.D.Pa., Civil Action No. 03-4578.*

**> The Major First Databank Price Rollback**

The First Circuit Court of Appeals recently affirmed the approval of a settlement reached between plaintiff health benefit plans and consumers in a class action against defendants First DataBank, Inc. and Medi-Span, two leading drug pricing publishers. The settlement resulted in a rollback of benchmark prices of some of the most common prescription medications and which could save consumers and other purchasers hundreds of millions of dollars. The settlement stems from a 2005 class-action lawsuit brought on behalf of health benefit plans and consumers against First DataBank (FDB) and McKesson Corporation, a large pharmaceutical wholesaler. Plaintiffs claimed that beginning in 2001, FDB and McKesson secretly agreed to raise the markup between the Wholesale Acquisition Cost and the Average Wholesale Price from 20 to 25 percent for more than 400 drugs, resulting in higher profits for retail pharmacies at the expense of consumers and payors.

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

On June 6, 2007, Judge Patti B. Saris of the District of Massachusetts preliminarily approved a settlement between the parties whereby FDB agreed to roll back pricing by five basis points, from 1.25 to 1.20, on the drugs included in the lawsuit as well as hundreds of other drugs, which should create cost-savings on a much broader range of prescription medications. An alphabet soup of associations representing pharmacies and pharmacy benefit managers fought the proposed rollback before federal trial and appellate courts, claiming either that small pharmacies would be put out of business through implementation of the rollback or that the savings to health plans and consumers would not be enough to justify the settlement. The courts rejected these claims and in a ruling on Sept. 4, 2009, the First Circuit Court of Appeals affirmed the approval of the settlement.

*New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp.*, D.Mass., Civil Action No. 05-cv-11148-PBS; *District Council 37 Health and Security Plan et al v. Medi-Span*, D.Mass., Civil Action No. 07-cv-10988-PBS.

**> \$75 Million Resolution Against GSK and Its Predecessors for Relafen**

HBSS was court-appointed liaison counsel, and the firm has helped spearhead this litigation against GlaxoSmithKline Corporation and its predecessors, alleging that GSK fraudulently obtained a patent to prevent a generic version of Relafen, a frequently prescribed brand name pharmaceutical, from coming to market. Litigated for 12 to 18 months, HBSS announced a proposed \$75 million resolution of end-payor claims in 2004.

*In re Relafen Antitrust Litigation*, D.Mass., Master File No. 01-12239-WGY.

**> \$25 Million for the State of Connecticut for Zyprexa Fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, U.S. District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in *State of Connecticut v. Eli Lilly and Co.*, approving the \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation. HBSS served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the state and its taxpayers.

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

**> \$65.7 Million Recovery in Antitrust Action Concerning Tricor**

On Oct. 29, 2009, Chief Judge Sue Robinson of the District of Delaware approved a \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor. Plaintiffs alleged Abbott and Fournier manipulated the statutory framework regulating the market for pharmaceuticals by instituting baseless patent litigation against generic manufacturers, and manipulative switching of dosage strengths and forms, which resulted in delayed entry of generics and thus lower prices into the market. HBSS served as Co-Lead Class Counsel in the case.

*In re Tricor Indirect Purchaser Antitrust Litigation*, D.Del., Civil Action No. 05-cv-360.

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Anthony D. Shapiro**

*Mr. Shapiro has handled hundreds of personal injury matters securing results in excess of \$1 million for his clients numerous times.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9352 office  
(206) 623-0594 fax  
tony@hbsslw.com

**YEARS OF EXPERIENCE**

> 35

**PRACTICE AREAS**

> Antitrust Litigation  
> Personal Injury Litigation

**BAR ADMISSIONS**

> Washington State Bar

**EDUCATION**

> Georgetown University Law  
Center, J.D., 1982  
> Colgate University, B.A.,  
History, 1979

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Personal Injury Group including wrongful death, brain injury and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence
- > Prominent role in many of the firm's notable antitrust class actions

**RECENT SUCCESS**

- > Lead counsel in *In re DRAM Antitrust Litigation* (more than \$400 million)
- > Plaintiffs' executive committee in a number of prominent antitrust class actions including *In re LCD Antitrust Litigation* (\$500 million)

**RECOGNITION**

- > Earned AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar
- > Washington Super Lawyer, 2000-2014

**EXPERIENCE**

- > King County, Washington Prosecuting Attorney's Office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most high-profile cases
- > Founding Partner, Rohan Goldfarb & Shapiro
- > Schweppe Krug & Tausend

**LEGAL ACTIVITIES**

- > Instructor, National Institute of Trial Advocacy
- > Adjunct Professor, University of Washington Law School

**NOTABLE CASES**

- > *Mantria Class Action*
- > *Air Cargo Antitrust Litigation*
- > *Baby Food Antitrust Litigation*
- > *Brand Name Prescription Drug Antitrust Litigation*
- > *Bromine Antitrust Litigation*
- > *Carbon Dioxide Antitrust Litigation*
- > *Carpet Antitrust Litigation*
- > *Commercial Tissue Products Antitrust Litigation*

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

**Anthony D. Shapiro**

- > *Compressors Antitrust Litigation*
- > *Concrete Antitrust Litigation*
- > *Containerboard Antitrust Litigation*
- > *CRT Antitrust Litigation*
- > *DRAM Antitrust Litigation*
- > *Exxon Valdez Oil Spill Litigation*
- > *Fasteners Antitrust Litigation*
- > *Flat Glass Antitrust Litigation*
- > *Forced Place Insurance – Wind Antitrust Litigation*
- > *High Fructose Corn Syrup Antitrust Litigation*
- > *Infant Formula Antitrust Litigation*
- > *Lease Oil Antitrust Litigation*
- > *Linerboard Antitrust Litigation*
- > *LCD Antitrust Litigation*
- > *Magazine Paper Antitrust Litigation*
- > *Medical X-Ray Film Antitrust Litigation*
- > *OSB Antitrust Litigation*
- > *Polyurethane Antitrust Litigation*
- > *Scouring Pads Antitrust Litigation*
- > *SRAM Antitrust Litigation*
- > *Steel Antitrust Litigation*
- > *Toilet Nut Product Defect Litigation*
- > *Wire Harness Antitrust Litigation*

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

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

**CONTACT**

11 West Jefferson St.  
Suite 1000  
Phoenix, AZ 85003

(602) 840-5900 office  
(602) 840-3012 fax  
rob@hbsslaw.com

**YEARS OF EXPERIENCE**

> 30

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

Mr. Carey handles class-action lawsuits against many different types of organizations and companies. Recently, he has litigated the Propane Exchange Tank Litigation, Hyundai/Kia MPG Litigation, and the Swift Truckers Litigation. He has served as lead counsel in cases such as the LifeLock Sales and Marketing Litigation, Hyundai Motor America's cases on sub-frame corrosion and airbag systems, and the State of Arizona's claim against McKesson Corporation for overcharging on prescription drugs.

Mr. Carey experience extends to bad-faith insurance, personal injury, medical malpractice, with several jury trials involving verdicts with as much as \$75 million at stake. He has argued high-profile cases in federal and state courts across the country. In the '90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.

From 1990 to 1996, as Chief Deputy Attorney General, Mr. Carey oversaw all major legal, policy, legislative, and political issues for the Arizona attorney general's office. There, Mr. Carey developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights. He was a principal drafter of the first major overhaul of Arizona's criminal code, and drafted key parts of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl. He served as a campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office. In the past, he served as a judge pro tempore in Maricopa County Superior Court, presiding over contract and tort jury trials. Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey enjoys teaching law and public policy courses, most recently at the ASU's Sandra Day O'Connor College of Law.

Mr. Carey earned his bachelor's degree at Arizona State University, and received his MBA and law degree from the University of Denver. He also attended Harvard University's John F. Kennedy School of Government, where he studied in the state and local government program.

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Phoenix office
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases
- > Frequently asked to handle jury trials for high-value cases

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

- › Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by The Daily Journal, a leading legal publication.
- › Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.
- › Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman's complaints for a case that eventually settled for \$1.6 billion
- › Prevailed in a jury trial in a copyright case about the iconic Madden NFL video game, with two jury verdicts against Electronic Arts. The effort was selected by The Daily Journal, a leading legal publication, as a Top Trial Verdict of 2013
- › Led Hagens Berman's efforts on the \$400 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- › Helped secure a first-ever (\$60M) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes, even current ones, with cash recoveries for the use of their likenesses without permission.
- › Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Fitzpatrick, Rob secured a settlement that "forever changed youth football" (OC Weekly) and was "unprecedented" and owed a debt of gratitude by those who care about the safety of kids playing football (Washington Post). Donovan died tragically during a 2016 surgery.
- › Numerous jury verdicts in trials, including complex matters, phasing of threshold issues, liability and damages, trials with more than \$75M at stake and recoveries of treble and punitive damages
- › While serving as Arizona Chief Deputy Attorney General:
  - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement
  - Helped revise Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits

**RECOGNITION**

- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- › U.S. Department of Justice, recognized for victims' rights efforts
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year



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

- › Arizona Chief Deputy Attorney General
- › Adjunct Professor, Sandra Day O'Connor College of Law
- › Judge Pro Tempore, Maricopa County Superior Court

**LEGAL ACTIVITIES**

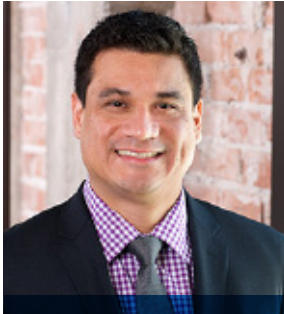
- › Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

**PUBLICATIONS**

- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"

**NOTABLE CASES**

- › *Toyota Unintended Acceleration Litigation*
- › *NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Swift Truckers Litigation*
- › *Hyundai Subframe Defect Litigation*
- › *Hyundai Occupant Classification System / Airbag Litigation*
- › *Hyundai Horsepower Litigation*
- › *Arizona v. McKesson False Claims and Consumer Protection Litigation* (representing State of Arizona)
- › *Student-Athlete Likeness Litigation* against CBS Sports and Printroom
- › *Apple Refurbished iPhone/iPad Litigation*
- › *Jim Brown v. Electronic Arts*
- › *LifeLock Sales and Marketing Litigation*
- › *Rexall Sundown Cellasene Litigation*
- › Insurance bad faith against major carriers and personal injury cases, including dozens of seven-figure verdicts and settlements

**PARTNER**

## Leonard W. Aragon

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

**CONTACT**

11 West Jefferson St.  
Suite 1000  
Phoenix, AZ 85003

(602) 840-5900 office  
(602) 840-3012 fax  
leonard@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

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

**RECENT SUCCESS**

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

**RECOGNITION**

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

**LEGAL ACTIVITIES**

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

**NOTABLE CASES**

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

**PARTNER**

## Lauren Guth Barnes

*Ms. Barnes was honored with a 2013 Excellence in the Law Up & Coming Lawyer award by the Massachusetts Bar Association and Mass Lawyers Weekly.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 482-3700 office  
(617) 482-3003 fax  
lauren@hbsslaw.com

**YEARS OF EXPERIENCE**

> 12

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers, in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: *In re. Skelaxin Antitrust Litigation*
- > Co-lead class counsel for direct purchasers in *In re Niaspan Antitrust Litigation*
- > Liaison counsel for *In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*
- > Co-lead class counsel for direct purchasers in the Suboxone and Solodyn MDLs
- > Represents health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- > Pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program

**RECOGNITION**

- > National Law Journal Boston Rising Star Award (2014)
- > Massachusetts Academy of Trial Attorneys President's Award (2014)
- > Massachusetts Bar Association Up & Coming Lawyer Award (2013)
- > AAJ New Lawyers Division Excellence Award (2009-2010, 2010-2011)
- > AAJ New Lawyers Division Above and Beyond Award (2011-2012)
- > AAJ Wiedemann & Wysocki Award (July 2012, July 2013)

**EXPERIENCE**

- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on this issue on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare

**PARTNER**

## Lauren Guth Barnes

- › Conflict Management Group where she worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies and contributed to *Imagine Coexistence*, a book developed out of the collaboration

**LEGAL ACTIVITIES**

- › American Association for Justice (AAJ)
  - Executive Committee, Member (2014-present)
  - Board of Governors, Member (2012-present)
  - Women Trial Lawyers Caucus, Former Chair (2012-2013)
  - Class Action Litigation Group, Former Co-Chair (2011-2012)
  - New Lawyers Division, Board of Governors (2009 to present)
  - Committees (various), Member
  - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Massachusetts Academy of Trial Attorneys
  - Executive Committee, Member (2012-2013)
  - Board of Governors, Member (2011-present)
  - Women's Caucus, Co-Chair (2008 to present)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-present)
- › Public Justice, Class Action Preservation Project, Member

**NOTABLE CASES****› Antitrust action for direct purchasers of Skelaxin**

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

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

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

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

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

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

**PARTNER**

## Lauren Guth Barnes

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

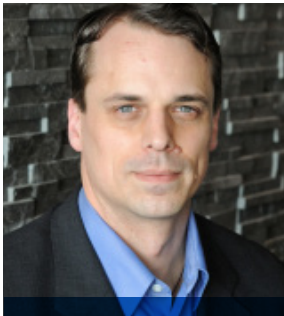
*State of Connecticut v. Eli Lilly & Co.*, E.D.N.Y., Civil Action No. 08-cv-955-JBW.

**PUBLICATIONS**

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

**EXPERIENCE**

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

**PARTNER**

## Ian M. Bauer

*Mr. Bauer has been at the forefront of child and social welfare policymaking and litigation in Washington State over the past decade, and has extensive experience in litigation involving abuse, neglect and exploitation of children and vulnerable adults.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9377 office  
(206) 623-0594 fax  
ianb@hbsslaw.com

**YEARS OF EXPERIENCE**

> 12

**PRACTICE AREAS**

> Personal Injury Litigation  
> Civil Rights

**BAR ADMISSIONS**

> Washington  
> U.S. District Court, Western District of Washington  
> U.S. District Court, Eastern District of Washington  
> United State Bankruptcy Court for the Western District of Washington  
> Ninth Circuit Court of Appeals

**EDUCATION**

> Connecticut College, B.A., 1999  
> Seattle University School of Law, J.D., *magna cum laude*, 2004

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro LLP  
> Practice focuses on personal injury and civil rights cases

**RECENT SUCCESS**

Mr. Bauer has litigated numerous multi-million dollar cases involving children and vulnerable adults who have suffered profound abuse, neglect or exploitation. Recent recoveries include:

- > Settlement on behalf of five children abused and neglected by their biological parents (\$9.75 million)
- > Settlement on behalf of a young child who was abused and neglected by her biological mother (\$4.0 million)
- > Settlement on behalf of a developmentally-disabled woman who was abused, neglected and financially exploited by her state-paid, in-home caregiver (\$5.52 million)
- > Settlement on behalf of an infant abused in day care setting (\$2.84 million)
- > Settlement on behalf of a developmentally-disabled woman abused and neglected by her state-paid, in-home caregiver (\$2.5 million)

**RECOGNITION**

- > Mr. Bauer has received an AV rating from Martindale-Hubbell, the highest peer-reviewed national rating a lawyer can obtain, reflecting a preeminent legal ability and exceptional ethical standards.
- > Rising Star, Washington Law & Politics Magazine (2009, 2016, 2017)

**EXPERIENCE**

Prior to joining Hagens Berman, Mr. Bauer's served as an Assistant Attorney General with the Washington State Attorney General's Office. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-experienced attorneys and professional staff. Mr. Bauer also carried a significant caseload of high-profile tort and civil rights cases, as well as cases involving the operation and funding of Washington's foster care, mental health and public assistance systems. Mr. Bauer also advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant exposure.

**LEGAL ACTIVITIES**

- > Member, Washington Association for Justice
- > Member, American Association for Justice

**PERSONAL INSIGHT**

Mr. Bauer is a former collegiate soccer player who continues to follow the game religiously.

**PARTNER**

## Peter E. Borkon

*Providing institutional investors practical advice and solutions.*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3033 office  
(510) 725-3001 fax  
peterb@hbsslw.com

**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

> Securities Litigation  
> Antitrust Litigation

**BAR ADMISSIONS**

> California  
> Illinois

**COURT ADMISSIONS**

> Supreme Court of the United States  
> Supreme Court of California  
> Supreme Court of Illinois  
> U.S. District Court for the Northern District of California  
> U.S. District Court for the Central District of California  
> U.S. District Court for the Northern District of Illinois  
> U.S. District Court of Colorado  
> U.S. District Court for the Eastern District of Wisconsin  
> U.S. District Court for the Western District of Wisconsin  
> U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

> Southern Illinois University at Carbondale, J.D., 1996  
> DePauw University, B.A., 1992

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro LLP  
> Practice is focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits

**RECENT SUCCESS**

> Key team member in *In re Homestore Securities Litigation* (more than \$100 million settlement)  
> Team member in several securities class actions including:  
- *In re Charles Schwab Corp. Securities Litigation* (\$235 million settlement)  
- *In re China Media Express Holdings, Inc. Securities Litigation* (\$12 million settlement)  
- *In re Northwest Biotherapeutics Securities Litigation* (\$1 million settlement)  
- *In re BigBand Networks Securities Litigation* (\$11 million settlement)  
- *In re Reserve YieldPlus Fund Securities Litigation* (currently in mediation)  
- *In re JP Morgan Madoff Litigation* (\$218 million settlement)  
- *In re Oppenheimer Core & Champion Bond Funds* (\$100 million settlement)

**RECOGNITION**

> Northern California Rising Star, *Super Lawyers Magazine*, 2010, 2011  
> Super Lawyer, *Super Lawyers Magazine*, 2012, 2015 - 2017  
> Steinberg Leadership Fellow with the Anti-Defamation League

**EXPERIENCE**

> Clerk, Chief Judge of the Southern District of Illinois  
> Staff Attorney, Ninth Circuit Court of Appeals  
> Adjunct Professor at the University of California Hastings College of Law

**LEGAL ACTIVITIES**

> Director, U.S. District Court for the Northern District of California's Federal Practice Program Board (2015 - 2018)  
> Member, Ninth Circuit Lawyer Representatives Committee for the Northern District of California (2015 - 2018)  
> Co-Chair, Ninth Circuit Lawyer Representatives for the Northern District of California (2016 - 2017)  
> Member, Council of Institutional Investors (CII)  
> Member and Speaker, Michigan Association of Public Employee Retirement Systems (MAPERS)  
> Member, State Association of County Retirement Systems (SACRS)  
> Member, California Association of Public Retirement Systems (CALAPRS)

**PARTNER****Peter E. Borkon**

- › Member and Speaker, Illinois Public Pension Fund Association (IPPFA)
- › Member and Speaker, Georgia Association of Public Pension Trustees (GAPPT)
- › Member, Alternative Investments working group, National Association of Public Pension Attorneys (NAPPA)
- › Chair, SEC working group, National Association of Public Pension Attorneys (NAPPA)
- › Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
- › Member, National Association of Securities Professionals (NASP)
- › Member, National Council on Teacher Retirement (NCTR)
- › Co-Chair of the Board of Directors of the AIDS Legal Referral Panel
- › Co-Chair of the Bay Area Lawyers for Individual Freedom's Judiciary Committee
- › Trained to serve as a Judge Pro Tem in San Mateo County
- › Serves as a Judge Pro Tem in the City and County of San Francisco Superior Court
- › Member, Federal Bar Association, Northern District of California Chapter
- › Member, Alameda County Bar Association
- › Member, Bar Association of San Francisco

