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14  
 15 UNITED STATES DISTRICT COURT  
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 In re SOLARA MEDICAL SUPPLIES )  
 DATA BREACH LITIGATION )

Case No. 3:19-cv-02284-H-KSC

CLASS ACTION

18 \_\_\_\_\_ )  
 19 This Document Relates To: )

PLAINTIFFS' NOTICE OF MOTION  
 AND MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT

20 ALL ACTIONS.  
 21 \_\_\_\_\_ )

Judge: Hon. Marilyn L. Huff  
 Date: September 12, 2022  
 Time: 10:30 a.m.  
 Courtroom: TBD

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**NOTICE OF MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that on September 12, 2022 at 10:30 a.m., or as soon thereafter as the matter may be heard before the Honorable Marilyn L. Huff, in Courtroom TBD of the above-entitled court, located at James M. Carter and Judith N. Keep United States Courthouse, 333 West Broadway, San Diego, CA 92101, plaintiffs Juan Maldonado, Adam William Bickford, Jeffrey Harris, Alex Mercado, Thomas Wardrop, and Kristi Keally, the legal guardian of a minor with the initials M.K. (collectively, “Plaintiffs”), will, and hereby do, move the Court under Federal Rule of Civil Procedure 23 for an order: (a) finding that the proposed settlement (“Settlement”) is fair, reasonable, and adequate, and granting final approval of the Settlement; (b) finding that the form and substance of the class notice, as well as the proposed methods of disseminating notice to the Settlement Class, constitutes reasonable and the best practicable notice; (c) certify the Settlement Class for settlement purposes; and (d) directing that judgment be entered dismissing with prejudice all individual and class claims asserted in the litigation.

This Motion is supported by the following memorandum of points and authorities, the accompanying Declaration of Stuart A. Davidson (“Davidson Decl.”) and the exhibits thereto, all other facts the Court may or should take notice of, all files, records, and proceedings in this case, and any oral argument the Court may entertain.

1 DATED: August 1, 2022

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18 CLASS ACTION

19 This Document Relates To: )

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MEMORANDUM OF POINTS AND  
 AUTHORITIES IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT

22 Judge: Hon. Marilyn L. Huff  
 Date: September 12, 2022  
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1 **I. INTRODUCTION**

2 Following two years of hard-fought litigation, including a full-day mediation  
3 session and months of subsequent settlement discussions, the Parties<sup>1</sup> reached a  
4 proposed Settlement. The Settlement was very well informed and was achieved just  
5 days before the close of fact discovery, two months before the close of expert  
6 discovery, and two hours before the Parties were to argue a fully briefed motion for  
7 class certification and motion to exclude Plaintiffs’ damages expert.

8 The Settlement provides an exceptional result for the Class in the form of two  
9 components: (1) a \$5,060,000 non-reversionary Settlement Fund, and (2) injunctive  
10 relief valued at \$4.7 million. From the Settlement Fund, Settlement Class Members  
11 who submit a valid Claim Form will be entitled to a cash payment up to a maximum  
12 of \$1,000, depending on the number of claims. Indeed, based on the number of  
13 claims submitted to date, it appears that Class Members will receive well in excess  
14 of \$100 per claimant. The Settlement structure is exceptionally favorable, and unlike  
15 most data breach settlements, the Settlement here will provide cash payments to  
16 Class Members *without* requiring Class Members to identify or prove any specific  
17 harm, lost time, or out-of-pocket losses. The injunctive relief component is also  
18 highly beneficial to the Settlement Class as it requires Solara to implement and  
19 maintain meaningful data security enhancements, designed by Plaintiffs’ data  
20 security expert, to help protect Settlement Class Members from any future data  
21 breach at Solara.

22 The Settlement involves a multi-pronged notice program and user-friendly  
23 Claims process, which have been, and are being, implemented by the Settlement  
24 Administrator. The Court-approved notice program provided for notice by email, in  
25 addition to the creation of a Settlement Website. *See* Declaration of Derek Smith  
26

27 <sup>1</sup> Capitalized terms shall have the same meaning as set forth in the Stipulation and  
28 Agreement of Class Action Settlement (“Agreement”), unless otherwise noted.

1 (“Smith Decl.”) (Ex. 2 to Davidson Decl.), ¶¶7-9, 11. Ultimately, the Settlement  
2 Administrator emailed notices to 26,896 Class Members’ last known email  
3 addresses, and mailed notices to the remainder of the Class. *Id.*, ¶7. The Settlement  
4 Administrator reasonably opines that the notice reached over 90% of the Class. *Id.*

5 To date, and although the deadline to submit objections is August 22, 2022,  
6 the reaction from Class Members has been overwhelmingly positive and strongly  
7 supports final approval. By submitting claim forms, some 4,619 Class Members  
8 have already affirmatively voted “yes” to this Settlement, while only two have opted  
9 out and none have objected. *Id.*, ¶¶13-15.

10 On April 20, 2022, this Court entered an Order Conditionally Certifying a  
11 Settlement Class, Granting Preliminary Approval of the Class Action Settlement,  
12 Appointing Class Representatives and Counsel, Approving Class Notice, and  
13 Scheduling a Final Approval Hearing. *See* ECF No. 146 (“Preliminary Approval  
14 Order”). The Court found that the Settlement “appears to be the result of serious,  
15 informed, and non-collusive negotiations.” *Id.* at 13. In addition, the Court found,  
16 among other things, that it “falls within the range of possible approval.” *Id.* In fact,  
17 the Settlement satisfies each factor set forth in Rule 23(e) of the Federal Rules of  
18 Civil Procedure and under applicable Ninth Circuit standards.

19 In light of the valuable benefits conveyed to members of the Settlement Class,  
20 and the significant risks faced through continued litigation, the Settlement is “fair,  
21 reasonable, and adequate,” and merits final approval. Fed. R. Civ. P. 23(e)(2).

## 22 **II. BACKGROUND**

### 23 **A. The Data Breach**

24 This consolidated lawsuit arises from the alleged compromise of personally  
25 identifiable information (“PII”) and protected health information (“PHI”) at Solara,  
26 a medical products supplier obligated by law to protect such information.  
27 Specifically, in June 2019, Solara discovered that cyber-criminals had committed a  
28 Data Breach by accessing Solara’s Microsoft Office 365 accounts. Thereafter,

1 Solara conducted an investigation into the Data Breach, from which it learned that  
2 between April 2, 2019 and June 20, 2019, cyber criminals were active on Solara’s  
3 email accounts. Solara’s investigation confirmed that the known accessed email  
4 accounts contained patients’ PII and PHI, including: 114,210 names; 105,681 dates  
5 of birth; 64,232 instances of billing/claims information; 92,852 instances of health  
6 insurance information; 115,747 instances of medical information; 374 instances of  
7 financial account information; 10,723 social security numbers; 217 driver’s  
8 licenses/state IDs; 37 instances of credit/debit card information; seven  
9 passwords/pins or account logins; 7,739 Medicare/Medicaid IDs; and two passport  
10 numbers. Accordingly, in November 2019, Solara sent more than 100,000 breach  
11 notification letters to individuals whose PII or PHI was included in the accessed  
12 email accounts.

### 13 **B. Procedural History**

14 On November 29, 2019, plaintiff Juan Maldonado filed the first complaint  
15 against Solara in this Court for claims arising from the Data Breach. (ECF No. 1).  
16 Subsequent related complaints were filed, and on January 7, 2020, the Court entered  
17 an order consolidating the related actions and appointing William B. Federman and  
18 Stuart A. Davidson as interim Co-Lead Class Counsel (ECF No. 10). On January 23,  
19 2020, Plaintiffs filed the Consolidated Class Action Complaint (ECF No. 24), which  
20 Solara moved to dismiss (ECF No. 31).

21 On March 7, 2020, this Court denied, in substantial part, Solara’s motion to  
22 dismiss. *See In re Solara Med. Supplies, LLC Customer Data Sec. Breach Litig.*,  
23 No. 3:19-CV-2284-H-KSC, 2020 WL 2214152 (S.D. Cal. May 7, 2020). Plaintiffs  
24 filed their Amended Consolidated Class Action Complaint (“Amended Complaint”)  
25 on May 11, 2020 (ECF No. 43), which Solara answered (ECF No. 44).

26 On July 2, 2021, Plaintiffs filed their Motion for Class Certification. *See* ECF  
27 No. 95. In support of that Motion, Plaintiffs submitted dozens of exhibits, including  
28 numerous internal Solara documents and documents obtained through subpoenas

1 *duces tecum*, excerpts of deposition testimony from Solara employees and data  
2 security auditors, and four expert reports from two experts, Gary Olsen (“Olsen”)  
3 and Mary T. Frantz (“Frantz”). *See id.*

4 On August 30, 2021, Solara filed its opposition to the Motion for Class  
5 Certification. *See* ECF No. 106. In support of Solara’s opposition, it submitted  
6 extensive evidence, including declarations from Solara employees, several expert  
7 declarations, and deposition testimony. *See id.* Solara also filed a Motion to Exclude  
8 the Opinions of Plaintiffs’ Damages Expert Gary Olsen (“Motion to Exclude”) under  
9 Rule 702 of the Federal Rules of Evidence and *Daubert*. *See* ECF No. 110.

10 On September 13, 2021, Plaintiffs filed their opposition to Solara’s Motion to  
11 Exclude (*see* ECF No. 117), and their reply in support of their Motion for Class  
12 Certification (ECF No. 120). In support of their reply, Plaintiffs submitted  
13 additional deposition testimony by Solara’s Chief Executive Officer, Keith  
14 Crawford, and former Director of IT, Ben Mead, along with other evidence. *See*  
15 ECF No. 120.

### 16 **C. Discovery**

17 The Parties engaged in extensive fact discovery for more than 15 months and  
18 were within one week of the fact discovery cut-off before they reached the  
19 Settlement.

20 During the discovery process, Plaintiffs issued numerous sets of  
21 interrogatories and requests for document production on Solara. *See* Davidson  
22 Decl., ¶53. Plaintiffs also served nine subpoenas *duces tecum* on relevant third  
23 parties, including Solara’s data security auditors and IT consultants. *Id.*, ¶54.  
24 Ultimately, Solara and the subpoenaed third parties produced more than 450,000  
25 pages of documents, which Plaintiffs reviewed, analyzed, and used in depositions of  
26 several key witnesses, including depositions of Solara’s Chief Executive Officer,  
27 Keith Crawford, and former Director of IT, Ben Mead. *Id.*, ¶¶55, 58-62. In addition  
28 to conducting numerous depositions of Solara’s current and former employees,

1 Plaintiffs also deposed various third parties with relevant information. *Id.*, ¶¶58-62.  
2 Furthermore, all six Plaintiffs prepared responses to Solara’s many interrogatories,  
3 gathered and produced documents responsive to Solara’s document requests,  
4 participated in hours-long depositions, and reviewed their deposition transcripts to  
5 confirm the accuracy of their testimony. *Id.*, ¶¶63-69.

6 In connection with discovery, numerous disputes arose. While the Parties  
7 were able to resolve most disputes, others were briefed and argued. For example,  
8 the Parties raised a discovery dispute to Magistrate Judge Karen S. Crawford on  
9 February 19, 2021, in which Plaintiffs argued that M.K., a minor who was  
10 represented in the action by her mother, should not be required to provide all of her  
11 social media information to Defendant due to the considerable privacy concerns that  
12 would be implicated by such an unfettered disclosure (ECF No. 82). On  
13 February 26, 2021, Magistrate Judge Crawford entered an Order agreeing with  
14 Plaintiffs and denying Defendant’s request (ECF No. 84). Later, in April 2021,  
15 Plaintiffs initiated a discovery dispute relating to delays and other problems with  
16 Defendant’s production of ESI. Following a telephonic discovery conference with  
17 Magistrate Judge Crawford, the Court issued an Order establishing requirements and  
18 deadlines for the completion of Defendant’s ESI production (ECF No. 87). Plaintiffs  
19 also moved to compel compliance with a subpoena *duces tecum* served on Solara’s  
20 forensic investigator, Charles River Associates in the District of Massachusetts,  
21 which was fully briefed, argued, and decided by Magistrate Judge M. Paige Kelley.  
22 *See Maldonado v. Solara Med. Supplies, LLC*, No. 1:20-cv-12198-LTS (D. Mass.  
23 June 2, 2021), ECF No. 36.

#### 24 **D. Settlement Negotiations**

25 The Parties engaged in extensive settlement discussions before reaching the  
26 Settlement.

27 On June 29, 2020, Plaintiffs served their first confidential settlement demand  
28 on Solara. *See Davidson Decl.*, ¶81, n.10.



1 On July 20, 2020, Judge Crawford presided over an Early Neutral Evaluation  
2 Conference, which included all counsel, every Plaintiff, and Solara (ECF No. 53).  
3 While the Parties were unable to resolve the Action at that time, they gained useful  
4 information about how each side valued the litigation as well as insight into what  
5 each side perceived as the strength of their positions.

6 On May 20, 2021, Plaintiffs served their second confidential settlement  
7 demand on Solara. Davidson Decl., ¶82, n.11. Solara did not provide a formal  
8 response to this demand. However, this demand helped facilitate a productive  
9 mediation session.

10 On July 8, 2021, the Parties engaged in a full day formal mediation before  
11 experienced JAMS mediator Bruce Friedman. *Id.*, ¶82. The Parties made  
12 meaningful progress during the mediation but were again unable to reach an  
13 agreement to resolve the Action. Based on the progress made during this mediation,  
14 the Parties continued to explore potential resolution of the Action, with the  
15 assistance of Mr. Friedman, over the course of the next few months. *Id.*, ¶83.

16 Ultimately, on October 12, 2021, just hours before the start of the class  
17 certification hearing, the Parties agreed in principle to the terms of Settlement. *Id.*  
18 The Parties informed the Court of their agreement-in-principle to settle the Action  
19 by telephone and email later that day. *See* ECF No. 137.

20 Following the agreement in principle, the Parties exchanged multiple drafts of  
21 the Settlement Agreement and its exhibits, negotiating numerous details to maximize  
22 the benefits to the Class. In particular, Class Counsel engaged in a vigorous, months-  
23 long effort with Solara and Plaintiffs' data security expert, Frantz, to develop  
24 meaningful remediations and commitments from Solara in order to enhance Solara's  
25 data security measures to provide better protections for Class Members' PHI and PII  
26 still maintained on Solara's systems. *See* Davidson Decl., ¶¶88-90.

27 On January 24, 2022, the Settlement Agreement was finalized and executed.  
28 *See* ECF No. 142-2.



1 **III. SETTLEMENT TERMS AND BENEFITS**

2 The Settlement confers valuable benefits on the Settlement Class. First, all  
3 Settlement Class Members who submit a claim are eligible to receive a cash payment  
4 from the \$5,060,000 non-reversionary Settlement Fund. Second, significant  
5 remedial measures that Solara has and will enact as a result of this litigation will  
6 benefit all Settlement Class Members, regardless of whether they submit a claim.  
7 The Settlement benefits could not have been obtained without this litigation.

8 **A. Proposed Settlement Class**

9 The Court's Preliminary Approval Order preliminarily certified a Settlement  
10 Class, consisting of the approximately 114,000 Persons in the United States and its  
11 Territories who were sent a letter from Solara notifying them that their PHI and/or  
12 PII may have been compromised by the Security Breach that occurred during the  
13 Class Period. Excluded from the Settlement Class are: (a) Defendant, any parent,  
14 subsidiary, affiliate, or controlled Person by Defendant, as well as the officers,  
15 directors, agents, and servants of Defendant, and the immediate family members of  
16 such persons; (b) the presiding District Judge and Magistrate Judge in the Action,  
17 and their staff, and their immediate family members; and (g) all those otherwise in  
18 the Settlement Class who timely and properly exclude themselves from the  
19 Settlement Class. *See* ECF No. 146 at 4; Agreement, §II.43.

20 **B. Cash Payments**

21 Solara and its insurer will pay \$5,060,000 into a non-reversionary Settlement  
22 Fund. Once claims administration costs, attorneys' fees and expenses award, and  
23 any service awards to Class Representatives have been paid from the Settlement  
24 Fund, the remaining amount, the Net Settlement Fund, will be distributed to  
25 Settlement Class Members who submit a valid claim form. Agreement, §IV.

26 Unlike the vast majority of data breach settlements, Settlement Class  
27 Members are *not* required to attest to having spent time in response to the Data  
28 Breach nor are they required to present any documentation in order to receive

1 payment from the Net Settlement Fund. Instead, Settlement Class Members need  
2 only provide basic contact information, select their preferred form of payment, and  
3 submit their signed claim. *See* ECF No. 142-2 at Exhibit A.

4 Settlement Class Members who submit a valid claim will receive a cash  
5 payment not to exceed \$1,000. The Settlement Agreement anticipates \$100 cash  
6 awards that can be adjusted based on the number of claims received. To date, the  
7 Settlement Administrator has received 4,619 claims and the claims deadline is  
8 August 8, 2022. Plaintiffs' reply brief due August 29, 2022 will report the final  
9 number of claims received along with a projected per claim amount, based on Class  
10 Counsel's requested awards of attorneys' fees and expenses.<sup>2</sup>

11 The monetary component of the Settlement provides a significant cash benefit  
12 to Settlement Class Members. Indeed, to the best of Plaintiffs' research and  
13 knowledge, very few other data breach settlements have provided sizable cash  
14 payments to victims without requiring any proof or attestation of actual harm, lost  
15 time, or out-of-pocket losses.

### 16 **C. Injunctive Relief**

17 The Settlement will also provide all Settlement Class Members with benefits  
18 in the form of meaningful business practice changes relating to Solara's data  
19 security.

20 These data security remediations were recommended by Plaintiffs' expert,  
21 Frantz, following her detailed review of documents and testimony evidencing  
22 Solara's current data security posture, including the forensic report that detailed the  
23 causes and scope of the Data Breach. *See* Agreement, §VII. The remedial measures  
24 to be implemented by Solara as a result of the Settlement include: (i) an extensive

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25  
26 <sup>2</sup> If, after distribution of supplemental cash payments to eligible Settlement Class  
27 members, a balance remains in the Net Settlement Fund, the balance will be donated  
28 to the Juvenile Diabetes Research Foundation, a non-profit charitable organization  
working to find better treatments, preventions, and ultimately a cure for type 1  
diabetes. Agreement, §VI.C.2.

1 AICPA SOC 2 Type 2 security audit,<sup>3</sup> which Solara must pass or repeat until it  
2 passes; (ii) an annual HIPAA IT assessment; (iii) undergoing a minimum of one  
3 cyber incident response test per year to be performed by an independent third party;  
4 (iv) staff training in security and privacy, with such training to occur at least twice  
5 per year; (v) third party testing of Solara’s phishing and external facing  
6 vulnerabilities, with such testing to be performed at least twice per year; (vi) the  
7 deployment of a third party, enterprise SIEM tool with 400 day look-back logs; and  
8 (vii) the commitment that Solara’s Compliance Officer will ensure compliance with  
9 the foregoing. *Id.* Solara has agreed to perform these or improved remediations for  
10 at least five years. *Id.* Solara has also confirmed that, as a direct result of Plaintiffs’  
11 filing of the Action, Solara has already implemented several improvements to its  
12 data security. *Id.*, §VII.5.

13 All told, the business practice changes implemented by Solara and that Solara  
14 has agreed to implement as part of this Settlement have an estimated net present  
15 value *in excess of \$4.7 million* for the required five years. *See* Davidson Decl. at  
16 Exhibit 1 (Frantz Declaration), ¶40 and Exhibit B thereto. To maintain the  
17 improvements will require additional investments from Solara of around \$450,000  
18 per year thereafter. *Id.*, ¶41.

19 These investments in remedial measures inure to the direct benefit of the  
20 Settlement Class, whose PII and PHI remain in Solara’s computer systems to this  
21 day. Indeed, many Settlement Class Members have no choice but to continue using  
22 Solara for their diabetes management products because Solara is their insurance  
23 providers’ approved medical supplier. Thus, the data security enhancements are  
24  
25

26 <sup>3</sup> “AICPA” refers to the American Institute of Certified Public Accountants.  
27 “SOC” refers to System and Organization Controls. “AICPA SOC 2 Type 2” refers  
28 to a specific System and Organization Controls suite of services as guided by the  
AICPA.

1 critically important to Settlement Class Members by helping ensure that their PHI  
2 and PII will be adequately protected by Solara going forward.

### 3 **IV. NOTICE TO THE CLASS**

#### 4 **A. The Court-Approved Notice Program Was Effective**

5 The Court-approved notice program was effective and constituted the best  
6 notice practicable under the circumstances. Rule 23(c)(2).

7 The notice program provided for notice by email or mail, as well as notice  
8 posted on Solara's customer-facing website, and the creation of a Settlement  
9 Website. *See* Smith Decl., ¶¶7, 11. Following preliminary approval of the  
10 Settlement, Solara provided the Settlement Administrator with the list of the names,  
11 email addresses, and/or physical addresses of all Settlement Class Members  
12 identified through its records. Thereafter, the Settlement Administrator emailed  
13 notices to 26,896 Settlement Class Members' last known email addresses and mailed  
14 notices to 83,392 Settlement Class Members whose email addresses were not  
15 known. *Id.*, ¶¶7-9. In addition, Solara posted notice of the Settlement in a prominent  
16 location on its customer-facing website, with such notice still appearing on Solara's  
17 website. The Settlement Administrator reasonably opines that the notice reached  
18 over 90% of the Settlement Class. *Id.*

19 The Notices themselves were clear and straightforward, consistent with the  
20 guidelines set forth by the Federal Judicial Center. *See* Federal Judicial Center,  
21 Illustrative Forms of Class Action Notices: Overview, [https://www.fjc.gov/content/  
22 301253/illustrative-forms-class-action-notices-introduction](https://www.fjc.gov/content/301253/illustrative-forms-class-action-notices-introduction) (last visited June 29,  
23 2022). The Notices provide neutral, objective, and accurate information about the  
24 nature of the Action and the Settlement, including the deadlines and means of  
25 submitting a Claim Form, objecting, and/or appearing at the Fairness Hearing  
26 personally or through counsel. *See* Agreement, §§III, VIII.1., IX.1. The Settlement  
27 Administrator also created and maintained the Settlement Website from which  
28 Settlement Class Members could submit claims and view important documents.

1 Smith Decl., ¶11. Furthermore, Settlement Class Members were able to call a toll-  
 2 free number with interactive voice response, FAQs, and the option to speak with a  
 3 live operator. *Id.*, ¶12.

4 Thus, Settlement Class Members received the “best notice that is practicable  
 5 under the circumstances,” Fed. R. Civ. P. 23(c)(2), by receiving notice that was  
 6 “reasonably calculated, under all the circumstances, to apprise interested parties of  
 7 the pendency of the action and afford them an opportunity to present their  
 8 objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).<sup>4</sup>

### 9 **B. The Reaction of the Settlement Class**

10 The Class Members have had an overwhelmingly positive response to the  
 11 Settlement.

12 The claims deadline is August 8, 2022. As of this filing, a total of 4,619 claims  
 13 have been received. *See* Smith Decl., ¶13. This amounts to a response rate of 4.9%  
 14 of the approximately 106,559 Class Members, to date. *Id.*, ¶¶5, 13. This compares  
 15 favorably to the claims rates in other data breach class action settlement within this  
 16 Circuit as evidenced by the below chart.

17 Case	Approx. Class	No. of Claims	Claims Rate
18 <i>Corona v. Sony Pictures Entmt., Inc.</i> , 19 No. 2:14-cv-9600 (C.D. Cal.), ECF Nos. 20 145-1 at 11 n.8 & 164 at 2.	435,000	3,127	0.7 %
21 <i>In re Experian Data Breach Litig.</i> , No. 22 8:15-cv-01592-JLS-DFM (C.D. Cal.), ECF Nos. 286-1 at 20 & 309-3 at ¶¶8-9.	14,931,074	434,998	2.9 %
23 <i>Koenig v. Lime Crime, Inc.</i> , No. 2:16- 24 CV-00503-PSG (JEMx) (C.D. Cal.), ECF Nos. 55 at 1, 55-2 ¶11.	107,726	2,666	2.47%

25  
 26  
 27 <sup>4</sup> Citations and internal quotations are omitted, and emphasis is supplied  
 28 throughout, unless otherwise noted.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<i>Atkinson v. Minted, Inc.</i> , No. 3:20-cv-03869-VC (N.D. Cal.), ECF 60-6 at ¶ 43.	4,198,490	147,328	3.5%
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The deadline for Settlement Class Members to object to any aspect of the Settlement is August 22, 2022. As of the date of this filing, neither Class Counsel nor the Claims Administrator has received any objection to any aspect of the Settlement. *See id.*, ¶15. If any objections are received, Class Counsel will address them in Plaintiffs’ reply brief due August 29, 2022.

A supplemental declaration detailing the final claims rate and any objections will be filed after the August 8, 2022 Claims Deadline and August 22, 2022 objection deadline, and prior to the September 12, 2022 final approval hearing.

### C. The Costs of Notice and Claims Administration

Under the Agreement, the costs for class notice and administration of the Settlement will be paid by Solara with such payment to be made from the Settlement Fund. Class Counsel solicited numerous bids from, and negotiated pricing with, multiple settlement administrators. Ultimately, Class counsel was able to secure an agreement with Gilardi & Co. LLC under which the costs of notice and settlement administration will be capped at less than \$83,000. *See Smith Decl.*, ¶16.

## V. FINAL APPROVAL IS APPROPRIATE

The Court completed the first step in the settlement approval process when it issued the Preliminary Approval Order. The second step — dissemination of notice to Class Members — has been implemented. *See Smith Decl.*, ¶¶7-9. By this motion, Plaintiffs respectfully request that the Court take the third and final step in the process, and grant final approval to the Settlement.

### A. Legal Standards

“The Ninth Circuit maintains a ‘strong judicial policy’ that favors the settlement of class actions.” *Hart v. Colvin*, No. 15-cv-00623-JST, 2016 WL 6611002, at \*4 (N.D. Cal. Nov. 9, 2016) (quoting *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1276 (9th Cir. 1992)). In the context of a class settlement, the Court

1 must determine whether the settlement is “fundamentally fair, adequate and  
2 reasonable” under Rule 23(e). *Staton v. Boeing Co.*, 327 F.3d 938, 959 (9th Cir.  
3 2003).

4 In evaluating whether to grant final approval of the Settlement, courts in the  
5 Ninth Circuit consider: (1) the strength of the plaintiffs’ case; (2) the risk, expense,  
6 complexity, and likely duration of further litigation; (3) the risk of maintaining class  
7 action status throughout the trial; (4) the amount offered in settlement; (5) the extent  
8 of discovery completed and the stage of the proceedings; (6) the experience and  
9 views of counsel; (7) the presence of a governmental participant; and (8) the reaction  
10 of the class members to the proposed settlement. *Churchill Vill., L.L.C. v. GE*, 361  
11 F.3d 566, 575-76 (9th Cir. 2004).

12 In addition to the Ninth Circuit’s factors, the Supreme Court has approved  
13 amendments to Rule 23(e), which went into effect on December 1, 2018. The  
14 amendments involve considerations for judicial approval of class action settlements  
15 and are substantially incorporated within the Ninth Circuit’s existing factors set forth  
16 above.<sup>5</sup> For example, amended Rule 23(e)(2)(C)(i) requires that courts consider  
17 whether “the relief provided for the class is adequate, taking into account . . . the  
18 costs, risks, and delay of trial and appeal,” and amended Rule 23(e)(2)(A) requires  
19

20 <sup>5</sup> Rule 23(e)(2), as amended, provides that in order for the Court to conclude that  
21 it will likely find that the settlement is fair, reasonable and adequate, it must consider  
the following factors:

- 22 (A) the class representatives and class counsel have adequately represented the class;
- 23 (B) the proposal was negotiated at arm’s length;
- 24 (C) the relief provided for the class is adequate, taking into account:
  - 25 (i) the cost, risks and delay of trial and appeal;
  - 26 (ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;
  - 27 (iii) the terms of any proposed award of attorney’s fees including timing of payment; and
  - 28 (iv) any agreement required to be identified under Rule 23(e)(3); and
- (D) the proposal treats class members equitably relative to each other.



1 consideration of whether “the class representatives and class counsel have  
2 adequately represented the class.” Both these considerations are discussed in detail  
3 below and herein. Further, amended Rule 23(e)(2)(C)(ii) (“effectiveness of any  
4 proposed method of distributing relief to the class”), Rule 23(e)(2)(C)(iv) (“any  
5 agreement required to be identified”), and Rule 23(e)(2)(D) (whether “the proposal  
6 treats class members equitably relative to each other”) are all addressed above under  
7 Section III, Settlement Terms and Benefits.

8 **B. The Settlement Provides a Fair, Adequate and Reasonable**  
9 **Result for Settlement Class Members**

10 When evaluating a settlement, courts must consider the settlement taken as a  
11 whole, rather than its individual component parts, and examines it for overall  
12 fairness. *Officers for Justice v. Civil Serv. Comm'n of City & Cnty. of San Francisco*,  
13 688 F.2d 615, 625 (9th Cir. 1982). Consequently, a settlement hearing is “not to be  
14 turned into a trial or rehearsal for trial on the merits,” nor should the proposed  
15 settlement “be judged against a hypothetical or speculative measure of what might  
16 have been achieved by the negotiators.” *Id.* To the contrary, “[t]he involvement of  
17 experienced class action counsel and the fact that the settlement agreement was  
18 reached in arm’s length negotiations, after relevant discovery had taken place create  
19 a presumption that the agreement is fair.” *Linney v. Cellular Alaska P'ship*, No. C-  
20 96-3008 DLJ, 1997 WL 450064, at \*5 (N.D. Cal. July 18, 1997), *aff'd*, 151 F.3d  
21 1234 (9th Cir. 1998).

22 **1. The Strength of Plaintiffs’ Case and the Risk,**  
23 **Complexity, and Likely Duration of Future Litigation,**  
**Including the Risk of Decertification<sup>6</sup>**

24 Balancing the risks of continued litigation against the immediacy and  
25 certainty of the significant recovery provided for by the Settlement supports that the  
26

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27 <sup>6</sup> This factor overlaps with amended Rule 23(e)(2)(C)(i) (the costs, risks, and delay  
28 of trial and appeal).



1 Settlement should be approved. When reviewing a class action settlement  
2 agreement:

3       The court shall consider the vagaries of the litigation and compare the  
4       significance of immediate recovery by way of the compromise to the  
5       mere possibility of relief in the future, after protracted and expensive  
6       litigation. In this respect, [i]t has been held proper to take the bird in  
7       hand instead of a prospective flock in the bush.

8       *Grant v. Capital Mgmt. Servs., L.P.*, No. 10-CV-WQH BGS, 2014 WL 888665, at  
9       \*3 (S.D. Cal. Mar. 5, 2014).

10       Plaintiffs and Class Counsel believe the claims asserted in the litigation have  
11       merit. They would not have fought so hard to advance their claims if it were  
12       otherwise. However, they also recognize the substantial risks involved in continuing  
13       this litigation. Solara made several non-frivolous arguments against class  
14       certification, *see* ECF No. 106, moved to exclude Plaintiffs' damages expert, Olsen,  
15       ECF No. 110, and has always made Plaintiffs and the Court aware that, in its view,  
16       Plaintiffs would never prevail at summary judgment or trial based on its claim that  
17       Plaintiffs could not prove that the cyber-criminals viewed or accessed any of  
18       Plaintiffs' PII or PHI. *See, e.g.*, ECF Nos. 31-1, 44, 106. As reflected in its filings,  
19       Solara also challenged Plaintiffs' ability to prove damages. Thus, even if Plaintiffs  
20       prevailed on liability, they may not have prevailed in proving damages. Settlement  
21       Class Members thus faced the risk, expense, and delay of a potentially lengthy appeal  
22       after trial, holding up any recovery for Settlement Class Members for several more  
23       years.<sup>7</sup>

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24       <sup>7</sup> Solara's counsel also stated several times to Co-Lead Class Counsel that Solara  
25       may file for bankruptcy protection in the event of a high statutory damages judgment  
26       against it after trial. *See, e.g., In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, No.  
27       315CV07658MASLHG, 2020 WL 3166456, at \*8 (D.N.J. June 15, 2020), *report*  
28       *and recommendation adopted*, No. CV-15-7658-MAS-LHG, 2021 WL 358611  
      (D.N.J. Feb. 1, 2021) (granting final approval to class settlement and noting,  
      "[Defendant's] uncertain financial condition and ability to withstand a larger  
      judgment is an additional risk that weighs in favor of approving Settlement").

1 Prosecuting this litigation through trial and appeal would be lengthy, complex,  
2 and impose significant costs on all parties. *See, e.g., In re Austrian & German Bank*  
3 *Holocaust Litig.*, 80 F. Supp. 2d 164, 174 (S.D.N.Y. 2000) (recognizing that “[m]ost  
4 class actions are inherently complex and settlement avoids the costs, delay, and  
5 multitude of other problems associated with them”). Given the complex nature of  
6 the security breach at issue, a battle of the experts at trial is almost a certainty and,  
7 as such, continued proceedings would likely include substantial expert discovery and  
8 significant motion practice related to such. This would create unavoidable  
9 uncertainty and delay.

10 The Settlement, in contrast, delivers a real and substantial remedy that fairly,  
11 reasonably, and adequately addresses the situation confronting the members of the  
12 Settlement Class without the risk and delay inherent in prosecuting this matter  
13 through trial and appeal. Thus, this factor favors approval of the Settlement. *See*  
14 *Grant*, 2014 WL 888665, at \*3; *Weinberger v. Kendrick*, 698 F.2d 61, 73 (2d Cir.  
15 1982) (“There are weighty justifications, such as the reduction of litigation and  
16 related expenses, for the general policy favoring the settlement of litigation.”); *In re*  
17 *Sunrise Sec. Litig.*, 131 F.R.D. 450, 455 (E.D. Pa. 1990) (approving a class action  
18 settlement because, in part, the settlement “will alleviate . . . the extraordinary  
19 complexity, expense and likely duration of this litigation”).

## 20 2. The Amount Offered in Settlement<sup>8</sup>

21 The Settlement amount represents a fair, adequate, and reasonable result for  
22 Settlement Class Members. Any valuation of the Settlement must take into account  
23 the \$5,060,000 non-reversionary Settlement Fund and the remedial measures (with  
24 a net present value of more than \$4.7 million) being undertaken by Solara as a result  
25 of the litigation and Settlement. Accordingly, the appropriate *value of the*  
26 *Settlement exceeds \$9,760,000.*

27 \_\_\_\_\_  
28 <sup>8</sup> This factor overlaps with amended Rule 23(e)(2)(C) (adequacy of relief provided to the class).

1 As described above, after the initial cash payments are made to claimants,  
2 Settlement Class Members are entitled to an additional supplemental cash payment  
3 to bring the total payments up to a maximum of \$1,000, which is the precise amount  
4 Settlement Class Members would have been entitled to under California's  
5 Confidentiality of Medical Information Act, Cal. Civ. Code §56.10, *et seq.*, had the  
6 Settlement Class prevailed on that claim at trial and had damages not been reduced  
7 by the Court under due process principles. "As explained by the Supreme Court,  
8 '[n]aturally, the agreement reached normally embodies a compromise; in exchange  
9 for the saving of cost and elimination of risk, the parties each give up something they  
10 might have won had they proceeded with litigation.'" *Capps v. Law Offices of Peter*  
11 *W. Singer*, No. 15-cv-02410-BAS(NLS), 2016 WL 6833937, at \*8 (S.D. Cal.  
12 Nov. 21, 2016) (quoting *United States v. Armour & Co.*, 402 U.S. 673, 681 (1971)).  
13 Unsurprisingly then, courts routinely approve settlements that provide a far lower  
14 rate of recovery than the Settlement does here. *See, e.g., Bellinghausen v. Tractor*  
15 *Supply Co.*, 306 F.R.D. 245, 256 (N.D. Cal. 2015) (approving class settlement of  
16 11%-27% recovery); *Mahoney v. TT of Pine Ridge, Inc.*, No. 17-80029-CIV-  
17 MIDDLEBROOKS, 2017 WL 9472860, at \*7 (S.D. Fla. Nov. 20, 2017) (approving  
18 settlement awarding class members 0.8% of minimum statutory damages).

19 Indeed, the Settlement compares favorably to other data breach settlements.  
20 *See, e.g., In re Anthem, Inc. Data Breach Litig.*, No. 5:15-MD-02617-LHK (N.D.  
21 Cal.) (securing \$1.39 per class member), *In re Home Depot, Inc. Customer Data Sec.*  
22 *Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga. 2016) (\$0.51 to \$.68 per class  
23 member), and *In re Target Corp. Customer Data Sec. Breach Litig.*, No. 0:14-md-  
24 02522-PAM (D. Minn. 2015) (\$0.15 per class member).

25 Importantly, the injunctive relief component of the Settlement, valued at an  
26 additional \$4.7 million, provides even more relief to Settlement Class Members. *See*  
27 *Beck-Ellman v. Kaz USA, Inc.*, No. 3:10-CV-02134-H-DHB, 2013 WL 10102326,  
28

1 at \*5 (S.D. Cal. June 11, 2013) (Huff, J.) (including injunctive relief valued by expert  
2 to be worth \$10,726,000 as part of the amount offered in settlement).

3 By any metric, this recovery is fair, reasonable, and adequate.

### 4 **3. The Extent of Discovery Completed, and the Stage of** 5 **the Proceedings<sup>9</sup>**

6 The fact that extensive discovery was taken and the parties have thoroughly  
7 litigated various issues “weighs in favor of the proposed settlement.” *Cervantez v.*  
8 *Celestica Corp.*, No. EDCV 07-729-VAP (OPx), 2010 WL 2712267, at \*3 (C.D.  
9 Cal. July 6, 2010).

10 As the Court can see from the procedural history set forth above, this Action  
11 has been vigorously litigated for two years. Throughout that time, the Parties have  
12 fully briefed Defendant’s motion to dismiss; served dozens of discovery requests on  
13 Solara and third-party subpoenas on others; fully briefed third-party discovery  
14 disputes in the District of Massachusetts; reviewed, analyzed, and coded nearly  
15 500,000 pages of documents from Solara and third parties; taken or defended 13  
16 depositions; served six expert reports; and fully briefed Plaintiffs’ motion for class  
17 certification and Solara’s motion to exclude Plaintiffs’ damages expert. Indeed, fact  
18 discovery was scheduled to close just one week prior to reaching the Settlement.

19 Thus, as in *Cervantez*, the extent of discovery and stage of proceedings factor  
20 weighs strongly in favor of approving the Settlement. *See* 2010 WL 2712267, at \*3.

### 21 **4. The Experience and Views of Counsel**

22 “The recommendation of experienced counsel in favor of settlement carries a  
23 ‘great deal of weight’ in a court’s determination of the reasonableness of a  
24 settlement.” *Riker v. Gibbons*, No. 3:08-cv-00115-LRH-VPC, 2010 WL 4366012,  
25 at \*4-5 (D. Nev. Oct. 28, 2010) (citing *In re Immune Response Sec. Litig.*, 497  
26

27  
28 <sup>9</sup> This factor overlaps with amended Rule 23(e)(2)(A) (whether “the class  
representatives and class counsel have adequately represented the class”).

1 F. Supp. 2d 1166, 1174 (S.D. Cal. 2007)). Here, Co-Lead Class Counsel are  
2 experienced litigators and view the Settlement as an excellent result for the Class.

3 Robbins Geller is very experienced in complex class action litigation<sup>10</sup> and  
4 Mr. Davidson is one of the nation's leading consumer protection, privacy, and data  
5 breach attorneys. *See, e.g., In re Facebook Biometric Information Privacy Litig.*,  
6 No. 3:15-cv-03747-JD (N.D. Cal.) (\$650 million recovery, the largest privacy  
7 settlement in history, in a cutting-edge class action concerning Facebook's alleged  
8 privacy violations through its collection of user's biometric identifiers without  
9 informed consent); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-  
10 md-02752-LHK (N.D. Cal.) (\$117.5 million recovery in the largest data breach in  
11 history); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, No.  
12 3:11-md-02258-AJB-MDD (S.D. Cal.) (settlement valued at \$15 million concerning  
13 the data breach of Sony's PlayStation Network; approved without objection).

14 Similarly, Mr. Federman and Ms. Murphy are highly experienced in handling  
15 complex class actions similar to this Action and have proven track records of  
16 experience, knowledge, and success in litigating complicated litigation matters,  
17 including data breach cases. *See, e.g., In re Equifax Inc. Customer Data Sec. Breach*  
18 *Litig.*, No. 1:17-md-2800-TWT (N.D. Ga.) (plaintiffs' counsel involved in securing  
19 settlement of \$380.5 million cash benefits plus a commitment to another \$1 billion  
20 in improved data security); *In re Brinker Data Incident Litig.*, No. 3:18-CV-686-  
21 TJC-MCR, 2021 WL 1405508, at \*14 (M.D. Fla. Apr. 14, 2021) (court-appointed  
22 class counsel in certified Rule 23(b)(3) class action on behalf of individual  
23 consumers following data breach involving payment card information); *In re Home*  
24 *Depot, Inc. Customer Data Sec. Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.)

25

26

27 <sup>10</sup> *See* ROBBINS GELLER RUDMAN & DOWD LLP, [www.rgrdlaw.com](http://www.rgrdlaw.com) (last visited  
28 July 26, 2022).

1 (settlement fund of \$13 million); *In re Sonic Corp. Customer Data Breach Litig.*,  
2 No. 1:17-md-02807-JSG (N.D. Ohio) (settlement fund of \$4.325 million).

3 Class Counsel believe that the Settlement provides a fair, adequate, and  
4 reasonable recovery for Settlement Class Members. As Class Counsel are  
5 experienced attorneys in this field, their opinion that the Settlement is fair, adequate,  
6 and reasonable and in the Settlement Class Members' best interest also weighs in  
7 favor of approval of the Settlement. *Riker*, 2010 WL 4366012, at \*5.

8 **5. Requested Award of Attorneys' Fees and Expense**  
9 **Reimbursement Are Reasonable<sup>11</sup>**

10 Class Counsel have moved for an award of attorneys' fees in the amount of  
11 \$2,300,000. As explained in the fee motion, the requested award is supported by the  
12 results achieved, the risks of the litigation, the quality of Plaintiffs' representation,  
13 awards in comparable cases, the contingent nature of the representation, the resulting  
14 negative multiplier, the response of the Settlement Class, and the time spent by Class  
15 Counsel on this matter. Plaintiffs also seek an award of litigation expenses and  
16 charges in the amount of \$278,021.35. Plaintiffs also move for service awards in  
17 the amount of \$4,000 to each Class Representative for their service on behalf of the  
18 Settlement Class, including reviewing and approving pleadings and motions filed in  
19 the case, responding to discovery requests, gathering and producing documents  
20 responsive to Defendant's requests, preparing and sitting for depositions, and  
21 communicating with counsel throughout the settlement negotiations. Any awards of  
22 attorneys' fees, expenses, and service awards will be paid 15 calendar days after the  
23 Court's award of such fees and expenses, or 15 calendar days after the Court's entry  
24 of the Final Order and Judgment. Agreement, §VI.B.

25 Accordingly, this factor does not pose a barrier to granting approval.  
26  
27

28 <sup>11</sup> This section addresses with Rule 23(e)(2)(3) (proposed award of attorneys' fees).



1                   **6. Settlement Resulted from Arm’s Length Negotiations**

2           The Parties negotiated an impressive Settlement worth more than  
3 \$9.76 million. This extremely favorable result was achieved only after Class  
4 Counsel fought long and hard to secure these benefits for the Settlement Class. *See*  
5 §II.D., *supra*; Davidson Decl., ¶¶27-83. Meaningful settlement negotiations did not  
6 even commence until July 2021—nearly two years after the original complaint was  
7 filed and after extensive motion practice and discovery. *Id.* Negotiations were at  
8 arm’s length, often tense, and were facilitated with the assistance of JAMS mediator  
9 Bruce Friedman. Indeed, the Parties reached a Settlement only after Mr. Friedman  
10 deftly brokered an agreement mere hours before the class certification hearing and  
11 within a week prior to the fact discovery cut-off date. This is compelling evidence in  
12 support of the Settlement’s fairness. *See, e.g., Shames v. Hertz Corp.*, No. 07-CV-  
13 2174-MMA WMC, 2012 WL 5392159, at \*15 (S.D. Cal. Nov. 5, 2012) (granting final  
14 approval and finding lengthy settlement negotiations overseen by mediators and  
15 contentious nature of proceedings convincing evidence that settlement not a result of  
16 collusion).

17 **VI. CERTIFICATION OF THE SETTLEMENT CLASS IS**  
18 **APPROPRIATE**

19           Under the terms of the Agreement, the Parties have agreed, for the purposes  
20 of the Settlement only, to the certification of the Settlement Class, defined as  
21 follows:

22           All Persons in the United States and its Territories who were sent a  
23 letter from Solara notifying them that their Protected Health  
24 Information and/or Personally Identifiable Information may have been  
25 compromised by the Security Breach that occurred during the Class  
26 Period. The following are excluded from the Settlement Class: (a)  
27 Defendant, any parent, subsidiary, affiliate, or controlled Person by  
28 Defendant, as well as the officers, directors, agents, and servants of  
Defendant, and the immediate family members of such persons; (b) the  
presiding District Judge and Magistrate Judge in the Action, and their  
staff, and their immediate family members; and (c) all those otherwise  
in the Settlement Class who timely and properly exclude themselves  
from the Settlement Class as provided in this Agreement.

1 In the Preliminary Approval Order, the Court preliminarily certified the  
2 Settlement Class. See ECF No. 146 at 18. Nothing has changed since then, and thus  
3 Plaintiffs respectfully request that the Court finally certify the Settlement Class for  
4 Settlement purposes.

5 **VII. CONCLUSION**

6 Plaintiffs respectfully request that the Court grant their motion for final  
7 approval and enter an order of judgment.

8 DATED: August 1, 2022

ROBBINS GELLER RUDMAN  
& DOWD LLP  
STUART A. DAVIDSON  
DOROTHY P. ANTULLIS  
BRADLEY M. BEALL

*s/ Stuart A. Davidson*

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12 Co-Lead Class Counsel for Plaintiffs

13 [Additional counsel appear on signature page.]

14  
 15 UNITED STATES DISTRICT COURT  
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 In re SOLARA MEDICAL SUPPLIES )  
 DATA BREACH LITIGATION )

Case No. 3:19-cv-02284-H-KSC

CLASS ACTION

18  
 19 This Document Relates To:

20 ALL ACTIONS.  
 21

DECLARATION OF STUART A.  
 DAVIDSON IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT, APPROVAL OF  
 PLAN OF ALLOCATION, AND AN  
 AWARD OF ATTORNEYS' FEES,  
 EXPENSES, AND SERVICE  
 AWARDS

Judge: Hon. Marilyn L. Huff

Date: September 12, 2022

Time: 10:30 a.m.

Ctrm.: TBD

1 I, Stuart A. Davidson, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the  
3 States of Florida and Minnesota, and I am admitted *pro hac vice* before this Court in  
4 this action. I am a member of the law firm of Robbins Geller Rudman & Dowd LLP,  
5 and I am one of the Co-Lead Class Counsel in this case. I have personal knowledge  
6 of the matters stated herein, and, if called upon, I could and would competently  
7 testify thereto.

8 2. My knowledge of the matters herein is based on my active participation  
9 in the prosecution and settlement of this action from before its commencement  
10 through the present, as well as my discussions and communications with my  
11 colleagues on the prosecution team.

12 3. I respectfully submit this Declaration in support of Plaintiffs' Motion  
13 for Final Approval of Class Action Settlement, Approval of Plan of Allocation, and  
14 an Award of Attorneys' Fees, Expenses, and Service Awards.<sup>1</sup>

15 **I. PRELIMINARY STATEMENT**

16 4. This consolidated lawsuit arises from the alleged compromise of  
17 personally identifiable information ("PII") and protected health information ("PHI")  
18 at Solara Medical Supplies, LLC ("Solara" or "Defendant"), a medical products  
19 supplier that Plaintiffs allege is obligated by law to protect such information.

20 5. Specifically, in June 2019, Solara discovered that cyber-criminals had  
21 committed a data breach by accessing Solara's Microsoft Office 365 accounts,  
22 purportedly through a phishing scam<sup>2</sup> ("Data Breach").

23 \_\_\_\_\_  
24 <sup>1</sup> Unless otherwise indicated, all capitalized terms shall have the meanings ascribed  
25 to them in the Stipulation and Agreement of Class Action Settlement, dated January  
26 24, 2022. ECF No. 142-2.

26 <sup>2</sup> "Phishing is a cybercrime in which a target or targets are contacted by email,  
27 telephone or text message by someone posing as a legitimate institution to lure  
28 individuals into providing sensitive data such as personally identifiable information,  
banking and credit card details, and passwords." *What is Phishing?*, PHISHING.ORG,  
<https://www.phishing.org/what-is-phishing> (last visited May 24, 2022).

1           6.       Thereafter, Solara conducted an investigation into the Data Breach,  
2 from which it learned that between April 2, 2019 and June 20, 2019, cyber-criminals  
3 were active on Solara’s email accounts.

4           7.       Solara’s investigation confirmed that the known accessed email  
5 accounts contained patients’ PII and PHI, including: 114,210 names; 105,681 dates  
6 of birth; 64,232 instances of billing/claims information; 92,852 instances of health  
7 insurance information; 115,747 instances of medical information; 374 instances of  
8 financial account information; 10,723 social security numbers; 217 driver’s  
9 licenses/state IDs; 37 instances of credit/debit card information; seven  
10 passwords/pins or account logins; 7,739 Medicare/Medicaid IDs; and two passport  
11 numbers. Accordingly, in November 2019, Solara sent more than 100,000 breach  
12 notification letters to individuals whose PII or PHI was included in the accessed  
13 email accounts.

14           8.       On November 29, 2019, Plaintiff Juan Maldonado (“Maldonado”) filed  
15 the first complaint against Solara in this Court for claims arising from the Data  
16 Breach. ECF No. 1. Subsequent related complaints were filed, and on January 7,  
17 2020, the Court entered an Order consolidating the related actions and appointing  
18 William B. Federman and Stuart A. Davidson as Interim Co-Lead Class Counsel.  
19 ECF No. 10. On January 23, 2020, Plaintiffs filed their Consolidated Class Action  
20 Complaint (ECF No. 24), which Solara moved to dismiss (ECF No. 31).