**PRESENTATIONS**

- › "The New Normal: Potential Revisions to the Securities Law and Regulations Under the New Administration," NCPERS Legislative Conference, January 2017
- › "Recent Legal Developments - A Panel Discussion," GAPPT Annual Conference, September 2016
- › "Top Ten Practices of High Performing Public Retirement Plan Boards," NCPERS Public Safety Employees Pension & Benefits Conference, October 2015
- › "Fee Shifting, Bylaws and Courts: The Ever-Shrinking World of Investor Protections!," GAPPT Annual Conference, September 2015
- › "Funds, Fees & Affiliates (Oh, My!) - SEC OCIE's Examination of the Private Fund World," NAPPA 2015 Legal Education Conference, June 2015
- › "Securities Litigation: A Panel Discussion," MAPERS Spring Conference, May 2014
- › "Who Wants To Be A Fiduciary?," NCPERS, Trustee Educational Seminar, April 2014  
Annual Securities Litigation & Enforcement 2014 Update Panel Discussion, April 2014
- › "A Different Kind of Income Pick-Up Strategy," CFA Society of New Mexico, December 2013
- › "SEC Announces Its 'Top Priorities' Include Enforcement Against States Issuing Municipal Bonds; Are County Issuers Next?," CACTTC, Annual Conference, June 2013
- › "Avoiding a Front Page Scandal at Your Pension Fund: Learning by Example," NCPERS, Annual Conference, May 2013
- › Board Ethics Training at the Ohio Police and Fire Pension Fund, April 2013
- › "International Investment after Morrison," GAPPT, Annual Conference, September 2012
- › Legal Round Table, MAPERS, Spring Conference, May 2012



**PARTNER**

## Peter E. Borkon

- > “Opportunities to Recover Fund Assets Using Securities Litigation,” IPPFA, Spring Conference, May 2012
- > “The Good, the Bad and the Ugly –The Safety Pension Edition,” NCPERS, TEDS Conference, May 2012
- > “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- > “The Good, the Bad and the Ugly – The Safety Pension Edition,” NCPERS, Public Safety Employee Pension & Benefit Conference, October 2011
- > “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011
- > “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010

**PUBLICATIONS**

- > “Post-Morrison: The Global Journey Towards Asset Recovery,” Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- > “Omnicare: It’s Not a Lie if I Believe What I Say, Right?,” Hagens Berman, HBSS Securities News, Fall 2015
- > “Fasten Your Seatbelts, Supreme Court Creating a Bumpy Ride... or, Is it?,” Hagens Berman, HBSS Securities News, Summer 2014
- > “SEC’s Message: Bond Issuers Must Provide Full, Accurate and Timely Information About Their Financial Condition or Face Prosecution,” Hagens Berman, HBSS Securities News, November 2013
- > “Court Limits SEC’s Foreign Reach,” Hagens Berman, HBSS Securities News, May 2013
- > “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- > “Say-On-Pay – More Bark Than Bite?,” Hagens Berman, HBSS Securities News, November 2012
- > “Citizens United and the Assault on Public Pensions,” NCPERS, PERSist Article, Summer 2012, Volume 25, Number 3, August 2012
- > “Citizens United and The Assault on Public Pensions, Marin County Association of Retired Employees / A member of CRCEA-California Retired County Employees Association, Keeping in Touch Letter”, June 2012
- > “Citizens United and the Assault on Public Pensions,” Hagens Berman, HBSS Securities News, May 2012
- > “Investors Need Private Enforcement of Securities Law,” Hagens Berman, HBSS Securities News, November 2011
- > “Balancing Sensible Governance Against Failed Principles: Is this the End to the Wild West of Investing?,” NAPPA, The NAPPA Report, October 2008

**PARTNER**

## Jeniphr A.E. Breckenridge

*Ms. Breckenridge has practiced with the firm since its founding in 1993.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9325 office  
(206) 623-0594 fax  
jeniphr@hbsslaw.com

**YEARS OF EXPERIENCE**

> 28

**PRACTICE AREAS**

- > Securities / Investor Fraud
- > Consumer Rights
- > Products Liability

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > USDC, Western District of Washington
- > U.S. Court of Appeals, Third Circuit

**EDUCATION**

- > University of Maryland Law School, J.D., Notes and Comments Editor, Maryland Law Review
- > Georgetown University, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP, where she has practiced since the firm's founding.
- > Practice concentrates on class actions, including consumer, automobile defects, securities litigation fraud, and wage and hour claims

**NOTABLE CASES**

- > *Metropolitan Securities Litigation*
- > *Boeing Securities Litigation*
- > *Raytheon Securities Litigation*
- > *Average Wholesale Price Litigation*
- > *In re Pet Food Products Liability Litigation*
- > *Toyota Unintended Acceleration Litigation*
- > State Tobacco cases

**PARTNER**

## Elaine T. Byszewski

*Involved in firm's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers*

**CONTACT**

301 North Lake Ave.  
Suite 920  
Pasadena, CA 91101

(213) 330-7149 office  
(213) 330-7152 fax  
elaine@hbsslaw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multi-million dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > Currently, Ms. Byszewski is involved in:
  - Hagens Berman's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers.
  - Multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk.
  - Deceptive advertising case against SeaWorld involving its undisclosed mistreatment of orcas.
  - Deceptive advertising case against SunRun.

**RECENT SUCCESS**

- > Member of team led by Steve Berman that settled *Toyota Unintended Acceleration Litigation* for \$1.6 billion and was a finalist for Public Justice's Trial Lawyer of the Year award

**NOTABLE CASES**

- > *Municipal Lending Discrimination Litigation*
- > *Dairy Cooperatives Antitrust Litigation*
- > *SeaWorld Consumer Lawsuit*
- > *Toyota Unintended Acceleration*
- > *Ford Spark Plugs*
- > *SunRun, Inc. Advertising Litigation*
- > *AstraZeneca Pharmaceuticals (Nexium) Litigation*
- > *Merck (Vioxx) Litigation*
- > *Berkeley Nutraceuticals (Enzyte) Litigation*
- > *Solvay Pharmaceuticals (Estratest) Litigation*
- > *Apple iPod Litigation*
- > *Costco Wage and Hour Litigation*

**EXPERIENCE**

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

**PARTNER**

Elaine T. Byszewski

**PUBLICATIONS**

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

**PERSONAL INSIGHT**

Ms. Byszewski’s proudest moment was teaching her older son to swim. Tennis is next on the agenda. Her biggest challenge is keeping her two year old out of trouble.

**PARTNER**

## Jennifer Fountain Connolly

*Successfully litigates complex fraud cases involving all types of industries.*

**CONTACT**

1701 Pennsylvania Ave. NW  
Suite 300  
Washington, D.C. 20006

(202) 248-5403 office  
(202) 580-6559 fax  
jenniferc@hbsslaw.com

**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

- > Colorado
- > Illinois
- > District of Columbia

**EDUCATION**

- > University of Denver College of Law, J.D., 1998
- > University of Chicago, B.A., High Honors, Special Honors in English, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Washington D.C. office
- > Practice focuses on pharmaceutical pricing fraud cases, *qui tam* litigation, antitrust class actions and other types of complex litigation
- > Specializes in cases with complex factual or procedural questions, many of which have related proceedings pending in multiple jurisdictions

**RECENT SUCCESS**

- > Significant role in litigation against McKesson Corporation alleging the company engaged in a scheme that raised the prices of more than 400 brand name prescription drugs (\$350 million settlement)
- > Public payor case for municipalities throughout the United States (\$82 million settlement)
- > Represented numerous state attorneys general in similar claims against McKesson
- > Key member of the Hagens Berman-led team that successfully tried the *Average Wholesale Price litigation* against four pharmaceutical company defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals

**EXPERIENCE**

- > Partner, Wexler Wallace LLP
- > Associate, Netzorg McKeever Koclanes & Bernhardt LLP (now Sherman & Howard, LLC)
- > Assistant Attorney General, Business Regulation Unit, Colorado Attorney General's Office

**NOTABLE CASES**

- > *McKesson Corporation Litigation*
  - Private class action (\$350 million settlement)
  - Municipal class action (\$82 million settlement)
  - Multiple state attorney general actions were favorably resolved
- > *AWP Litigation*
  - Represented classes of consumers and third-party payors in a groundbreaking pharmaceutical fraud case in which the court approved a total of \$338 million in settlements
- > *Opioids Litigation*
  - Retained by the state of Ohio to serve as trial counsel in a recently filed state suit against five manufacturers of opioids.
  - Representing the Orange County District Attorney's office in a case alleging five pharmaceutical companies orchestrated a false and misleading marketing scheme designed to reverse the popular and

**PARTNER**

## Jennifer Fountain Connolly

medical understanding of the serious risks of long-term opioid use for chronic, non-cancer pain

› *Fannie Mae/Freddie Mac Takings Litigation*

Representing shareholders in the Court of Federal Claims alleging that, in imposing the conservatorships over Fannie Mae and Freddie Mac in September 2008, the Government took private property without just compensation

› *ATM Antitrust Litigation*

Representing consumers challenging illegal agreements among Visa, MasterCard and member banks to charge inflated ATM access fees, in violation of the federal antitrust laws

› *Qui Tam* matters

Currently working on numerous *qui tam* matters that are under seal in multiple jurisdictions

**PARTNER**

## Elizabeth A. Fegan

*"I have found working with you on this case one of the more interesting, challenging and, at some level, uplifting things that I have been able to do..." – Hon. Wayne Andersen (Ret.) at final approval of a nationwide sexual harassment settlement on behalf of 16,000 women.*

**CONTACT**

455 N. Cityfront Plaza Drive  
Suite 2410  
Chicago, IL 60611

(708) 628-4960 office  
(708) 628-4950 fax  
beth@hbsslw.com

**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

- > Antitrust
- > Insurance Fraud
- > Consumer Rights
- > Employment Discrimination
- > Products Liability

**BAR ADMISSIONS**

- > Second, Third, Seventh, Eighth and Ninth Circuit Courts of Appeals
- > U.S. District Court, Northern, Central and Southern Districts of Illinois
- > District of Colorado

**EDUCATION**

- > Loyola University Chicago School of Law, J.D., Editor of Loyola Law Journal

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Chicago office
- > Practice focuses on complex commercial class-action cases in the areas of antitrust, consumer protection, product liability, discrimination, and sexual harassment

**RECENT SUCCESS**

- > *American Equity Senior Annuities Fraud* (\$129 million settlement)
- > *Midland Senior Annuities Fraud* (\$79.5 million settlement)
- > *Baby Products Antitrust Settlement* (\$35 million settlement)
- > *Pre-Filled Propane Tank Marketing And Sales Practices* (\$35 million settlement);
- > *Bayer Combination Aspirin Consumer Fraud* (\$15 million settlement);
- > *Aurora Dairy Organic Milk Consumer Fraud* (\$7.5 million settlement);
- > *"Thomas the Tank Engine" Toys Lead Paint Products Liability* (\$30 million settlement of federal and state cases)

**RECOGNITION**

- > Illinois Super Lawyer, Super Lawyers Magazine (2016-18)
- > The National Trial Lawyers: Top 100 (2014-15)
- > Time, Treasure & Talent Award, St. Giles CCW (2014)
- > AAJ, Civil Rights Section, Outstanding Section Newsletter of the Year (2006)

**AWARDS**

- > Woman of Influence 2017, Best Lawyers, Business Edition (Spring 2017)

**EXPERIENCE**

- > Partner, The Wexler Firm
- > Associate, Shefsky & Froelich Ltd.
  - Appointed Special Assistant Corporation Counsel on behalf of the City of Chicago, the Chicago Park District, and the Public Building Commission of Chicago
  - Appointed to the Special Master teams in *In re Waste Mgmt. Sec. Litig. (N.D. Ill.)* and *Wolens et al. v. American Airlines (Cir. Ct. Cook County, Ill.)*
- > Legal Writing Instructor, Loyola University Chicago School of Law

**PUBLICATIONS**

- > At Sidebar column: "From Litigator to Trial Lawyer," *The Federal Lawyer* (March 2018)
- > "You Have Class! How to Identify Potential Class Actions in Your Everyday Practice," Keynote Speaker, West Suburban Bar Association (Sept. 2016)

**PARTNER**

## Elizabeth A. Fegan

- > At Sidebar column: "FBA Convention and Ohio Spotlight," *The Federal Lawyer* (August 2016)
- > "An Opportunity Or Landmine: Promoting Gender Diversity From The Bench," *The Federal Lawyer* (pending pub. May 2016)
- > "Post-Certification Strategies," *Class Action Litigation in America – A National Symposium*, American Bar Association (March 2016)
- > Articles Editor (2016-17), Proof Editor (2015-16), Editorial Board Committee, Federal Bar Association (appt. 2015-18)
- > Co-Chair, HarrisMartin's MDL Conference: Herbal Supplements Litigation (2015)
- > Contributing Editor, 2013 Annual Review of Antitrust Law Developments (ABA 2014) and 2007 Annual Review of Antitrust Law Developments (ABA 2008)
- > Newsletter Editor, Civil Rights Section of the American Trial Lawyers Association (n/k/a American Association for Justice) (2005-06) and received an award for Outstanding Section Newsletter of the Year
- > "Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights," *Loyola Law Journal* (1995)
- > Editor, *Loyola University Chicago Law Journal* (1994-95)

**NOTABLE CASES**

- > Actress and entertainment industry class v. The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- > *Broiler Chicken Antitrust Litigation*
- > *NCAA Student-Athlete Concussion Litigation*
- > *NCAA Student-Athlete Scholarship Cap Antitrust Litigation*
- > Nationwide class action alleging sexual harassment on behalf of 16,000 current and former female employees of a commercial property brokerage firm. The settlement required changes to human resource policies and a streamlined claims process that provided the potential for individual awards up to \$150,000 per class member.
- > Multiple cases against annuities insurers for targeting seniors with deferred annuities that lock seniors' savings up for their lifetimes
- > *Actiq Off-Label Marketing Fraud*

**PERSONAL INSIGHT**

- > Beth is still "leaning in" with five kids while training for her tenth marathon.
- > Once interviewed Barry Sanders in the Detroit Lions locker room while working as a sports stringer at the Lansing State Journal.



**PARTNER**

## Jeff D. Friedman

*Mr. Friedman is extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars.*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3000 office  
(510) 725-3001 fax  
jefff@hbsslw.com

**YEARS OF EXPERIENCE**

> 23

**PRACTICE AREAS**

- > Consumer Rights
- > Antitrust Litigation
- > Privacy Rights
- > Securities Litigation

**BAR ADMISSIONS**

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

**EDUCATION**

- > Santa Clara University School of Law, J.D., magna cum laude, 1994
- > University of Washington, B.A., Political Science, 1991

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Specializing in class actions against some of the largest companies in the United States, Mr. Friedman litigates cases involving securities fraud, consumer protection and antitrust violations including litigation against technology companies and cutting-edge competition policy issues
- > Extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars
- > Has taken and defended the depositions of dozens of the top economists in the United States concerning cartel behavior and statistical models relating to antitrust impact and damages. Mr. Friedman has also developed subject matter expertise in econometrics relating to regressions and economic theory proving pass-through of cartel overcharges through complex distribution channels.
- > Involved in firm's position as lead counsel on behalf of purchasers of millions of electronics products, including laptop computers and cell phones, against several multinational corporations alleged to have fixed the prices of lithium ion battery cells for more than a decade

**RECOGNITION**

- > Northern District of California Super Lawyer, 2013 - 2017

**EXPERIENCE**

- > General Counsel, public fiber-optic component company in Silicon Valley
- > Assistant U.S. Attorney, Criminal Division, Central District of California (Los Angeles)
- > Clerk for the Honorable Manuel L. Real, U.S. District Court Judge, Central District of California

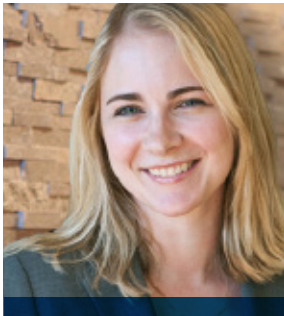
**NOTABLE CASES**

- > *In re Electronic Books Antitrust Litig.*, No. 11-md-02293 (DLC) (S.D.N.Y.)  
A nationwide class of e-book consumers allege five of the largest book publishers in the United States and Apple conspired to raise the prices of e-books and restrain competition.
- > *In re Optical Disk Drive Prods. Antitrust Litig.*, No. 3:10-md-2143 RS (N.D. Cal.)  
An action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.

**PARTNER**

## Jeff D. Friedman

- › *Pecover et al. v. Electronic Arts Inc.*, No. 3:08-cv-02820-CW (N.D. Cal.)  
A nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners, such as the NFL, in order to lock-up the market. A \$27 million settlement in the case has been agreed to by the parties, but awaits approval by the court.
- › *San Francisco Health Plan v. McKesson Corp.*, No. 1:08-CV-10843-PBS (D. Mass.); *State of Utah v. McKesson Corp.*, No. CV 10-04743 SI (N.D. Cal.); *The Commonwealth of Virginia v. McKesson Corp. et al.*, No. CV-11-02782 SI (N.D. Cal.); *State of Oregon v. McKesson Corp.*, No. CV-11-5384-SI (N.D. Cal.)
- › *In re eBay Seller Antitrust Litigation*, action on behalf of millions of eBay sellers, claiming eBay monopolized the online auction market and attempted to monopolize the person-to-persons payment systems market (Paypal)
- › *Dell Inc. Bait-And-Switch Sales Litigation*, negotiated multimillion dollar settlement on behalf of nearly one million consumers

**PARTNER**

## Kristen A. Johnson

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

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1961 office  
(617) 482-3003 fax  
kristenjp@hbsslaw.com

**YEARS OF EXPERIENCE**

> 10

**PRACTICE AREAS**

- > Consumer Rights
- > RICO
- > Antitrust

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses combating waste, fraud and abuse in the healthcare industry
- > Personally appointed alternate lead counsel in the *In re New England Compounding Pharmacy Litigation Multidistrict Litigation* (MDL 2419). During the nascent stages of the MDL, Ms. Johnson was appointed liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products produced by NECC.
- > Actively involved in *In re Nexium Antitrust Litigation* (D. Mass., MDL No. 2409); *In re Loestrin Antitrust Litigation* (D.R.I., MDL No. 2472); and *In re Celebrex Antitrust Litigation*, (E.D. Va. 14-cv-00361).