21           9.       On May 7, 2020, this Court denied, in substantial part, Solara’s motion  
22 to dismiss. *See In re Solara Med. Supplies, LLC Customer Data Sec. Breach Litig.*,  
23 No. 3:19-cv-2284-H-KSC, 2020 WL 2214152 (S.D. Cal. May 7, 2020). Plaintiffs  
24 filed their Amended Consolidated Class Action Complaint (“Amended Complaint”)  
25 on May 11, 2020 (ECF No. 43), which Solara answered (ECF No. 44).

26           10.       Thereafter, the parties engaged in extensive fact discovery for more  
27 than 15 months and were within one week of the fact discovery cut-off before they  
28 reached the Settlement. During that time, the parties served and responded to 28

1 sets of written discovery requests, served nine subpoenas *duces tecum* on relevant  
2 third parties, produced and analyzed over 460,000 pages of documents, and  
3 conducted 13 depositions.

4 11. Plaintiffs also moved to compel compliance with a subpoena *duces*  
5 *tecum* served on Solara’s forensic investigator, Charles River Associates (“Charles  
6 River”) in the District of Massachusetts, which was fully briefed, argued, and  
7 decided by Magistrate Judge M. Paige Kelley. *See Maldonado v. Solara Med.*  
8 *Supplies, LLC*, No. 1:20-cv-12198-LTS (D. Mass. June 2, 2021), ECF No. 36.

9 12. The parties also engaged in extensive settlement discussions before  
10 reaching this Settlement. On July 20, 2020, the Honorable Karen S. Crawford  
11 presided over an Early Neutral Evaluation (“ENE”) Conference (ECF No. 53), but  
12 the parties were unable to resolve the action at that time.

13 13. On July 8, 2021, the parties engaged in a full day of mediation before  
14 experienced JAMS mediator Bruce Friedman but were again unable to reach an  
15 agreement to resolve the action.

16 14. The parties continued to explore potential resolution of the action with  
17 the assistance of Mr. Friedman, and ultimately, on October 12, 2021, just hours  
18 before the start of the class certification hearing, the parties agreed in principle to  
19 the principal terms of settlement between Plaintiffs, on behalf of themselves and the  
20 Settlement Class, and Solara. The parties informed the Court of their agreement-in-  
21 principle to settle the action by telephone and email later that day. *See* ECF No. 137.

22 15. While we strongly believe in the merits of Plaintiffs’ claims, like all  
23 complex litigation, we also recognize that litigating the claims through class  
24 certification, potential review by the Ninth Circuit pursuant to Rule 26(f) of the  
25 Federal Rules of Civil Procedure (“Rules”), and through to trial presented substantial  
26 risks and uncertainties that could have led to a smaller recovery – or no recovery at  
27 all.

28

1           16. In the face of these risks, we aggressively litigated the claims for several  
2 years on a fully contingent basis. In doing so, we developed substantial evidence in  
3 support of the claims and were confident that we would have obtained certification  
4 of a nationwide Class under California law, or smaller classes under the laws of a  
5 handful of states. As a result of our hard work and determination, we achieved a  
6 very good, if not exceptional, result, including making available for the Class a non-  
7 reversionary Settlement Fund of *over \$5 million* from which Settlement Class  
8 Members who complete a simple, straight-forward claim form are entitled to \$100  
9 in cash, subject to pro rata reduction *or* increase up to a maximum of \$1,000,  
10 depending on the number of claims.

11           17. This Settlement structure is significant – to the best of Plaintiffs’  
12 knowledge, very few other data breach settlements have provided for cash payments  
13 to victims of a data breach without any proof or verification of actual harm, lost time,  
14 out-of-pocket losses, or existing credit monitoring.

15           18. Moreover, the Settlement also provides for *nearly \$5 million* in  
16 additional non-monetary benefits for the Settlement Class whose PII and PHI  
17 *remains in Solara’s possession*, including the following business practice changes:

- 18           • Security, privacy, and compliance training for all employees a  
19           minimum of twice per year, including Health Insurance Portability and  
20           Accountability Act (“HIPAA”) and Payment Card Industry (“PCI”) awareness and compliance;
- 21           • Unannounced, clandestine tests of at least 25% of Solara’s employees  
22           on Solara’s resiliency to phishing attempts at least twice year, along  
23           with additional training for all employees who fail the phishing tests;
- 24           • Cyber incident response testing (“CIRT”) once per year by an external,  
25           qualified, and independent facilitator, including with respect to relevant  
26           and updated threats to Solara’s industry;
- 27           • A full-service Security Incident and Event Management (“SIEM”) program, including full-time employment and annual training to  
28           support the SIEM, to provide complete and timely visibility into the

1 logical and physical events allowing Solara to detect, alert, and the tools  
2 to investigate system and network user behavior anomalies;<sup>3</sup>

- 3 • Annual Security Posture Assessment (“SPA”)<sup>4</sup> by a qualified third-  
4 party cyber security company to evaluate and measure Solara’s  
5 maturity to identify, detect, contain, respond, and prevent cyber-  
6 attacks;
- 7 • A HIPAA audit by an independent third party to validate and attest to  
8 Solara’s compliance with the HIPAA security rule; and
- 9 • A SOC 2 Type 2 audit (a third-party-attested audit framework created  
10 by the American Institute of Certified Public Accountants), to audit  
11 Solara’s internal controls on how it safeguards customer data and  
12 complies with industry, regulatory, and contractual obligations.

13 19. All of this necessary, appropriate, and undoubtedly valuable therapeutic  
14 relief will remedy the extremely poor data security at Solara prior to the Data Breach,  
15 and provide extensive, enhanced security protections of the Settlement Class’ PII  
16 and PHI for years to come. As learned data security expert Mary T. Frantz (“Frantz”)  
17 opines,

18 The [business practice changes] focus[] on remedying the current,  
19 systemic issues that led to the breach, improving Solara’s ability to  
20 quickly identify, detect and contain a possible threat, and position  
21 Solara for continued validation against industry standards and  
22 regulatory compliance and also validates Solara’s resiliency to the  
23 changing threat landscape.

24 \_\_\_\_\_  
25 <sup>3</sup> The SIEM will enable Solara’s compliance with PCI and HIPAA for the retention  
26 and archiving of network access logs. Most compliance requirements for payment  
27 card and health care data require a minimum of 365 days of accessible access logs  
28 to confidential information, and HIPAA requires up to six years to be stored and  
accessible.

<sup>4</sup> A SPA emulates a threat actor attempting to gain access to Solara’s computer  
system and networks, and evaluates if Solara is able to correctly detect and identify  
attempts to gain access, stop, or contain a threat actor once discovered, quickly  
respond to the detection, prevent or stop exfiltration of confidential information, and  
recover from an adverse security event with minimal, negative operational impact to  
its customers and overall business. It includes a reconnaissance scan and validation  
to determine what vulnerabilities are able to be exploited by an external threat actor  
and also includes an evaluation and validation of vulnerabilities and methods to  
exploit the organization from insider threats. The SPA results rank all findings from  
critical to informational, and Solara has agreed to, among other things, fully  
remediate all critical and high findings immediately and retest.



1 See Declaration of Mary T. Frantz, ¶12, a true and correct copy of which is attached  
2 hereto as **Exhibit 1**.

3 20. At bottom, we are confident that the Settlement is eminently fair,  
4 reasonable, adequate, and in the best interests of the Settlement Class and worthy of  
5 the Court’s final approval, as is Class Counsel’s application for an award of  
6 attorneys’ fees, expenses, and service awards to the Class Representatives.

7 **II. INITIATION OF THE ACTION AND CONSOLIDATION**

8 21. By way of brief background, Solara is a medical products supplier  
9 based in Chula Vista, California. According to Solara’s website, it “is the largest  
10 U.S. independent supplier of Continuous Glucose Monitors (CGMs) and Insulin  
11 Pumps and carries a full line of diabetes products and supplies.”<sup>5</sup>

12 22. As part of Solara’s business, it collects substantial amounts of PII and  
13 PHI from patients and potential customers across the nation, as well as some of its  
14 employees.

15 23. On or around November 13, 2019, Solara issued a press release  
16 (“Notice”) providing, for the first time, a public notice of “an incident that may affect  
17 the security of some information relating to certain individuals associated with  
18 Solara including current and former patients and employees.”<sup>6</sup>

19 24. In the Notice, Solara notified its consumers, potential customers, and  
20 employees that on June 28, 2019 – over four-and-a-half months earlier – it had  
21 “determined that an unknown actor gained access to a limited number of employee  
22 [Microsoft] Office 365 accounts, from April 2, 2019 to June 20, 2019[.]”<sup>7</sup>

23

24 <sup>5</sup> *About Solara Medical Supplies*, SOLARA MED. SUPPLIES, LLC,  
25 <https://www.solara.com/about> (last visited May 24, 2022).

26 <sup>6</sup> *Solara Medical Supplies Provides Notice of a Data Breach*, PR NEWswire (Nov.  
27 13, 2019), <https://www.prnewswire.com/news-releases/solara-medical-supplies-provides-notice-of-a-data-breach-300957962.html>.

28 <sup>7</sup> *Id.*



1           25. The Notice went on to say that within five days of discovering the Data  
2 Breach, Solara confirmed (with assistance from a third-party forensic expert, later  
3 determined to be Charles River) that PII and PHI within those (apparently  
4 unencrypted) email accounts “may have been accessed or acquired by an unknown  
5 actor at the time of the incident.”<sup>8</sup>

6           26. After its “comprehensive manual and programmatic review[,]”  
7 Defendant determined that:

8           The personal information present in the accounts at the time of the  
9 incident varied by individual but may have included first and last  
10 names and one or more of the following data elements: name,  
11 address, date of birth, Social Security number, Employee  
12 Identification Number, medical information, health insurance  
13 information, financial information, credit / debit card information,  
14 driver’s license / state ID, passport information, password / PIN or  
15 account login information, billing / claims information, and  
16 Medicare ID / Medicaid ID.<sup>9</sup>

17           27. On November 29, 2019, Maldonado filed the first complaint against  
18 Solara in this Court for claims arising from the Data Breach. ECF No. 1. Subsequent  
19 related complaints were filed.

20           28. On January 7, 2020, the Court entered an Order consolidating the  
21 related actions and appointing Interim Co-Lead Class Counsel and Class Counsel.  
22 ECF No. 10.

23           29. On January 23, 2020, Plaintiffs filed their Consolidated Class Action  
24 Complaint. ECF No. 24. That complaint asserted 15 counts against Solara,  
25 including: (a) negligence; (b) negligence *per se*; (c) breach of contract; (d) breach of  
26 implied contract (alternatively to breach of contract); (e) breach of implied covenant  
27 of good faith and fair dealing; (f) unjust enrichment; (g) violation of California’s

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28           <sup>8</sup> *Id.*

<sup>9</sup> *Id.*

1 Unfair Competition Law, Cal. Bus. & Prof. Code §17200, *et seq.*; (h) violation of  
2 California’s Customer Records Act, Cal. Civ. Code §1798.82, *et seq.*; (i) violation  
3 of California’s Confidentiality of Medical Information Act (“CMIA”), Cal. Civ.  
4 Code §56, *et seq.*; (j) violation of Pennsylvania’s Unfair Trade Practices Act, 73 Pa.  
5 Stat. Ann. §201-1, *et seq.*; (k) violation of Connecticut’s Unfair Trade Practices Act,  
6 Conn. Gen. Stat. Ann. §42-110b, *et seq.*; (l) violation of Michigan’s Consumer  
7 Protection Act, Mich. Comp. Laws Ann. §445.903, *et seq.*; (m) violation of  
8 Michigan’s Identity Theft Protection Act, Mich. Comp. Laws Ann. §445.72, *et seq.*;  
9 (n) violation of North Carolina’s Deceptive Trade Practices Act, N.C. Gen. Stat.  
10 §75-1.1, *et seq.*; and (o) injunctive and declaratory relief.

### 11 **III. LAW AND MOTION PRACTICE**

#### 12 **A. Solara’s Motion to Dismiss**

13 30. On March 9, 2020, Solara filed a detailed motion to dismiss the  
14 consolidated complaint in its entirety pursuant to Rules 9(b) and 12(b)(6) for failure  
15 to state a claim, including, among other things, lack of harm, lack of statutory  
16 standing, lack of stand-alone claims for negligence *per se* and unjust enrichment,  
17 and, with respect to Plaintiffs’ CMIA claim, lack of disclosure by Solara, and that  
18 “Plaintiffs are unable to allege that an unauthorized person actually viewed any  
19 information about him or her that was contained in the email accounts[.]” *See*  
20 *generally* ECF No. 31-1.

21 31. Plaintiffs opposed Solara’s motion to dismiss on March 30, 2020 (*see*  
22 ECF No. 32), and Solara replied on April 6, 2020 (*see* ECF No. 34).

23 32. The Court heard oral argument on Solara’s motion to dismiss on April  
24 13, 2020 (*see* ECF No. 37), and issued a written decision denying, in part, Solara’s  
25 motion to dismiss on May 7, 2020, and granting Plaintiffs leave to amend their  
26 complaint (*see Solara*, 2020 WL 2214152).

27 33. Thereafter, consistent with the Court’s motion-to-dismiss Order and  
28 guidance provided therein, Plaintiffs filed their Amended Complaint on May 11,

1 2020. *See* ECF No. 43. Plaintiffs' Amended Complaint asserted 14 claims,  
2 including: (a) negligence (incorporating negligence *per se*); (b) breach of contract;  
3 (c) breach of implied contract (alternatively to breach of contract); (d) breach of  
4 implied covenant of good faith and fair dealing; (e) unjust enrichment (alternatively  
5 to contract claims); and (f) violation of California's Unfair Competition Law, Cal.  
6 Bus. & Prof. Code §17200, *et seq.*; (g) violation of California's Customer Records  
7 Act, Cal. Civ. Code §1798.82, *et seq.*; (h) violation of California's CMIA, Cal. Civ.  
8 Code §56, *et seq.*; (i) violation of Pennsylvania's Unfair Trade Practices Act, 73 Pa.  
9 Stat. Ann. §201-1, *et seq.*; (j) violation of Connecticut's Unfair Trade Practices Act,  
10 Conn. Gen. Stat. Ann. §42-110b, *et seq.*; (k) violation of Michigan's Consumer  
11 Protection Act, Mich. Comp. Laws Ann. §445.903, *et seq.*; (l) violation of  
12 Michigan's Identity Theft Protection Act, Mich. Comp. Laws Ann. §445.72, *et seq.*;  
13 (m) violation of North Carolina's Deceptive Trade Practices Act, N.C. Gen. Stat.  
14 §75-1.1, *et seq.*; and (n) declaratory relief.

15 34. Solara answered the Amended Complaint on May 26, 2020. *See* ECF  
16 No. 44.

17 **B. Plaintiffs' Motion to Compel Charles River to Respond to**  
18 **Subpoena *Duces Tecum***

19 35. On September 11, 2020, Solara served Plaintiffs with its Supplemental  
20 Responses to Special Interrogatories, identifying, for the first time, several entities  
21 that were involved in either: (a) investigation of the underlying cause of the Data  
22 Breach (Charles River); (b) remediation of the data security at Solara that resulted  
23 in the Data Breach (Patriot Consulting); or (c) audits of Solara's IT security prior to  
24 the Data Breach (Connetic).

25 36. Consequently, Plaintiffs promptly served subpoenas *duces tecum* on all  
26 of these entities, including serving Charles River on September 16, 2020.

27 37. Charles River's deadline to comply with the subpoena was October 16,  
28 2020, but it failed to respond or object. Accordingly, I wrote a letter to Charles River

1 advising of its non-compliance with the subpoena and demanding its full production  
2 of documents. The following day, Charles River's counsel contacted me and  
3 apologized for the failure to respond to the subpoena. Later that same day, Charles  
4 River's counsel contacted me again to advise that they had spoken with Solara's  
5 counsel regarding the subpoena and that Charles River would be collecting  
6 responsive documents and producing them to Solara's counsel, who would then  
7 advise Charles River which documents it could produce to Plaintiffs and which  
8 documents it could not produce based on Solara's privilege and work product  
9 objections.

10 38. Plaintiffs filed a motion to compel Charles River to produce documents  
11 responsive to the subpoena in the District of Massachusetts on October 27, 2020.  
12 *See Maldonado v. Solara Med. Supplies, LLC*, No. 1:20-cv-12198-LTS (D. Mass.  
13 Oct. 27, 2020), ECF No. 1.

14 39. Briefing on Plaintiffs' motion to compel was completed on November  
15 20, 2020, and Magistrate Judge M. Paige Kelley held oral argument on May 4, 2021.  
16 In the interim, Solara produced certain documents in Charles River's possession, but  
17 served two privilege logs with respect to additional documents.

18 40. On June 2, 2021, Judge Kelley entered an Order denying Plaintiffs'  
19 motion to compel, finding that Charles River had not waived its objections by failing  
20 to respond to the subpoena and upholding Solara's privilege and work product  
21 objections to unproduced materials. *See id.*, ECF No. 36.

### 22 **C. Plaintiffs' Motion for Class Certification**

23 41. Class certification and *Daubert* briefing spanned nearly 4,700 pages.

24 42. On July 2, 2021, Plaintiffs filed their Motion for Class Certification.  
25 *See* ECF No. 95.

26 43. Specifically, Plaintiffs moved to certify a nationwide Class under  
27 California law of all individuals in the United States and its territories who were sent  
28 a letter from Solara notifying them that their PII and/or PHI may have been

1 compromised in the Data Breach. *See* ECF No. 95-1 at 1. Plaintiffs argued that the  
 2 proposed Class satisfied the requirements of Rule 23, including numerosity,  
 3 commonality, typicality, and adequacy. Plaintiffs submitted dozens of exhibits,  
 4 including numerous internal Solara documents and documents obtained through  
 5 subpoenas *duces tecum*, excerpts of deposition testimony from Solara employees  
 6 and Connetic, and four expert reports from two experts, Gary Olsen (“Olsen”) and  
 7 Frantz. Among other things, Plaintiffs’ Motion for Class Certification argued:

8       The fact that several of Plaintiffs’ claims – including under California’s  
 9 [CMIA] – provide for an award of statutory damages requiring simple  
 10 arithmetic to calculate class-wide (as Solara’s damages expert  
 11 concedes), nullifies any argument that individual issues could  
 12 predominate here; indeed, this is why CMIA claims are often certified.  
 Simply put, either Solara violated the CMIA with respect to the data  
 breach or it did not. If it did, each Class member whose [PHI] was  
 breached is entitled to an award of \$1,000. Full stop.

13 *Id.* at 1.

14       44. On August 30, 2021, Solara filed its opposition to the Motion for Class  
 15 Certification. *See* ECF No. 106. In support of Solara’s opposition, it submitted  
 16 extensive evidence, including declarations from Solara employees, several expert  
 17 declarations, and deposition testimony. *See id.* Among other things, Solara opposed  
 18 class certification of Plaintiffs’ CMIA claim, arguing:

19       CMIA only extends protection to “medical information” as defined by  
 20 Cal. Civil Code § 56.05(j). Not all PHI, and not all information of a  
 21 medical nature, is “medical information” protected by CMIA.  
 22 *Eisenhower Medical Center v. Superior Court* (2014) 226 Cal.App.4th  
 23 430, 434 [“EMC contends that ‘medical information’ as defined under  
 24 the CMIA is substantive information regarding a patient’s medical  
 25 condition or history that is combined with individually identifiable  
 26 information. It notes here there was a disclosure or release of  
 27 ‘individually identifiable information,’ but not medical information.  
 28 We agree.”]. Indeed, one of the significant issues here that Plaintiffs  
 ignore is that there would need to be consideration of individual-  
 specific evidence just to identify who had “medical information” as  
 defined by Civil Code § 56.05(j) in the potentially affected emails.

*See id.* at 2. Solara also argued that Plaintiffs had no “proof of an actual breach of  
 confidentiality,” as opposed to “just a possible breach of confidentiality[,]” meaning  
 that Plaintiffs could not show on a Class-wide basis that the cyber-criminal actually

1 accessed or viewed their PHI for CMIA liability to attach. *See id.* at 18 (citing *Sutter*  
2 *Health v. Super. Ct.*, 227 Cal. App. 4th 1546 (2014)).

3 45. Solara also filed a Motion to Exclude the Opinions of Plaintiffs’  
4 Damages Expert Gary Olsen (“Motion to Exclude”) under Rule 702 of the Federal  
5 Rules of Evidence and *Daubert*. *See* ECF No. 110.

6 46. On September 13, 2021, Plaintiffs filed their opposition to Solara’s  
7 Motion to Exclude (*see* ECF No. 117), and their reply in support of their Motion for  
8 Class Certification (ECF No. 120).

9 47. In support of their reply, Plaintiffs submitted additional deposition  
10 testimony by Solara’s Chief Executive Officer, Keith Crawford, and former Director  
11 of IT, Ben Mead, along with other evidence.

12 48. The Court scheduled oral argument on the Motion for Class  
13 Certification and Motion to Exclude for October 12, 2021. *See* ECF No. 132.

14 **IV. DISCOVERING THE FACTS AND PREPARING FOR CLASS**  
15 **CERTIFICATION AND TRIAL**

16 49. Prior to entering into this Settlement, Plaintiffs conducted an extensive  
17 investigation of the facts and engaged in years-long formal discovery. Notably, the  
18 Settlement was reached just weeks before the fact discovery cut-off and mere hours  
19 prior to the hearing on Plaintiffs’ Motion for Class Certification.

20 50. As explained below, Plaintiffs’ discovery efforts included conducting  
21 an informal investigation; obtaining and reviewing hundreds of thousands of pages  
22 of documents; engaging in exhaustive meet-and-confer conferences with Solara’s  
23 counsel related to electronically stored information (“ESI”) and other discovery  
24 issues; taking and defending eleven fact depositions; obtaining discovery from six  
25 third parties, including documents and deposition testimony; and litigating several  
26 discovery disputes in this Court and one in the District of Massachusetts.

27  
28



1           **A. Factual Investigation**

2           51. Prior to commencing the original actions consolidated in this case,  
3 Class Counsel engaged in a thorough investigation of the claims, which included  
4 detailed reviews of Solara’s business and finances, and consultations with experts  
5 on damages and data security.

6           52. Throughout the litigation, Class Counsel developed a detailed factual  
7 record for class certification, summary judgment, and trial.

8           53. Between August 2020 and September 2021, Plaintiffs served ten sets  
9 of document requests, six sets of interrogatories, and two sets of requests for  
10 admission on Solara.

11           54. Plaintiffs also served subpoenas *duces tecum* on numerous third parties,  
12 including: Charles River (forensic investigator); Connetic (data security auditor);  
13 Patriot Consulting; CI Security; Infracore (the company Solara hired to provide IT  
14 services); and West Monroe Partners (the entity hired by a private equity firm to  
15 review Solara’s IT and data security infrastructure prior to acquiring Solara in 2018).

16           55. In total, Plaintiffs reviewed and analyzed over 83,000 pages of  
17 documents collected from Solara, and over 394,000 pages of documents from third  
18 parties. Class Counsel spent thousands of hours reviewing and analyzing these  
19 documents in order to further develop the factual record, themes for class  
20 certification and trial, and narrow the scope of discovery disputes while still  
21 aggressively pursuing important evidence supporting Plaintiffs’ claims.

22           **B. Discovery Disputes**

23           56. Class Counsel also spent many hours preparing for meet-and-confer  
24 conferences with counsel for Solara, conducting said conferences, and preparing  
25 correspondence memorializing the resulting conversations. This meet-and-confer  
26 process was necessary to address Solara’s numerous objections to the scope of  
27 Plaintiffs’ discovery requests, certain ESI issues, issues relating to the collection and  
28 search for responsive documents, and issues relating to claims of privilege. Solara



1 produced privilege logs asserting claims of privilege to thousands of documents,  
 2 requiring further review and analysis of these privilege claims as well as an  
 3 additional meet-and-confer process. All told, this meet and confer process included  
 4 dozens of telephone conferences and many written communications.

5 57. In what stands as a testament to the skill and professionalism of both  
 6 Plaintiffs' and Solara's counsel, rarely did the meet-and-confer process break down  
 7 to the point where Judge Crawford's written procedures for bringing discovery  
 8 disputes to her attention became necessary. Although multiple extensions of Judge  
 9 Crawford's 30-day deadline to bring discovery disputes to her attention were sought  
 10 and received (*see, e.g.*, ECF Nos. 56-58, 65, 69-70, 76, 86, 123, 130), only on two  
 11 occasions did a formal discovery dispute rise to that level (*see* ECF Nos. 84, 87).

### 12 C. Fact Depositions

13 58. In preparation for class certification, summary judgment, and trial,  
 14 Class Counsel took depositions of a number of Solara employees and third parties,  
 15 including:

16 Deponent	17 Position	18 Date
19 Matt Strebe	20 Connectic CEO	21 November 30, 2020
22 Brad Haller	23 West Monroe Partners Director	24 March 30, 2021
25 Ben Mead	26 Solara Director of IT	27 August 12, 2021
28 Keith Crawford	Solara CEO	August 20, 2021
Emily Outlaw	Solara VP of IT	September 14, 2021
Stephen Foreman	Solara CEO	September 21, 2021
Carmen Mendoza	Solara Regulatory Affairs Supervisor	September 30, 2021

24 59. Class Counsel expended significant time and effort in preparing  
 25 outlines and locating exhibits for these depositions amongst hundreds of thousands  
 26 of pages produced in discovery.

27 60. In addition, Class Counsel defended the depositions of all of the named  
 28 Plaintiffs across the country, as set forth below at Section V.B.

1           61. Each of the depositions taken in this case were essential in developing  
2 new evidence, challenging Solara’s defenses, and establishing Solara’s lack of  
3 adequate data security and liability for Plaintiffs’ claims.

4           62. In sum, Plaintiffs marked approximately 100 exhibits at the fact  
5 depositions, many of which were used with multiple witnesses to draw out  
6 inconsistencies and contradictions where strategically beneficial to the case.  
7 Moreover, Plaintiffs’ counsel continually assessed the sufficiency of Solara’s  
8 document production through the deposition testimony and requested additional  
9 responsive documents or interrogatory responses based on these depositions.

10 **V. RESPONDING TO SOLARA’S DISCOVERY TO PLAINTIFFS**

11 **A. Written Discovery**

12           63. Class Counsel also spent many hours responding to, and meeting and  
13 conferring with, defense counsel about Solara’s written discovery requests; assisting  
14 Plaintiffs with the collection, review, and production of responsive documents and  
15 information; and preparing for, and defending, each of the named Plaintiffs for their  
16 depositions.

17           64. Among other discovery, Plaintiffs served their initial disclosures on  
18 July 13, 2020.

19           65. Solara served its first discovery requests (for documents and  
20 admissions) on Plaintiffs on August 6, 2020, and additional discovery requests on  
21 August 21, 2020 (for documents and interrogatory answers).

22           66. On September 28, 2020, Plaintiffs separately responded to 20 document  
23 requests and 15 interrogatories propounded by Solara and thereafter produced over  
24 83,000 pages of documents.

25           67. After Class Counsel met and conferred with Solara regarding Plaintiffs’  
26 discovery responses, each Plaintiff served amended interrogatory responses and  
27 amended responses to Solara’s document requests.

1 68. Solara served additional document requests and interrogatories on  
 2 Plaintiffs in March 2021, to which Class Counsel worked closely with Plaintiffs to  
 3 answer and respond to.

4 **B. Depositions of Plaintiffs**

5 69. Class Counsel also spent hours preparing for, meeting with, and  
 6 defending the following depositions of Plaintiffs as reflected in the chart below.

Deponent	Date
Kristi Keally	April 12, 2021
Alex Mercado	April 16, 2021
Juan Maldonado	April 19, 2021
Adam Bickford	April 23, 2021
Thomas Wardrop	April 29, 2021
Jeffrey Harris	May 11, 2021

7  
 8  
 9  
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 13  
 14 **VI. WORKING WITH EXPERTS**

15 70. Class Counsel engaged and worked extensively with two experts in this  
 16 action to analyze the harm and damages Class members suffered from the Data  
 17 Breach, and to establish Solara's statutory, regulatory, and common-law duties to  
 18 securely maintain Class members' PII and PHI and Solara's violation of those duties.

19 71. Class Counsel retained damages expert Olsen to assess and testify at  
 20 trial about the damages suffered by Class members as a result of the Data Breach,  
 21 the risk of harm caused by the Data Breach, and Solara's unjust enrichment.

22 72. Olsen is a Senior Managing Director for B. Riley Advisory Services.  
 23 For more than 20 years, Olsen has been engaged in various types of litigation  
 24 consultation matters including, for example, data breaches, intellectual property,  
 25 breach of contract, forensic accounting, and valuation disputes. He has focused his  
 26 career on the creation of accounting, economic, and financial models in the context  
 27 of litigation, developing these models for patent infringement, trade secrets, breach  
 28 of contract, data breach, and other damages matters in the healthcare,

1 telecommunications, apparel, technology, manufacturing, entertainment,  
2 construction, banking, energy, government contracting, aerospace, and professional  
3 services industries.

4 73. Olsen analyzed Class-wide damages related to the Data Breach,  
5 including damages based on: (a) Solara's unjust enrichment (disgorgement of  
6 profits); (b) theft of PHI and PII exposed by the Data Breach; (c) Class members'  
7 increased future risk of harm caused by the Data Breach; and (d) statutory damages  
8 under the CMIA.

9 74. Olsen submitted two expert declarations in this matter in support of  
10 Plaintiffs' Motion for Class Certification and was disclosed as one of Plaintiffs'  
11 merits experts on September 2, 2021.

12 75. Class Counsel also retained Frantz of Enterprise Knowledge Partners,  
13 LLC, to establish Solara's statutory, regulatory, and common-law duties to securely  
14 maintain Class members' PII and PHI, establish Solara's violation of those duties,  
15 and identify the types of injunctive relief necessary for Solara to provide future  
16 protection of Class members' PII and PHI.

17 76. Frantz holds a Master's degree in Engineering from the Georgia  
18 Institute of Technology (with emphasis on Computer Science Engineering), and her  
19 extensive experience includes active certifications as a Certified Information  
20 Systems Auditor, Certified Ethical Hacker, Certified Information Systems Security  
21 Professional, Certified Forensics Investigator, and Certified Incident Handler, as  
22 well as several certifications specific to products or companies, such as EnCase  
23 (EnCE), Cellebrite, and Microsoft. Frantz has performed both HIPAA and PCI Data  
24 Security Standards ("DSS") security reviews and is a non-active PCI-DSS Qualified  
25 Security Assessor, meaning she has been qualified by the PCI Security Standards  
26 Council to validate an entity's adherence to the PCI-DSS standard.

27 77. Frantz has extensive cyber security knowledge and has managed  
28 responses to major security incidents and performed information security

1 investigations relevant to insider trading, IP theft, credit card fraud, health  
2 information data breaches, and social engineering attacks. She has also been  
3 retained as an expert in 29 data breach lawsuits. In this capacity, she has submitted  
4 numerous declarations, affidavits, and reports, and has testified at deposition and  
5 trial.

6 78. Among other tasks, Frantz reviewed Solara's data security practices  
7 and infrastructure, reviewed numerous third-party assessments of the same, and  
8 reached opinions that, at the time of the Data Breach, Solara was well below industry  
9 standards for data security and was not compliant with industry, statutory, and  
10 regulatory requirements applicable to a health care company that stores PHI and PII  
11 and that processes payment (credit) cards.

12 79. Frantz submitted two expert declarations in this matter and was  
13 disclosed as one of Plaintiffs' merits experts on September 2, 2021.

#### 14 **VII. THE PARTIES' ARM'S-LENGTH SETTLEMENT** 15 **NEGOTIATIONS**

16 80. Just like the litigation, Settlement did not come quickly or easily but  
17 was achieved only through skill and determination. In fact, this Settlement is the  
18 result of extensive arm's-length negotiations by the parties.

19 81. On July 20, 2020, Judge Crawford presided over an ENE Conference  
20 (*see* ECF No. 53), but the parties were unable to resolve the action at that time.<sup>10</sup>

21 82. On July 8, 2021, the parties engaged in a full day of mediation before  
22 experienced JAMS mediator Bruce Friedman but were again unable to reach an  
23 agreement to resolve the action.<sup>11</sup>

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24  
25 <sup>10</sup> On June 29, 2020, Plaintiffs served their first confidential settlement demand on  
26 Solara.

27 <sup>11</sup> On May 20, 2021, Plaintiffs served their second confidential settlement demand  
28 on Solara. Solara did not provide a formal response to this demand. However, this  
demand helped facilitate a productive mediation session.

1 83. The parties continued to explore potential resolution of the Action with  
2 the assistance of Mr. Friedman, and ultimately, on October 12, 2021, just hours  
3 before the start of the class certification hearing, the parties agreed in principle to  
4 the principal terms of Settlement. The parties' counsel informed the Court of their  
5 agreement-in-principle to settle the Action by telephone and email later that day.  
6 *See* ECF No. 137.

7 **VIII. THE BENEFITS OF THE SETTLEMENT TO CLASS**  
8 **MEMBERS**

9 **A. Monetary Benefits**

10 84. Solara and its insurer will pay \$5,060,000 into a non-reversionary  
11 Settlement Fund.

12 85. The Net Settlement Fund will be distributed to Settlement Class  
13 Members who, in accordance with the terms of the Settlement agreement, are  
14 identified from Solara's internal records and who submit a valid and timely claim  
15 form through an extraordinarily simple process.

16 86. As described in the Settlement agreement, Settlement Class Members  
17 will receive \$100 in cash, subject to pro rata reduction *or* increase up to a maximum  
18 of \$1,000, depending on the number of claims.

19 87. The Settlement structure and benefits are significant – unlike most other  
20 data breach settlements, cash payments to victims of the Data Breach in this Action  
21 will not require any proof or verification of actual harm, lost time, out-of-pocket  
22 losses, or existing credit monitoring.

23 **B. Solara's Highly Valuable Business Practice Changes**

24 88. On top of the Settlement Fund, Plaintiffs demanded, and Solara has  
25 agreed to provide, extremely valuable business practice changes which will make it  
26 much more difficult for cyber-criminals to infiltrate Solara's computers and  
27 network. This relief is crucial because Plaintiffs' and Class members' PII and PHI  
28 *remain in Solara's possession.*

- 1 89. As described above, these business practice changes include:
- 2 • Security, privacy, and compliance training for all employees a
- 3 minimum of twice per year, including HIPAA and PCI;
- 4 • Unannounced, clandestine tests of at least 25% of Solara’s employees
- 5 on Solara’s resiliency to phishing exploits at least twice year, along
- 6 with additional training for all employees who fail the phishing tests;
- 7 • CIRT once per year by an external, qualified, and independent
- 8 facilitator, including with respect to relevant and updated threats to
- 9 Solara’s industry;
- 10 • A full-service SIEM program, including full-time employment and
- 11 annual training to support the SIEM, to provide complete and timely
- 12 visibility into the logical and physical events allowing Solara to detect,
- 13 alert, and the tools to investigate system and network user behavior
- 14 anomalies;
- 15 • Annual SPA by a qualified third-party cyber security company to
- 16 evaluate and measure Solara’s maturity to identify, detect, contain,
- 17 respond, and prevent cyber-attacks;
- 18 • A HIPAA audit by an independent third party to validate and attest to
- 19 Solara’s compliance with the HIPAA security rule; and
- 20 • A SOC 2 Type 2 audit of Solara’s internal controls to test how it
- 21 safeguards customer data and complies with industry, regulatory, and
- 22 contractual obligations.

23 90. These remedial changes were developed by Frantz, in consultation with

24 Class Counsel, after she had reviewed relevant documents, information, and

25 testimony, and after she had prepared her two expert reports. Thus, Frantz had a

26 thorough understanding of the state of Solara’s data security practices, procedures,

27 and shortcomings at the time the above business practice changes were developed

28 and proposed to Solara as part of the Settlement. Frantz has “concluded that if the

proposed changes are performed as intended, with integrity, and Solara continues to

address the latest industry vulnerabilities and threats, that Solara will be much better

positioned to protect the confidentiality, integrity and privacy of the information it

stores . . . of its employees, customers and business partners.” See **Exhibit 1** at ¶9.

Frantz also found that the “Net Present Value of [these] measures, in addition to the

measures Solara has already implemented as a result of the litigation, is estimated to

be ***in excess of \$4.7 million*** over a period of five (5) years, assuming an inflationary



1 impact of 5% during that time.” *See id.* at ¶40 and Exhibit B. To maintain these  
2 measures would cost Solara additional investments of around \$450,000 per year  
3 thereafter. *Id.* at ¶41.

4 **IX. THE STRENGTHS AND WEAKNESSES OF THE CASE AND**  
5 **THE RISKS FACED BY PLAINTIFFS**

6 91. Over the course of the past several years, Class Counsel have  
7 relentlessly litigated Plaintiffs’ claims. While we strongly believe in the merits of  
8 the claims, we also recognize risks and the time and expense that would have been  
9 required to prosecute this Action through summary judgment, trial, and any  
10 subsequent appeals, including the difficulties and delays inherent in the litigation  
11 process, including the claims process if a verdict is won.

12 92. Plaintiffs and Class Counsel believe we could have prevailed on the  
13 merits, but Solara was equally adamant that class certification would be denied (or  
14 reversed by the Ninth Circuit), and Plaintiffs’ claims would fail. There were a  
15 number of genuine litigation risks, including ones that could have prevented  
16 Plaintiffs from advancing their claims to trial or that could have weakened the claims  
17 that ultimately advanced to trial. Indeed, defense counsel pursued numerous  
18 avenues of legal and factual attacks on the named Plaintiffs and the claims, as  
19 demonstrated by Solara’s numerous briefs filed in this action.

20 93. Among other risks, it was possible that Plaintiffs’ motion for class  
21 certification would have been denied, or reversed on appeal, leaving Plaintiffs with  
22 a narrowed class or no class at all. That result would have left most, or all, of the  
23 Class with no recovery whatsoever and, at the very least, would have dramatically  
24 reduced the value of any subsequent settlement.

25 94. In addition, Solara repeatedly contested the issue of whether Plaintiffs  
26 were required to demonstrate that the cyber-criminals actually accessed and viewed  
27 Plaintiffs’ and the Class’ PHI in order to recover statutory damages under the CMIA,  
28 Plaintiffs’ most valuable claim. Plaintiffs have consistently maintained – and their

1 expert has opined – that it is highly likely that PHI was accessed and viewed, and  
2 that Solara has no evidence to the contrary. Plaintiffs have also argued that it would  
3 be inequitable for Solara to argue lack of access or viewing given that it is Solara’s  
4 HIPAA and PCI-DSS non-compliant logging practices that prevented its forensic  
5 investigator from determining the full extent of the Data Breach.

6 95. However, not long after the parties reached a settlement of this case,  
7 one California appeals court affirmed summary disposition of a CMIA claim on the  
8 ground that there was no evidence that the PHI at issue “had been viewed or  
9 otherwise accessed by the thief or other unauthorized individuals[.]” *A. Doe v.*  
10 *Sutherland Healthcare Sols., Inc.*, No. B297712, 2021 WL 5765978, at \*9 (Cal. Ct.  
11 App. Dec. 6, 2021). This singular court decision, while not directly on point given  
12 the record in this case, could have significantly impacted the success of Plaintiffs’  
13 CMIA claim.

14 96. Class Counsel also recognize that the trial of any case includes inherent  
15 risks, including the possibility that a jury would not return a unanimous verdict in  
16 Plaintiffs’ favor.

17 97. And even if the Class had obtained a unanimous verdict from a jury in  
18 this District, Plaintiffs and the Class would have had to prevail on appeal not only  
19 as to the legal issues already raised by Solara in its forthcoming dispositive motions,  
20 but also as to the inevitable legal and evidentiary issues that would arise at trial.

21 98. In light of all these factors, including our evaluation of the arguments  
22 raised by Solara (which would have been reasserted on appeal), the possibility that  
23 the Court would grant summary judgment against Plaintiffs on their CMIA claim,  
24 and the inherent risks of trial and appeal, it is the informed judgment of Class  
25 Counsel, based on their experience in this action and extensive experience in other  
26 similar complex litigation, that the proposed Settlement is fair, reasonable, and  
27 adequate, and in the best interests of Plaintiffs and the Settlement Class.

28

1 **X. THE REQUESTED FEES, EXPENSES, AND SERVICE**  
2 **AWARDS ARE REASONABLE**

3 **A. The Requested Plaintiffs' Service Awards Are Reasonable**

4 99. Plaintiffs request service awards of \$4,000 each. These awards are  
5 appropriate given the years of litigation and the hard work of the individual Plaintiffs  
6 in: (a) bringing these claims and consulting with Class Counsel to protect the  
7 interests of the Settlement Class; (b) providing Class Counsel with information and  
8 documents in support of the claims pleaded and responding to Solara's numerous  
9 written discovery requests; (c) preparing for, and laboring through, lengthy  
10 depositions with intensive questioning by defense counsel; and (d) attending Judge  
11 Crawford's lengthy ENE Conference on behalf of the Class.

12 100. Prior to, and throughout, this action, Class Counsel have personally  
13 engaged and worked with Plaintiffs. Based on these interactions, we can confidently  
14 attest to the time and effort that each Plaintiff undertook to represent the best  
15 interests of the Settlement Class.

16 101. Based on my personal and extensive involvement in the action and  
17 interactions with many of the Plaintiffs, as well as my co-counsel representing other  
18 Plaintiffs over the course of several years, I know that they each contributed dozens  
19 of hours to the success of this action. Plaintiffs all monitored the litigation, reviewed  
20 drafts of important pleadings to confirm the facts as they pertained to him or her,  
21 searched for and produced responsive documents that totaled over 600 pages, and  
22 reviewed drafts of written discovery responses and approved them. In addition,  
23 Plaintiffs each prepared with counsel and sat for lengthy deposition examinations  
24 and attended settlement conferences. Each of the Plaintiffs approved the Settlement  
25 and generally made themselves available to respond to any task requested of them  
26 by Class Counsel or the Court.

1           102. The service awards that Plaintiffs seek are only .0007% of the  
2 Settlement Fund they recovered for the Class and are consistent with awards in  
3 similar cases approved in this Circuit.

4           **B. The Requested Attorneys' Fees Are Reasonable**

5           103. Class Counsel are applying to the Court for an award of attorneys' fees  
6 and expenses in connection with the services rendered in this litigation. The Ninth  
7 Circuit has established 25% of the common fund as a benchmark for attorneys' fees.  
8 *See Staton v. Boeing Co.*, 327 F.3d 938, 968 (9th Cir. 2003). Class Counsel seek an  
9 award of 23.5% of the Settlement Fund and the expert-declared value of the  
10 therapeutic relief achieved for the Class, consistent with the Ninth Circuit  
11 benchmark. *See Farrell v. Bank of Am. Corp., N.A.*, 827 F. App'x 628, 631 (9th Cir.  
12 2020), *cert. denied sub nom. Threatt v. Farrell*, 142 S. Ct. 71 (2021) (finding no  
13 abuse of discretion in district court's valuation of injunctive relief and application of  
14 25% benchmark to attorneys' fee award where counsel "generated benefits far  
15 beyond the cash settlement fund") (internal quotations omitted). Even if this Court  
16 does not base the award off the total \$9.76 million value of the Settlement secured  
17 for the Settlement Class, the attorneys' fees are reasonable as a *negative* multiplier  
18 to Class Counsel's reported lodestar.

19           104. Class Counsel report more than 5,396 combined hours of work for a  
20 negative multiplier of 0.73, as reflected in the attached declarations from those firms.  
21 *See Exhibits 2 through 8*, attached hereto.

22           105. The result and quality of the work performed by counsel in achieving  
23 the Settlement should also be evaluated in light of the quality of opposing counsel.  
24 Class Counsel were opposed by a nationally renowned law firm and experienced  
25 counsel who spared no expense or argument in the defense of their client. In the  
26 face of this knowledgeable and formidable defense team, Class Counsel were  
27 nonetheless able to develop a case that was sufficiently strong to persuade Solara to  
28 settle on terms that we view as very favorable to the Settlement Class.

1           106. Given the complexity and uniquely challenging nature of this particular  
2 data breach class action, the responsibility and risk undertaken by Class Counsel, the  
3 difficulty of proving liability and damages, the experience of Class Counsel and  
4 counsel for Solara, and the contingent nature of Class Counsel's agreement to  
5 prosecute the case, Class Counsel respectfully submit that the requested attorneys'  
6 fees are reasonable and should be approved.

7           **C. The Requested Litigation Expenses Are Fair and**  
8           **Reasonable**

9           107. As detailed in Exhibit B to each of the Declarations of Class Counsel,  
10 Class Counsel seek a total of \$278,021.35 in expenses in connection with the  
11 prosecution of this litigation. These expenses appear reasonable and actually  
12 incurred by Class Counsel in connection with commencing and prosecuting the  
13 claims against Solara.

14           108. From the beginning of the case, Class Counsel were aware that they  
15 might not recover any of their expenses, and, at the very least, would not recover  
16 anything until the litigation was successfully resolved. Class Counsel also  
17 understood that, even if the case was ultimately successful, an award of expenses  
18 would not compensate them for the lost use of funds advanced while this litigation  
19 was ongoing – essentially amounting to an interest-free, non-recourse loan to the  
20 Class. Therefore, Class Counsel were motivated to, and did, take steps to minimize  
21 expenses wherever practicable without jeopardizing the vigorous and efficient  
22 prosecution of the case.

23           109. The expenses for which Class Counsel are seeking payment are detailed  
24 in Exhibit B to the accompanying declarations from those firms, which identifies the  
25 specific category of expense, *e.g.*, expert fees, travel costs, photocopying, and other  
26 costs actually incurred. As set forth therein, these expenses and charges are reflected  
27 on the books and records maintained by the Court-appointed Class Counsel firms,  
28

1 and are prepared from receipts, expense vouchers, check records, and other  
2 documents, and are an accurate record of the expenses.

3 110. A portion of the expenses for which payment is sought were incurred  
4 for professional expert fees. Of the total amount of expenses incurred by Class  
5 Counsel in this action, the vast majority was expended in connection with Plaintiffs'  
6 experts, including testifying experts in relevant areas, specifically damages and data  
7 security. The expertise and assistance provided by these experts were critical to the  
8 prosecution and successful resolution of this litigation.

9 111. In addition, although the COVID-19 pandemic did cause much less  
10 case-related travel than usual, Class Counsel were required to travel in connection  
11 with prosecuting this matter, and thus incurred the related costs of travel tickets,  
12 meals, and lodging. The other expenses for which payment is sought are the types  
13 of expenses that are necessarily incurred in litigation and routinely charged to clients  
14 billed by the hour. These expenses include, among others, photocopying, online  
15 legal and financial research, and filing fees.

16 112. All of Class Counsel's litigation expenses for which payment is sought  
17 were necessary to the successful prosecution and resolution of the claims against  
18 Solara. In addition, the Notice apprised Class members that Class Counsel would  
19 seek payment of combined litigation expenses in an amount not to exceed \$350,000  
20 plus interest.

21 113. In view of the complex nature of the litigation, the litigation expenses  
22 incurred were reasonable and necessary to pursue the interests of the Class.  
23 Accordingly, Class Counsel respectfully submit that the expenses are reasonable in  
24 amount and should be paid in full.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 1st day of August, 2022, at Boca Raton, Florida.

/s/ Stuart A. Davidson  
STUART A. DAVIDSON



**EXHIBIT INDEX TO THE DECLARATION OF STUART A. DAVIDSON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT, APPROVAL OF PLAN OF  
ALLOCATION, AND AN AWARD OF ATTORNEYS' FEES, EXPENSES,  
AND SERVICE AWARDS**

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# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

<b>IN RE:</b>	)	
	)	<b>MDL No.: 3:19-CV-02284-H-KSC</b>
<b>SOLARA MEDICAL SUPPLIES</b>	)	
<b>DATA BREACH</b>	)	<b>JUDGE MARILYN L. HUFF</b>
<b>LITIGATION</b>	)	
	)	

**Declaration of Mary T. Frantz**

I, Mary T. Frantz, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

**I. Introduction.**

1. My opinions as expressed in this declaration are based on my formal education and training, my review and assessment of information provided by Plaintiffs' counsel, generally accepted sources within the field of information security, and my nearly 30 years of professional experience in cyber security, information technology, and compliance.

**II. Background and Qualifications.**

2. I am the Founder and Partner of Enterprise Knowledge Partners, LLC (EKP) in Edina, Minnesota. EKP is a technology services firm specializing in eDiscovery, Forensics, Cyber Security and Enterprise Architecture. As a Partner of EKP, I have provided a wide range of technology, compliance, and data security services to corporate clients.

3. My educational credentials include four Bachelor's degrees from Northern Illinois University in Mathematics, Information Systems, International Relations, and Foreign Translation of Spanish. In addition, I hold a Master's degree in Business Administration from the University of Chicago (with emphasis on International Business Investment/Marketing). I also hold a Master's degree in Engineering from the Georgia Institute of Technology (with emphasis on Computer Science Engineering).

4. Notably, my experience includes certifications as a Certified Information Systems Auditor, Certified Ethical Hacker, Certified Information Systems Security Professional, Certified Forensics Investigator, Certified Incident Handler, as well as several certifications specific to products or companies, such as EnCase (EnCE), Cellebrite, and Microsoft. I have performed both HIPAA (Health Insurance Portability and Accountability Act) and PCI DSS (Payment Card Industry Data Security Standards) security reviews and am a non-active PCI-DSS Qualified

Security Assessor, meaning I have been qualified by the PCI Security Standards Council to validate an entity's adherence to the PCI-DSS standard.

5. My cyber security knowledge spans the length of my years of professional experience. I have managed responses to major security incidents, performed information security investigations relevant to insider trading, IP theft, credit card fraud, health information data breaches, and social engineering attacks. I have also been retained as an expert in 29 data breach lawsuits. In this capacity, I have submitted numerous declarations, affidavits, and reports, and have testified at deposition and trial.