**RECENT SUCCESS**

- > Lead counsel for plaintiffs who contracted fungal infections from contaminated steroids compounded by New England Compounding Center (\$200+ million settlement)
- > One of four attorneys who presented and cross examined witnesses for the plaintiffs during the 2014 Nexium Antitrust trial
- > \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies
- > Instrumental in the recent *Neurontin* marketing (\$350 million), *Prograf* antitrust (\$98 million), *Flonase* antitrust (\$150 million) and *Wellbutrin XL* antitrust (\$37.5 million, partial) settlements

**RECOGNITION**

- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one of 40 outstanding lawyers under 40.
- > In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

**LEGAL ACTIVITIES**

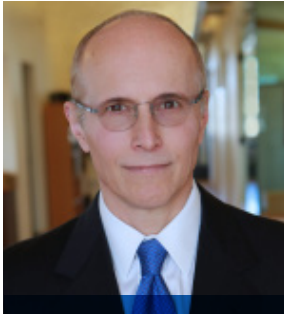
- > Public Justice, Class Action Preservation Committee
- > American Association for Justice

**PARTNER**

Kristen A. Johnson

**NOTABLE CASES**

- > *Neurontin class action marketing settlement* (\$325 million)
- > *In re Prograf Antitrust Litigation* (\$98 million)
- > *Pfizer Neurontin RICO Litigation* (\$142 million jury verdict)
- > *In re Flonase Antitrust Litigation* (\$150 million settlement)
- > *In re Nexium Antitrust Litigation* (trial October 2014)
- > *In re Prograf Antitrust Litigation* (trial fall 2014)

**PARTNER**

## Reed R. Kathrein

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

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3000 office  
(510) 725-3001 fax  
reed@hbsslaw.com

**YEARS OF EXPERIENCE**

> 40

**PRACTICE AREAS**

> Securities Litigation

**BAR ADMISSIONS**

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

**COURT ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

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

**CURRENT ROLE**

> Super Lawyer, Super Lawyers Magazine, 2007 - 2017

**EXPERIENCE**

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

**LEGAL ACTIVITIES**

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

**PARTNER**

## Reed R. Kathrein

**PUBLICATIONS**

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

**PRESENTATIONS**

- > "Occupy Wall Street through Reform of the Securities Law," NCPERS, Legislative Conference, February 2012
- > "Legal Issues Facing Public Pensions," Opal, Public Funds Summit, January 2012
- > "Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors," NCPERS, Annual Conference, May 2011 "The Immediate Need for Congress to Act on Investor Friendly Legislation," NCPERS, Annual Conference, May 2010
- > "Investor Friendly Legislation in Congress," NCPERS, Legislative Conference, February 2010

**NOTABLE CASES**

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

**PARTNER**

## Reed R. Kathrein

**PERSONAL INSIGHT**

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

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

*Recognized as a 2016 "Rising Star" in Illinois by Super Lawyers*

**CONTACT**

455 N. Cityfront Plaza Drive  
Suite 2410  
Chicago, IL 60611

(708) 628-4963 office  
(708) 628-4950 fax  
dank@hbsslaw.com

**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

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

**CLERKSHIPS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Mr. Kurowski has litigated many aspects of cases throughout the country, often in consolidated multi-district litigation proceedings. His current work with the firm includes a variety of complex cases including:
  - Contesting a prominent financial company's deferred annuity sales practices in RICO litigation, including practices negatively impacting senior citizens.
  - Representing student-athletes in both individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in *In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (N.D. Ill.).
  - Representing student-athletes in antitrust litigation regarding the NCAA's Division I football scholarship policies.
  - Suing on behalf of a putative class of third-party payors of prescription cancer pain drugs allegedly marketed and sold for non-cancer/off-label uses.
  - Representing retail purchasers with consumer fraud claims against dietary supplement sellers and manufacturers.

**RECENT SUCCESS**

- > *In re Pre-Filled Propane Sales & Marketing Practices Litigation* (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > *In re Bayer Combination Aspirin Sales & Marketing Practices Litigation* (E.D.N.Y.) (\$15 million settlement)
- > *In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.) (\$7.5 million settlement)

**RECOGNITION**

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2018

**EXPERIENCE**

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

**LEGAL ACTIVITIES**

- > Seventh Circuit Electronic Discovery Pilot Program Committee
- > Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- > Investigator, Chicago Bar Association, Judicial Evaluation Committee



**PARTNER****Daniel J. Kurowski****NOTABLE CASES**

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

**PERSONAL INSIGHT**

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Before called to practice law, Dan's work included delivering flowers, selling architecture river cruise tickets and retailing compact discs... back when people still bought CDs.

**PARTNER**

## Thomas E. Loeser

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

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9337 office  
(206) 623-0594 fax  
toml@hbsslaw.com

**YEARS OF EXPERIENCE**

> 18

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

- > California
- > Illinois
- > District of Columbia

**COURT ADMISSIONS**

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

**CURRENT ROLE**

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

**RECOGNITION**

- > Washington SuperLawyer, 2016 - 2017
- > Washington Top Lawyers, 2016
- > Martindale-Hubbell® AV Preeminent rating, 2015

**EXPERIENCE**

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

**NOTABLE CASES**

- > *Volkswagen Emissions Defect Litigation*
- > *Shea Homes Construction Defect Litigation*
- > *Meracord/Noteworld Debt Settlement Litigation*
- > *Defective RV Refrigerators Litigation*
- > *New Jersey Medicare Outlier Litigation*

**PARTNER**

## Thomas E. Loeser

**EDUCATION**

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

- › *Center for Diagnostic Imaging Qui Tam Litigation*
- › *Countrywide FHA Fraud Qui Tam Litigation*
- › *Chicago Title Insurance Co. Litigation*
- › *KB Homes Captive Escrow Litigation*
- › *Aurora Loan Modification Litigation*
- › *Wells Fargo HAMP Modification Litigation*
- › *JPMorgan Chase Force-Placed Flood Insurance Litigation*
- › *Wells Fargo Force-Placed Insurance Litigation*
- › *Target Data Breach Litigation*
- › *Cornerstone Advisors Derivative Litigation*
- › *Honda Civic Hybrid Litigation*
- › *Hyundai MPG Litigation*

**LANGUAGES**

- › French
- › Italian

**PARTNER**

## Robert F. Lopez

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

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9304 office  
(206) 623-0594 fax  
robl@hbsslaw.com

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

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

**EXPERIENCE**

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

**PARTNER**

Robert F. Lopez

**NOTABLE CASES**

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

**PARTNER**

## Barbara Mahoney

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

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9308 office  
(206) 623-0594 fax  
barbaram@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Civil RICO
- > Consumer Rights
- > State False Claims

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Focused primarily on national class actions and pharmaceutical litigation
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in In re: Generic Pharmaceuticals Pricing Antitrust Litigation on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Ms. Mahoney currently represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

**RECOGNITION**

- > Rising Star, Washington Law & Politics, 2005

**EXPERIENCE**

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

**LEGAL ACTIVITIES**

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

**NOTABLE CASES**

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

**PARTNER**

Barbara Mahoney

**LANGUAGES**

- > Fluent in German
- > Reads Swedish and French

**PERSONAL INSIGHT**

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

**PARTNER**

## Sean R. Matt

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

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9327 office  
(206) 623-0594 fax  
sean@hbsslw.com

**YEARS OF EXPERIENCE**

> 25

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

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

**RECOGNITION**

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

**PUBLICATIONS**

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

**NOTABLE CASES**

- > *In re Charles Schwab Securities Litigation* (\$235 million settlement)
- > *In re Oppenheimer Champion Income Fund Securities Fraud Class Actions* (\$52.5 million proposed settlement)
- > *Oppenheimer Core Bond Fund Class Action Litigation* (\$47.5 million settlement)
- > *Morrison Knudsen and Costco Wholesale Corp. Securities Litigation*
- > *In re Pharmaceutical Industry Average Wholesale Price Litigation* (\$338 million settlement)
- > *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*
- > *In re Checking Account Overdraft* cases pending against many of the country's largest banks



**PARTNER**

Sean R. Matt

- > *Washington State Ferry Litigation*, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington
- > *Microsoft Consumer Antitrust* cases
- > State Attorneys General *Tobacco Litigation*, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

**PERSONAL INSIGHT**

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

**PARTNER**

## Martin D. McLean

*Mr. McLean is a true trial attorney having tried more than 20 cases to verdict in various state and federal courts.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9359 office  
(206) 623-0594 fax  
marty@mhbsslaw.com

**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

**BAR ADMISSIONS**

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

**EDUCATION**

- > Seattle University School of Law, J.D., *cum laude*, 2002

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

**RECENT SUCCESS**

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multi-million dollar recoveries on behalf of the firm's clients.

**EXPERIENCE**

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

**NOTABLE CASES**

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

**PERSONAL INSIGHT**

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son with his wife.

**PARTNER****David P. Moody**

*Mr. Moody has successfully secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9323 office  
(206) 623-0594 fax  
davidm@hbsslaw.com

**YEARS OF EXPERIENCE**

> 24

**PRACTICE AREAS**

> Personal Injury Litigation  
> Civil Rights

**BAR ADMISSIONS**

> Washington  
> U.S. Supreme Court  
> U.S. Court of Appeals, Ninth  
Circuit

**EDUCATION**

> George Washington University  
School of Law, J.D., 1993  
> University of Washington, B.A.,  
1990

**CURRENT ROLE**

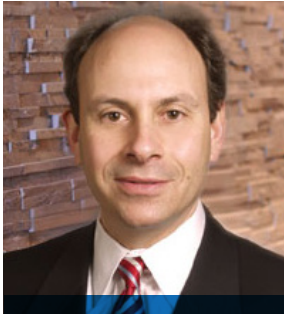
> Partner, Hagens Berman Sobol Shapiro LLP  
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

**NOTABLE CASES**

- > Mr. Moody has secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
- Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
  - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
  - Largest recovery on behalf of three foster children (\$7.3 million)
  - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
  - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
  - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
  - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
  - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
  - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
  - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
  - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
  - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
  - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
  - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
  - Several additional settlements in excess of \$1 million

**PERSONAL INSIGHT**

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.

**PARTNER****David S. Nalven**

*Extensive experience in prosecution of antitrust, fraudulent marketing and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers and consumers in these matters*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 482-3700 office  
(617) 482-3003 fax  
davidn@hbsslaw.com

**YEARS OF EXPERIENCE**

> 32

**PRACTICE AREAS**

- > Pharmaceuticals and Medical Devices
- > Antitrust Litigation
- > Consumer Rights
- > Securities Litigation

**BAR ADMISSIONS**

- > Massachusetts
- > New York

**EDUCATION**

- > New York University School of Law, J.D., 1985; Senior Research Editor, Annual Survey of American Law; Recipient, Philip Cohen award for greatest contribution by an editor to Annual Survey of American Law
- > University of Pennsylvania, B.A., English, *magna cum laude*, 1980

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of federal and multi-state class actions involving the pharmaceutical and medical device industries
- > Served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, Doryx, Prograf, Nexium and others
- > Prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune and Zyprexa, as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson
- > Worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the state of Connecticut in multiple prescription drug pricing matters

**EXPERIENCE**

- > Chief of Business and Labor Protection Bureau, Massachusetts Attorney General's Office, Commonwealth of Massachusetts, 1999-2004
- > Partner, Prince, Lobel & Tye, LLP, Boston, MA, 1991-1999
- > Private practice representing plaintiffs and defendants in civil and criminal business litigation, New York and Massachusetts, 1986-1991
- > Clerk to John R. Gibson, U.S. Court of Appeals for the Eighth Circuit, 1985-1986

**NOTABLE CASES**

- > *Average Wholesale Price Litigation*
- > *Tricor Antitrust Litigation*
- > *Wellbutrin XL Antitrust Litigation*
- > *DePuy Spine Artificial Disc Litigation*

**PARTNER**

## Christopher A. O'Hara

*Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9351 office  
(206) 623-0594 fax  
chriso@hbsslaw.com

**YEARS OF EXPERIENCE**

> 30

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

**BAR ADMISSIONS**

- > Washington
- > Arizona
- > U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

- > University of Washington,  
B.A., Political Science, French  
Language and Literature, 1987
- > Seattle University School of  
Law, J.D., *cum laude*, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

**RECENT SUCCESS**

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of *In re Charles Schwab Securities Litigation* and the \$1.6 billion settlement of *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

**RECOGNITION**

- > Rising Star, Washington Law and Politics, 2003

**EXPERIENCE**

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

**NOTABLE CASES**

- > *Tobacco Litigation* (\$206 billion multi-state settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Charles Schwab Yieldplus Funds Litigation* (\$235 million settlement)
- > *Toyota Unintended Acceleration Litigation* (\$1.6 billion settlement)
- > *Microsoft Antitrust Litigation*

**LANGUAGES**

- > French

**PARTNER**

## Matthew F. Pawa

*Mr. Pawa represented the state of New Hampshire against the nation's largest oil companies, which resulted in a \$236 million verdict against Exxon Mobil Corporation – the largest verdict in New Hampshire history.*

**CONTACT**

1280 Centre Street  
Suite 230  
Newton Centre, MA 02459  
(617) 641-9550 office  
(617) 641-9551 fax  
mattp@hbsslaw.com

**YEARS OF EXPERIENCE**

> 24

**PRACTICE AREAS**

> Environmental

**BAR ADMISSIONS**

> Massachusetts  
> Vermont  
> Pennsylvania  
> District of Columbia

**COURT ADMISSIONS**

> Supreme Court of the United States  
> First, Second, Third, Fourth, Fifth, Ninth and D.C. Circuit Courts of Appeals  
> U.S. District Courts for the District of Washington D.C., District of Massachusetts, Eastern  
> District of Pennsylvania, Southern District of New York and the District of Vermont

**CLERKSHIPS**

> Honorable Norma L. Shapiro, Eastern District of Pennsylvania, 1994-95

**EDUCATION**

> University of Pennsylvania Law School, J.D., cum laude, 1993 (associate editor, Law Review)  
> Cornell University, B.S. with distinction, Natural Resources, 1987

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro LLP  
> Co-Chair of the firm's environmental practice

**RECOGNITION**

> 2013 Massachusetts Lawyer of the Year, in recognition of New Hampshire MTBE case  
> 2011 American Lung Association Healthy Air Ambassador Award  
> 2009 Certificate of Recognition for Best Papers, American Bar Association Section of Environment, Energy and Resources, 38th Annual Conference on Environmental Law  
> 1993 Scribes Notes and Comments Award - national award for clarity, force and style in law review note or comment. Selected from among submissions by law reviews nationwide.  
> 1993 University of Pennsylvania's Fred G. Leebron Prize for excellence in constitutional law writing.

**EXPERIENCE**

> Prior to joining Hagens Berman, Mr. Pawa was the president of Pawa Law Group P.C. where he was the founder and leader of the litigation firm specializing in major environmental cases. He handled jury trials, bench trials and argued appeals in state and federal courts in Massachusetts and across the nation, and collaborated with state attorneys general and non-profit clients on a major global warming case that went to the U.S. Supreme Court. Mr. Pawa forged the small law firm into a nationally known entity with a reputation for successfully litigating against some of the country's largest corporations.  
> Attorney, Cohen, Milstein, Hausfeld & Toll PLLC., – Mr. Pawa litigated class action and individual antitrust, environmental and consumer cases.  
> Attorney, Crowell & Moring LLP.– Litigated insurance coverage actions and drafted Supreme Court amicus brief on behalf of American Bar Association.  
> Deputy State's Attorney, Chittenden City State's Attorney Office. Prosecuted felony and misdemeanor cases; successfully defended emergency appeal to Vermont Supreme Court on novel issue.

**LEGAL ACTIVITIES**

> Board of Trustees, Center for International Environmental Law  
> American Bar Association  
> Massachusetts Bar Association  
> American Association for Justice  
> Massachusetts Academy of Trial Attorneys  
> Boston Bar Association  
> Adjunct Professor of Law, Boston College Law School, Climate Change Law and Policy Seminar (2007)

**PARTNER**

## Matthew F. Pawa

**PRESENTATIONS**

- › Keynote speaker, Boston College Law School's first annual Green Week (2010)
- › Keynote speaker, Public Interest Environmental Law Conference at the University of Oregon Law School (2009)

**PUBLICATIONS**

- › "This Town Ain't Big Enough for the Two of Us: Interstate Pollution and Federalism under *Milwaukee I* and *Milwaukee II*," American Bar Association Section of Environment, Energy and Resources, 38th Annual Conference on Environmental Law, Keystone, Colorado (March 2009) (presented paper)
- › "Saving Detroit - From Itself," *Boston Globe* Op Ed (Sunday lead opinion piece) (Nov. 17, 2008)
- › "Global Warming Litigation Heats Up," *Trial Magazine* (April, 2008 cover story)
- › "Global Warming: The Ultimate Public Nuisance," in *Creative Common Law Strategies for Protecting the Environment* (Clifford Rechtschaffen et al., eds., Environmental Law Institute 2007)
- › "Behind the Curve: The National Media's Reporting on Global Warming," 33 B.C. ENVTL. AFF. L. REV. 485 (2006) (with co-author Benjamin A. Krass)
- › "Global Warming as a Public Nuisance: Connecticut v. American Electric Power," 41 FORDHAM ENVTL. L. REV. 407 (2005) (with co-author Benjamin A. Krass)
- › "When the Supreme Court Restricts Constitutional Rights, Can Congress Save Us?," 141 U. PA. L. REV. 1029 (1993)

**NOTABLE CASES**

- › *State of New Hampshire v. Exxon Mobil Corp.*, 126 A.3d 266 (N.H. 2015) Upholding \$236 million jury verdict following three-month trial against petroleum company for polluting state's groundwater.
- › *Connecticut v. American Electric Power Co.*, 582 F.3d 309 (2d Cir. 2009) Reinstating global warming tort case filed by states and land trusts, rev'd on other grounds, 131 S. Ct. 2527 (2011)
- › *State v. Hess Corp.*, 161 N.H. 426 (2011) Holding that, under parens patriae doctrine, a state suing a polluter for groundwater contamination may recover as damages the cost of treating private well contamination.
- › *Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663 (Mass. 2010) Upholding state environmental permits for Cape Wind.
- › *New Hampshire v. N. Atlantic Refining, Ltd.*, 999 A.2d 396 (N.H. 2010) Upholding personal jurisdiction over oil company in MTBE litigation.
- › *New Hampshire v. Hess Corp.*, 982 A.2d 388 (N.H. 2009) Affirming proper service of process on two oil company defendants in MTBE litigation.
- › *In re Inquest Proceedings*, 676 A.2d 790 (Vt. 1996) Rejecting claim of parent-child privilege and compelling parental testimony in rape case.

**PERSONAL INSIGHT**

Matt is a triathlete and also enjoys sailing, hiking, camping and river rafting.

**PARTNER**

## Shana E. Scarlett

*Northern California Super Lawyer, 2013 & 2014*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3000 office  
(510) 725-3001 fax  
shanas@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition
- > One of the team of litigators representing indirect purchaser plaintiffs in the *In re Optical Disk Drive Antitrust Litigation*, alleging a price-fixing conspiracy to stabilize the prices of optical disk drives throughout the United States, in violation of federal and state antitrust laws
- > One of the team of co-lead counsel representing indirect purchaser plaintiffs in the *In re Lithium Ion Batteries Antitrust Litigation*
- > Represents a class of consumers in the *In re Electronic Books Antitrust Litigation*, pending in the Southern District of New York, where attorneys from Hagens Berman Sobol Shapiro have worked closely with numerous State Attorneys General in representing the rights of consumers

**RECOGNITION**

- > Northern District of California Super Lawyer, 2013 - 2017
- > Rising Star Award for Northern California, Super Lawyers, 2009 - 2011

**EXPERIENCE**

- > Extensive experience representing shareholders in securities matters throughout the country
- > Represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (*In re Impax Sec. Litig.*, *In re CV Therapeutics, Inc. Sec. Litig.*, *In re Alkermes Sec. Litig.*), Internet companies (including *In re Verisign, Inc.* and *In re Northpoint Communications Group, Inc. Sec. Litig.*) and other manufactured products (*Ryan v. Flowserve Corp.*)

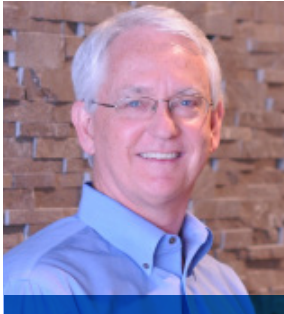
**LEGAL ACTIVITIES**

- > Serves on executive committee of the Antitrust Section of the Bar Association of San Francisco

**NOTABLE CASES**

- > *In re Optical Disk Drive Antitrust Litigation*, MDL No. 2143
- > *In re Electronic Books Antitrust Litigation*, MDL No. 2293
- > *Pecover v. Electronic Arts, Inc.*, MDL No. 2420



**PARTNER**

## Craig R. Spiegel

*After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's attempt to obtain justice for thalidomide victims.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 268-9328 direct  
(206) 623-0594 fax  
craigs@hbsslaw.com

**YEARS OF EXPERIENCE**

> 38

**PRACTICE AREAS**

> Consumer Rights

**BAR ADMISSIONS**

> California State Bar Association  
> Illinois State Bar Association  
> Washington State Bar Association

**EDUCATION**

> Harvard Law School, J.D.,  
*cum laude*, 1979  
> St. Olaf College, B.A., *summa cum laude*, 1975

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck

**NOTABLE CASES**

- > Involved in the firm's antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes.
- > Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx
- > Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec
- > Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

**PARTNER**

## Ronnie Seidel Spiegel

*Ms. Spiegel has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 268-9343 direct  
(206) 623-0594 fax  
ronnie@hbsslaw.com

**YEARS OF EXPERIENCE**

> 18

**PRACTICE AREAS**

- > Antitrust Litigation
- > Securities Litigation

**BAR ADMISSIONS**

- > Washington
- > Pennsylvania

**COURT ADMISSIONS**

- > U.S. District Court, Eastern District of Pennsylvania
- > U.S. District Court, Western District of Washington

**EDUCATION**

- > Temple University Beasley School of Law, J.D., Temple Law Review (Editorial Board), 1994
- > Boston University, B.A., International Relations, 1990

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Extensive briefing and trial team experience in large antitrust price-fixing cases
- > Specializes in managing large-scale discovery and electronic database coordination
- > Deep experience with foreign discovery, translation issues, and translation objection process
- > Manager and coordinator of all-party, joint discovery effort in largest US antitrust case

**EXPERIENCE**

- > Lead Antitrust Attorney and Manager of firm's North Carolina office, Spector Roseman Kodroff & Willis, Philadelphia, PA, Attorney, 1994-2000
- > Business Law Instructor, Central Piedmont Community College, Charlotte, NC, 2000-2001

**NOTABLE CASES**

- > *In re Automotive Parts Antitrust Litigation*
- > *In re Cathode Ray Tube (CRT) Antitrust Litigation*
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation*
- > *In re Containerboard Antitrust Litigation*
- > *In re DRAM Antitrust Litigation*
- > *In re SRAM Antitrust Litigation*
- > *In re Brand Name Prescription Drugs Antitrust Litigation*
- > *In re NASDAQ Market-Makers Antitrust Litigation*
- > *In re Vitamins Antitrust Litigation*
- > *In re High Fructose Corn Syrup Antitrust Litigation*
- > *In re Commercial Tissue Paper Antitrust Litigation*
- > *In re Flat Glass Antitrust Litigation*
- > *In re Linerboard Antitrust Litigation*
- > *In re Air Cargo Antitrust Litigation*
- > *In re Fasteners Antitrust Litigation*
- > *In re Korean Air Antitrust Litigation*
- > *In re Polyether Polyols Antitrust Litigation*
- > *In re OSB Antitrust Litigation*

**LEGAL ACTIVITIES**

- > Member of the American Bar Association's Antitrust Section
- > Member of the Sedona Conference Working Group 1 Series, Brainstorming Group and Drafting Team on Rule 34 Commentary.