6. A copy of my complete resume is attached as Exhibit A.

7. I am being compensated on an hourly basis at a rate of \$375 per hour, plus actual expenses. My compensation is not contingent on my conclusions, opinions, or the outcome of this matter.

### **III. Review and Opinion of Solara Data Breach**

8. I reviewed the information produced related to the security posture of Solara between 2017 and 2019 and concluded that when the reported breach occurred, Solara was well below industry standards for data security and was not compliant with industry, statutory, and regulatory requirements of a health care company that stores Protected Health Information (PHI), Personally Identifiable Information (PII), and that processes payment (credit) cards.

9. I have reviewed the reports produced by Solara related to its security posture from 2019 through 2021. In addition, the injunctive relief for the cyber security and compliance improvements agreed to by counsel and have concluded that if the proposed changes are performed as intended, with integrity, and Solara continues to address the latest industry vulnerabilities and threats, that Solara will be much better positioned to protect the

confidentiality, integrity and privacy of the information it stores and transacts of its employees, customers and business partners.

**A. Solara’s History of Extremely Poor Data Security**

10. Prior to the breach discovered at the end of June 2019, Solara had received assessments rating its security posture as very poor, and its employees and practices displayed minimal knowledge of compliance with industry and regulatory standards. Assessments alluded to the possibility Solara had already been breached and that it should check for evidence of compromise or breach.<sup>1</sup>

11. Solara had displayed consistent disregard for its overall compliance and security posture despite warnings from assessments, due diligence reports and previously known and successful phishing exploits.

12. The injunctive relief focuses on remedying the current, systemic issues that led to the breach, improving Solara’s ability to quickly identify, detect and contain a possible threat, and position Solara for continued validation against industry standards and regulatory compliance and also validates Solara’s resiliency to the changing threat landscape.

**B. Remediating the cultural and systemic security and privacy failures**

13. User initiated loss (UIL) is one of the top causes of cyber compromises.<sup>2</sup> UIL is a result of many easily remedied items including lack of end user security training, and lack of proper system configurations to prevent, detect, and respond to cyber-attacks. The absence of security and privacy training for both end-users and technical personnel is usually a cultural issue that fails to recognize or consider the risks and consequences of lack of compliance. In addition,

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<sup>1</sup> WMP\_0000024, Solara000354, WMP\_0000024

<sup>2</sup> Cost of a Data Breach Report 2021, IBM. [Ibm.com/security/data-breach](https://www.ibm.com/security/data-breach)



training, testing and validation and configuring systems to utilize embedded security and privacy controls are the most efficient and cost-effective methods of preventing UIL.

14. Solara has agreed to perform security, privacy and compliance training for all employees a minimum of twice per year. The depth and type of training will be adjusted according to the employee's role within the organization. All training will include HIPAA and PCI awareness and compliance. The average training cost using a LMS (Learning Management System) for HIPAA, PCI and basic end-user awareness training is based on both pay-per-use and or pay per course (for unlimited users). Estimated costs for end-user security training can cost around \$10 per user. Specialty training and certifications for technical personnel does not normally exceed \$2,500 per employee.

15. Solara has agreed to perform unannounced tests on its resiliency to phishing exploits at least twice year. Each test will be performed in a clandestine manner to at least 25% of its employees. Unannounced tests provided to random populations most effectively validates the effect of training and security awareness of its employee base. Furthermore, Solara has agreed to provide additional training for all employees who fail the phishing tests.

16. Phishing tests using third party tools are licensed annually and rarely exceed \$50,000 per year for the annual license. The tools and services are much less if internal resources are used to configure and conduct the test.

17. Solara has agreed to undergo cyber incident response testing (CIRT) once per year by an external, qualified, and independent facilitator. The scenarios will include relevant and updated threats to Solara's industry. Undergoing CIRT in conversational or functional exercises is one of the best methods to evaluate and understand the vulnerabilities of the environment, enhance tools, policies and procedures with real-life tests of an organization's

ability to detect, respond and evaluate risk. Using a third-party facilitator for twice annual CIRT is estimated at \$25,000.

**B. Improve the ability to identify, detect and contain a threat**

18. The reported attack in 2019 went completely unnoticed by Solara until Solara was notified by a vendor about missed payments. It was then that Solara discovered that the full credentials of several Solara employees had been compromised and that its accounts payable employee had fallen victim to a fraud resulting in \$1.6 million in wire transfers sent to the wrong account.<sup>3</sup> In addition to inadequate or lack of training and testing of its systems, Solara did not have the tools or system configuration designed to detect activity of threat actors.

19. Solara has agreed to implement a full-service Security Incident and Event Management (SIEM). A correctly implemented and configured SIEM provides complete and timely visibility into the logical and physical events allowing an organization to detect, alert and the tools to investigate system and user behavior anomalies.

20. A SIEM is only as good as its configuration and its ability to aggregate and correlate all systems that it touches. Furthermore, if a SIEM is implemented in the same environment, cloud, or service that is meant to monitor then it can be subject to attacks and will not be accessible if the underlying environment is attacked or suffers downtime.

21. Therefore, Solara has agreed to implement a SIEM in a cloud environment that is not the same as its primary cloud environment and it has agreed to configure an enterprise SIEM with over 400 days of active event correlation. The longer the correlation period the more behavior anomalies can be detected and the easier to investigate suspicious events. Solara will

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<sup>3</sup> SOLARA000209.

implement and own the SIEM, the SIEM will *not be a part of an RMM service* (Remote Monitoring and Management, i.e., SolarWinds, Layer7, or similar).

22. The SIEM, with implementation beginning in January of 2022, will collect events from every endpoint in its production and non-production systems and will enable compliance with PCI and HIPAA for the retention and archiving of logs. Most compliance requirements for payment card and health care data require a minimum of 365 days of accessible access logs to confidential information and HIPAA requires up to 6 years to be stored and accessible.

23. SIEMs are industry standard and the options included vary widely. For the standardization of cost, it is assumed that the SIEM will be cloud hosted, have an average ingestion maximum of 50 GB per day, contain dashboards, alert capability, hold up to 400 days of active ingestion of events (also called a 400-day look-back), have a behavior learning capability and include an offline archive of raw data. The average industry cost for this type of SIEM is estimated at \$50,000 per year.

24. Training and resources to configure and maintain the SIEM usually overlap with existing service desk, security operational engineers. For Solara, this would translate into, one FTE (full time equivalent) resource with an average income of \$115,000, annual training for support would not exceed \$10,000.

25. Therefore, the total annual estimated cost of the SIEM is \$175,000.

**C. Solara will undergo annual audits to validate continued best practice and compliance**

26. Security and compliance are not one-time events and Solara has a proven history of non-compliance with industry standards, statutory and regulatory compliance. Therefore, Solara has agreed to undergo annual Security Posture Assessment (SPA), HIPAA and a SOC2 Type 2 audit.

27. At least once a year, Solara will engage a qualified third-party cyber security company to perform a SPA that will evaluate and measure its maturity to identify, detect, contain, respond and prevent cyber-attacks. A SPA emulates a threat actor attempting to gain access to Solara and evaluates if Solara is able to correctly detect and identify attempts to gain access, stop or contain a threat actor once discovered, quickly respond to the detection, prevent or stop exfiltration of confidential information, and recover from an adverse security event with minimal, negative operational impact to its customers and overall business. It includes a reconnaissance scan and validation to determine what vulnerabilities are able to be exploited by an external threat actor and also includes an evaluation and validation of vulnerabilities and methods to exploit the organization from insider threats. The results of the SPA are reported as a security maturity rating.

28. The SPA results rank all findings from critical to informational. Solara will fully remediate all critical and high findings immediately and retest. Medium and lower-level findings should be validated against compensating controls.

29. Based on Solara's extremely poor security posture and history of breaches, it is reasonable to expect that the SPA assessments for Solara will need to be extensive (both in detail and scope), particularly for the first few years. The cost of a SPA can reach \$125,000 per year.

30. A HIPAA audit validates compliance with the HIPAA security rule which is comprised of three areas: administrative, technical and physical controls. The HIPAA audit requires that Solara undergo a self-attested risk assessment (a SPA or similar), has enforceable security standards, policies and procedures that comply with NIST (National Institute for Standards in Technology), requires the protection of confidential health information, and a multitude of physical and logical security controls.

31. A standard third-party HIPAA audit ranges between \$25,000 and \$30,000.

32. Combined, the SPA/HIPAA assessments could cost Solara between \$150,000 and \$155,000 per year.

33. A SOC 2 Type 2 audit is a third party attested audit framework created by the AICPA (American Institute of Certified Public Accountants) designed to audit internal controls on how a company safeguards customer data and complies with industry, regulatory and contractual obligations. The audit must be performed by a third party and the AICPA standards require that evidence be collected to show consistent compliance over a period of at least six months.

34. The SOC2 Type 2 will be measured against compliance with the principles of security, confidentiality, [data] integrity, availability and privacy. The SOC2 type 2 has over 9 common controls and ensure that all service that involve payment card or health information are validated. The 9 controls, with supplementary controls, validate areas such as the effective use of the HIPAA and the SPA risk assessments and audits, enforces executive oversight and accountability for compliance and best practices, ensures the training and competence of its technical support teams, evaluates the integrity of the supply chain, evaluates the configuration of systems and security appliances against best practice, confirms the evaluation and mitigation of risks, tests enforcement of least privilege, encryption, vulnerability scanning, change management, logical and physical asset management and security.

35. If Solara does not pass a SOC2 Type 2 audit without findings, it must repeat the audit until it passes.

36. The cost of a SOC2 Type 2 audit for Solara is standardized by the AICPA and would be estimated at around \$40,000 per year.

**D. Additional Remediations Already Implemented**

37. In addition to the foregoing, Solara has already implemented certain improvements to its data security environment and practices. These data security enhancements were recommended to Solara by third-party data security consultants and were designed to improve the environment and vulnerabilities that allowed the 2019 data breach to occur.<sup>4</sup> The enhancements include: implementing multifactor authentication to its systems; deploying additional phishing alerts; implementing Azure ATP to scan for suspicious activity; increasing the email filtering capabilities; adding additional security protections to Azure Identity Protection to block anonymous proxies and to send alerts if passwords are leading on the dark web; implementing Azure SSO plus multi-factor authentication for third party applications; and deploying LAPS to randomize and rotate local administrator passwords. According to Solara, these changes to the company's data security were a result of plaintiffs' litigation and are being continued as part of the settlement of the litigation.

38. Based on information and documents provided by Solara, Solara has already expended more than \$1.43 million to implement these remedial measures.

**IV. Overall value and benefit of the remediations**

37. To protect the consumers impacted by the breach of Solara and to prevent further breaches from occurring, Solara's implementations of the injunctive relief remediations should be persistent and adapt to the changing threat environment.

38. The Net Present Value of the injunctive relief measures is estimated to be in excess of \$4.7 million over a period of five (5) years, assuming an annual inflationary impact of 5% during that time. *See* Exhibit B, attached hereto.

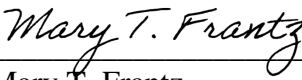
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<sup>4</sup> *See, e.g.*, PCTG\_0002125; PCTG\_0001297.

39. To maintain the injunctive relief measures thereafter, it is estimated that Solara will be required to make additional investments of around \$450,000 per year.

40. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19 day of July 2022 in Edina, Minnesota.

  
\_\_\_\_\_  
Mary T. Frantz

# EXHIBIT A



# MARY T. FRANTZ

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## Professional Experience

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### **ENTERPRISE KNOWLEDGE PARTNERS, LLC, (March 2004 - Present), Founder and Partner**

Founded EKP, LLC in 2004, a global consortium of partners and experts who perform services in Cyber Security, Compliance and Audits, and Enterprise Cloud Architecture.

#### ***CISO/CTO/CIO Roles***

Hired as virtual or acting CISO, CTO and CIO terms of 6 months to 4 years:

- Perform 2022 CMMC preparation audits for medical device, health care.
- Work with state Attorney General offices, law enforcement for the investigation of hate crimes.
- Virtual CISO for six technology startups including Edwards AI, Verata Health (now Olive AI), Prescriptive Health, Glen Eagle Financial Advisors, Micah Group.
- Acting CISO for six to twelve months for four fortune 100 firms
- Virtual CIO and CTO for small and medium businesses up to two years including ATS Medical (purchased by Medtronic), Nystrom Construction, Imagine Print Solutions

#### ***Technology Strategy***

- Created enterprise architecture and infrastructure transformation strategies
- Built global enterprise SOCs
- Developed technology strategy & alignment to corporate goals and objectives for Fortune 100 firms
- Created system and information consolidation strategies for large M&A
- Designed, budgeted and lead implementation of ERM, Claims, ERP (SAP, Oracle, Lawson/Infor, Epic, Exact, and many others)
- Testified for state and federal legislators on identity and access management systems, secure health care / PBM claims adjudication processes, managed care benefit utilization statistical calculations and related, RICO, ERISA, foreign influence in social media, and social media as a threat vector.
- Architected and designed big data constructs and built AI abstraction engines using Hadoop, Mongo (Cosmos), Cassandra, Hive, Data Bricks, and others.
- Implemented blockchain for enterprise authentication/authorization and using distributed hash
- Implemented DevSecOps

#### ***Security / Incident Response:***

- Facilitated incident response TTXs, designed and managed red and purple teams
- Acting primary incident handler for multiple cyber events
- Performed vulnerability scanning, penetration testing using commercial tools and manual methods
- Lead internal investigations and darknet research, darknet identity theft investigations
- Provided expert testimony, expert reports and lead investigations for over thirty incidents including Equifax, Yahoo, Marriott/Starwood, Facebook, Mayo Clinic, Banner Healthcare, Apple, CapitalOne

#### ***Forensics:***

- Performed device and cloud forensic collection/imaging
- Managed and performed forensic memory analysis
- Testifying experience in multiple forensic investigations

#### ***Audit / Compliance***

Mary T. Frantz

- Hired by accounting firms to perform the testing and validation for audits: FISMA, NIST CSF, HIPAA Security, CSA, OCC, HITRUST, Sarbanes Oxley, FedRAMP, ISO, SAE16/18, NY DFS 23 NYCRR C500.
- Testified before congress on Safe Harbor, Privacy Shield, GDPR, Identity and Access Management, Social Media, HIPAA, NIST, Mitre Att&CK.

**CARLSON MARKETING GROUP, INC., Plymouth, MN**

**July 2003 – May 2004**

***Sr. Director, Architecture & Security Services:*** Responsible for IT applications architecture, security and audit compliance, privacy, litigation support, application development and IT service marketing strategy for both internal and external customers. Customers included US Government Travel Office, Merck, Visa, Target Corp., Northwest Airlines, British Airways, Certegy, State Farm Insurance, MBNA, Bates Casket Co., Hewlett Packard, and Hallmark.

- Achieved eight commendations for innovative leadership
- Developed the common architecture and security framework
- Created defensible practices and responsible for contract drafting oversight and contract audit
- Led and managed matrix teams throughout IT and Operations to perform the following:
  - An enterprise service-oriented architecture and identity management strategy
  - Infrastructure (server /mainframe, and network capacity) planning strategy and implementation
  - Enterprise business architecture strategy planning, including marketing and sale's organizational structure
  - Development of product and service pricing strategies; sales presentations and RFP responses
  - Developed two-year strategy plan for compliance with SOX, HIPAA, Visa CISP / MC DSP and ISO17799
  - Primary representative for litigation support and eDiscovery for corporate systems

**CONSULTANT**

**June 2001 – July 2003**

Hired on retainer or hourly for multiple roles:

- Lead eDiscovery of email; help desk and eCommerce systems for Land O'Lakes v Farmland Feed.
- Created successful bid for large corporate partnership agreement on behalf of two local consulting companies for Data Warehouse / CRM implementation and Oracle 11i upgrade.
- Performed assessment and merger recommendations, due diligence
- New business venture development assessments
- RFP and proposal project management
- Applications Architecture Strategy and Business Process Assessment for medium sized medical manufacturing firm; resulted in operational savings in excess of \$1M annually after expenses (CenterPulse / SpineTec).
- Integration of Purina Mills and Terra Industries for Land O Lakes with subsequent relocation and closing of farm animal feed locations; simultaneous management of 119 networked co-op locations throughout the US for feed and seed
- JDE, Oracle, PeopleSoft, SAP conversions and implementations

Mary T. Frantz

**ORION CONSULTING, INC., Bloomington, MN**

**October 2000 - June 2001**

***ERP, Compliance Technology and Operations Strategy Practice Lead***

Overall responsibilities included directing the individual consulting industry verticals in strategic assessments primarily based on technological support of business strategy objectives for world-wide client base.

- Formulated proposals, client presentations and advising on strategic directions for business functional and technical teams
- Contracted team for large defense manufacturing organization to develop long term business and technology strategy
- Developed BPA strategy for realignment within Oracle 11i applications (improved use of BOM, Inventory, and eProcurement modules, implementation of VAT tax systems, GL consolidations of multi-org environments)
- Managed and developed industry partnerships in the CRM, ERP (Oracle), and the B2B/C software applications practices.
- Authored white papers on CRM, Knowledge Management, and Identity Management

**NOVELL, INC. (w/ Google) Provo, UT / San Jose, CA**

**November 1997 – September 2000**

***Sr. Director, Global e-Business Engineering New Product Management & Architecture:***

Senior director of global IT architecture and identity management product engineering for five (5) countries. Worked with marketing to demonstrate and customize security products. Participated in congressional lobbying and provided testimony for tools designed to reduce identity theft, lobbying for EU recognized safe harbor provisions, and various security and privacy legislative issues. Enterprise-wide business engineering product/project management regarding all enterprise applications including Oracle ERP and Siebel, PeopleSoft, VAT tax systems, ecommerce “bolt-on” applications for Novell’s ASP / ISP presence for channel on-line sales, outsourcing retail sales distribution and product warehousing, and IDM/SSO zero-day start product using LDAP SSO. In addition, achieved proven operational savings exceeding \$2.5M. External clients included, but not limited to, Hewlett Packard, Oracle, Republic of Germany (country), CNN, US Airforce, and 3M. Provided corporate expert witness testimony (Microsoft, Xerox, Siebel).

***Global Program Director, ITS Applications Architecture:***

Responsible for global teams in five (5) countries implementing and managing global data warehousing and web portal solutions (Cognos, Brio, MicroStrategy, and Hyperion); Enterprise project/program management guidelines / governance; implemented collections system for Finance; ISO 9000 certification; all manufacturing systems of gold master CD’s and related global distribution of product via online sales and distributors.

***Manager, Business Applications and New Technology:***

Developed hardware specifications and budget for strategic 3-year implementation plans and provided technical consultation with executive level customers explaining business values of technical decisions and computing ROI. Direct reports consisted of 45 contractors and 12 Novell senior developers. Managed employees in the Dublin (Ireland), San Jose (CA), and Orem/Provo (UT) offices.

***Manager, Global Financial Applications:***

Management of all business financial application services for Novell in 7 different countries including contract management and sales tools.

**TOTAL SYSTEMS SERVICES, Columbus, GA / Global**

**February 1996 – June 1997**

***Product Manager / Assistant VP, Total Access:***

Created the Total Access SAS consulting team providing on-site consulting services for portfolio and custom credit analysis applications and national/international credit card fraud investigations. Customers included

Mary T. Frantz

but not limited to GEFC, GE Fleet, Banjercito, Banco Central de Mexico, Royal Bank of Canada, Peoples Bank, Bank of America, Federal Reserve of Chicago and Minneapolis, Nations Bank, and Wells Fargo. Overall quarterly net revenue generation exceeded \$1M in consulting services / licensing fees, and \$800K in custom package development.

**FMC / MCI TELECOMMUNICATIONS, Atlanta, GA / Dallas TX May 1991 – February 1996**

***MCI Team Lead/Project Lead Corporate Business Engineering, Atlanta GA***

Overall responsibility for customer-based and MCI enterprise large corporate voice and data line design, development and implementation.

***MCI Team Lead: Sr. Systems Analyst, Atlanta, GA***

Awarded small business Director's Club award three consecutive quarters for highest performing team. Team was responsible for managing the outsourced Microsoft call center systems and analyzing voice and data line minutes and revenue for small business services division.

***FMC Consultant / Project Team Lead, Dallas, TX***

Managed resource measurement analysts team including production conversion of MVS 3.3 to MVS 4.2; conversion from Pace Kommand Chargeback systems to MICS Accounting and Chargeback; upgrade from SAS 5.18 to SAS 6.07. Resource measurement for all defense and navel R&D and manufacturing facilities, FMC Gold, Food Manufacturing (FMG) and Airline Equipment divisions (AED). Analyzed and testified for the Tariff 12 AT&T agreement on behalf of FMC, US Senate hearings

***FMC Resource Measurement Analyst, San Jose CA and Dallas TX***

Responsible for primary support and maintenance for internal and external customer chargeback systems on all platforms and Capacity planning on four platforms including voice and data primarily to support Gulf War activities including Telco fraud investigations, system security and contract baselining for Department of Defense, foreign language translation of project requirements for international customers.

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**Education & Professional Certifications**

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**Education / Honors:**

Top 10 Most Influential Women in Technology 2020

- Analytics Insight Magazine

Visionary Leadership Award – Cyber Audit

- 2019 State of Minnesota, Office of the Governor / University of MN, Morrie Awards

Minnesota Academy of Science and Engineering

- Lead Judge State Science and Engineering Fair for MS and HS– Technology, Physics and Engineering (2014 – present)

STEMConnector

- Top 100 Leaders in STEM 2016

Enterprising Women Magazine

- 2016 Enterprising Woman of the Year
- 2017 Foundation Award Winner

Northern Illinois University – Appointed Executive In-Resident

- 2018 MIS Experiential Learning Center for MIS candidates

Mary T. Frantz

Business Journal – Twin Cities

- 2008 Top 25 Women to Watch

National Organization for Women Business Owners – National and MN Chapter

- 2007 Young Businesswoman of the Year

National Organization for Women Business Owners – MN Chapter

- 2005 Recipient of the “Woman on the Way”

Bachelor of Science – Northern Illinois University, Dekalb, IL

- Concentration: Information Systems and Operations Management

Bachelor of Science – Northern Illinois University, Dekalb, IL

- Concentration: International Relations

Bachelor of Arts – Northern Illinois University, Dekalb, IL

- Concentration: Foreign Language Business Translation (Spanish & French)

Bachelor of Arts – Northern Illinois University, Dekalb, IL

- Concentration: Math / Statistics

MBA, University of Chicago

- Concentration: International Business/International Finance and Investment

MS, Georgia Institute of Technology, Atlanta, GA and University of Texas at Arlington (1997)

- Masters of Engineering - Computer Science Engineering

### **Activities, Boards, Memberships & Certifications**

- Associate member of the ABA Law and Technology governing committee
- MN Cyber Range – Instructor via Metro State College
- Certified Ethical Hacking and Networking Adjunct Professor – University of Minnesota
- Board Director, Minnesota Academy of Science, Minnesota Academy of Applied Sciences – Treasurer
- Advisory Board, Enterprising Women International and Enterprising Woman Magazine
- Advisory Board, Cyber Security Summit
- Advisory Board, NATO Women Peace and Security
- Elected School Board Director – Prior Lake / Savage District 719 (2016 – present)
- Southwest Metro Intermediate District – Board of Directors
- Adjunct/Guest Expert, Mayo Clinic - Board of Trustees
- Association for Records Management (ARMA) - chapters in MN, Chicago, and Dallas
- Millennial Leaders, Upper Midwest Chapter
- Women in e-Discovery, Lead Sponsor- Twin Cities
- APICS – Chicago chapter, non-active certification in Inventory and MRP II
- National Organization for Women Business Owners (NAWBO)
- Information Systems Audit and Control Association (ISACA)
- Performance Measurement Association (PMA)
- International Standards Organization (ISO) - contributing member
- Enterprise Architecture Community (EA)
- HITRUST CSF
- Health ISAC (H-ISAC)
- CISSP Certified Information Systems Security Professional
- CISA Certified Information Systems Auditor 2007, recertified June 2012
- CEH Certified Ethical Hacker certified 2009, re-certified March 2013 CEHv7, 2019 CEHv9, CEHv10
- CPT Certified Penetration Tester (InfoSec Institute)
- CIPP Certified Privacy Professional – US and EU (non-active)

Mary T. Frantz

Mary T. Frantz

# EXHIBIT B



## Injunctive Relief Cost Estimate Breakdown

	Cost	Remediation	Frequency	Annual totals	Over 5 years	With annual inflation of 5%
Frantz Decl. ¶¶ 15-16; SA §VII.1.E	\$50,000	Phishing tests	Annual	\$50,000	\$250,000	\$290,095.64
Frantz Decl. ¶¶ 18-25; SA §VII.1.F	\$175,000	SIEM	Annual	\$175,000	\$875,000	\$1,015,334.74
Frantz Decl. ¶ 32; SA §VII.1.B	\$155,000 <sup>1</sup>	SPA/HIPAA assessments	Annual	\$155,000	\$775,000	\$899,296.49
Frantz Decl. ¶ 17; SA §VII.1.C	\$25,000	Cyber incident response testing	Annual	\$25,000	\$125,000	\$145,047.82
Frantz Decl. ¶ 14; SA §VII.1.D	\$2,500	Technical security training (for an estimated 30 employees)	Bi-annual per employee	\$150,000	\$750,000	\$870,286.92
Frantz Decl. ¶ 14; SA §VII.1.D	\$10	Standard security training (for an estimated 300 employees)	Bi-annual per employee	\$6,000	\$30,000	\$34,811.48
Frantz Decl. ¶¶ 33-36; SA §VII.1.A	\$40,000	SOC2 Type 2 audit	At least once	\$40,000	\$40,000	\$40,000
Frantz Decl., ¶ 38; SA §VII.5	More than \$1.43 million <sup>2</sup>	Engaging data security consultants and implementing recommended improvements	One time	\$1,430,000	\$1,430,000	\$1,430,000
					<b>TOTAL</b>	<b>\$4,724,873.09</b>

<sup>1</sup> This estimate is on the upper end of the price range. However, due to Solara's dire data security posture and history of breach, it is reasonable to anticipate that these assessments will need to be extensive, particularly in the first few years.

<sup>2</sup> This figure is derived from information and documents provided by Solara.

# EXHIBIT 2

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re SOLARA MEDICAL SUPPLIES  
DATA BREACH LITIGATION

) Case No. 3:19-cv-02284-H-KSC

) CLASS ACTION

\_\_\_\_\_  
This Document Relates To:

) DECLARATION OF DEREK SMITH  
) REGARDING NOTICE  
) PROCEDURES

) ALL ACTIONS.  
\_\_\_\_\_)

1 I, Derek Smith, declare as follows:

2 1. I am employed as a Director by Gilardi & Co. LLC (“Gilardi”), located  
3 at 1 McInnis Parkway, Suite 250, San Rafael, California 94903. Gilardi was  
4 appointed as the Settlement Administrator in this matter and is not a party to this  
5 action. I have personal knowledge of the facts set forth herein and, if called as a  
6 witness, could and would testify competently thereto.

7  
8 **CAFA Notification**

9 2. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C.  
10 Section 1715, Gilardi compiled a CD-ROM containing the following documents:  
11 Class Action Complaint, Order Granting Joint Motion to Consolidate Related Cases  
12 and for Appointment of Interim Co-Lead Class Counsel, Consolidated Class Action  
13 Complaint, Order Granting Unopposed Motion to Consolidate; and Amending  
14 January 8, 2020 Order Appointing Interim Counsel, Amended Consolidated Class  
15 Action Complaint, Answer to Amended Consolidated Class Action Complaint,  
16 Plaintiffs’ Notice of Motion and Motion for Preliminary Approval of Proposed  
17 Class Action Settlement and to Direct Notice to the Settlement Class, Memorandum  
18 of Points and Authorities in Support of Plaintiffs’ Motion for Preliminary Approval  
19 of Proposed Class Action Settlement and to Direct Notice to the Settlement Class,  
20 Declaration of Stuart A. Davidson in Support of Plaintiffs’ Motion for Preliminary  
21 Approval of Proposed Class Action Settlement and to Direct Notice to the  
22 Settlement Class, Paper Claim Form, Long Form Notice, Short Notice, Stipulation  
23 and Agreement of Class Action Settlement, and [Proposed] Order Granting Final  
24 Approval of Class Action Settlement and Entering Final Judgment which  
25 accompanied a cover letter (collectively, the “CAFA Notice Packet”). A copy of the  
26 cover letter is attached hereto as Exhibit A.

27 3. On February 4, 2022, Gilardi caused fifty-eight (58) CAFA Notice  
28 Packets to be mailed via Priority Mail from the U.S. Post Office in San Rafael,

1 California to the parties listed on Exhibit B, *i.e.*, the U.S. Attorney General, the  
2 Attorneys General of each of the 50 States and the District of Columbia, the  
3 Attorneys General of the five recognized U.S. Territories, as well as parties of  
4 interest to this Action.

5 4. As of the date of this Affidavit, Gilardi has received no response to the  
6 CAFA Notice Packet from any of the recipients identified in paragraph 3.

7

8 **Class List**

9 5. On April 27, 2022, Gilardi received from Defendant a list of names and  
10 any available email addresses for 35,093 persons identified as possible Class  
11 Members. On April 29, 2022, Gilardi received from Defendant a list of names and  
12 mailing addresses for 106,559 persons identified as possible Class Members. The  
13 second list included the names and mailing addresses for the 35,093 possible Class  
14 Members in the first list.

15 6. Gilardi formatted the combined list for mailing purposes and processed  
16 the names and addresses through the National Change of Address Database  
17 (“NCOA”) to update any addresses on file with the United States Postal Service  
18 (“USPS”). Gilardi updated its proprietary database with the Class List. Three  
19 records were removed from the Class List for lack of a valid mailing address or  
20 email address.

21

22 **Mailed Notice**

23 7. On May 9, 2022, Gilardi caused the Email Notice to be emailed to the  
24 26,896 records with email addresses available in the Class List. Also on May 9,  
25 2022, Gilardi caused the Notice Postcard to be printed and mailed to the 79,660  
26 records without email addresses in the Class List. True and correct copies of the  
27 Email Notice and Notice Postcard are attached hereto as Exhibit B.

28 8. Since emailing the Email Notices to the Class Members, Gilardi has

1 received 1,655 Email Notices returned. On June 3, 2022, Gilardi caused the Notice  
2 Postcard to be printed and mailed to the 1,655 records with returned Email Notices.

3 9. Since mailing the Notice Postcards to the Class Members, Gilardi has  
4 received 8,534 Notice Postcards returned by the USPS with undeliverable addresses.  
5 Through credit bureau and/or other public source databases, Gilardi performed  
6 address searches for these undeliverable Notice Postcards and was able to find  
7 updated addresses for 2,077 Class Members. Gilardi promptly re-mailed Notice  
8 Postcards to the updated addresses.

9 10. Based on the direct notice detailed above, I estimate that notice directly  
10 reached 94% of the possible Class.

11

12 **Case Website**

13 11. On May 9, 2022, Gilardi established a website  
14 [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com), dedicated to this matter to provide information  
15 to the Class Members, allow Class Members to file online claims, and to allow Class  
16 Members to download copies of the Long Form Notice and case related documents.  
17 The website URL was set forth in the Email Notice, Notice Postcard, and Long  
18 Form Notice. A true and correct copy of the Long Form Notice and Claim Form are  
19 attached hereto respectively as Exhibits C and D. As of July 24, 2022, the website  
20 has had 45,386 unique page views.

21

22 **Toll-Free Telephone Number**

23 12. On or before May 9, 2022, Glardi established an automated toll-free  
24 telephone number (1-800-241-6672) dedicated to answering telephone inquiries  
25 from Class Members. As of July 24, 2022, the automated phone line has received  
26 1,068 calls.

27

28 **Claim Forms**

1           13.     The postmark deadline for Class Members to file claims in this matter  
2 is August 8, 2022. As of the date of this declaration, 4,619 Claim Forms have been  
3 filed which represents approximately 4.6% of the possible Class Members who  
4 received direct Notice.

5

6     **Requests for Exclusion from Class**

7           14.     The postmark deadline for Class Members to request to be excluded  
8 from the class is August 22, 2022. As of the date of this declaration, Gilardi has  
9 received two requests for exclusion. The requests for exclusion were submitted by  
10 Marylou Baerlin and Blake Roseberry.

11

12     **Objections to the Settlement**

13           15.     The postmark deadline for Class Members to object to the settlement is  
14 August 22, 2022. As of the date of this declaration, Gilardi has received no  
15 objections to the settlement.

16

17     **Administration Costs**

18           16.     Gilardi has agreed to costs of \$82,074.

19

20     **Per Claimant Recovery**

21           17.     Gilardi has preliminarily calculated the Class Member settlement  
22 awards. These calculations are based on the assumptions that the gross settlement  
23 amount is \$5,060,000.00, and, from that amount, deductions are made for: (a)  
24 requested attorneys' fees (\$2,300,000.00); (b) requested attorneys' costs  
25 (\$278,021.35); (c) requested named plaintiff awards (\$24,000); and (d) administration  
26 costs (\$82,074). The remaining amount (\$2,375,904.65) (the "Net Settlement Fund")  
27 will be allocated pursuant to the terms of the settlement to those Class Members  
28 preliminarily approved for payment.



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18. Pursuant to the terms of the Settlement Agreement and based on the 4,619 valid claims filed, the estimated per-claimant recovery is approximately \$514.37. Should the Court-awarded fees or costs differ than those shown above or if the list of Class Members approved for payment and/or their class data changes, the estimated award allocation calculations will change accordingly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 25<sup>th</sup> day of July 2022 at Petaluma, California.

  
\_\_\_\_\_  
DEREK SMITH

# **EXHIBIT A**



1 McInnis Parkway  
Suite 250  
San Rafael, CA 94903

February 4, 2022

VIA PRIORITY MAIL

«First» «Last»  
«Company»  
«Address\_1»  
«Address\_2»  
«City», «State» «Zip»

Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715

Dear «First» «Last»:

LEWIS BRISBOIS BISGAARD & SMITH LLP represents Solara Medical Supplies, LLC (“Solara”) in a consolidated class action lawsuit entitled *In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284-H-KSC. The lawsuit is pending before the Honorable Marilyn L. Huff in the United States District Court for the Southern District of California. This letter is to advise you that Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement in connection with this class action lawsuit on January 25, 2022.

**Case Name:** *In re Solara Medical Supplies Data Breach Litigation*

**Case Number:** 3:19-cv-02284-H-KSC  
*Related:* 3:19-cv-02368-H-KSC  
3:20-cv-00049-H-KSC  
3:19-cv-02423-H-KSC

**Jurisdiction:** United States District Court,  
Southern District of California

**Date Settlement**  
**Filed with Court:** January 25, 2022

Solara denies any wrongdoing or liability whatsoever, but has decided to settle this action solely in order to eliminate the burden, expense, and uncertainties of further litigation. In compliance with 28 U.S.C. § 1715(b), the following documents referenced below are included on the CD that is enclosed with this letter:

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** Copies of the *Class Action Complaint, Order Granting Joint Motion to Consolidate Related Cases and For Appointment of Interim Co-Lead Class Counsel*, *Consolidated Class Action Complaint, Order Granting*



«First» «Last»

February 4, 2022

*Unopposed Motion to Consolidate; and Amending January 8, 2020 Order Appointing Interim Counsel, Amended Consolidated Class Action Complaint, and Answer to Amended Consolidated Complaint* are included on the enclosed CD.

2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** As of February 4, 2022, the Court has not yet scheduled a final fairness hearing in this matter. Plaintiffs filed *Plaintiffs’ Notice of Motion and Motion for Preliminary Approval of Proposed Class Action Settlement and to Direct Notice to the Settlement Class* requesting that the Honorable Marilyn L. Huff preliminarily approve the proposed Settlement. A hearing has been scheduled for February 28, 2022, at 10:30 a.m. Pacific. Copies of *Plaintiffs’ Notice of Motion and Motion for Preliminary Approval of Proposed Class Action Settlement and to Direct Notice to the Settlement Class, Memorandum of Points and Authorities in Support of Plaintiffs’ Motion for Preliminary Approval of Proposed Class Action Settlement and to Direct Notice to the Settlement Class, and Declaration of Stuart A. Davidson in Support of Plaintiffs’ Motion for Preliminary Approval of Proposed Class Action Settlement and to Direct Notice to the Settlement Class* are included on the enclosed CD.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the *Paper Claim Form, Long Form Notice, and Short Notice* to be provided to the class are included on the enclosed CD.
4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the *Stipulation and Agreement of Class Action Settlement* is included on the enclosed CD.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** As of February 4, 2022, no other settlement or agreement has been entered into by the Parties to this Action with each other, either directly or by and through their respective counsel.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of February 4, 2022, nor have any Notices of Dismissal been granted at this time. A copy of the *[Proposed] Order Granting Final Approval of Class Action Settlement and Entering Final Judgment* is included on the enclosed CD.
7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** While Solara and KCC Class Action Services, LLC are in the process of gathering information on this issue, pursuant to 28 U.S.C. § 1715(b)(7)(A), at this time a complete list of names of class members as well as each State of residence is not available, because the parties do not presently know the names or current addresses of all the proposed settlement class members and will not learn this information until the Settlement is preliminarily approved and the Court authorizes dissemination of information about the Settlement through the Class Notice. Pursuant to 28 U.S.C. § 1715(b)(7)(B), it is estimated that there are approximately 100,000 individuals in the class.



«First» «Last»

February 4, 2022

8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As the proposed Settlement is still pending final approval by the Court, there are no other opinions available at this time. As of February 4, 2022, there has been no written judicial opinion related to the settlement.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Solara can address any concerns or questions you may have.

Thank you.

Sincerely,

/s/

Jeanne Chernila  
Case Coordinator

Enclosure – CD Rom

# **EXHIBIT B**

{\var:FirstName} {\var:LastName}  
{\var:Claim8}  
{\var:PIN}

**If Solara Medical Supplies, LLC notified you of a Data Breach that occurred between April 2, 2019 and June 20, 2019, you may be entitled to payment from a proposed class action Settlement.**

A Settlement has been reached in a class action lawsuit concerning a cyberattack against Solara Medical Supplies, LLC (“Solara”) whereby criminals accessed the Microsoft Office 365 accounts of certain Solara employees resulting in the potential compromise of personal information (the “Data Breach”). The Data Breach happened between April 2, 2019 and June 20, 2019. The lawsuit alleges that the Data Breach potentially exposed certain personal identifying information (“PII”) and protected health information (“PHI”) present in the accessed email accounts. The lawsuit alleges that PII and PHI present in the accessed email accounts included names, addresses, dates of birth, medical information, billing information, and Social Security Numbers. Solara denies the claims in the lawsuit, including that any PII or PHI was accessed, and says it did nothing wrong.

**Who is included?** Solara’s records show you are a likely member of the Settlement Class. The Settlement Class includes all persons who were sent notification by Solara that their PII or PHI may have been exposed in the Data Breach.

**What are the Settlement benefits?** The Settlement provides cash payments of \$100, subject to pro rata increase or reduction if appropriate, to people who submit valid claims. The Settlement also provides for a number of security commitments by Solara designed to prevent attacks similar to the Data Breach from occurring in the future. Please visit the Settlement website or call the toll-free number below for complete benefit details.

**What are my options?** To receive payment under the Settlement, you must submit a claim online at [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com) or by mail to Solara Data Breach Settlement Administrator, P.O. Box 43277, Providence, RI 02940-3277. The claim deadline is **August 8, 2022**. If you do nothing, you will not be eligible for payment under the Settlement, and you will give up your rights to sue Solara for the claims resolved by this Settlement.

If you do not want to participate in the Settlement, you must exclude yourself by **August 22, 2022**. If you exclude yourself from the Settlement, you give up your right to payment under the Settlement.

If you want to object to the Settlement, you must do so in writing by **August 22, 2022**.

On **September 12, 2022**, the Court will hold a Fairness Hearing to determine whether to approve the Settlement. The Court will also consider Class Counsel’s request for an award of attorneys’ fees of no more than \$2,300,000 and expenses in an amount not to exceed \$350,000, plus interest thereon, well as Service Awards in an amount not to exceed \$4,000 for each of the named plaintiffs. The motion for Settlement approval and motion for attorneys’ fees will be posted on the Settlement website after they are filed. You or your own lawyer, if you have one, may ask to appear and speak at the hearing at your own cost, but you do not have to.

This is only a summary of the Settlement. Detailed information concerning benefits, how to file a claim or how to object is available at the website [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com) or by calling toll-free at 1-800-241-6672.

[www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com)

1-800-241-6672



Solaris Data Breach  
Settlement Administrator  
P.O. Box 43277  
Providence, RI 02940-3277

# LEGAL NOTICE



Postal Service: Please Do Not Mark Barcode

S3A-«Claim8»-«CkDig»

Claim ID: <<Claim8>>

PIN: <<PIN>>

«FirstNAME» «LastNAME»

«Addr1» «Addr2»

«City», «State»«FProv» «Zip»«FZip»

«FCountry»

See other side for details

# S3A

If Solara Medical Supplies, LLC notified you of a Data Breach that occurred between April 2, 2019 and June 20, 2019, you may be entitled to payment from a proposed class action Settlement.

A Settlement has been reached in a class action lawsuit concerning a cyberattack against Solara Medical Supplies, LLC (“Solara”) whereby criminals accessed the Microsoft Office 365 accounts of certain Solara employees resulting in the potential compromise of personal information (the “Data Breach”). The Data Breach happened between April 2, 2019 and June 20, 2019. The lawsuit alleges that the Data Breach potentially exposed certain personal identifying information (“PII”) and protected health information (“PHI”) present in the accessed email accounts. The lawsuit alleges that PII and PHI present in the accessed email accounts included names, addresses, dates of birth, medical information, billing information, and Social Security Numbers. Solara denies the claims in the lawsuit, including that any PII or PHI was accessed, and says it did nothing wrong.

**Who is included? Solara’s records show you are a likely member of the Settlement Class.** The Settlement Class includes all persons who were sent notification by Solara that their PII or PHI may have been exposed in the Data Breach.

**What are the Settlement benefits?** The Settlement provides cash payments of \$100, subject to pro rata increase or reduction if appropriate, to people who submit valid claims. The Settlement also provides for a number of security commitments by Solara designed to prevent attacks similar to the Data Breach from occurring in the future. Please visit the Settlement website or call the toll-free number below for complete benefit details.

**What are my options?** To receive payment under the Settlement, you must submit a claim online at [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com) or by mail to Solara Data Breach Settlement Administrator, P.O. Box 43277, Providence, RI 02940-3277. The claim deadline is **August 8, 2022**. If you do nothing, you will not be eligible for payment under the Settlement, and you will give up your rights to sue Solara for the claims resolved by this Settlement.

If you do not want to participate in the Settlement, you must exclude yourself by **August 22, 2022**. If you exclude yourself from the Settlement, you give up your right to payment under the Settlement.

If you want to object to the Settlement, you must do so in writing by **August 22, 2022**.

On **September 12, 2022**, the Court will hold a Fairness Hearing to determine whether to approve the Settlement. The Court will also consider Class Counsel’s request for an award of attorneys’ fees of no more than \$2,300,000 and expenses in an amount not to exceed \$350,000, plus interest thereon, well as Service Awards in an amount not to exceed \$4,000 for each of the named plaintiffs. The motion for Settlement approval and motion for attorneys’ fees will be posted on the Settlement website after they are filed. You or your own lawyer, if you have one, may ask to appear and speak at the hearing at your own cost, but you do not have to.

This is only a summary of the Settlement. Detailed information concerning benefits, how to file a claim or how to object is available at the website [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com) or by calling toll-free at 1-800-241-6672.

# **EXHIBIT C**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

*In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284-H-KSC

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**If Solara Medical Supplies, LLC notified you of a Data Breach that occurred between April 2, 2019 and June 20, 2019, you may be entitled to payment from a proposed class action settlement.**

*A federal court has authorized this Notice. This is not a solicitation from a lawyer.*

- There is a proposed Settlement of class action litigation that is pending in the United States District Court for the Southern District of California, *In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284-H-KSC, concerning a cyberattack against Solara Medical Supplies, LLC (“Solara” or “Defendant”) whereby criminals accessed the Microsoft Office 365 accounts of certain Solara employees resulting in the potential compromise of personal information (the “Data Breach”).
- The Data Breach occurred between April 2, 2019 and June 20, 2019 (“Class Period”). Solara was the victim of a cyberattack in which criminals may have gained unauthorized access to certain personal identifying information (“PII”) and protected health information (“PHI”) present in the accessed Solara employee email accounts. The lawsuit alleges that PII and PHI present in the accessed email accounts included names, addresses, dates of birth, medical information, billing information, and Social Security Numbers. Solara denies the claims in the lawsuit, including that any PII or PHI was accessed, and says it did nothing wrong.
- The Settlement includes all approximately 100,000 persons whom Solara sent letters notifying them of the Data Breach. It specifically excludes: (i) Solara, its parent, subsidiary, affiliates, officers, directors, agents, and servants, as well as the immediate family members of such persons; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; and (iii) the judge and magistrate judge assigned to evaluate the fairness of this Settlement.
- The Settlement provides cash payments to people who submit valid claims.
- If you are a Settlement Class Member, your legal rights are affected even if you do not act. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS UNDER THE PROPOSED SETTLEMENT</b>	
<b>SUBMIT A CLAIM</b>	The only way to get a payment. You must file a claim by <b>August 8, 2022</b> .
<b>ASK TO BE EXCLUDED</b>	Get no payment. The only option that allows you to sue Solara over the claims resolved by this Settlement. You must request exclusion from the Settlement by <b>August 22, 2022</b> .
<b>OBJECT TO THE PROPOSED SETTLEMENT</b>	Write to the Court about your opposition to the proposed Settlement. If you want to object to the Settlement, you must do so in writing by August 22, 2022.
<b>DO NOTHING</b>	Get no payment. Give up your rights to sue Solara for the claims in this case.

Your rights and options—and the deadlines to exercise them—are explained in this Notice.

**What This Notice Contains**

**Basic Information .....3**

1. Why Did I Get This Notice?

2. What Is This Lawsuit About?

3. What Is A Class Action?

4. How Do I Know If I Am A Part Of The Settlement Class?

**Benefits Of The Proposed Settlement – What You May Get.....3**

5. What Does The Proposed Settlement Provide?

6. What Happens If Money Remains In The Net Settlement Fund?

**How To Get A Payment - Submitting A Claim Form .....4**

7. How Do I Submit A Claim Form And Get A Payment?

8. When Would I Get My Payment?

9. What Am I Giving Up By Remaining In The Settlement?

**Excluding Yourself From The Settlement.....4**

10. What If I Do Not Want To Be Part Of The Settlement?

11. If I Exclude Myself, Can I Still Get A Refund From The Proposed Settlement?

12. If I Do Not Exclude Myself, Can I Sue Solara For The Claims Released by This Settlement?

**Objecting To The Proposed Settlement.....5**

13. How Do I Tell The Court I Do Not Like The Proposed Settlement?

14. What Is The Difference Between Objecting To The Proposed Settlement And Asking To Be Excluded From It?

**The Lawyers Representing You .....5**

15. Who Are The Attorneys Appointed To Represent The Settlement Class?

16. How Will The Lawyers Be Paid?

**The Court’s Fairness Hearing .....6**

17. When And Where Will The Court Decide On Whether To Grant Final Approval Of The Proposed Settlement?

18. Do I Have To Come To The Fairness Hearing?

**Getting More Information .....6**

19. How Do I Get More Information?

## Basic Information

### 1. **Why Did I Get This Notice?**

You received this Notice because you may have been identified as a potential Settlement Class Member, you are viewing this Notice at the Settlement website, or you requested to receive a copy of this Notice.

### 2. **What Is This Lawsuit About?**

The lawsuit claims that Solara was responsible for the Data Breach that occurred, and asserts claims such as: negligence, breach of contract, unjust enrichment, violations of the consumer protection statutes, and violation of California's Confidentiality of Medical Information Act ("CMIA"). The lawsuit seeks compensation for people whose PII and PHI was present in the email accounts that were accessed during the Data Breach.

Solara denies all of the Plaintiffs' claims and says it did nothing wrong.

The Court has preliminarily approved this proposed Settlement and will hold a Fairness Hearing to decide whether to finally approve the proposed Settlement.

### 3. **What Is A Class Action?**

In a class action, one or more people called "class representatives" sue on behalf of all people who have similar claims. All of these people together are the "Settlement Class" or "Settlement Class Members." In this case, the class representatives are Juan Maldonado, Adam William Bickford, Jeffrey Harris, Alex Mercado, Thomas Wardrop, and Kristi Keally, as legal guardian of a minor child whose initials are M.K. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

### 4. **How Do I Know If I Am A Part Of The Settlement Class?**

You are included in the Settlement Class if you reside in the United States or its Territories and were notified by Solara in November 2019 of the Data Breach that occurred between April 2, 2019 and June 20, 2019.

The Settlement excludes: (i) Solara, its parent, subsidiary, affiliates, officers, directors, agents, and servants, as well as the immediate family members of such persons; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; and (iii) the judge and magistrate judge assigned to evaluate the fairness of this Settlement.

As a Settlement Class Member, you will be bound by all proceedings, orders, and judgments entered in connection with the Settlement, including the release, covenant not to sue, and dismissal with prejudice described below.

## Benefits Of The Proposed Settlement – What You May Get

### 5. **What Does The Proposed Settlement Provide?**

Cash Payments: The proposed Settlement provides for a cash payment of \$5,060,000 ("Settlement Amount") to be paid by Solara and its insurer. The Settlement Amount, together with interest ("Settlement Fund"), will be used to pay notice and administration costs, Court-approved attorneys' fees and expenses, Court-approved Service Awards for class representatives, and certain Settlement Fund taxes and tax expenses (the "Net Settlement Fund"). The Net Settlement Fund will be used to provide eligible Settlement Class Members with cash payments of \$100 each, subject to pro rata increase or reduction if appropriate.