**PERSONAL INSIGHT**

When not working, Ronnie is driving carpool for her three (very) busy teenage girls.

**PARTNER**

## Shayne C. Stevenson

*Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 268-9340 direct  
(206) 623-0594 fax  
shaynes@hbsslaw.com

**YEARS OF EXPERIENCE**

> 17

**PRACTICE AREAS**

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Appellate Litigation
- > Civil & Human Rights Litigation

**BAR ADMISSIONS**

- > Washington

**CLERKSHIPS:**

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01

**EDUCATION**

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, *summa cum laude* (first-in-class), 1996

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and class-action cases in federal district courts and on appeal at the courts of appeal nationwide
- > Experienced in successfully handling whistleblower cases against some of the world's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Represents dozens of whistleblowers under the Dodd-Frank whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC), including two of the most prominent whistleblowers under these programs, with cases in regional enforcement offices across the country
- > Currently represents several qui tam relators under the federal and various state False Claims Act laws, in both declined and intervened cases and many still under investigation. His False Claims Act practice includes, among other areas of focus, Medicare and Medicaid health care fraud, financial fraud, mortgage fraud, defense industry and other procurement fraud, education fraud, and grant-funding fraud.
- > Litigates class-action cases on behalf of veterans, consumers, workers and investors
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 for war crimes on the island of Bougainville, in Papua New Guinea, and a current pending suit against SeaWorld
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

**RECENT SUCCESS**

- > Mr. Stevenson represents Dodd-Frank SEC whistleblower Haim Bodek in the recent SEC action against the New York Stock Exchange and affiliated exchanges for, among other things, their unlawful and undisclosed use of order types. In the Matter of New York Stock Exchange LLC, et al. (SEC order) (2018)
- > Mr. Stevenson helped represent a class of over 126,000 military servicemembers challenging Bank of America's alleged violations of the Servicemember Civil Relief Act, which requires financial institutions to limit the interest charged on loans to active duty servicemembers. In February of 2018, the Court granted final approval of a nationwide class settlement of nearly \$42 million for these military families. *Childress v. Bank of America Corp., et al.*, 15-cv-00231 (E.D.N.C.) (2018).

**PARTNER****Shayne C. Stevenson**

- › Mr. Stevenson represented the highly publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly brought to authorities, through his proprietary analysis of market and trading data, the international market manipulator later identified as Navinder Sarao, whose market manipulation through spoofing contributed to the “Flash Crash.” Mr. Sarao was extradited and pled guilty in November of 2016. CFTC v. Nav Sarao Futures Ltd. 15-cv-3398 (N.D. Ill.) (civil); U.S. v. Sarao 15-cr-75 (N.D. Ill.) (criminal)
- › Mr. Stevenson also represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, rewarded in 2017 for his single-handed identification of securities law violations by a major U.S. financial exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange. In the Matter of EDGA Exchange, Inc., et al. (SEC Order)
- › Mr. Stevenson handled both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud and whistleblower awards to both clients in unrelated litigation. First, whistleblower client Mr. Kyle Lagow (in U.S. ex rel. Lagow v. Countrywide Financial Corp.) (E.D.N.Y.) sparked a Department of Justice investigation of Countrywide and Bank of America’s fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in U.S. ex rel. Mackler v. Bank of America) (E.D.N.Y.) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

**EXPERIENCE**

- › King County Prosecuting Attorney’s Office, Felony Prosecutor
- › Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- › Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- › U.S. Attorney’s Office, District of Connecticut, Intern

**PUBLICATIONS**

- › Author, “The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer,” Federal Bar Association, November 2012

**PRESENTATIONS**

- › Speaker: “Whistleblowers & Financial Fraud,” National Whistleblower Conference. San Francisco, CA. Jan. 22-23, 2018
- › Speaker: “Financial Fraud,” National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- › Speaker: “Representing Dodd-Frank Whistleblowers,” Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- › Speaker: “Secrets from the Plaintiff’s Bar,” Hospital and Health Care Law Conference. Seattle, WA. Apr. 24, 2015.
- › Speaker: “False Claims in the Financial Sector,” False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- › Lecture: “Access to Civil Remedy,” Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014.
- › Speaker: “Enforcement of Financial Fraud,” False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.

**PARTNER**

## Shayne C. Stevenson

- > Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- > Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- > Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. Apr. 17, 2013.
- > Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- > Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.

**MEDIA INTERVIEWS**

- > "SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit," Law360, Mar. 12, 2018. [view »](#)
- > "Dodd-Frank Whistleblowers Help Clean Up Our Markets," (Guest Column) ValueWalk, Feb. 6, 2018. [view »](#)
- > "Attorneys React to DOJ's New Memo on FCA Dismissals," Law360, Jan. 26, 2018. [view »](#)
- > "Limiting Whistleblower Rewards Weakens Program," Bloomberg Law, Nov. 2, 2017.
- > "BoFA's \$42m Military Member Fee Settlement Wins Initial OK," Law360, Sept. 13, 2017 [view »](#)
- > "Sarao Flash Crash Manipulation Case Benchmarks Point in History," ValueWalk, Nov. 15, 2016 [view »](#)
- > "What SEC Whistleblowers Should Know About Insider Trading," (Guest Column) ValueWalk, Oct. 20, 2016 [view »](#)

[Read more of Mr. Stevenson's media interviews »](#)

**NOTABLE CASES**

- > *Childress v. Bank of America Corp., et al., Eastern District of North Carolina* (represented class of over 125,000 military servicemembers and secured nearly \$42 million settlement for violations of the SCRA) (2018)
- > *In the Matter of New York Stock Exchange, et al. (SEC Order)* (represents SEC whistleblower in action tying record fine against financial exchange) (2018)
- > *United States v. Sarao & CFTC v. Nav Sarao Futures Ltd., Northern District of Illinois*; (represented anonymous CFTC whistleblower in market manipulation prosecution)
- > *In the Matter of EDGA Exchange, Inc., et al. (SEC Order)* (represented SEC whistleblower in action culminating in largest fine against a U.S. exchange in history)
- > *U.S. ex rel. Lagow v. Bank of America, Eastern District of New York* (False Claims Act – FHA fraud)
- > *U.S. ex rel. Mackler v. Bank of America, Eastern District of New York* (False Claims Act – HAMP fraud)
- > *U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts* (False Claims Act – off-label marketing of medical devices)
- > *U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey* (False Claims Act – Medicare "outlier" fraud)
- > *U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York* (False Claims Act – off-label marketing of Lipitor)
- > *Sarei v. Rio Tinto, Central District of California* (Alien Tort Statute – international human rights litigation)
- > *Tittle v. United States Postal Service, Western District of Washington* (Privacy Act – employee class action)
- > *Hutchinson v. British Airways PLC, Eastern District of New York* (Montreal Convention – consumer class action)

**PARTNER****Michael W. Stocker**

*A nationally recognized leader in investor advocacy both inside and outside the courtroom.*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3033 office  
(510) 725-3001 fax  
mikes@hbsslaw.com

**YEARS OF EXPERIENCE**

> 23

**PRACTICE AREAS**

> Securities

**BAR ADMISSIONS**

> California  
> New York

**COURT ADMISSIONS**

> U.S. Court of Appeals  
Second Circuit  
Eighth Circuit  
Ninth Circuit  
Tenth Circuit  
> U.S. District Court  
Northern District of California  
Central District of California  
Southern District of New York  
Eastern District of New York  
Southern District of California

**EDUCATION**

> University of Sydney,  
Master of Criminology, Law  
Department, 2001  
> University of California,  
Hastings College of the Law,  
J.D., 1995  
> University of California,  
Berkeley, B.A., 1989

Mike Stocker co-chairs Hagens Berman's securities practice with managing partner, Steve Berman. He joined the firm to fight for the same belief spurring the firm's founding: that the powerful must be subject to the same rules as the powerless.

Leveraging the firm's unparalleled track record in bringing corporate giants to justice, Mike works with Hagen Berman's securities team to protect the transparency and integrity of the U.S. financial markets.

Mike takes a proactive approach to securities litigation, identifying cases using meticulous investigation backed by experts drawn from law enforcement and accounting.

Through work in print and broadcast media, he ensures his advocacy for investors does not end at the courthouse steps, pressing for protection and reform intended not only to redress past harm but to prevent future violations.

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro LLP  
> Co-chair of the firm's securities practice

**EXPERIENCE**

> Labaton Sucharow, led teams identifying and prosecuting securities and data privacy class-action cases (2006-2018)  
> United States Court of Appeals for the Ninth Circuit, Senior Staff Attorney  
> Legal externship with federal Judge Phyllis J. Hamilton, currently sitting in the U.S. District Court for the Northern District of California

**PRO BONO**

> Mike advises non-profit investor and consumer organizations regarding the U.S. markets.

**LEGAL ACTIVITIES**

> National Association of Public Pension Attorneys (NAPPA)  
> New York State Bar Association · Association of the Bar of the City of New York  
> Law360's Securities Editorial Advisory Board for three consecutive years (2013-2016)  
> Markets Advisory Council appointment by the Council of Institutional Investors (2015-2017)  
> The American Law Institute, elected member  
> Advisory Committee for the John L. Weinberg Center for Corporate Governance of the University of Delaware (2016-2017)

**PARTNER****Michael W. Stocker****RECOGNITION**

- › John L. Weinberg Center for Corporate Governance of the University of Delaware, Advisory Committee Member (2017)
- › American Law Institute (ALI), Elected Member (2016)
- › Law360, Securities Editorial Advisory Board (2013-2016)
- › Council of Institutional Investors (CII), Markets Advisory Council, Elected Member (2015-2017)

**RECENT CASES**

- › Helped secure a more than \$1 billion recovery against an American multinational insurance corporation and 21 other defendants
- › Helped secure a \$275 million settlement with a global investment bank, securities trading and brokerage firm and a \$19.9 million settlement with their auditor, one of the Big Four accounting firms
- › Held a leadership role in litigating a landmark action against a multinational health care company

**MEDIA INTERVIEWS**

- › Banks on Trial, Australian Broadcasting Network, 07/31/2016 (Audio)
- › Mike is frequently contacted by the media for securities expertise and has recently appeared on PBS, Bloomberg, Vator, Fox Business, the Australian Broadcasting Network and Law360.

**PUBLICATIONS**

- › Thomson Reuters Westlaw Journal Securities Litigation & Regulation, "Cyber Threats and Securities Litigation: The Emerging Landscape" (10/27/2016)
- › Forbes, "Shareholders Sue Companies for Lying About Cyber Security" (10/27/2016)
- › National Association of Public Pension Plan Attorneys (NAPPA) White Paper, "Post-Morrison: The Global Journey Toward Asset Recovery" (06/30/2016)
- › Daily Journal, "Securities Act cases are surging in...state courts?" (07/28/2015)
- › Association of Benefit Administrators (ABA), "2014 Securities Litigation Overview" (05/01/2014)
- › National Association of Public Pension Plan Attorneys (NAPPA), "Mandatory Arbitration Agreements: A New Attack on Access to the Courts" (04/30/2014)
- › Pensions & Investments, "Accounting Danger Signs: Tools For Investors" (07/30/2013)
- › American Banker, "JPMorgan Shareholders Chose Wrong Side of History" (06/04/2013)
- › Economia, "Autonomy, HP and the FRC: Who Has the Most to Lose?" (02/18/2013)
- › Ethisphere, "Flawed Credit Ratings and the Impact on Investment" (01/31/2013)
- › Lawyers Monthly Magazine, "Legal Focus - USA: M&A Litigation" (01/01/2013)

**PRESENTATIONS**

- › American Bar Association Section of Litigation, Roadshow 2.0, "Precision Advocacy: Reinventing Motion Practice to Win" (Panelist) (04/27/2017)
- › Skytop Strategies, "Legal Tsunami – The Growing Body of Cases and Associated Costs" (Speaker) and "Avoiding Shareholder Action – How to Integrate All Internal Stakeholders into the Cyber Risk Governance Defense" (Moderator) (03/16/2017)
- › Council of Institutional Investors (CII), "Teleconference on Cybersecurity from an Investor's Perspective" (Speaker) (10/26/2016)
- › Practising Law Institute (PLI), "Cyber Securities Litigation: When Data Breaches Become Fraud Suits" (Speaker) (06/09/2016)

**PARTNER****Michael W. Stocker**

- › Webinar, “Alternative Investments for Pension Funds: Balancing Return and Transparency in Volatile Markets” (Moderator) (05/12/2016)
- › Institute for Law and Economic Policy (ILEP), “22nd Annual Symposium, “Private Suits While the Regulator Slumbers” (Moderator) (04/08/2016)
- › State Financial Officers Foundation, “2015 Fall National Meeting” (Panelist) (09/22/2015)
- › Institute for Law and Economic Policy (ILEP), “21st Annual Symposium” (Panelist) (04/17/2015)
- › Council of Institutional Investors (CII), “Teleconference: Halliburton Co. v. Erica P. John Fund, Inc.” (Panelist) (07/16/2014)
- › West LegalEdcenter, “Preparing to Clear OTC Derivatives to Ensure June 10th Compliance: The Brave New World of Swaps Clearing under Dodd-Frank” (Webinar Speaker) (05/14/2013)
- › German Bar Association, “Litigating Banking Claims in U.S. Courts - An Insight” (Panelist) (04/22/2013)

**LANGUAGES**

- › Mandarin Chinese

**PERSONAL INSIGHT**

Mike grew up on a sailboat with three siblings, a dog and a cat. He later studied classical Chinese at Beijing University.



**PARTNER**

## Ivy Arai Tabbara

*Ms. Tabbara worked on a multimillion dollar settlement for uninsured individuals against Tenet Healthcare.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9358 office  
(206) 623-0594 fax  
ivy@hbsslaw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

> Antitrust  
> Consumer Rights  
> Environmental Law  
> Employment Law  
> Intellectual Property

**BAR ADMISSIONS**

> Washington

**EDUCATION**

> Georgetown University Law Center, J.D., Georgetown International Environment Law Review, 2000  
> Princeton University, B.A., History, Certificate African-American Studies, *cum laude*, 1997

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro LLP  
> Practice focuses on complex class-action lawsuits in the areas of antitrust, consumer protection, employment, environmental and product liability  
> Also specializes in patent litigation

**RECENT SUCCESS**

> Baby Products Antitrust (\$35 million settlement)  
> Bayer Combination Aspirin Consumer Fraud (\$15 million settlement)  
> “Thomas the Tank Engine” Toys Lead Paint Products Liability (\$30 million settlement of federal and state cases)  
> Tenet Healthcare Cases II for uninsured patients nationwide (multimillion-dollar recovery, including significant non-monetary relief such as discounted rates, financial counseling, reasonable payment schedules and uniform collection policies)

**LEGAL ACTIVITIES**

> Member, Federal Bar Association of the Western District of Washington; Trustee, 2009-2010

**NOTABLE CASES**

> *Domestic Drywall Antitrust Litigation* representing indirect and direct purchasers of wallboard in the United States  
> *Checking Account Overdraft Litigation* representing banking customers whose accounts were allegedly charged repeated overdraft fees  
> Patent litigation representing inventors in *Shinsedai v. Nintendo* (patent involving sports-themed motion control games in several Nintendo Wii games) and *Flatworld v. Apple* (patent involving the swipe function of all Apple products)  
> *Optical Disk Drive Antitrust Litigation*  
> *DRAM Antitrust Litigation*

**PUBLICATIONS**

> “The Silent Significant Minority: Japanese-American Women, Evacuation, and Internment During World War II,” in *Women and War in the Twentieth Century: Enlisted with or Without Consent*, 1999

**PARTNER**

## Andrew M. Volk

*Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9371 office  
(206) 623-0594 fax  
andrew@hbsslaw.com

**YEARS OF EXPERIENCE**

> 26

**PRACTICE AREAS**

- > Patent Litigation
- > Intellectual Property
- > ERISA Litigation
- > Hotel Tax Litigation

**BAR ADMISSIONS**

- > New York
- > Oregon
- > Washington

**EDUCATION**

- > Cornell Law School, J.D.,  
*cum laude*, Articles Editor for  
Cornell International Law  
Review, 1991
- > Columbia University, B.A.,  
English, 1986

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer litigation, including automobile defect litigation against General Motors and Kia
- > Works on hotel tax collection cases against the major online travel companies (OTC). To date, the firm has achieved settlements on behalf of Brevard County, Florida and the village of Rosemont, Illinois, and a finding against the OTCs in administrative proceedings on behalf of the city of Denver, Colorado. that is currently on appeal
- > Extensively involved in ERISA cases for breach of fiduciary duties, including settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank

**RECENT SUCCESS**

- > Worked on litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive “taxes and fees” charges. That case resulted in summary judgment in plaintiffs’ favor and an eventual settlement for cash and credits totaling \$134 million.

**EXPERIENCE**

- > Mr. Volk was extensively involved in the tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

**NOTABLE CASES**

- > *Expedia Litigation* (\$134 million settlement)
- > *Tobacco Litigation* on behalf of States (resolved in \$206 billion settlement)
- > *Enron ERISA Litigation* (\$265 million settlement)
- > *Washington Mutual Bank ERISA Litigation* (\$49 million settlement)
- > *General Motors ERISA Litigation* (\$37.5 million settlement)

**PARTNER**

## Garth Wojtanowicz

*Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9326 office  
(206) 623-0594 fax  
garthw@hbsslaw.com

**YEARS OF EXPERIENCE**

> 17

**PRACTICE AREAS**

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

**BAR ADMISSIONS**

- > Washington
- > California

**EDUCATION**

- > University of Washington  
School of Law, J.D., 2000
- > University of Washington, B.A.,  
English, 1997

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo.>  
Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

**RECOGNITION**

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

**EXPERIENCE**

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

**NOTABLE CASES**

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

**PERSONAL INSIGHT**

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.

**PARTNER**

## Jason A. Zweig

*Mr. Zweig was a key member in the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery—one of the largest antitrust and securities class actions in history.*

**CONTACT**

555 Fifth Avenue  
Suite 1700  
New York, NY 10017

(212) 856-7227 office  
(917) 210-3980 fax  
jasonz@hbsslaw.com

**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

- > U.S. Department of Veterans Affairs
- > New York
- > U.S. District Courts for the Northern, Southern and Eastern Districts of New York
- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Eastern District of Wisconsin
- > U.S. Court of Appeals
  - Second Circuit
  - Third Circuit

**EDUCATION**

- > Columbia Law School, J.D., Executive Editor for Columbia Journal of Environmental Law, 1998
- > Indiana University, B.S., 1995

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's New York office
- > Extensively experienced in representing plaintiffs in antitrust, securities, consumer and other complex litigation
- > Experience representing large entities in opt-out litigation, as well as plaintiffs in class-action litigation
- > Key member in some of the largest antitrust and securities class actions in history including the *High Fructose Corn Syrup Antitrust Litigation* which resulted in a \$531 million recovery
- > Leads the firm's representation of a number of airlines and other merchants who have opted out of the class in *In re Payment Card Interchange Fee and Merchant Discount Litigation*, MDL No. 1720 (E.D.N.Y.)
- > Leads the firm's efforts in the *New Jersey Tax Sales Certificates Antitrust Litigation*, an antitrust class action in which the firm has been appointed co-interim class counsel (more than \$8 million recovered)
- > Co-led the firm's representation of payphone owners who sued a large national telecommunications carrier over unpaid dial-around compensation

**EXPERIENCE**

- > Partner, Kaplan Fox & Kilsheimer LLP in New York, 2003-2010
- > Associate, Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation
- > Judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York

**RECOGNITION**

- > Rising Star, New York Super Lawyers Magazine, 2011 & 2013

**PRESENTATIONS**

- > "Class Action Settlements and Attorneys' Fees," Presentation to the Cleveland Metropolitan Bar Association, October 2008
- > "Class Actions in the Wake of AT&T v. Concepcion," Presentation to the New Jersey Association for Justice November 2011

**PARTNER**

## Jason A. Zweig

**LEGAL ACTIVITIES**

- > The Association of the Bar of the City of New York
- > The American Bar Association Sections of Litigation, Antitrust Law and International Law
- > Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- > The New York State Bar Association
- > The Indiana University Student Foundation Board of Associates
- > The Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board
- > Former Co-Chair of the Young Lawyer's Division of the UJA Federation-New York

**NOTABLE CASES**

- > *Hill v. J.P. Morgan - Madoff-related Litigation* (\$218 million recovered)
- > *High Fructose Corn Syrup Antitrust Litigation* (\$531 million recovered)
- > *In re Air Cargo Antitrust Litigation* (Over \$500 million recovered—case still pending)
- > *In re Polyether Polyols Antitrust Litigation* (Over \$150 million recovered—case still pending)
- > *Hydrogen Peroxide Antitrust Litigation* (\$97 million recovered)
- > *Plastics Additives Antitrust Litigation* (\$46 million recovered)
- > *NBR Antitrust Litigation* (\$34 million recovered)
- > *Linens Antitrust Litigation* (\$11 million recovered)
- > *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation* (\$475 million recovered)
- > *Merrill Lynch Research Reports Securities Litigation* (\$125 million recovered)
- > *Salomon Analyst Metromedia Litigation* (\$35 million recovered)

**SENIOR COUNSEL**

## Kevin K. Green

*Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.*

**CONTACT**

533 F Street  
Suite 207  
San Diego, CA 92101

(619) 929-3340 office  
keving@hbsslaw.com

**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

- > Appellate
- > Consumer Rights
- > Securities
- > Investor Fraud
- > Employment Litigation

**BAR ADMISSIONS**

- > California

**COURT ADMISSIONS**

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the Second, Third, Seventh, Eighth, Ninth, Tenth and District of Columbia Circuits
- > U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California

**CLERKSHIPS**

- > Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- > U.S. District Court for the Southern District of California

**EDUCATION**

- > Notre Dame Law School, J.D., 1995
- > University of California, Berkeley, B.A., with honors and distinction, 1989

**CURRENT ROLE**

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

**LEGAL ACTIVITIES**

- > California Lawyers Association, Committee on Administration of Justice (since 2016)
- > Appellate Advisory Committee, Judicial Council of California (since 2013)
- > Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- > Self-Help Working Group, Court Innovations Grant (2017)
- > Magistrate Judge Selection Panel, Southern District of California (2013-17)
- > Working Group, San Diego Appellate Inn of Court (launched 2016)
- > Co-Founder, Civil Appellate Self-Help Workshop (launched 2014)
- > Appellate Court Committee, San Diego County Bar Association (Chair, 2010)
- > State Bar of California, Committee on Appellate Courts (2006-09)

**RECOGNITION**

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)
- > Super Lawyer (since 2008)
- > Legal Aid Society of San Diego, Outstanding Service Award (2015)
- > Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

**NOTABLE DECISIONS**

- > *Hernandez v. Restoration Hardware*, 4 Cal. 5th 260 (2018) (agreeing with CAOC as amicus curiae that unnamed class members must intervene for standing to appeal)
- > *Friedman v. AARP, Inc.*, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)
- > *George v. Urban Settlement Serv.*, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- > *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reversing decertification of wage-and-hour class action)
- > *McCormack v. Cao*, 636 F. App'x 945 (9th Cir. 2016) (affirming "excellent result" valued at \$129 million for senior citizen class)

**SENIOR COUNSEL**

## Kevin K. Green

- › *Duran v. U.S. Bank*, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- › *Wong v. Accretive Health*, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- › *Harris v. Superior Court*, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- › *Lynch v. Rawls*, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- › *Kwikset Corp. v. Superior Court*, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- › *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- › *In re F5 Networks, Inc. Derivative Litig.*, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- › *Smith v. Am. Family Mut. Ins. Co.*, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- › *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit entitled to attorney fees)
- › *Ritt v. Billy Blanks Enters.*, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- › *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (leading precedent on California's reasonable consumer standard)

**PUBLICATIONS**

- › *Amicus Curiae Update*, Forum (regular column for CAOC's periodical) (since 2012)
- › *Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nutty' Rule barring Expert Testimony in Software Copyright Cases* (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN)
- › *Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later*, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › *Closing the Appellate Justice Gap*, Los Angeles Daily Journal (Feb. 10, 2015)
- › *Appellate Review in California Class Actions*, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › *A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification*, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)
- › *The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks*, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

**PRESENTATIONS**

- › Bridgeport Class Action Conference (Consumer Protection Cases Predicated on Omissions, Jan. 2018)
- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017) (with Timothy W. Loose)
- › CAOC Class Action Seminar (Faculty, Feb. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)

**SENIOR COUNSEL**

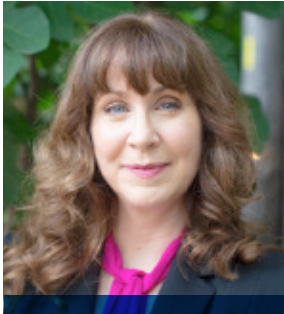
## Kevin K. Green

- › CAOC Webinar (Ninth Circuit Practice: Everything but the Brief, Nov. 2016)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › University of San Diego School of Law (Legal Writing in Practice Seminar, Feb. 2015)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

**PERSONAL INSIGHT**

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.



**SENIOR COUNSEL**

## Anne F. Johnson

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

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 623-0594 fax  
annej@hbsslaw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

- > Personal Injury
- > Antitrust
- > Consumer Protection

**INDUSTRY EXPERIENCE**

- > Pharmaceuticals
- > Automotive

**BAR ADMISSIONS**

- > New York
- > Texas

**COURT ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP

**RECENT SUCCESS**

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

**EXPERIENCE**

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

**ACTIVITIES**

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

**RECOGNITION**

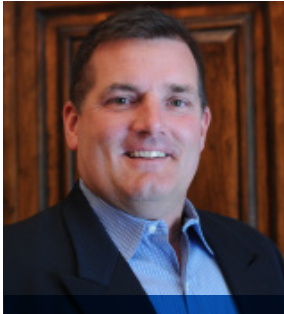
- > Brooklyn Law Review

**NOTABLE CASES**

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

**PERSONAL INSIGHT**

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

**OF COUNSEL**

## Gregory T. Arnold

*Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1954 office  
(617) 482-3003 fax  
grega@hbsslaw.com

**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

- > Antitrust Litigation
- > Personal Injury Litigation

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Works on the Direct Purchaser Class Action cases in Lipitor and Effexor

**RECENT SUCCESS**

- > Represented a variety of states, including the Commonwealth of Massachusetts, in their cases against the tobacco industry
- > Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants
- > Prior bankruptcy experience included representing an Ad Hoc Committee of Trade Creditors in the *In re WorldCom* matter, resulting in a near 50% increase in the clients' recovery
- > Represented large groups of investors in litigation brought against offshore hedge funds, pursuing the recovery of hundreds of millions of dollars
- > Represented national and international clients on a full range of patent litigation issues, including proceedings before the International Trade Commission
- > Successful eminent domain trials, representing companies and individuals on a variety of labor and employment issues including non-compete agreements and various intellectual property matters

**EXPERIENCE**

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

**NOTABLE CASES**

- > **Bankruptcy-related litigation**

- Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases, to block a proposed plan of reorganization. During more than 5 years of litigation, succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. Pursued several interlocutory appeals throughout the case. Oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the Bankruptcy Court for the Southern District of New

**OF COUNSEL**

## Gregory Arnold

York, after which the Court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.

- One of a team of lawyers representing the interests of The Ad Hoc Committee of Trade Creditors in the *In re WorldCom* matter, resulting in increasing our clients' recoveries by nearly 50%.

**> Mass Torts/Class Actions**

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

**> Complex Financial Litigation**

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

**> General Commercial Litigation**

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

**> Patent Litigation**

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

**> Labor and Employment Litigation**

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

**OF COUNSEL**

## Gregory Arnold

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

> **Other Litigation**

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

**OF COUNSEL****Karl Barth**

*Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 623-0594 fax  
karlb@hbsslw.com

**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

> Securities Litigation  
> Investor Rights

**BAR ADMISSIONS**

> Washington

**EDUCATION**

> Georgetown University Law Center, J.D.  
> University of Virginia, B.S. Accounting, Certified Public Accountant

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

**EXPERIENCE**

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting

**OF COUNSEL****Molly A. Booker**

*Ms. Booker has a depth of commercial litigation experience across a variety of industries including business litigation, financial services, trademark and business torts.*

**CONTACT**

11 West Jefferson St.  
Suite 1000  
Phoenix, AZ 85003

602-840-5900 office  
602-840-3012 fax  
mollyb@hbsslaw.com

**YEARS OF EXPERIENCE**

> 10

**BAR ADMISSIONS**

> Arizona

**COURT ADMISSIONS:**

> U.S. District Court, District of Arizona  
> U.S. Court of Appeals for the 9th Circuit

**EDUCATION**

> University of Arizona, James E. Rogers College of Law, J.D., Tucson, Arizona, 2007  
> University of Southern California, B.A., *summa cum laude*, Phi Beta Kappa, Los Angeles, California, 2004

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

> Shareholder, Litigation Attorney, Ryley, Carlock & Applewhite, P.A., Phoenix, AZ, 2007 - 2016  
> Legal Intern, Federal Public Defender's Office Phoenix, Phoenix, AZ, Summer 2005

**RECOGNITION**

> Selected to Super Lawyers 2018, Rising Stars 2015 - 2017

**LEGAL ACTIVITIES**

> St. Mary's Food Bank Alliance, Advisory Board Member and Mission & Means Committee Member, 2014-Present

> Arizona Asian American Bar Association, Member, 2009-Present

> State Bar of Arizona Committee on Minorities and Women in the Law, Past Chair

**PRESENTATIONS**

> "Current Legal Landscape," University of Arizona Law School Board of Visitors, Panelist, April 2014  
> "The Pen is Mightier than the Sword: Tips for Drafting and Enforcing Your Business Contracts," Better Business Bureau Accredited Business Seminar, August 2013  
> "Arbitration in Arizona and the Revised Uniform Arbitration Act," Better Business Bureau Accredited Business Seminar, June 2011  
> "How to Turn Your Summer Job Into a Full-Time Position," Arizona State University College of Law, Sponsored by the State Bar of Arizona Committee on Minorities and Women in the Law, April 2011  
> "Mechanics' and Materialmen's Liens: Understanding and Protecting Your Rights as a Contractor, Supplier, Property Owner, or Tenant," Better Business Bureau Legal Series Seminar, May 2009  
> "Lock It Up: Protecting Your Trade Secrets and Preventing Unfair Competition," Trade Secrets and Restrictive Covenants Seminar, September 2008

**LANGUAGES**

> Spanish

**PERSONAL INSIGHT**

Molly enjoys athletic challenges and her favorite pastimes are soccer, cycling and running. Endurance is her forte, and with good fortune, because she is a mom to triplets. Molly also has a penchant for learning foreign languages. She is fluent in Spanish and lived in Madrid, Spain.

**OF COUNSEL****Mark S. Carlson**

*Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9346 office  
(206) 623-0594 fax  
markc@hbsslaw.com

**YEARS OF EXPERIENCE**

> 30

**PRACTICE AREAS**

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

**BAR ADMISSIONS**

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

**EDUCATION**

- > University of Puget Sound School of Law, J.D., *cum laude*, 1987
- > University of Washington, B.A., History, 1984

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

**RECENT CASES**

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

**EXPERIENCE**

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

**PUBLICATIONS/PRESENTATIONS**

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

## OF COUNSEL

# Mark S. Carlson

- > “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- > “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- > “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- > “E-Discovery and the New Federal Rules,” 2008
- > “Recent Developments in Pharmaceutical Patents,” 2008

## LEGAL ACTIVITIES

- > Seattle Intellectual Property Inn of Court
- > Washington State Patent Law Association
- > American Intellectual Property Law Association

## NOTABLE CASES

- > *Thought v. Oracle*
- > *FlatWorld v. Apple; v. Samsung; v. LG*
- > *University of Utah v. Max Planck Institute, et al.*
- > *Airbiquity v. AT&T, et al.*
- > *Timeline v. Microsoft; v. Oracle; v. Sagent*
- > *The Nautilus Group v. Icon Health and Fitness*



**OF COUNSEL****Jeannie Evans**

*Successfully litigates multi-million and multi-billion dollar antitrust and other complex fraud cases.*

**CONTACT**

455 N. Cityfront Plaza Drive  
Suite 2410  
Chicago, IL 60611

(708) 628-4966 office  
(708) 628-4950 fax  
jeannie@hbsslaw.com

**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

- > Antitrust Litigation
- > Investor Fraud
- > Securities

**BAR ADMISSIONS**

- > Illinois
- > California

**CLERKSHIPS:**

- > Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

**EDUCATION**

- > Harvard Law School, J.D. **cum laude**, 1997  
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society
- > Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994  
Editor-in-Chief, Journal of International and Area Studies

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

**EXPERIENCE**

- > Jeannie has successfully represented both plaintiffs and defendants in multi-million and multi-billion dollar disputes in state and federal courts across the country
- > Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago
- > Kirkland & Ellis LLP (Chicago)
- > Wilson Sonsini Goodrich & Rosati (Palo Alto)

**AWARDS & RECOGNITION**

- > President, Harvard Law Society of Illinois, 2016-2017
- > Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017
- > BYU Law School Board of Advisors, 2017
- > Best Lawyers, Women of Influence Nominee, 2017
- > Illinois Super Lawyer, 2016 - 2018

**PRESENTATIONS**

- > Basics of Accounting for Lawyers 2015, Practicing Law Institute (PLI)
- > Basics of Accounting for Lawyers 2014, Practicing Law Institute (PLI)
- > Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

**LANGUAGES**

- > Cantonese (Chinese)
- > Mandarin (Chinese)

**PERSONAL INSIGHT**

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.

**OF COUNSEL**

## Philip J. Graves

*Mr. Graves brings to the firm more than 20 years of experience as a patent and intellectual property litigator, having represented companies in patent cases in many technical fields.*

**CONTACT**

301 North Lake Ave., Suite 920  
Pasadena, CA  
91101

(213) 330-7147 office  
(213) 330-7152 fax  
phillipg@hbsslaw.com

**YEARS OF EXPERIENCE**

> 26

**PRACTICE AREAS**

> Intellectual Property

**BAR ADMISSIONS**

- > U.S. Supreme Court
- > Supreme Court of California
- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Southern District of California

**EDUCATION**

- > Columbia University School of Law (J.D., 1990)  
Harlan Fiske Stone Scholar  
Writing and Research Editor,  
Columbia Business Law Review
- > University of Washington (B.A., *cum laude*, 1987)  
Phi Beta Kappa  
Robert A. Dahl Award

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro, head of the firm's intellectual property practice
- > Practice focuses on intellectual property, including cases involving trademark infringement, copyright infringement, unfair competition and misappropriation of trade secrets

**EXPERIENCE**

- > Before joining Hagens Berman, Mr. Graves' practice focused on represented technology companies in patent cases involving network security, web-hosting, image capture, digital signature and encryption technologies, nano-scale manufacturing and biotech, among many other technical fields.

**LEGAL ACTIVITIES**

- > State Bar of California
- > Alaska Bar Association
- > Los Angeles Intellectual Property Law Association
  - 2015 Judges' Night, Chair
  - 2011 Spring Seminar, Chair
- > American Intellectual Property Law Association
- > Federal Circuit Bar Association

**AWARDS & RECOGNITION**

- > Pasadena Top Attorney, Pasadena Magazine (2016)
- > *40 Angelenos to Know in Intellectual Property Law*, Los Angeles Business Journal (2012)
- > Southern California Super Lawyers®, Intellectual Property Litigation, Business Litigation (2004-2018)

**PUBLICATIONS**

- > *Preparing to Defend a Section 337 Action: What District Court Litigators Need to Know*, Lead Author, New Matter (Fall 2014)
- > *Intellectual Property: It's Not Just for Specialists Anymore*, Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)
- > *Section 337: Whether to Respond or Default*, Lead Author, Intellectual Property Today (June 9, 2014)

**OF COUNSEL****Philip Graves**

- › *U.S. Patent Litigation under Section 337*, Presenter, Shijingshan Scientific and Technological Services Alliance/Beijing Intellectual Property Office/Zhongguancun Scientific and Technological Park, Beijing, China (May 6, 2014)
- › *Double Exposure: Keeping Your Confidential Information Out of the Public Eye in the Wake of Apple v. Samsung*, Lead Author, ABA Landslide Magazine (May/June 2013 Issue)
- › *Potential Ramifications of Already v. Nike*, Lead Author, Law360 (September 6, 2012)
- › *U.S. Patent Litigation Involving Pharmaceutical Patents*, Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › *Developments in Trademark Law and the Internet: Domain Name Disputes, Banner Ads, Pop-Ups, and Related Issues*, Author, 2004 Intellectual Property Institute of the State Bar of California
- › *Damages in Copyright and Patent Infringement Actions*, Author, Intellectual Property Law Section of the Alaska Bar Association

**NOTABLE CASES**

- › **Stamps.com**, several patent infringement cases involving online postage generation and delivery, network security, digital signature and encryption technology. As lead trial counsel, obtained a jury verdict in Stamps.com's favor, avoiding over \$30 million in damages.
- › **Web.com Group**, patent infringement suits in Arizona and Texas concerning a variety of backend and client-facing content hosting and delivery functionalities, as well as several business litigation matters in California in which Mr. Graves obtained a dismissal of one suit on summary judgment and affirmance of another favorable judgment on appeal.
- › **Fotona d.d.**, a European manufacturer of medical lasers, in a patent infringement action involving dental laser surgery technology. Following a three day evidentiary hearing, Mr. Graves obtained a favorable resolution of the case and a full award of attorneys' fees for the client.
- › **Developer of motion capture technology**, breach of contract action involving rights in the technology. As lead trial counsel, obtained a verdict in favor of the client as well as an award of all of the client's attorneys' fees.
- › **Designer and importer of consumer electronics products**, represented in a patent infringement action venued in the International Trade Commission. The complainant dismissed its complaint on the eve of trial, following the filing of the parties' pretrial briefs and witness statements.
- › **Large publicly traded company**, in several patent infringement suits in California and Texas involving rapid prototyping technology.
- › **Technology development company**, represented in a patent infringement suit involving imaging systems used at tourist attractions and theme parks.
- › **Cosmetics company**, represented in consolidated suits alleging unfair competition and infringement of patents covering various prostaglandin analogs.