Injunctive Relief: The proposed Settlement also provides a number of security commitments by Solara designed to prevent attacks similar to the Data Breach from occurring in the future, which Plaintiffs' expert has valued at in excess of \$4,700,000 over a period of five (5) years. These commitments relate to, among other things, Solara's tolls, processes, and systems for detecting suspicious activity and Office 365 account compromise, authenticating users, and responding to and containing a security incident. In addition, Solara will commit to obtaining certain outside assessments related to product security and vulnerability management

controls. Solara shall, within ninety (90) calendar days after entry of the Judgment by the Court, formally adopt and implement these reforms (the “Permanent Injunction”). Solara acknowledges and agrees that the Permanent Injunction confers a material benefit to the Settlement Class and also acknowledges that this Action was a material and contributing factor in Solara’s approval, adoption, and implementation of these reforms.

**6. What Happens If Money Remains In The Net Settlement Fund?**

If after a reasonable period after the issuance of the cash payments to the Settlement Class, there is a balance in the Net Settlement Fund, those Settlement Class Members who timely submitted valid claims may receive additional amounts from the balance in the Net Settlement Fund, on a pro rata basis, such that the Settlement Class Member’s total payment from the Net Settlement Fund shall not exceed \$1,000.

If money remains in the Net Settlement Fund after all supplemental cash payments, the balance will be donated to the Juvenile Diabetes Research Foundation, a non-profit charitable organization working to find better treatments, preventions, and ultimately a cure for type 1 diabetes.

**How To Get A Payment - Submitting A Claim Form**

**7. How Do I Submit A Claim Form And Get A Payment?**

You must submit a Claim Form to receive a payment. Claim Forms are available and may be submitted online at [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com) or by mail to Solara Data Breach Settlement Administrator, P.O. Box 43277, Providence, RI 02940-3277.

Be sure to complete the Claim Form in full and submit or mail it by **August 8, 2022**.

**8. When Would I Get My Payment?**

The Court will hold a hearing on **September 12, 2022**, to decide whether to approve the Settlement. If the Court approves the Settlement, and upon the expiration of time for the filing of any appeals, the Settlement payments will be distributed.

The claims administration process takes time. Please be patient.

**9. What Am I Giving Up By Remaining In The Settlement?**

If the proposed Settlement becomes final, you will give up your right to sue Solara for the claims being resolved by this Settlement. The specific claims you are giving up against Solara are described in Section XIV of the Settlement Agreement. You will be “releasing” Solara as described in Section XIV of the Settlement Agreement. The Settlement Agreement is available at [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com). The Settlement Agreement describes the released claims with specific descriptions, so read it carefully.

**Excluding Yourself From The Settlement**

**10. What If I Do Not Want To Be Part Of The Settlement?**

To exclude yourself or “opt out” from the Settlement, you must personally sign and submit a written request to opt out stating “I wish to exclude myself from the Settlement Class in *In re Solara Data Breach Litigation*” to the Settlement Administrator on or before **August 22, 2022**. Your exclusion request must also include: (a) your printed name, address, and telephone number; (b) a statement that you are a Settlement Class Member; and (c) an explanation of the basis for why you are included in the Settlement Class. You must mail your written request for exclusion to Solara Data Breach Settlement Administrator, P.O. Box 43277, Providence, RI 02940-3277.

**11. If I Exclude Myself, Can I Still Get A Refund From The Proposed Settlement?**

No. If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement Class in this proposed Settlement. You can get a payment only if you stay in the Settlement Class and timely submit a valid Claim Form, as described above.

**12. If I Do Not Exclude Myself, Can I Sue Solara For The Claims Released By This Settlement?**

No. Unless you exclude yourself from the proposed Settlement, you are giving up the right to sue Solara for the claims that this Settlement resolves.

**Objecting To The Proposed Settlement**

**13. How Do I Tell The Court I Do Not Like The Proposed Settlement?**

If you are a Settlement Class Member and have not submitted a request to exclude yourself from the Settlement Class, you can object to the proposed Settlement if you do not like any part of it. The Court will consider your views.

To object, you must file with the Court a written statement of objection. Your written statement must include a detailed statement of the Settlement Class Member's objection(s), as well as the specific reasons, if any, for each such objection, including any evidence and legal authority you wish to bring to the Court's attention. The written statement also must include: (a) include case name/number; (b) your printed name, address, and telephone number; (c) the basis of your inclusion in the Settlement Class; (d) any other supporting papers, materials, or briefs you wish the Court to consider when reviewing the objection; and (e) a list of all state or federal court cases in which you (and/or your lawyer, if represented by counsel) have objected to a proposed class action settlement. Your objection must be mailed to the Clerk of the Court for the United States District Court for the Southern District of California, and is due by **August 22, 2022**. You must also mail a copy of your objection on or before that same date to: Stuart A. Davidson, Robbins Geller Rudman & Dowd LLP, 120 East Palmetto Park Road, Suite 500, Boca Raton, FL 33432; William B. Federman, Federman & Sherwood, 10205 N. Pennsylvania Avenue, Oklahoma City, OK 73120; and Jon P. Kardassakis, Lewis Brisbois Bisgaard & Smith LLP, 633 West 5th Street, Suite 4000, Los Angeles, CA 90071.

If you or your lawyer wish to appear at the Fairness Hearing, you must file an appearance with the Court by **August 22, 2022**.

**14. What Is The Difference Between Objecting To The Proposed Settlement And Asking To Be Excluded From It?**

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you remain a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you cannot object or receive any payment under the Settlement.

**The Lawyers Representing You**

**15. Who Are The Attorneys Appointed To Represent The Settlement Class?**

The Court appointed Stuart A. Davidson of Robbins Geller Rudman & Dowd LLP and William B. Federman of Federman & Sherwood as "Co-Lead Class Counsel" to represent you and all Settlement Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**16. How Will The Lawyers Be Paid?**

Class Counsel will apply to the Court for an award of attorneys' fees of up to \$2,300,000 and expenses in an amount not to exceed \$350,000, plus interest thereon, and Service Awards in an amount not to exceed \$4,000 for each of the named plaintiffs for their time and service to the Settlement Class. Any award of attorneys' fees, expenses, and Service Awards must be approved by the Court. If approved, these awards will be paid from the Settlement Fund, and will be paid before cash payments are distributed.



**The Court's Fairness Hearing**

**17. When And Where Will The Court Decide Whether To Grant Final Approval Of The Proposed Settlement?**

The Court will hold a Fairness Hearing on **September 12, 2022**, before the Honorable Marilyn L. Huff at the U.S. District Court for the Southern District of California, Courtroom 15A, 333 West Broadway, San Diego, CA 92101, to decide whether to grant or deny final approval of the proposed Settlement.

**18. Do I Have To Come To The Fairness Hearing?**

No. Class Counsel will answer any questions the Court may have about the proposed Settlement. However, you are welcome to come to the hearing at your own expense. If you submitted an objection, you do not have to appear in Court to talk about it. As long as you mailed your written objection on time, signed it, and provided all of the required information (see Question 13) the Court will consider it. If, however, you would also like to attend and speak at the hearing, you must state your intention to do so as part of your objection, as discussed in Question 13.

**Getting More Information**

**19. How Do I Get More Information?**

Contact the Settlement Administrator. Go to [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com), call 1-800-241-6672, or write to Solara Data Breach Settlement Administrator, P.O. Box 43277, Providence, RI 02940-3277.

**PLEASE DO NOT CONTACT THE JUDGE, THE COURT, THE DEFENDANT, OR DEFENDANT'S COUNSEL REGARDING THIS NOTICE. THEY CANNOT ANSWER ANY QUESTIONS OR COMMENT ON THE SETTLEMENT OR LAWSUIT.**

Dated: April 20, 2022

**BY ORDER OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

# **EXHIBIT D**

Solara Data Breach Settlement Administrator  
P.O. Box 43277  
Providence, RI 02940-3277



**S3A**

«Barcode»

Postal Service: Please do not mark barcode

Claim#: S3A-«Claim8»-«CkDig»

«FirstNAME» «LastNAME»

«Addr1» «Addr2»

«City», «State»«FProv» «Zip»«FZip»

«FCountry»

*In re Solara Medical Supplies  
Data Breach Litigation*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT  
OF CALIFORNIA

Case No. 3:19-cv-02284-H-KSC (S.D. Cal.)

**Must Be Postmarked  
No Later Than  
August 8, 2022**

Claim ID: <<Claim8>>  
PIN: <<PIN>>

### Claim Form

#### CHANGE OF ADDRESS (ONLY IF DIFFERENT FROM ABOVE)

Primary Address

Primary Address Continued

City

State

ZIP Code

Foreign Province

Foreign Postal Code

Foreign Country Name/Abbreviation

Mail your claim to: Solara Data Breach Settlement Administrator, P.O. Box 43277, Providence, RI 02940-3277

**OR**

Submit the Claim Form using the Settlement Administrator's website, [www.SolaraMedicalSettlement.com](http://www.SolaraMedicalSettlement.com)

#### Section A: Claimant Identification

Parent/Legal Guardian (if submitting on behalf of a minor child)

Agent/Legal Representative

Email Address\*

Area Code

Telephone Number (home)

\*By providing your email address, you authorize the Settlement Administrator to use it in providing you with information relevant to this claim.

#### Section B: Should I File a Claim Form?

In order to be eligible to file a Claim Form and receive a cash payment from the Settlement, you must be a person residing in the United States and its Territories who was sent a letter from Solara Medical Supplies, LLC on or about November 11, 2019, notifying you that your Protected Health Information and/or Personally Identifiable Information may have been compromised by a Security Breach that occurred between April 2, 2019 and June 20, 2019 ("Class Period").



FOR CLAIMS PROCESSING ONLY	OB <input type="checkbox"/>	CB <input type="checkbox"/>	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B
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Several groups are excluded from the Class and are not eligible to file a Claim Form and receive a cash payment from the Settlement, even if they otherwise meet the definition above. The following groups are excluded from the Settlement Class:

- a. Defendant Solara Medical Supplies, LLC (“Defendant”), any parent, subsidiary, affiliate, or controlled person by Defendant, as well as the officers, directors, agents, and servants of Defendant, and the immediate family members of such persons;
- b. The presiding District Judge and Magistrate Judge in the Action, and their staffs, and their immediate family members; and
- c. Any person who is otherwise in the Settlement Class but who timely and properly excludes themselves from the Settlement Class.

By filling in this circle, I confirm that I have read the definition of the Settlement Class and I am not excluded from participating in the Settlement.

**Section C: Method of Distribution of Cash Payment**

Settlement Class Members who file claims via postal mail will receive their payments in the form of a check, mailed to the address on record for their claim. If you would prefer to receive your payment electronically, please submit your Claim Form using the Settlement Administrator’s website, www.SolaraMedicalSettlement.com.

**Section D: Note Regarding Documentation**

You are not required to submit any documentation at the time you submit your claim. However, in the event the Settlement Administrator’s records do not identify you as a Settlement Class Member eligible to submit a Claim Form in connection with the Settlement, the Settlement Administrator may, in its sole discretion, ask for additional proof supporting your claim and/or your membership in the Settlement Class, including, but not limited to, a copy of the letter to you from Defendant notifying you that your Protected Health Information and/or Personally Identifiable Information may have been compromised by a Security Breach that occurred between April 2, 2019 and June 20, 2019.

**Section E: Certification**

I have read and am familiar with the contents of this Claim Form. I certify that the information I have set forth above is true, correct and complete to the best of my knowledge. I certify that I am a Settlement Class Member or am the parent or legal guardian of a minor child who is a Settlement Class Member. I further certify that I have not requested to opt out of the Settlement Class.

To the extent I have been given authority to submit this Claim Form by a Settlement Class Member on his or her behalf, and accordingly am submitting this Claim Form in the capacity of an Authorized Agent with authority to submit it by the Settlement Class Member identified on a separate sheet of paper submitted with this form, and to the extent I have been authorized to receive on behalf of this Settlement Class Member(s) any and all amounts that may be allocated to him or her from the Net Settlement Fund, I certify that such authority has been properly vested in me and that I will fulfill all duties I may owe the Settlement Class Member. In the event amounts from the Settlement Fund are distributed to me and a Settlement Class Member later claims that I did not have the authority to claim and/or receive such amounts on his or her behalf, I and/or my employer will hold the Settlement Class, counsel for the Settlement Class, and the Settlement Administrator harmless with respect to any claims made by the Settlement Class Member.

I hereby submit to the jurisdiction of the United States District Court for the Southern District of California for all purposes connected with this Claim Form, including resolution of disputes relating to this Claim Form. I acknowledge that any false information or representations contained herein may subject me to sanctions, including the possibility of criminal prosecution. I agree to supplement this Claim Form by furnishing documentary backup for the information provided herein, upon request of the Settlement Administrator.

**I certify that the above information supplied by the undersigned is true and correct to the best of my knowledge and that this Claim Form was executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Mail the completed Claim Form postmarked on or before **August 8, 2022**, along with proof of payment, if required, to the following address:

Solara Data Breach Settlement Administrator  
P.O. Box 43277  
Providence, RI 02940-3277  
Toll-Free Telephone: 1-800-241-6672  
Website: www.SolaraMedicalSettlement.com

**REMINDER CHECKLIST:**

1. Please complete and sign the above Claim Form.
2. Keep a copy of your Claim Form.
3. If you move and/or your name changes, please send your new address and/or your new name or contact information to the Settlement Administrator via the Settlement website or U.S. Mail (the addresses are listed above).



# EXHIBIT 3

1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

11 Co-Lead Class Counsel for Plaintiffs

13 UNITED STATES DISTRICT COURT  
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 In re SOLARA MEDICAL SUPPLIES )  
 16 DATA BREACH LITIGATION )

Case No. 3:19-cv-02284-H-KSC

CLASS ACTION

17 \_\_\_\_\_ )  
 18 This Document Relates To: )

19 ALL ACTIONS. )  
 20 \_\_\_\_\_ )

DECLARATION OF STUART A. DAVIDSON FILED ON BEHALF OF ROBBINS GELLER RUDMAN & DOWD LLP IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

DATE: September 12, 2022  
 TIME: 10:30 a.m.  
 JUDGE: Hon. Marilyn L. Huff  
 COURTROOM: TBD (Telephonic)

28

1 I, STUART A. DAVIDSON, declare as follows:

2 1. I am a member of the firm of Robbins Geller Rudman & Dowd LLP  
3 (“Robbins Geller” or the “Firm”). I am submitting this declaration in support of the  
4 application for an award of attorneys’ fees, expenses and charges (“expenses”) in  
5 connection with services rendered in the above-entitled action (the “Litigation”).

6 2. This Firm is Class Counsel of record for Plaintiffs.

7 3. The information in this declaration regarding the Firm’s time and  
8 expenses is taken from time and expense reports and supporting documentation  
9 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
10 partner who oversaw and/or conducted the day-to-day activities in the Litigation and I  
11 reviewed these reports (and backup documentation where necessary or appropriate) in  
12 connection with the preparation of this declaration. The purpose of this review was to  
13 confirm both the accuracy of the entries as well as the necessity for, and  
14 reasonableness of, the time and expenses committed to the Litigation. As a result of  
15 this review, reductions were made to both time and expenses in the exercise of billing  
16 judgment. Based on this review and the adjustments made, I believe that the time  
17 reflected in the Firm’s lodestar calculation and the expenses for which payment is  
18 sought herein are reasonable and were necessary for the effective and efficient  
19 prosecution and resolution of the Litigation.

20 4. After the reductions referred to above, the number of hours spent on the  
21 Litigation by the Firm from inception through June 30, 2022 is 2,349.50. A  
22 breakdown of the lodestar is provided in the attached Exhibit A. The lodestar amount  
23 for attorney/paraprofessional time based on the Firm’s current rates is \$1,296,165.50.  
24 The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the  
25 Firm in other complex class action litigation. The Firm’s rates are set based on  
26 periodic analysis of rates charged by firms performing comparable work both on the  
27 plaintiff and defense side. For personnel who are no longer employed by the Firm, the  
28

1 “current rate” used for the lodestar calculation is based upon the rate for that person in  
2 his or her final year of employment with the Firm.

3 5. The Firm seeks an award of \$96,272.99 in expenses and charges in  
4 connection with the prosecution of the Litigation. Those expenses and charges are  
5 summarized by category in the attached Exhibit B.

6 6. The following is additional information regarding certain of these  
7 expenses:

8 (a) Filing, Witness and Other Fees: \$3,520.05. These expenses have  
9 been paid to the Court for filing fees and to attorney service firms or individuals who  
10 served process of the complaint or subpoenas.

11 (b) Transportation, Hotels & Meals: \$2,586.87. In connection with the  
12 prosecution of this case, the Firm has paid for travel expenses to attend a court  
13 hearing.

14 (c) Court Hearing Transcript: \$31.00. This expense was to obtain a  
15 copy of the 10/27/17 class certification hearing.

16 (d) Online Legal and Financial Research: \$2,460.32. This category  
17 includes vendors such as LexisNexis Products, Transunion Risk and Alternative Data  
18 Solutions, Inc., and Westlaw. These resources were used to obtain access to SEC  
19 filings, factual databases, legal research, and for cite-checking of briefs. This expense  
20 represents the expenses incurred by Robbins Geller for use of these services in  
21 connection with this Litigation. The charges for these vendors vary depending upon  
22 the type of services requested. For example, Robbins Geller has flat-rate contracts  
23 with some of these providers for use of their services. When Robbins Geller utilizes  
24 online services provided by a vendor with a flat-rate contract, access to the service is  
25 by a billing code entered for the specific case being litigated. At the end of each  
26 billing period in which such service is used, Robbins Geller’s costs for such services  
27 are allocated to specific cases based on the percentage of use in connection with that  
28 specific case in the billing period. As a result of the contracts negotiated by Robbins



1 Geller with certain providers, the Class enjoys substantial savings in comparison with  
2 the “market-rate” for *a la carte* use of such services which some law firms pass on to  
3 their clients. For example, the “market-rate” charged to others by LexisNexis for the  
4 types of services used by Robbins Geller is more expensive than the rates negotiated  
5 by Robbins Geller.

6 (e) eDiscovery Database Hosting: \$9,908.90. Robbins Geller requests  
7 \$9,908.90 for hosting eDiscovery related to this Litigation. Robbins Geller has  
8 installed top tier database software, infrastructure, and security. The platform  
9 implemented, Relativity, is offered by over 100 vendors and is currently being used by  
10 198 of the AmLaw200. Over 30 servers are dedicated to Robbins Geller’s Relativity  
11 hosting environment with all data stored in a secure SSAE 16 Type II data center with  
12 automatic replication to a datacenter located in a different geographic location. By  
13 hosting in-house, Robbins Geller is able to charge a reduced, all-in rate that includes  
14 many services which are often charged as extra fees when hosted by a third-party  
15 vendor. Robbins Geller’s hosting fee includes user logins, ingestion, processing,  
16 OCRing, TIFFing, bates stamping, productions, and archiving – all at no additional  
17 cost. Also included is unlimited structured and conceptual analytics (*i.e.*, email  
18 threading, inclusive detection, near-dupe detection, concept searching, active learning,  
19 clustering, and more). Robbins Geller is able to provide all these services for a rate  
20 that is typically much lower than outsourcing to a third-party vendor. Utilizing a  
21 secure, advanced platform in-house has allowed Robbins Geller to prosecute actions  
22 more efficiently and has reduced the time and expense associated with maintaining  
23 and searching electronic discovery databases. Similar to third-party vendors, Robbins  
24 Geller uses a tiered rate system to calculate hosting charges. The amount requested  
25 reflects charges for the hosting of nearly a half million pages of documents produced  
26 by defendants, plaintiffs and non-parties in this action.

27 (f) Litigation Fund Contributions: \$77,500.00. My firm contributed to  
28 a litigation expense fund maintained by Federman & Sherwood for certain common

1 expenses in connection with the prosecution of this case. The category entitled  
2 “Litigation Fund Contributions” in each plaintiffs’ counsel’s fee and expense  
3 declaration represents contributions to this expense fund. A breakdown of the  
4 contributions to and payments made from the litigation expense fund is attached as an  
5 Exhibit to the Declaration of William B. Federman Filed on Behalf of Federman &  
6 Sherwood in Support of Application for Award of Attorneys’ Fees and Expenses,  
7 submitted contemporaneously herewith.

8 7. The expenses pertaining to this case are reflected in the books and  
9 records of this Firm. These books and records are prepared from receipts, expense  
10 vouchers, check records, and other documents and are an accurate record of the  
11 expenses.

12 8. The identification and background of my Firm and its partners is attached  
13 hereto as Exhibit C.

14 I declare under penalty of perjury that the foregoing is true and correct.  
15 Executed this 1st day of August, 2022, at Boca Raton, Florida.

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*s/Stuart A. Davidson*  
\_\_\_\_\_  
STUART A. DAVIDSON

# **EXHIBIT A**

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284-H-KSC  
 Robbins Geller Rudman & Dowd LLP  
 Inception through June 30, 2022

<b>NAME</b>		<b>HOURS</b>	<b>RATE</b>	<b>LODESTAR</b>
Antullis, Dorothy P.	(P)	30.90	875	\$ 27,037.50
Bays, Lea M.	(P)	14.30	840	12,012.00
Davidson, Stuart	(P)	477.30	1000	477,300.00
Geller, Paul J.	(P)	0.20	1350	270.00
Gold, Christopher C.	(P)	5.00	765	3,825.00
Jensen, Rachel L.	(P)	4.40	925	4,070.00
Pintar, Theodore J.	(P)	19.70	1100	21,670.00
Beall, Bradley M.	(A)	896.90	450	403,605.00
Brito, Nicolle B.	(A)	1.80	650	1,170.00
Cohen, Alexander C.	(A)	37.70	475	17,907.50
Sawyer, Maxwell H.	(A)	10.30	475	4,892.50
Cleland, Charli K.	(SA)	595.10	390	232,089.00
Tucek, Jennifer E.	(PA)	61.00	425	25,925.00
Brandon, Kelley T.	(I)	4.50	290	1,305.00
Ellman, Steven	(I)	9.50	290	2,755.00
Angotti, Madison S.	(LS)	7.00	150	1,050.00
Camozzi, Miranda C.	(LS)	34.90	230	8,027.00
Lizano, Anna K.	(LS)	7.40	300	2,220.00
Ulloa, Sergio	(LS)	3.60	300	1,080.00
Paralegals		127.80	375	47,925.00
Document Clerk		0.20	150	30.00
<b>TOTAL</b>		<b>2,349.50</b>		<b>\$ 1,296,165.50</b>
(P) Partner				
(A) Associate				
(SA) Staff Attorney				
(PA) Project Attorney				
(I) Investigator				
(LS) Litigation Support				

# **EXHIBIT B**

**EXHIBIT B**

*In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284-H-KSC  
 Robbins Geller Rudman & Dowd LLP  
 Inception through June 30, 2022

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees	\$ 3,520.05
Transportation, Hotels & Meals	2,586.87
Telephone, Facsimile	39.82
Messenger, Overnight Delivery	226.03
Court Hearing Transcript	31.00
Online Legal and Financial Research	2,460.32
eDiscovery Database Hosting	9,908.90
Litigation Fund Contributions	77,500.00
<b><i>TOTAL</i></b>	<b><i>\$ 96,272.99</i></b>

# **EXHIBIT C**

# FIRM RESUME



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## INTRODUCTION

Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or the “Firm”) is a 200-lawyer firm with offices in Boca Raton, Chicago, Manhattan, Melville, Nashville, San Diego, San Francisco, Philadelphia, and Washington, D.C. (www.rgrdlaw.com). The Firm is actively engaged in complex litigation, emphasizing securities, consumer, antitrust, insurance, healthcare, human rights, and employment discrimination class actions. The Firm’s unparalleled experience and capabilities in these fields are based upon the talents of its attorneys, who have successfully prosecuted thousands of class action lawsuits and numerous individual cases, recovering billions of dollars.

This successful track record stems from our experienced attorneys, including many who came to the Firm from federal or state law enforcement agencies. The Firm also includes several dozen former federal and state judicial clerks.

The Firm is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

We strive to be good corporate citizens and work with a sense of global responsibility. Contributing to our communities and environment is important to us. We often take cases on a *pro bono* basis and are committed to the rights of workers, and to the extent possible, we contract with union vendors. We care about civil rights, workers’ rights and treatment, workplace safety, and environmental protection. Indeed, while we have built a reputation as the finest securities and consumer class action law firm in the nation, our lawyers have also worked tirelessly in less high-profile, but no less important, cases involving human rights and other social issues.

# PRACTICE AREAS AND SERVICES

## Securities Fraud

As recent corporate scandals demonstrate clearly, it has become all too common for companies and their executives – often with the help of their advisors, such as bankers, lawyers, and accountants – to manipulate the market price of their securities by misleading the public about the company’s financial condition or prospects for the future. This misleading information has the effect of artificially inflating the price of the company’s securities above their true value. When the underlying truth is eventually revealed, the prices of these securities plummet, harming those innocent investors who relied upon the company’s misrepresentations.

Robbins Geller is the leader in the fight to protect investors from corporate securities fraud. We utilize a wide range of federal and state laws to provide investors with remedies, either by bringing a class action on behalf of all affected investors or, where appropriate, by bringing individual cases.

The Firm’s reputation for excellence has been repeatedly noted by courts and has resulted in the appointment of Firm attorneys to lead roles in hundreds of complex class-action securities and other cases. In the securities area alone, the Firm’s attorneys have been responsible for a number of outstanding recoveries on behalf of investors. Currently, Robbins Geller attorneys are lead or named counsel in hundreds of securities class action or large institutional-investor cases. Some notable current and past cases include:

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. ***This is the largest securities class action recovery in history.***
- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill.). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. ***The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.*** According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.