**PERSONAL INSIGHT**

Phil took a break from his judicial clerkship in 1991 to travel a war zone (Croatia, Serbia, Kosovo) and was chased down a mountainside by Kosovar rebels.

**OF COUNSEL****John D. Jenkins**

*John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.*

**CONTACT**

(714) 222-2333 office  
johnj@hbsslw.com

**PRACTICE AREAS**

- > Investor Fraud
- > Securities

**EDUCATION**

- > University of Southern California, B.A. and J.D.

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

**EXPERIENCE**

- > Former Deputy District Attorney in Orange County, California
- > Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

**ACTIVITIES**

- > Member, Board of Governors at the University of Southern California
- > Member, Board of Directors of Lear Capital

**PERSONAL INSIGHT**

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.

**OF COUNSEL**

## Wesley Kelman

*Wes has worked for many years to protect the environment, including key early global warming cases, and on New Hampshire's \$236 million recovery against ExxonMobil in a groundwater contamination case.*

**CONTACT**

1280 Centre Street  
Suite 230  
Newton Centre, MA 02459

(617) 641-9550 office  
(617) 641-9551 fax  
wes@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Commercial Litigation
- > Environmental Litigation
- > Mass Torts

**BAR ADMISSIONS**

- > Massachusetts
- > New York

**COURT ADMISSIONS**

- > U.S. District Court, Southern District of New York
- > U.S. District Court of Massachusetts

**CLERKSHIPS:**

- > Hon. Warren W. Matthews, Alaska Supreme Court, Anchorage, AK 2004-05
- > Hon. Jon O. Newman, U.S. Court of Appeals, Second Circuit, Hartford, CT 2000-2001

**EDUCATION**

- > Yale Law School, J.D., 2000, Yale Law Journal
- > University of Chicago, A.B., History, Phi Beta Kappa, 1993

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Prior to joining Hagens Berman, Mr. Kelman practiced environmental law at Pawa Law Group where his clients included:
  - The states of New Hampshire and Vermont in statewide MTBE groundwater contamination claims against major oil companies
  - Trusts and an Alaskan native village in global warming claims
  - Citizen groups including administrative litigation over air pollution permits, including a challenge to a major new power plant
- > Mr. Kelman drafted papers submitted to state and federal appellate courts and helped other attorneys at Pawa Law Group try several cases to verdict.
- > Mr. Kelman also worked at the Environmental Protection Agency, Region 1, Boston, MA as enforcement counsel. He negotiated consent decrees under which private parties performed cleanups and brought enforcement actions against regulated parties. He was employee of the year for the Superfund section of the regional office, and won a "ROD of the Year" EPA national award for papers documenting EPA's clean-up decision for the Sudbury River in Massachusetts.
- > Cleary, Gottlieb, Steen & Hamilton, Associate. In the wake of Argentina's financial crisis of 2001, Mr. Kelman was part of a small group of lawyers defending the Republic of Argentina against claims by holders of Argentina's sovereign debt.

**NOTABLE CASES**

- > Wes has worked on key early global warming cases and on behalf of state attorneys general who have sued for damage to statewide groundwater supplies, including a \$236 million recovery against ExxonMobil for the state of New Hampshire.

**PERSONAL INSIGHT**

Wes loves to ride his bicycle and commutes on it through all four seasons.

**OF COUNSEL**

## Michella A. Kras

*State Bar of Arizona President's Volunteer Service Award, 2010*

**CONTACT**

11 West Jefferson St.  
Suite 1000  
Phoenix, AZ 85003

(602) 224-2627 office  
(602) 840-3012 fax  
michellak@hbsslaw.com

**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

> Commercial Litigation  
> Complex Civil Litigation

**BAR ADMISSIONS**

> Arizona  
> U.S. District Court for the  
District of Arizona

**EDUCATION**

> Arizona State University  
College of Law, J.D., *magna  
cum laude*, 2003  
> Arizona State University, B.A.,  
1997

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

**RECOGNITION**

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

**EXPERIENCE**

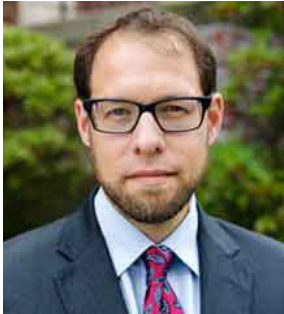
- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

**LEGAL ACTIVITIES**

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

**NOTABLE CASES**

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil

**OF COUNSEL****Benjamin A. Krass**

*Ben positions his clients to succeed by his experience bringing environmental cases for more than a decade, the close relationships he builds with his clients and his attention to every aspect of a client's case.*

**CONTACT**

1280 Centre Street  
Suite 230  
Newton Centre, MA 02459

(617) 641-9550 office  
(617) 641-9551 fax  
benk@hbsslw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

> Environmental Litigation  
> Products Liability

**BAR ADMISSIONS**

> Massachusetts

**COURT ADMISSIONS**

> U.S. District Court, District of Massachusetts  
> U.S. District Court, District of Vermont

**EDUCATION**

> Boston College Law School, J.D., 2003  
Honors: Managing Editor, Boston College Environmental Affairs Law Review; Boston College Environmental Law Society Certificate in Environmental and Land Use Law; Adjunct Lecturer, Environmental Law, Boston College Political Science Department (Spring 2003)  
> Universidad de Oviedo, 1999-2000, William J. Fulbright scholarship  
> Canisius College, B.A., **summa cum laude**, 1999

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Prior to joining Hagens Berman, Mr. Krass was a Partner at Pawa Law Group where he gained extensive experience representing the states of New Hampshire, Rhode Island and Vermont in MTBE litigation.
- > Litigated nearly every aspect of the New Hampshire MTBE case for over a decade and participated in the three-month trial against ExxonMobil, including by handling the examination of expert and state witnesses.
- > Involved in all of his prior firm's other major environmental cases, including American Elec. Power Co. v. Connecticut, 131 S. Ct. 2527 (2011), Native Village of Kivalina v. ExxonMobil Corp., 696 F.3d 849 (9th Cir. 2012), and Green Mt. Chrysler Plymouth Dodge Jeep v. Crombie, 508 F. Supp. 2d 295 (D. Vt. 2007). Played a significant role in preparing evidence and cross examination in the multi-week Crombie trial.

**RECENT SUCCESS**

- > Represented the state of New Hampshire from 2003-2016 in litigation against major oil companies for statewide contamination of the state's waters with the chemical and gasoline additive MTBE
- > Helped obtain settlements of \$136 million from approximately a dozen defendants prior to or at the commencement of trial and participated in the three-month trial against ExxonMobil which resulted in a \$236 million jury verdict against ExxonMobil. The jury verdict was affirmed on appeal by the New Hampshire Supreme Court. New Hampshire v. Exxon Mobil Corp., 126 A.3d 266 (N.H. 2015), cert. denied, 136 S. Ct. 2009 (2016).

**NOTABLE DECISIONS**

- > State of New Hampshire v. Exxon Mobil Corp., 126 A.3d 266 (N.H. 2015) (upholding \$236 million jury verdict following three-month trial against petroleum company for polluting state's groundwater)
- > Connecticut v. American Electric Power Co., 582 F.3d 309 (2d Cir. 2009) (reinstating global warming tort case filed by states and land trusts), rev'd on other grounds, 131 S. Ct. 2527 (2011)
- > State v. Hess Corp., 161 N.H. 426 (2011) (holding that, under parens patriae doctrine, a state suing a polluter for groundwater contamination may recover as damages the cost of treating private well contamination)
- > New Hampshire v. N. Atlantic Refining, Ltd., 999 A.2d 396 (N.H. 2010) (upholding personal jurisdiction over oil company in MTBE litigation); New Hampshire v. Hess Corp., 982 A.2d 388 (N.H. 2009) (affirming proper service of process on two oil company defendants in MTBE litigation)

**ACTIVITIES**

- > President, Board of Directors, Transportation Children's Center (2016-2017)

**OF COUNSEL**

Benjamin A. Krass

**PUBLICATIONS**

- > “Behind the Curve: The National Media’s Reporting on Global Warming,” 33 B.C. Envtl. Aff. L. Rev. 485 (2006)
- > “Global Warming As A Public Nuisance: Connecticut v. American Electric Power,” 16 Fordham Envtl. L. Rev. 407 (2005)
- > “Comment: Combating Urban Sprawl in Massachusetts: Reforming the Zoning Act through Legal Challenges,” 30 B.C. Envtl. Aff. L. Rev. 605 (2003)

**LANGUAGES**

- > Spanish

**PERSONAL INSIGHT**

Ben is a competitive runner and enjoys winter mountaineering, backpacking, gardening and spending time with his family.



**OF COUNSEL****Ed Notargiacomo**

*Mr. Notargiacomo is involved in a number of large class-action suits against large pharmaceutical manufacturers in both the consumer protection and antitrust areas.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 482-3700 x1960 office  
(617) 482-3003 fax  
ed@hbsslaw.com

**YEARS OF EXPERIENCE**

> 28

**PRACTICE AREAS**

- > Consumer Protection
- > Complex Commercial
- > Antitrust Litigation

**BAR ADMISSIONS**

- > Massachusetts
- > U.S. District Court, District of Massachusetts

**EDUCATION**

- > Boston University, J.D., with Honors, 1994, served on the Boston University Public Interest Law Review
- > Brown University, B.A., 1989

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer, commercial and antitrust litigation

**RECENT SUCCESS**

- > *Relafen Antitrust Litigation* (\$85 million settlement)
- > *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)
- > *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)
- > *In re Vytorin/Zetia Marketing, Sales Practices, and Products Liability Litigation* (\$80 million settlement)
- > *In re Flonase Antitrust Litigation* (\$150 million settlement)
- > *In re Wellbutrin Antitrust Litigation* (\$21 million settlement)
- > *In re Skelaxin Antitrust Litigation* (settlement pending)

**EXPERIENCE**

- > Served as Special Assistant Attorney General for Massachusetts in its suit against the tobacco industry to recoup funds expended to treat smoking-related illnesses
- > Helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry
- > Represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for violence perpetrated with firearms that they negligently and illegally distributed in cities like Boston
- > Experience also includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers and the firearms industry
- > Lief, Cabraser, Heimann & Bernstein, LLP, Boston, MA  
Litigation of consumer class actions to redress major corporate misconduct. Co-lead effort on behalf of the City of Boston and the Boston Public Health Commission in suit against major firearms manufacturers in an effort to recover the cost of gun violence to the City of Boston and its citizens. Heavily involved in extended negotiations to settle municipal gun suits on behalf of the City of Boston. Engaged in the litigation of several suits against major pharmaceutical manufacturers for illegal activities that artificially inflate the price of prescription drugs paid by consumers.
- > Law Offices of Edward Notargiacomo, Boston, MA  
Primary focus in civil litigation, including construction and contract claims, employment disputes as well as some personal injury. Represented clients in commercial and residential real estate conveyancing as well as advised clients on land use and zoning issues. Experience with mediation, arbitration and

**OF COUNSEL****Ed Notargiacomo**

negotiation and settlement of a wide range of disputes. Drafted and negotiated contracts, commercial leases and settlement agreements. Provided aggressive representation to clients in construction and contract disputes, copyright actions, zoning and land use matters, and commercial and residential lease disputes.

- › Brown, Rudnick, Freed & Gesmer, P.C., Boston, MA  
Experience in real estate conveyancing and finance, including representation of international investment funds seeking to acquire investment grade commercial property in the United States. Provided legal representation in a wide range of practice areas including real estate development and complex real estate finance, zoning regulations, and commercial lease negotiation. Two years concentrating in commercial litigation, representing a wide range of business clients in state and federal courts.

**PUBLICATONS**

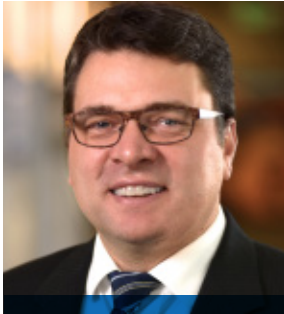
- › Boston University Public Interest Law Review, 1994

**NOTABLE CASES**

- › *In re Relafen Antitrust Litigation* (\$85 million settlement)
- › *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)
- › *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)
- › *State of Connecticut v. Eli Lilly* (\$25 million settlement)
- › *Pfizer Neurontin Promotions Litigation* (jury verdict and judgment for \$142 million)
- › *In re Wellbutrin SR Antitrust Litigation*
- › *In re Vytorin/Zetio Marketing, Sales Practices and Products Liability Litigation*
- › *In re Flonase Antitrust Litigation*

**PERSONAL INSIGHT**

Ed once had a one-on-one lunch with Cher while working as an investigator for the public defender's office in Washington, D.C. Cher was researching her role as a public defense attorney in the movie *Suspect*. He also once owned a pot-bellied pig who could sit, play dead and turn in a circle on command (and for a tasty treat).

**OF COUNSEL****Jerrod C. Patterson**

*Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9378 office  
(206) 623-0594 fax  
jerrod@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Antitrust Litigation
- > Racketeering
- > Automotive Litigation

**BAR ADMISSIONS**

- > Washington
- > New York
- > District of Columbia

**CLERKSHIPS:**

- > The Hon. Louis F. Oberdorfer, U.S. District Court for D.C.
- > U.S. Senate Judiciary Committee (Sen. Leahy) Washington, D.C.

**EDUCATION**

- > University of California, Berkeley School of Law (Boalt Hall), J.D., May 2002; top 15% of graduating class
- > Johns Hopkins University, School of Advanced International Studies (SAIS) M.A. in International Economics and International Relations, December 1997, Graduated with distinction (top 10%)
- > Brown University A.B. in International Relations, May 1995, *magna cum laude*

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud cases, including Animation Workers Antitrust, Batteries Antitrust and Nespresso Antitrust
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

**RECOGNITION**

- > Organized Crime and Drug Enforcement Task Force “Best Financial Investigation in the Nation” – 2012
- > U.S. Attorney General “Outstanding Performance as a Special Assistant U.S. Attorney” – 2010
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2009
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2008

**NOTABLE CASES**

- > *In re Animation Workers Antitrust Litig.*, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators
- > *In re Lithium Ion Batteries Antitrust Litig.*, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices
- > *Nespresso v. Ethical Coffee Co.*, 16-cv-0194 GMS (D. Del.): Represents counterclaimants, alleging Nespresso monopolized the single-serve coffee capsule market through predatory redesigns of their coffee machines
- > *Melton v. Century Arms*, 16-cv-21008 FAM (S.D. Fla.): Class-action case against assault rifle manufacturer for selling rifles with a defective safety level, causing rifles to discharge without warning
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

**EXPERIENCE**

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney’s Office in Seattle, WA.
  - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
  - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
  - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

## OF COUNSEL

# Jerrod C. Patterson

- › Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
  - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- › Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
  - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- › Associate, Wilmer Cutler Pickering (WilmerHale)

## PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.

**OF COUNSEL**

## Greer N. Shaw

*Greer works hard for every client, large and small, with integrity and creativity.*

**CONTACT**

301 North Lake Ave.  
Suite 920  
Pasadena, CA 91101

(213) 330-7145 office  
(213) 330-7152 fax  
greers@hbsslaw.com

**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

- > Complex Commercial
- > Intellectual Property
- > Patent Litigation
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation

**BAR ADMISSIONS**

- > California
- > Arizona
- > Massachusetts

**COURT ADMISSIONS**

- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth and First Circuits
- > U.S. District Court, Central, Northern, Eastern and Southern Districts of California
- > U.S. District Court, Districts of Arizona, Massachusetts, Nebraska and E.D. of Texas

**CLERKSHIPS:**

- > Honorable Bailey Aldrich, U.S. Court of Appeals, First Circuit

**EDUCATION**

- > Boston University School of Law, J.D., *magna cum laude*; Managing Editor, Boston University Law Review
- > University of California, Berkeley, B.A.

[www.hbsslaw.com](http://www.hbsslaw.com)

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

**RECOGNITION**

- > Southern California Super Lawyers®, Intellectual Property Litigation, 2014-2016

**EXPERIENCE**

- > Snell & Wilmer LLP, 2011-2015
- > Graves & Shaw LLP, 2009-2011
- > Kirkland & Ellis LLP, 2004-2009
- > Goodwin Procter LLP, 1998-2003
- > U.S. Court of Appeals, First Circuit, 1997-1998

**LEGAL ACTIVITIES**

- > Intellectual Property Owners Association; Litigation Committee (2014-2015)
- > Los Angeles Intellectual Property Law Association; Board of Directors (2012-2015)
- > USC Intellectual Property Institute; 2015 Planning Committee
- > The Judge Paul R. Michel Intellectual Property American Inn of Court; Reporter (2008-2009), Team Captain (2009, 2012); Program Chair (2012-2014)
- > American Intellectual Property Law Association

**PRESENTATIONS**

- > "Nautilus, Ariad, and Beyond; The Current State of § 112's Definiteness, Enablement, and Written Description Requirements in Litigation and Prosecution," Co-Presenter, Webinar produced by the State Bar of California, Patent Interest Group (March 18, 2015)
- > "LAIPLA Goes to Court - Settlement of IP Disputes," Moderator (with Hon. George Wu, Hon. Gary Feess (Ret.) and Hon. Suzanne Segal, U.S. District Court, Central District of California), presented by the Los Angeles Intellectual Property Law Association (January 13, 2015)
- > "Careers in Intellectual Property and Entertainment Law," Panelist, sponsored by the Los Angeles Intellectual Property Law Association and Pepperdine University School of Law (October 1, 2014)
- > "Intellectual Property: It's Not Just for Specialists Anymore," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)

**OF COUNSEL****Greer Shaw**

- > “Hot Topics for In-House Patent Practitioners,” Moderator, “Washington in the West 2014” conference, presented by Los Angeles Intellectual Property Law Association (January 24, 2014)
- > “Hot Topics and Notable Developments in IP Law,” Co-Presenter, Association of Corporate Counsel (Mountain West Chapter), Salt Lake City, UT (June 28, 2013)
- > “Design Patent Infringement 2013,” Co-Presenter, Webinar produced by The Knowledge Group, LLC (January 29, 2013)
- > “Litigating Patents in the Central District: Local Practices and the Patent Pilot Program from the Practitioner’s Perspective,” Moderator, Litigation Roundtable, Los Angeles Intellectual Property Law Association, Los Angeles, CA (May 30, 2012)
- > “U.S. Patent Litigation Involving Pharmaceutical Patents,” Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- > “Washington in the West Conference,” Chairperson, sponsored by Los Angeles Intellectual Property Law Association (February 14, 2012)
- > “Dual Actor Infringement: Drafting and Enforcing Telecommunication and Computer Science Claims Following BMC, Muniacution, SiRF and Akamai,” Panelist, Los Angeles Intellectual Property Law Association, 2011 Spring Seminar (June 4, 2011)
- > “IP Law – Where Do I Fit In?,” Panelist, Sponsored by The Palmer Center, the Los Angeles Intellectual Property Law Association, and the Pepperdine University Career Development Office (October 28, 2008)
- > “Patents & The Supreme Court,” Moderator, Panel presentation of the 10th Annual “Washington in the West” Conference presented by the Los Angeles Intellectual Property Law Association (January 31, 2007)
- > “Recent Developments In False Designation of Origin and Willful Patent Infringement,” Panelist, Fifth Annual Technology Law Conference, Pepperdine University School of Law, Sponsored by the Association of Corporate Counsel (June 25, 2004)

**PERSONAL INSIGHT**

When he is not helping clients who have been ripped off or wrongly accused, Greer enjoys scaling mountains, exploring canyons, and rappelling down waterfalls with the Altadena Mountain Rescue Team of the Los Angeles County Sheriff’s Department.

**OF COUNSEL**

## Nick Styant-Browne

*Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9373 office  
(206) 623-0594 fax  
nick@hbsslw.com

**YEARS OF EXPERIENCE**

> 25

**PRACTICE AREAS**

- > Human Rights
- > Environmental Protection
- > Consumer Rights

**BAR ADMISSIONS**

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

**EDUCATION**

- > University of Melbourne

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

**EXPERIENCE**

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

**LEGAL ACTIVITIES**

- > Past elected member, Council of Greenpeace, Australia

**NOTABLE CASES**

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > *Rio Tinto Litigation*  
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > *BHP Environmental Litigation*  
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > *Toyota Unintended Acceleration Litigation*
- > *Thalidomide Drug Litigation*

**OF COUNSEL**

## Nathaniel A. Tarnor

*Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.*

**CONTACT**

555 Fifth Avenue  
Suite 1700  
New York, NY 10017

212-752-5455 phone  
212-210-3980 fax  
nathant@hbsslaw.com

**YEARS OF EXPERIENCE**

> 13

**BAR ADMISSIONS**

- > State of Illinois
- > State of New York
- > District of Columbia

**PRACTICE AREAS**

- > Antitrust Litigation
- > Anti-Terrorism
- > Consumer Rights
- > Investor Fraud
- > Whistleblower Litigation

**COURT ADMISSIONS**

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Courts for the Northern & Central Districts of Illinois
- > U.S. District Court for the Eastern & Southern District of New York

**EDUCATION**

- > Chicago-Kent College of Law, J.D., CALI Award, 2004
- > University of Illinois, B.A., Phi Beta Kappa, *summa cum laude*, Milton Ravoce Award, 2000

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
- > Practice concentrates on complex federal litigation

**EXPERIENCE**

- > Milberg LLP, New York, NY, 2009-2016
- > Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
- > Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
- > Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

**RECOGNITION**

- > Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- > Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- > Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- > CALI Award Commercial Payment Systems Law

**PERSONAL INSIGHT**

Nathaniel enjoys competing in endurance sports and hiking with his family.



**ASSOCIATE****Hannah Brennan**

*Hannah brings to the firm experience in drug pricing, patent, and international right to health litigation as well as international trade agreements.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1950 office  
(617) 482-3003 fax  
hannahb@hbsslw.com

**PRACTICE AREAS**

- › Antitrust Litigation
- › Civil & Human Rights Litigation
- › Consumer Rights
- › Medical Devices
- › Pharmaceutical Fraud
- › RICO

**INDUSTRY EXPERIENCE**

- › Drug Pricing
- › Patent
- › International Right to Health Litigation
- › International Trade Agreements

**BAR ADMISSIONS**

- › Massachusetts

**COURT ADMISSIONS**

- › Third Circuit

**EDUCATION**

- › Yale Law School, J.D., 2013
- › Brown University, B.A., 2009

**CURRENT ROLE**

- › Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- › Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- › She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- › In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.
- › Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

**LEGAL ACTIVITIES**

- › Member, American Association for Justice

**RECOGNITION**

- › Charles G. Albon Prize for Excellency in Appellate Advocacy

**PUBLICATIONS**

- › Hannah Brennan, Christine Monahan, Zain Rizva, & Amy Kapczynski, *Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health*, 18 Yale J. of L. & Tech. 275 (2016).
- › Hannah Brennan, *The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals*, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)
- › Hannah Brennan & Burcu Kilic, *Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective*, Harv. Hum. Rts. J. Online (2015)

**ASSOCIATE**

## Hannah Brennan

- › Burcu Kilic, Hannah Brennan, & Peter Maybarduk, *What Is Patentable Under the Trans-Pacific Trade Partnership?*, 40 Yale J. Int'l L. Online 1 (2015)
- › *Inside Views: The TPP's New Plant-Related Intellectual Property Provisions*, Intellectual Property Watch (Oct. 17, 2014)
- › A Human Rights Approach to Intellectual Property and Access to Medicines, Yale Global Health and Justice Partnership
- › Trabajo en servicio doméstico: capacitación laboral y agencias de empleo [Domestic House Work: Labor Training and Employment Agencies] (Asociación Grupo de Trabajo Redes eds., 2010)

**LANGUAGES**

- › Spanish

**PERSONAL INSIGHT**

Hannah's favorite country is Peru and her favorite city is Lima. She was born and raised in Boston, but notably does not support any of the region's sport teams.

**ASSOCIATE**

## Emily R. Brown

*Emily brings to the firm her longstanding commitment to public interest advocacy and litigation.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1950 office  
(617) 482-3003 fax  
emilyb@hbsslaw.com

**PRACTICE AREAS**

- > Consumer Rights
- > Environmental Litigation

**BAR ADMISSIONS**

- > Illinois

**COURT ADMISSIONS**

- > U.S. District Court, Northern District of Illinois

**CLERKSHIPS**

- > Hon. Milton I. Shadur, U.S. District Court for the Northern District of Illinois, 2016-17

**EDUCATION**

- > University of Michigan Law School, J.D., *cum laude*, 2014
- > Oxford University, M.S., Criminology and Criminal Justice, 2011
- > The University of Chicago, B.A., Political Science General and Departmental Honors, 2008

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Prior to joining Hagens Berman, Emily clerked for the Hon. Milton I. Shadur on the U.S. District Court for the Northern District of Illinois.
- > Before clerking, Emily worked on litigation and policy advocacy campaigns in public housing and criminal justice reform as a Polikoff-Gautreaux Fellow at BPI (Business and Professional People for the Public Interest).

**PRO BONO**

- > Emily served as a volunteer hotline attorney at First Defense Legal Aid.

**PUBLICATIONS**

- > Public-Private Partnerships: HUD's Lost Opportunities to Further Fair Housing, 21 LEWIS & CLARK L. REV. (forthcoming 2017)

**PERSONAL INSIGHT**

Though she hasn't competed in years (and was never especially fast), Emily is happiest when swimming. Come summertime, you can often find her in Lake Michigan.

**ASSOCIATE**

## Dawn Cornelius

*Ms. Cornelius is committed to protecting consumers from unfair and deceptive corporate practices, and has assisted in obtaining recoveries for homeowners, investors and protestors.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-7292 office  
(206) 623-0594 fax  
dawn@hbsslaw.com

**BAR ADMISSIONS**

> Washington

**COURT ADMISSIONS**

> U.S. District Court for  
the Western District of  
Washington

**EDUCATION**

> WSBA Law Clerk Program,  
2014  
> University of Washington, B.A.  
Criminal Justice, 1992

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions involving consumer-related claims, predatory lending practices, and claims on behalf of people harmed by pollution from neighboring power plants.

**EXPERIENCE**

- > Prior to becoming an attorney, Dawn worked as a senior paralegal at Hagens Berman for 20 years, managing cases and developing extensive civil procedure experience in jurisdictions across the United States.
- > Ms. Cornelius also worked in the legal department of Mercedes Benz U.S. International, Inc. in Tuscaloosa, Alabama, and for the firm of Oven, Gwynn & Strickland in Tallahassee, Florida.

**NOTABLE CASES**

- > *Expedia Litigation*, assisted in recovering \$134 million settlement for consumers
- > *Little et al. v. Louisville Gas & Electric Co.*: Part of team representing residents living next to a coal-fired power plant emitting coal ash and dust containing toxic metals in violation of state regulations and federal law
- > *In re Bank of America Home Affordable Modification Program (HAMP) Contract Litigation*: Part of team representing homeowners to whom the defendant allegedly promised mortgage modifications as part of a federal program
- > *In re Checking Account Overdraft Litigation*: Part of team representing banking customers whose accounts were allegedly charged repeated overdraft fees based on the way the banks manipulated transactions
- > *WTO Wrongful Arrest Litigation*: assisted in recovering \$1 million and non-monetary relief for protestors

**PERSONAL INSIGHT**

Dawn is a native Washingtonian, an avid hiker and music buff. For years, she covered the Washington Huskies football team for a local publication and remains a passionate football fan. Dawn also spends many summer vacations on the family farm, driving tractor.

**ASSOCIATE****John DeStefano**

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

**CONTACT**

11 West Jefferson St.  
Suite 1000  
Phoenix, AZ 85003

(602) 224-2628 office  
(602) 840-3012 fax  
johnd@hbsslaw.com

**PRACTICE AREAS**

- > Consumer Protection
- > Commercial Litigation
- > Privacy Rights
- > Appellate Advocacy

**BAR ADMISSIONS**

- > U.S. Supreme Court
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > U.S. District Court, District of Arizona
- > Supreme Court of Arizona

**EDUCATION**

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

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer and antitrust class actions as well as media and entertainment litigation

**RECENT SUCCESS**

- > Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.
- > Obtained appellate reversal of judgment for defendant in multimillion-dollar business ownership dispute.

**EXPERIENCE**

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

**RECOGNITION**

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

**NOTABLE CASES**

- > *In re Pre-Filled Propane Tank Antitrust Litigation*
- > *In re Hyundai & Kia Fuel Economy Litigation*
- > *Sheridan v. iHeartMedia; Sheridan v. Sirius XM and Pandora Media*
- > *Jim Brown v. Electronic Arts Inc.*
- > *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- > *Antonick v. Electronic Arts Inc.*
- > *In re Swift Transportation Co., Inc.*
- > Obtained a published reversal of a deportation order in a hotly disputed immigration appeal before the U.S. Court of Appeals for the Ninth Circuit (pro bono)
- > Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)

**ASSOCIATE**

John DeStefano

**LEGAL ACTIVITIES**

- > American Association for Justice
- > Program Chair (current), Treasurer (past), Lorna Lockwood American Inn of Court
- > Volunteer Lawyers Program of Arizona

**PERSONAL INSIGHT**

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

**ASSOCIATE**

## Steve W. Fimmel

*Mr. Fimmel was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9362 office  
(206) 623-0594 fax  
stevef@hbsslaw.com

**YEARS OF EXPERIENCE**

> 27

**PRACTICE AREAS**

> Complex Litigation

**BAR ADMISSIONS**

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

**EDUCATION**

> Lewis & Clark Law School,  
J.D.  
> University of Washington, B.A.,  
Phi Beta Kappa

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro LLP  
> Focuses on high-value, document-intensive cases

**EXPERIENCE**

> Attorney, Oles, Morrison, Rinker & Baker where he was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million. The court sustained an unprecedented termination for default against the Lockheed-Martin Corporation for breach of contract to remediate a nuclear waste site at the Idaho National Engineering Laboratory.  
> Associate, Hanford Litigation Office in Seattle representing Hanford downwinders

**NOTABLE CASES**

> LMITCO v. LMAES  
> Hanford Downwinders Litigation

**PERSONAL INSIGHT**

In a previous life, Mr. Fimmel was a sports anchor and reporter for KHQ-TV, Spokane's NBC affiliate. Through his senior year at the University of Washington and while attending law school at Lewis & Clark in Portland, Steve was the sports play-by-play and color broadcaster for Seattle's KCTS-TV on Seattle Sounder and Washington Husky basketball telecasts.

**ASSOCIATE**

## Rachel E. Fitzpatrick

*Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.*

**CONTACT**

11 West Jefferson St.  
Suite 1000  
Phoenix, AZ 85003

(602) 224-2636 office  
(602) 840-3012 fax  
rachel@hbsslw.com

**YEARS OF EXPERIENCE**

> 6

**PRACTICE AREAS**

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

**BAR ADMISSIONS**

- > Arizona

**EDUCATION**

- > Arizona State University, B.S., *magna cum laude*, 2007
- > Arizona State University  
Sandra Day O'Connor College  
of Law, J.D., 2011

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick worked on behalf of student-athlete plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

**RECENT SUCCESS**

- > In March 2012, Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

**NOTABLE CASES**

- > *Keller v. Electronic Arts Inc.*, U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > *In re: NCAA Student-Athlete Name and Likeness Licensing Litigation*, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > *Antonick v. Electronic Arts, Inc.*, U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

**PERSONAL INSIGHT**

Ms. Fitzpatrick spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait and the United Arab Emirates to perform for troops stationed overseas.



**ASSOCIATE**

## Catherine Y.N. Gannon

*Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2018.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9319 office  
(206) 623-0594 fax  
catherineg@hbsslaw.com

**YEARS OF EXPERIENCE**

> 9

**PRACTICE AREAS**

- > Securities and Antitrust
- > Consumer Protection

**BAR ADMISSIONS**

- > Washington
- > New York
- > Ontario (Canada)

**EDUCATION**

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

**CURRENT ROLE**

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

**NOTABLE CASES**

- > *In re MyFord Touch Consumer Litigation*
- > *NCAA Grants-In-Aid Gap Antitrust Litigation*

**EXPERIENCE**

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

**LEGAL ACTIVITIES**

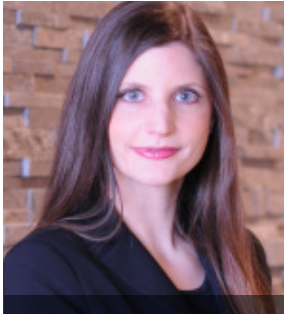
- > Director, Board of Directors, Eastside Legal Assistance Program (ELAP)
- > Volunteer, Legal Voice
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

**PUBLICATIONS**

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

**PERSONAL INSIGHT**

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

**ASSOCIATE**

## Anthea D. Grivas

*Working on behalf of consumers, continuing a long-standing dedication to public interest legal advocacy.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9307 office  
(206) 623-0594 fax  
antheag@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Consumer Protection
- > Anti-Trust
- > Civil and Human Rights

**BAR ADMISSIONS**

- > Washington

**EDUCATION**

- > University of Washington  
School of Law, J.D., 2001
- > University of Washington, B.A.  
Political Science, 1995

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Significant complex multi-party litigation experience with an emphasis on anti-trust price-fixing, product liability and nationwide class action cases on behalf of consumers. Ms. Grivas develops successful litigation theories and strategies, drafts legal motions and handles all aspects of large-scale multi-firm case discovery.
- > Ms. Grivas' contributions to the firm have included:
  - Member of *In re Automotive Parts Antitrust Litigation* team
  - Drafted interrogatories and discovery motions, managed multi-firm review and oversaw in-house deposition preparation in *In re Toyota Motor Corp. Sudden, Unintended Acceleration* matter
  - Extensive discovery work in an anti-trust case brought against several of the world's largest manufacturers of TFT-LCD products
  - Part of team working on class-action litigation brought by collegiate student athletes who suffered concussions/traumatic brain injuries
  - Litigation against a large, publicly traded medical waste disposal company on behalf of small businesses
  - Nationwide class-action cases brought by homeowners with catastrophic property damage claims against makers of water connectors
  - Litigation involving the world's largest fruit and vegetable company, claiming it misled consumers about its environmental record

**RECENT SUCCESS**

- > *NCAA Concussions* – part of HB legal team whose efforts resulted in settlement providing medical-monitoring program for current and former student-athletes, sweeping changes to the NCAA's approach to concussion treatment and prevention, and a \$5 million concussion research fund.
- > *In re Toyota Motor Corp. Sudden, Unintended Acceleration* – part of HB legal team that obtained record settlement on behalf of auto purchasers.
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation* – part of HB legal team that obtained settlement on behalf of TFT-LCD product purchasers.
- > *Trabakoolas v. Watts Water Technologies, Inc.* – part of HB legal team that obtained settlement on behalf of customers.
- > *Dole Bananas* – part of HB legal team whose efforts resulted in settlement on behalf of local communities in Guatemala.

**ASSOCIATE****Anthea D. Grivas****RECOGNITION**

- › Ms. Grivas has been recognized by the University of Washington's law school for her commitment to advocacy on behalf of the public interest, and was awarded the university's annual dean's list award for high scholarship.
- › Public Justice recognized the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for its work on behalf of auto consumers.

**EXPERIENCE**

- › Ms. Grivas has a long-standing dedication to legal advocacy on behalf of traditionally underrepresented groups. She is a former co-chair of an organization that helps prepare Violence Against Women Act self-petitions on behalf of survivors of domestic violence, has represented refugees with disabilities in INS administrative proceedings, worked as an advocate for families receiving Temporary Assistance for Needy Families benefits, and has visited womens' shelters to conduct public assistance trainings.
- › As a summer law clerk, Ms. Grivas worked on *Arc of Washington vs. Quasim*, a significant case brought on behalf of individuals with developmental disabilities. She was tasked with researching and constructing a legal argument against the state of Washington's claim of deliberative process privilege, and her work helped expose a state audit report containing what the *Seattle Post-Intelligencer* described as "damning revelations" regarding the state's limited oversight of services for disabled individuals.
- › Ms. Grivas also has a strong technical background, incorporating over a decade of electronic discovery institutional knowledge, and has seven years of experience in litigation impacting the software industry, including work in the compliance phase of *US v. Microsoft*.

**LEGAL ACTIVITIES**

- › Northwest Immigrant Rights Project
- › Solid Ground/Fremont Public Association
- › Public Interest Law Association
- › Women's Law Caucus
- › Immigrant Families Advocacy Project
- › American Civil Liberties Union of Washington
- › KCBA Neighborhood Legal Clinics program

**PUBLICATIONS**

- › Author, "An Unreal Dream: The Impact of DNA Technology on the American Criminal Justice System," (DeNovo, XVI.IV, 2002)

**NOTABLE CASES**

- › *Toyota Motor Corp. Sudden, Unintended Acceleration*
- › *In re TFT-LCD flat panel litigation*
- › *NCAA Concussions*

**PERSONAL INSIGHT**

Ms. Grivas is a lifelong musician who has performed at the Northwest Folklife Festival, Northwest Orchestra Festival, the Nippon Kan theater and as principal violinist and concertmaster with a local symphony orchestra.

**ASSOCIATE**

## Ben Harrington

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

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3000 office  
(510) 725-3001 fax  
benh@hbsslw.com

**YEARS OF EXPERIENCE**

> 10

**INDUSTRY EXPERIENCE**

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

**BAR ADMISSIONS**

- > California
- > New York

**COURT ADMISSIONS**

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

**CLERKSHIPS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

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

**PERSONAL INSIGHT**

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

**ASSOCIATE**

## Jeffrey A. Lang

*Over 10 years of experience focused exclusively on review of discovery.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9357 office  
(206) 623-0594 fax  
jeff@hbsslw.com

**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

- > Washington

**EDUCATION**

- > University of Puget Sound  
School of Law, J.D.
- > University of Washington, B.A.

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Focuses on review of discovery in document intensive cases involving the firm's consumer protection, pharmaceutical fraud, antitrust and investor fraud litigation
- > 19 years of experience across a variety of practice areas
- > Focused on the review of discovery material since 2003

**EXPERIENCE**

- > Special project attorney, Preston Gates Ellis, where he was involved in the Microsoft Antitrust Litigation
- > Experienced in land-use, SEPA, and zoning and building compliance through his positions with Whalen & Company and the Law Offices of Dan Clawson

**NOTABLE CASES**

- > *Microsoft Antitrust Litigation*
- > *E-books Antitrust Litigation*
- > *Average Wholesale Price Litigation*
- > *Oppenheimer Core Bond Fund & Champion Income Fund Litigation*

**PERSONAL INSIGHT**

Jeff enjoys playing soccer, attending kickboxing classes, and working out.

**ASSOCIATE**

## Kristie A. LaSalle

*Ms. LaSalle graduated magna cum laude from Brooklyn Law School in 2012.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1951 office  
(617) 482-3003 fax  
kristiel@hbsslaw.com

**YEARS OF EXPERIENCE**

> 5

**PRACTICE AREAS**

- > Antitrust Litigation
- > Pharmaceutical Fraud

**CLERKSHIPS**

- > Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

**BAR ADMISSIONS**

- > Massachusetts
- > New York

**COURT ADMISSIONS**

- > U.S. Supreme Court
- > U.S. Court of Appeals, First Circuit
- > U.S. Court of Appeals, Third Circuit
- > U.S. Tax Court
- > U.S. District Court for the District of Massachusetts

**EDUCATION**

- > Brooklyn Law School, JD, *magna cum laude*, 2012
- > Swarthmore College, BA 2006

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.

**RECOGNITION**

- > Order of the Barristers
- > Scholarly Journal Writing Award
- > John P. O'Boyle Memorial Endowed Scholarship, Carswell Scholarship, Dean's Merit Scholarship, Centennial Grant

**EXPERIENCE**

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.
- > Prior to law school, Ms. LaSalle worked as a paralegal at a large Philadelphia law firm as a member of the legal team defending a pharmaceutical fraud class action.

**PUBLICATIONS**

- > Author, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 Tex. J. on Civ. Rights & Civ. Liberties 1 (2013)
- > Author, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 J.L. Pol'y 867 (2011)

**PERSONAL INSIGHT**

Kristie filled her spare time during undergrad as a volunteer EMT in the suburbs of Philadelphia. She spent her days studying biology and chemistry, and her nights saving lives, running red lights and parallel parking a firetruck.

**ASSOCIATE**

## Jessica R. MacAuley

*Ms. MacAuley graduated cum laude from Northeastern University in 2005.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 475-1967 office  
(617) 482-3003 fax  
jessicam@hbsslaw.com

**YEARS OF EXPERIENCE**

> 5

**PRACTICE AREAS**

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

**BAR ADMISSIONS**

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

**EDUCATION**

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

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf
- > Co-lead class counsel for direct purchasers *In re: Solodyn Antitrust Litigation*, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers
- > Represents health benefit providers in the Ketek class litigation, currently on appeal in the Second Circuit

**RECOGNITION**

- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2017

**EXPERIENCE**

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

**NOTABLE CASES**

- > *In re: Prograf Antitrust Litigation*

**PERSONAL INSIGHT**

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

**ASSOCIATE**

## Rio Pierce

*A magna cum laude graduate of Harvard Law School, Rio focuses his practice on ensuring fair and free markets for the benefit of consumers.*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3000 office  
(510) 725-3001 fax  
riop@hbsslaw.com

**YEARS OF EXPERIENCE**

> 4

**PRACTICE AREAS**

> Consumer Protection  
> Intellectual Property

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Court for the Central District of California  
> U.S. District Court for the Northern District of California  
> U.S. District Court for the Southern District of California

**CLERKSHIPS:**

> Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

**EDUCATION**

> Harvard Law School, *magna cum laude*, 2013  
> Duke University, *magna cum laude*, 2005

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro LLP

**RECENT SUCCESS**

> Achieved favorable settlements for group of 80 tenants in tort suit against landlords for slum housing conditions.

**RECOGNITION**

> Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa  
> Teaching Fellow, Copyright EdX

**EXPERIENCE**

> Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.  
> Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014  
> Associate, Munger Tolles & Olson, 2014-2016

**LEGAL ACTIVITIES**

> American Association for Justice

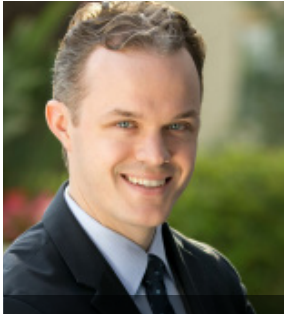
**PUBLICATIONS**

> "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

**PERSONAL INSIGHT**

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



**ASSOCIATE**

## Christopher R. Pitoun

*Christopher R. Pitoun has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.*

**CONTACT**

301 North Lake Ave.  
Suite 920  
Pasadena, CA 91101

(213) 330-7148 office  
(213) 330-7152 fax  
chrisp@hbsslaw.com

**YEARS OF EXPERIENCE**

> 7

**PRACTICE AREAS**

- > Consumer Protection
- > Intellectual Property

**BAR ADMISSIONS**

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California

**EDUCATION**

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

**EXPERIENCE**

- > Associate, Girardi Keese, 2011-2014, where he gained extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

**LEGAL ACTIVITIES**

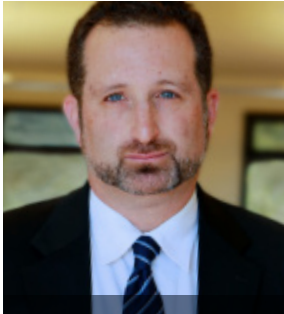
- > American Association For Justice (AAJ)
- > Consumer Attorneys Association of Los Angeles (CAALA)

**NOTABLE CASES**

- > *Fiat Chrysler Gear Shifter Rollaway, Litigation*
- > *Countrywide Financial, et al. Pretextual Appraisal Litigation*
- > *EZconn Corp., Litigation*
- > *Schneider National Carriers, Inc., Litigation*

**PERSONAL INSIGHT**

- > Prior to attending law school, Chris taught English and French to high school students in China
- > Chris later decided to become a lawyer while marketing the film "Michael Clayton"

**ASSOCIATE**

## Benjamin J. Siegel

*Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements.*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3033 office  
(510) 725-3001 fax  
bens@hbsslw.com

**YEARS OF EXPERIENCE**

> 10

**PRACTICE AREAS**

> Antitrust Litigation

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Court for the Northern District of California  
> U.S. District Court for the Eastern District of California  
> U.S. Court of Appeals  
> Ninth Circuit

**CLERKSHIPS**

> Hon. Thomas M. Reavley, U.S. Court of Appeals for the Fifth Circuit

**EDUCATION**

> The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007  
> Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class  
> Yale University, B.A. Political Science, *cum laude*, Phi Beta Kappa, 2000

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

> Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past seven years.

**LEGAL ACTIVITIES**

> Alameda County Bar Association

**RECENT CASES**

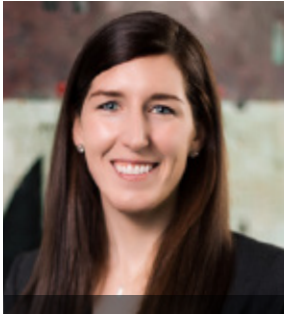
> *In re Optical Disk Drive Prods. Antitrust Litigation, No. 3:10-md-2143-RS (N.D. Cal.)*  
> *In re NCAA Grant-In-Aid Antitrust Litigation, 4:14-md-02541-CW (N.D. Cal.)*  
> *In re Resistors Antitrust Litigation, 5:15-cv-03820-JD (N.D. Cal.)*

**PUBLICATIONS**

> Benjamin Siegel, Constitutional Rights and the Counter-Majoritarian Dilemma (May 15, 2007) (unpublished Master's thesis, University of Texas at Austin).  
> Benjamin Siegel, Note, Applying a "Maturity Factor" Without Compromising the Goals of the Class Action, 85 Texas L. Rev. 741 (2007) (Texas Law Review Best Litigation Note, Volume 85).  
> Benjamin Siegel et al., Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center, LBJ School of Public Affairs, Policy Research Report No. 148 (2005).  
> Benjamin Siegel, California Must Protect Health Care for Medi-Cal Children, 15 Youth L. News 1 (2004), available at <http://www.youthlaw.org>.  
> Jenny Brodsky, Jack Habib & Benjamin Siegel, Lessons for Long-Term Care Policy, World Health Organization, Publication No: WHO/NMH7CCL/02.1 (2002).  
> Jenny Brodsky, Jack Habib, Miriam Hirschfeld & Benjamin Siegel, Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges, 14 Aging Clinical & Experimental Research 279 (2002).

**PERSONAL INSIGHT**

When not working to enforce the nation's antitrust laws, Mr. Siegel enjoys spending time with his wife and two young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.

**ASSOCIATE**

## Emilee Sisco

*Ms. Sisco is a recent addition to the firm's work in the areas of sports litigation, antitrust and consumer protection.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 623-0594 fax  
emilees@hbsslaw.com

**YEARS OF EXPERIENCE**

> 2

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Rights
- > Sports Litigation

**BAR ADMISSIONS**

- > Washington

**COURT ADMISSIONS**

- > U.S. District Court, Western District of Washington

**EDUCATION**

- > Seattle University School of Law, J.D.
- > University of Oregon, B.A.

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Law Clerk for Washington State Office of the Attorney General – Antitrust Division

**LEGAL ACTIVITIES**

- > During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

**RECENT CASES**

- > *Namoff v. Fleishman & Shapiro, P.C. et al*
- > *In re: National Prescription Opiate Litigation*
- > *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*
- > *In re: General Motors LLC Ignition Switch Litigation*

**LANGUAGES**

- > Latin

**PERSONAL INSIGHT**

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.

**ASSOCIATE****Danielle Smith**

*Ms. Charles is an investor and consumer rights attorney with a background in litigation and public entities.*

**CONTACT**

715 Hearst Ave.  
Suite 202  
Berkeley, CA 94710

(510) 725-3038 office  
(510) 725-3001 fax  
daniellec@hbsslw.com

**YEARS OF EXPERIENCE**

> 6

**BAR ADMISSIONS**

> California

**PRACTICE AREAS**

> Class Actions  
> Complex Civil Litigation  
> Consumer Rights  
> Investor Fraud  
> Securities

**COURT ADMISSIONS**

> U.S. District Court for the  
Northern District of California  
> U.S. District Court for the  
Southern District of California

**EDUCATION**

> Harvard Law School, J.D.,  
2012  
> Columbia University, B.A.,  
2009

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro

**RECENT CASES**

> BlackRock iShares ETF August 24, 2015 Flash Crash Litigation  
> *Colman et al. v. Theranos, Inc., et al.*, Case Number: 5:16-cv-06822

**ACTIVITIES**

> Oakland NAACP – Legal Redress Chair  
> Board Member, Conservatory of Vocal and Instrumental Arts, Oakland, CA

**LEGAL ACTIVITIES**

> Member, Alameda County Bar Association

**PRESENTATIONS**

> California School Boards Association – Annual Workshop for California Council of School Attorneys,  
December 2015.

**PERSONAL INSIGHT**

When she's not working tirelessly to protect her clients' interests, Danielle enjoys biking, movies and action/RPG gaming.

**ASSOCIATE**

## Shelby R. Smith

*Shelby has dedicated her career to serving vulnerable victims of violent crimes.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9370 office  
(206) 623-0594 fax  
shelby@hbsslaw.com

**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

**BAR ADMISSIONS**

- > Washington
- > U.S. District Court, Western District of Washington

**EDUCATION**

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., *cum laude*, Sociology, 1996

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

**NOTABLE CASES**

- > *GM Ignition Switch Recall*
- > *In re MyFord Touch Consumer Litigation*
- > *Thalidomide Drug Litigation*
- > *Walen v. PSU*

**EXPERIENCE**

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

**LEGAL ACTIVITIES**

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

**PERSONAL INSIGHT**

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three daughters and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.

**ASSOCIATE****Zoran (Zoki) Tasic**

*Zoki is an accomplished legal writer, having written extensively for all of the judges of the Seventh Circuit during his three-year term as a judicial staff clerk. He also wrote numerous winning briefs during his time as a trial attorney with the DOJ's Antitrust Division.*

**CONTACT**

455 N. Cityfront Plaza Drive  
Suite 2410  
Chicago, IL 60611

(708) 628-4960 office  
(708) 628-4950 fax  
zorant@hbsslaw.com

**YEARS OF EXPERIENCE**

> 4

**BAR ADMISSIONS**

> Illinois

**COURT ADMISSIONS**

- > U.S. District Court for the Northern District of Illinois
- > U.S. Court of Appeals for the Seventh Circuit

**CLERKSHIPS**

- > Staff Law Clerk, U.S. Court of Appeals for the Seventh Circuit, 2013-16

**EDUCATION**

- > Washington University School of Law, J.D., *magna cum laude*, 2013
- > Washington University in St. Louis, B.S., Electrical Engineering, *magna cum laude*, 2006 and A.B., Music, *summa cum laude*, 2006

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Trial Attorney at the U.S. Department of Justice, Antitrust Division, 2016-18
- > Staff Law Clerk, U.S. Court of Appeals for the Seventh Circuit, 2013-16
- > During law school:
  - Washington University Appellate Clinic, 2012-13
  - Legal Practice Teaching Assistant for Prof. Ann Davis Shields, Washington University School of Law, 2012-13
  - Summer Law Clerk, American Civil Liberties Union of Eastern Missouri, Summer 2012
  - Consumer Unit Intern, Legal Services of Eastern Missouri, Spring 2012
  - St. Louis City Trial Division Intern, Legal Services of Eastern Missouri, Summer 2011

**PUBLICATIONS**

- > *Reforming Richard Posner: The Former Federal Judge Needs to Overhaul His Assessment of the Seventh Circuit's Staff Attorney Program and Correct the Errors in His Book (Oct. 2017), Summary*
- > *Note, The Speaker the Court Forgot: Re-Evaluating NLRA Section 8(b)(4)(B)'s Secondary Boycott Restrictions in Light of Citizens United and Sorrell, 90 WASH. U. L. REV. 237 (2012)*

**PRESENTATIONS**

- > *How to Write Well and Influence People* (Madison, Wis. Aug. 2017): Presentation on legal writing to staff attorneys of Legal Action of Wisconsin's Elder Rights Project.
- > *Procedural Issues in Pro Se Litigation: Dismissal of an Indigent Pro Se's Complaint for Non-Payment of Fees* (Chicago, Ill. Mar. 2016): Presentation to all pro se law clerks employed by federal district courts within the Seventh Circuit.

**LANGUAGES**

- > Proficient in Bosnian, Croatian, and Serbian

**PERSONAL INSIGHT**

Zoki enjoys photography and reading nonfiction. He recently began relearning to play the piano, an instrument he briefly studied in college.

**ASSOCIATE**

## Jessica Thompson

*Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 268-9398 office  
(206) 623-0594 fax  
jessicat@hbsslaw.com

**YEARS OF EXPERIENCE**

> 8

**PRACTICE AREAS**

- > Commercial Litigation
- > Class Actions

**BAR ADMISSIONS**

- > District of Columbia
- > Maryland
- > Washington

**EDUCATION**

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. *magna cum laude*, 2010
  - Honors: Class Rank 21/333; G.P.A. 3.68
  - Honors: Highest Grade in the Class Award, Evidence
  - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. *cum laude*, 2005
  - Major: Community Studies and Civic Engagement

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

**RECENT SUCCESS**

- > Conducting internal investigations on behalf of financial services company into compliance with business conduct rules such as trade allocation and trade errors
- > Defending mobile merchandiser against consumer class actions filed throughout the country alleging unauthorized charges to cell phone customers
- > Representing health insurance providers in a multidistrict antitrust suit consolidated in the Northern District of Alabama
- > Represented chemical manufacturer in trade secret and contract case against competitor. Won temporary restraining order in Michigan state court.
- > Defended international hospitality company in contract suit challenging its national sales program

**EXPERIENCE**

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

**ACTIVITIES**

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

**PUBLICATIONS**

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:

**ASSOCIATE**

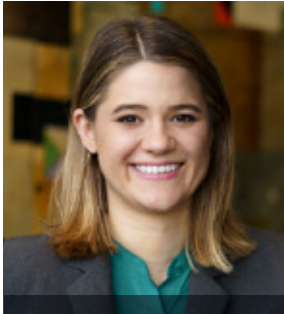
## Jessica Thompson

- "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
- "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)
- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction," (Mar. 22, 2013)

**PERSONAL INSIGHT**

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.



**ASSOCIATE**

## Breanna Van Engelen

*Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.*

**CONTACT**

1918 8th Avenue  
Suite 3300  
Seattle, WA 98101

(206) 623-7292 office  
(206) 623-0594 fax  
breannav@hbsslaw.com

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Rights

**BAR ADMISSIONS**

- > Washington

**EDUCATION**

- > University of Michigan Law School, J.D.
- > Washington State University, B.A., *magna cum laude*

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

**MEDIA INTERVIEWS**

- > Brooke Jarvis, *How One Woman's Digital Life Was Weaponized Against Her*, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

**PRESENTATIONS**

- > "Taking the Distribution of Intimate Images to Trial," Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

**PERSONAL INSIGHT**

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.

**ASSOCIATE****Mark Vazquez**

*During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.*

**CONTACT**

455 N. Cityfront Plaza Drive  
Suite 2410  
Chicago, IL 60611

(708) 628-4962 office  
(708) 628-4950 fax  
markv@hbsslaw.com

**BAR ADMISSIONS**

> Illinois

**CLERKSHIPS**

- > Hon. John Z. Lee, Northern District of Illinois
- > Hon. Jesse G. Reyes, Illinois Appellate Court, First District

**EDUCATION**

- > DePaul University College of Law, J.D., *summa cum laude*, 2012
- > Editor, DePaul Law Review
- > University of Chicago, B.A., 2006

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

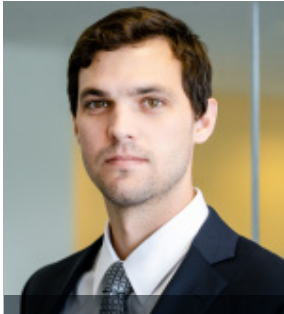
- > Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- > During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

**PUBLICATIONS**

- > *People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement*, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

**PERSONAL INSIGHT**

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.

**ASSOCIATE**

## Bradley J. Vettraino

*Mr. Vettraino is committed to challenging corporate misconduct and has represented institutional and individual plaintiffs in numerous complex class actions across the country.*

**CONTACT**

55 Cambridge Parkway  
Suite 301  
Cambridge, MA 02142

(617) 482-3700 office  
(617) 482-3003 fax  
bradleyv@hbsslaw.com

**BAR ADMISSIONS**

- > Illinois
- > Massachusetts
- > Missouri

**COURT ADMISSIONS**

- > U.S. District Court, District of Massachusetts
- > U.S. District Court, Southern District of Illinois

**EDUCATION**

- > Washington University in St. Louis School of Law, J.D., 2013
- > Metropolitan State University of Denver, B.A., 2009

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Associate at a nationwide class-action firm, where he prosecuted numerous securities, merger and acquisition, and consumer class actions on behalf of both individuals and large public pension funds.
- > After graduating from Washington University in St. Louis School of Law in 2013, Mr. Vettraino worked for two preeminent toxic tort and products liability firms representing individuals harmed by corporate negligence and greed.

**AWARDS**

- > Upon graduating law school, Mr. Vettraino received the Dan Carter-Earl Tedrow Memorial Award, as the student who most embodied the aims of the legal profession.

**PERSONAL INSIGHT**

Originally from Colorado, Mr. Vettraino has adapted to hiking and snowboarding in New England. He enjoys cooking creative meals and listening to vinyl records in his spare time.