- *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, No. 3:15-cv-07658 (D.N.J.). As sole lead counsel, Robbins Geller attorneys obtained a \$1.2 billion settlement in the securities case that *Vanity Fair* reported as “the corporate scandal of its era” that had raised “fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations.” The settlement resolves claims that defendants made false and misleading statements regarding Valeant’s business and financial performance during the class period, attributing Valeant’s dramatic growth in revenues and profitability to “innovative new marketing approaches” as part of a business model that was low risk and “durable and sustainable.” *Valeant* is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.
- *In re Am. Realty Cap. Props., Inc. Litig.*, No. 1:15-mc-00040 (S.D.N.Y.). As sole lead counsel, Robbins Geller attorneys zealously litigated the case arising out of ARCP’s manipulative accounting practices and obtained a \$1.025 billion settlement. For five years, the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.
- *In re UnitedHealth Grp. Inc. PSLRA Litig.*, No. 06-CV-1691 (D. Minn.). Robbins Geller represented the California Public Employees’ Retirement System (“CalPERS”) and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. The Firm obtained an \$895 million recovery on behalf of UnitedHealth shareholders, and former CEO William A. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders, bringing the total recovery for the class to over \$925 million, the largest stock option backdating recovery ever, and **a recovery that is more than four times larger than the next largest options backdating recovery**. Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a shareholder-nominated member to the company’s board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.
- *Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)*, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom’s bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm’s attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- *Luther v. Countrywide Fin. Corp.*, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.
- *In re Wachovia Preferred Sec. & Bond/Notes Litig.*, No. 09-cv-06351 (S.D.N.Y.). On behalf of investors in bonds and preferred securities issued between 2006 and 2008, Robbins Geller and co-

counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company and Wachovia auditor KPMG LLP. ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis. The lawsuit focused on Wachovia’s exposure to “pick-a-pay” loans, which the bank’s offering materials said were of “pristine credit quality,” but which were actually allegedly made to subprime borrowers, and which ultimately massively impaired the bank’s mortgage portfolio. Robbins Geller served as co-lead counsel representing the City of Livonia Employees’ Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.

- ***In re Cardinal Health, Inc. Sec. Litig.***, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors on behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund. At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit.
- ***AOL Time Warner Cases I & II***, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cnty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner’s disastrous 2001 merger with Internet high flier America Online. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents’ case pending in California state court was scheduled to go to trial. The Regents’ gross recovery of \$246 million is the largest individual opt-out securities recovery in history.
- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfonds obtained a \$400 million settlement on behalf of class members who purchased Pfizer common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.
- ***In re Dynegy Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynegy investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynegy, Citigroup, Inc., and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Most notably, the settlement agreement provides that Dynegy will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynegy’s stockholders.

- ***In re Qwest Commc'ns Int'l, Inc. Sec. Litig.***, No. 01-cv-1451 (D. Colo.). In July 2001, the Firm filed the initial complaint in this action on behalf of its clients, long before any investigation into Qwest's financial statements was initiated by the SEC or Department of Justice. After five years of litigation, lead plaintiffs entered into a settlement with Qwest and certain individual defendants that provided a \$400 million recovery for the class and created a mechanism that allowed the vast majority of class members to share in an additional \$250 million recovered by the SEC. In 2008, Robbins Geller attorneys recovered an additional \$45 million for the class in a settlement with defendants Joseph P. Nacchio and Robert S. Woodruff, the CEO and CFO, respectively, of Qwest during large portions of the class period.
- ***Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.***, No. 1:09-cv-03701 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel for a class of investors and obtained court approval of a \$388 million recovery in nine 2007 residential mortgage-backed securities offerings issued by J.P. Morgan. The settlement represents, on a percentage basis, the largest recovery ever achieved in an MBS purchaser class action. The result was achieved after more than five years of hard-fought litigation and an extensive investigation.
- ***Smilovits v. First Solar, Inc.***, No. 2:12-cv-00555 (D. Ariz.). As sole lead counsel, Robbins Geller obtained a \$350 million settlement in *Smilovits v. First Solar, Inc.* The settlement, which was reached after a long legal battle and on the day before jury selection, resolves claims that First Solar violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. The settlement is the fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs' shareholders. The settlement concludes one of the last remaining mortgage-backed securities purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit's decision rejected the concept of "tranche" standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff's securities.
- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action.
- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T's April 2000 initial public offering of its wireless tracking stock, one of the largest IPOs in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million.



- ***Silverman v. Motorola, Inc.***, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, Inc., ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement.
- ***City of Pontiac Gen. Emps.' Ret. Sys. v. Wal-Mart Stores, Inc.***, No. 5:12-cv-05162 (W.D. Ark.). Robbins Geller attorneys and lead plaintiff City of Pontiac General Employees' Retirement System achieved a \$160 million settlement in a securities class action case arising from allegations published by *The New York Times* in an article released on April 21, 2012 describing an alleged bribery scheme that occurred in Mexico. The case charged that Wal-Mart portrayed itself to investors as a model corporate citizen that had proactively uncovered potential corruption and promptly reported it to law enforcement, when in truth, a former in-house lawyer had blown the whistle on Wal-Mart's corruption years earlier, and Wal-Mart concealed the allegations from law enforcement by refusing its own in-house and outside counsel's calls for an independent investigation. Robbins Geller "achieved an exceptional [s]ettlement with skill, perseverance, and diligent advocacy," said Judge Hickey when granting final approval.
- ***Bennett v. Sprint Nextel Corp.***, No. 2:09-cv-02122 (D. Kan.). As co-lead counsel, Robbins Geller obtained a \$131 million recovery for a class of Sprint investors. The settlement, secured after five years of hard-fought litigation, resolved claims that former Sprint executives misled investors concerning the success of Sprint's ill-advised merger with Nextel and the deteriorating credit quality of Sprint's customer base, artificially inflating the value of Sprint's securities.
- ***In re LendingClub Sec. Litig.***, No. 3:16-cv-02627 (N.D. Cal.). Robbins Geller attorneys obtained a \$125 million settlement for the court-appointed lead plaintiff Water and Power Employees' Retirement, Disability and Death Plan of the City of Los Angeles and the class. The settlement resolved allegations that LendingClub promised investors an opportunity to get in on the ground floor of a revolutionary lending market fueled by the highest standards of honesty and integrity. The settlement ranks among the top ten largest securities recoveries ever in the Northern District of California.
- ***Knurr v. Orbital ATK, Inc.***, No. 1:16-cv-01031 (E.D. Va.). In the *Orbital* securities class action, Robbins Geller obtained court approval of a \$108 million recovery for the class. The Firm succeeded in overcoming two successive motions to dismiss the case, and during discovery were required to file ten motions to compel, all of which were either negotiated to a resolution or granted in large part, which resulted in the production of critical evidence in support of plaintiffs' claims. Believed to be the fourth-largest securities class action settlement in the history of the Eastern District of Virginia, the settlement provides a recovery for investors that is more than ten times larger than the reported median recovery of estimated damages for all securities class action settlements in 2018.
- ***Hsu v. Puma Biotechnology***, No. SACV15-0865 (C.D. Cal.). After a two-week jury trial, Robbins Geller attorneys won a complete plaintiffs' verdict against both defendants on both claims, with the jury finding that Puma Biotechnology, Inc. and its CEO, Alan H. Auerbach, committed securities fraud. The Puma case is only the fifteenth securities class action case tried to a verdict since the Private Securities Litigation Reform Act was enacted in 1995.
- ***Marcus v. J.C. Penney Co., Inc.***, No. 13-cv-00736 (E.D. Tex.). Robbins Geller attorneys obtained a \$97.5 million recovery on behalf of J.C. Penney shareholders. The result resolves claims that J.C. Penney and certain officers and directors made misstatements and/or omissions regarding the company's financial position that resulted in artificially inflated stock prices. Specifically, defendants failed to disclose and/or misrepresented adverse facts, including that J.C. Penney

would have insufficient liquidity to get through year-end and would require additional funds to make it through the holiday season, and that the company was concealing its need for liquidity so as not to add to its vendors' concerns.

- ***Monroe County Employees' Retirement System v. The Southern Company***, No. 1:17-cv-00241 (N.D. Ga.). As lead counsel, Robbins Geller obtained an \$87.5 million settlement in a securities class action on behalf of plaintiffs Monroe County Employees' Retirement System and Roofers Local No. 149 Pension Fund. The settlement resolves claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant in Kemper County, Mississippi. Plaintiffs alleged that these misstatements caused The Southern Company's stock price to be artificially inflated during the class period. Prior to resolving the case, Robbins Geller uncovered critical documentary evidence and deposition testimony supporting plaintiffs' claims. In granting final approval of the settlement, the court praised Robbins Geller for its "hard-fought litigation in the Eleventh Circuit" and its "experience, reputation, and abilities of [its] attorneys," and highlighted that the firm is "well-regarded in the legal community, especially in litigating class-action securities cases
- ***Chicago Laborers Pension Fund v. Alibaba Grp. Holding Ltd.***, No. CIV535692 (Cal. Super. Ct., San Mateo Cnty.). Robbins Geller attorneys and co-counsel obtained a \$75 million settlement in the Alibaba Group Holding Limited securities class action, resolving investors' claims that Alibaba violated the Securities Act of 1933 in connection with its September 2014 initial public offering. Chicago Laborers Pension Fund served as a plaintiff in the action.
- ***Luna v. Marvell Tech. Grp., Ltd.***, No. 3:15-cv-05447 (N.D. Cal.). In the *Marvell* litigation, Robbins Geller attorneys represented the Plumbers and Pipefitters National Pension Fund and obtained a \$72.5 million settlement. The case involved claims that Marvell reported revenue and earnings during the class period that were misleading as a result of undisclosed pull-in and concession sales. The settlement represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors who purchased shares during the February 19, 2015 through December 7, 2015 class period.
- ***Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.***, No. 3:09-cv-00882 (M.D. Tenn.). In the *Psychiatric Solutions* case, Robbins Geller represented lead plaintiff and class representative Central States, Southeast and Southwest Areas Pension Fund in litigation spanning more than four years. Psychiatric Solutions and its top executives were accused of insufficiently staffing their in-patient hospitals, downplaying the significance of regulatory investigations and manipulating their malpractice reserves. Just days before trial was set to commence, attorneys from Robbins Geller achieved a \$65 million settlement that was the fourth-largest securities recovery ever in the district and one of the largest in a decade.
- ***Plumbers & Pipefitters Nat'l Pension Fund v. Burns***, No. 3:05-cv-07393 (N.D. Ohio). After 11 years of hard-fought litigation, Robbins Geller attorneys secured a \$64 million recovery for shareholders in a case that accused the former heads of Dana Corp. of securities fraud for trumpeting the auto parts maker's condition while it actually spiraled toward bankruptcy. The Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action.
- ***Villella v. Chemical and Mining Company of Chile Inc.***, No. 1:15-cv-02106 (S.D.N.Y.) Robbins Geller attorneys, serving as lead counsel, obtained a \$62.5 million settlement against Sociedad



Química y Minera de Chile S.A. (“SQM”), a Chilean mining company. The case alleged that SQM violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the company’s failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars’ worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014. Due to the company being based out of Chile and subject to Chilean law and rules, the Robbins Geller litigation team put together a multilingual litigation team with Chilean expertise. Depositions are considered unlawful in the country of Chile, so Robbins Geller successfully moved the court to compel SQM to bring witnesses to the United States.

- ***In re BHP Billiton Ltd. Sec. Litig.***, No. 1:16-cv-01445 (S.D.N.Y.). As lead counsel, Robbins Geller obtained a \$50 million class action settlement against BHP, a Australian-based mining company that was accused of failing to disclose significant safety problems at the Fundão iron-ore dam, in Brazil. The Firm achieved this result for lead plaintiffs City of Birmingham Retirement and Relief System and City of Birmingham Firemen’s and Policemen’s Supplemental Pension System, on behalf of purchasers of the American Depositary Shares (“ADRs”) of defendants BHP Billiton Limited and BHP Billiton Plc (together, “BHP”) from September 25, 2014 to November 30, 2015.
- ***In re St. Jude Med., Inc. Sec. Litig.***, No. 0:10-cv-00851 (D. Minn.). After four and a half years of litigation and mere weeks before the jury selection, Robbins Geller obtained a \$50 million settlement on behalf of investors in medical device company St. Jude Medical. The settlement resolves accusations that St. Jude Medical misled investors by utilizing heavily discounted end-of-quarter bulk sales to meet quarterly expectations, which created a false picture of demand by increasing customer inventory due of St. Jude Medical devices. The complaint alleged that the risk of St. Jude Medical’s reliance on such bulk sales manifested when it failed to meet its forecast guidance for the third quarter of 2009, which the company had reaffirmed only weeks earlier.
- ***Deka Investment GmbH v. Santander Consumer USA Holdings Inc.***, No. 3:15-cv-02129 (N.D. Tex.). Robbins Geller and co-counsel secured a \$47 million settlement in a securities class action against Santander Consumer USA Holdings Inc. (“SCUSA”). The case alleges that SCUSA, 2 of its officers, 10 of its directors, as well as 17 underwriters of its January 23, 2014 multi-billion dollar IPO violated §§11, 12(a)(2), and 15 of the Securities Act of 1933 as a result of their negligence in connection with misrepresentations in the prospectus and registration statement for the IPO (“Offering Documents”). The complaint also alleged that SCUSA and two of its officers violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 as a result of their fraud in issuing misleading statements in the IPO Offering Documents as well as in subsequent statements to investors.
- ***Snap Inc. Securities Cases***, JCCP No. 4960 (Cal. Super. Ct., Los Angeles Cnty). Robbins Geller, along with co-counsel, reached a settlement in the Snap, Inc. securities class action, providing for the payment of \$32,812,500 to eligible settlement class members. The securities class action sought remedies under §§11, 12(a)(2) and 15 of the Securities Act of 1933. The case alleged that Snap, certain Snap officers and directors, and the underwriters for Snap’s Initial Public Offering (“IPO”) were liable for materially false and misleading statements and omissions in the Registration Statement for the IPO, related to trends and uncertainties in Snap’s growth metrics, a potential patent-infringement action, and stated risk factors.

Robbins Geller’s securities practice is also strengthened by the existence of a strong appellate department, whose collective work has established numerous legal precedents. The securities practice also utilizes an

extensive group of in-house economic and damage analysts, investigators, and forensic accountants to aid in the prosecution of complex securities issues.

## Shareholder Derivative and Corporate Governance Litigation

The Firm's shareholder derivative and corporate governance practice is focused on preserving corporate assets and enhancing long-term shareowner value. Shareowner derivative actions are often brought by institutional investors to vindicate the rights of the corporation injured by its executives' misconduct, which can effect violations of the nation's securities, anti-corruption, false claims, cyber-security, labor, environmental, and/or health & safety laws.

Robbins Geller attorneys have aided Firm clients in significantly enhancing shareowner value by obtaining hundreds of millions of dollars in financial clawbacks and successfully negotiating corporate governance enhancements. Robbins Geller has worked with its institutional clients to address corporate misconduct such as options backdating, bribery of foreign officials, pollution, off-label marketing, and insider trading and related self-dealing. Additionally, the Firm works closely with noted corporate governance consultants Robert Monks and Richard Bennett and their firm, ValueEdge Advisors LLC, to shape corporate governance practices that will benefit shareowners.

Robbins Geller's efforts have conferred substantial benefits upon shareowners, and the market effect of these benefits measures in the billions of dollars. The Firm's significant achievements include:

- ***City of Westland Police & Fire Ret. Sys. v. Stumpf (Wells Fargo Derivative Litigation)***, No. 3:11-cv-02369 (N.D. Cal.). Prosecuted shareholder derivative action on behalf of Wells Fargo & Co. alleging that Wells Fargo's executives allowed participation in the mass-processing of home foreclosure documents by engaging in widespread robo-signing, *i.e.*, the execution and submission of false legal documents in courts across the country without verification of their truth or accuracy, and failed to disclose Wells Fargo's lack of cooperation in a federal investigation into the bank's mortgage and foreclosure practices. In settlement of the action, Wells Fargo agreed to provide \$67 million in homeowner down-payment assistance, credit counseling, and improvements to its mortgage servicing system. The initiatives will be concentrated in cities severely impacted by the bank's foreclosure practices and the ensuing mortgage foreclosure crisis. Additionally, Wells Fargo agreed to change its procedures for reviewing shareholder proposals and a strict ban on stock pledges by Wells Fargo board members.
- ***In re Ormat Techs., Inc. Derivative Litig.***, No. CV10-00759 (Nev. Dist. Ct., Washoe Cnty.). Robbins Geller brought derivative claims for breach of fiduciary duty and unjust enrichment against the directors and certain officers of Ormat Technologies, Inc., a leading geothermal and recovered energy power business. During the relevant time period, these Ormat insiders caused the company to engage in accounting manipulations that ultimately required restatement of the company's financial statements. The settlement in this action includes numerous corporate governance reforms designed to, among other things: (i) increase director independence; (ii) provide continuing education to directors; (iii) enhance the company's internal controls; (iv) make the company's board more independent; and (iv) strengthen the company's internal audit function.
- ***In re Alphatec Holdings, Inc. Derivative S'holder Litig.***, No. 37-2010-00058586 (Cal. Super. Ct., San Diego Cnty.). Obtained sweeping changes to Alphatec's governance, including separation of the Chairman and CEO positions, enhanced conflict of interest procedures to address related-party transactions, rigorous director independence standards requiring that at least a majority of directors be outside independent directors, and ongoing director education and training.

- ***In re Finisar Corp. Derivative Litig.***, No. C-06-07660 (N.D. Cal.). Prosecuted shareholder derivative action on behalf of Finisar against certain of its current and former directors and officers for engaging in an alleged nearly decade-long stock option backdating scheme that was alleged to have inflicted substantial damage upon Finisar. After obtaining a reversal of the district court's order dismissing the complaint for failing to adequately allege that a pre-suit demand was futile, Robbins Geller lawyers successfully prosecuted the derivative claims to resolution obtaining over \$15 million in financial clawbacks for Finisar. Robbins Geller attorneys also obtained significant changes to Finisar's stock option granting procedures and corporate governance. As a part of the settlement, Finisar agreed to ban the repricing of stock options without first obtaining specific shareholder approval, prohibit the retrospective selection of grant dates for stock options and similar awards, limit the number of other boards on which Finisar directors may serve, require directors to own a minimum amount of Finisar shares, annually elect a Lead Independent Director whenever the position of Chairman and CEO are held by the same person, and require the board to appoint a Trading Compliance officer responsible for ensuring compliance with Finisar's insider trading policies.
- ***Loizides v. Schramm (Maxwell Technology Derivative Litigation)***, No. 37-2010-00097953 (Cal. Super. Ct., San Diego Cnty.). Prosecuted shareholder derivative claims arising from the company's alleged violations of the Foreign Corrupt Practices Act of 1977 ("FCPA"). As a result of Robbins Geller's efforts, Maxwell insiders agreed to adopt significant changes in Maxwell's internal controls and systems designed to protect Maxwell against future potential violations of the FCPA. These corporate governance changes included establishing the following, among other things: a compliance plan to improve board oversight of Maxwell's compliance processes and internal controls; a clear corporate policy prohibiting bribery and subcontracting kickbacks, whereby individuals are accountable; mandatory employee training requirements, including the comprehensive explanation of whistleblower provisions, to provide for confidential reporting of FCPA violations or other corruption; enhanced resources and internal control and compliance procedures for the audit committee to act quickly if an FCPA violation or other corruption is detected; an FCPA and Anti-Corruption Compliance department that has the authority and resources required to assess global operations and detect violations of the FCPA and other instances of corruption; a rigorous ethics and compliance program applicable to all directors, officers, and employees, designed to prevent and detect violations of the FCPA and other applicable anti-corruption laws; an executive-level position of Chief Compliance Officer with direct board-level reporting responsibilities, who shall be responsible for overseeing and managing compliance issues within the company; a rigorous insider trading policy buttressed by enhanced review and supervision mechanisms and a requirement that all trades are timely disclosed; and enhanced provisions requiring that business entities are only acquired after thorough FCPA and anti-corruption due diligence by legal, accounting, and compliance personnel at Maxwell.
- ***In re SciClone Pharms., Inc. S'holder Derivative Litig.***, No. CIV 499030 (Cal. Super. Ct., San Mateo Cnty.). Robbins Geller attorneys successfully prosecuted the derivative claims on behalf of nominal party SciClone Pharmaceuticals, Inc., resulting in the adoption of state-of-the-art corporate governance reforms. The corporate governance reforms included the establishment of an FCPA compliance coordinator; the adoption of an FCPA compliance program and code; and the adoption of additional internal controls and compliance functions.
- ***Policemen & Firemen Ret. Sys. of the City of Detroit v. Cornelison (Halliburton Derivative Litigation)***, No. 2009-29987 (Tex. Dist. Ct., Harris Cnty.). Prosecuted shareholder derivative claims on behalf of Halliburton Company against certain Halliburton insiders for breaches of fiduciary duty arising from Halliburton's alleged violations of the FCPA. In the settlement, Halliburton agreed, among other things, to adopt strict intensive controls and systems designed to detect and deter the payment of bribes and other improper payments to foreign officials, to

enhanced executive compensation clawback, director stock ownership requirements, a limitation on the number of other boards that Halliburton directors may serve, a lead director charter, enhanced director independence standards, and the creation of a management compliance committee.

- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, our client, CalPERS, obtained sweeping corporate governance improvements, including the election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercises, as well as executive compensation reforms that tie pay to performance. In addition, the class obtained \$925 million, the largest stock option backdating recovery ever and four times the next largest options backdating recovery.
- ***In re Fossil, Inc. Derivative Litig.***, No. 3:06-cv-01672 (N.D. Tex.). The settlement agreement included the following corporate governance changes: declassification of elected board members; retirement of three directors and addition of five new independent directors; two-thirds board independence requirements; corporate governance guidelines providing for "Majority Voting" election of directors; lead independent director requirements; revised accounting measurement dates of options; addition of standing finance committee; compensation clawbacks; director compensation standards; revised stock option plans and grant procedures; limited stock option granting authority, timing, and pricing; enhanced education and training; and audit engagement partner rotation and outside audit firm review.
- ***Pirelli Armstrong Tire Corp. Retiree Med. Benefits Tr. v. Sinegal (Costco Derivative Litigation)***, No. 2:08-cv-01450 (W.D. Wash.). The parties agreed to settlement terms providing for the following corporate governance changes: the amendment of Costco's bylaws to provide "Majority Voting" election of directors; the elimination of overlapping compensation and audit committee membership on common subject matters; enhanced Dodd-Frank requirements; enhanced internal audit standards and controls, and revised information-sharing procedures; revised compensation policies and procedures; revised stock option plans and grant procedures; limited stock option granting authority, timing, and pricing; and enhanced ethics compliance standards and training.
- ***In re F5 Networks, Inc. Derivative Litig.***, No. C-06-0794 (W.D. Wash.). The parties agreed to the following corporate governance changes as part of the settlement: revised stock option plans and grant procedures; limited stock option granting authority, timing, and pricing; "Majority Voting" election of directors; lead independent director requirements; director independence standards; elimination of director perquisites; and revised compensation practices.

- ***In re Community Health Sys., Inc. S'holder Derivative Litig.***, No. 3:11-cv-00489 (M.D. Tenn.). Robbins Geller obtained unprecedented corporate governance reforms on behalf of Community Health Systems, Inc. in a case against the company's directors and officers for breaching their fiduciary duties by causing Community Health to develop and implement admissions criteria that systematically steered patients into unnecessary inpatient admissions, in contravention of Medicare and Medicaid regulations. The governance reforms obtained as part of the settlement include two shareholder-nominated directors, the creation of a Healthcare Law Compliance Coordinator with specified qualifications and duties, a requirement that the board's compensation committee be comprised solely of independent directors, the implementation of a compensation clawback that will automatically recover compensation improperly paid to the company's CEO or CFO in the event of a restatement, the establishment of an insider trading controls committee, and the adoption of a political expenditure disclosure policy. In addition to these reforms, \$60 million in financial relief was obtained, which is the largest shareholder derivative recovery ever in Tennessee and the Sixth Circuit.

## Options Backdating Litigation

As has been widely reported in the media, the stock options backdating scandal suddenly engulfed hundreds of publicly traded companies throughout the country in 2006. Robbins Geller was at the forefront of investigating and prosecuting options backdating derivative and securities cases. The Firm has recovered over \$1 billion in damages on behalf of injured companies and shareholders.

- ***In re KLA-Tencor Corp. S'holder Derivative Litig.***, No. C-06-03445 (N.D. Cal.). After successfully opposing the special litigation committee of the board of directors' motion to terminate the derivative claims, Robbins Geller recovered \$43.6 million in direct financial benefits for KLA-Tencor, including \$33.2 million in cash payments by certain former executives and their directors' and officers' insurance carriers.
- ***In re Marvell Tech. Grp. Ltd. Derivative Litig.***, No. C-06-03894 (N.D. Cal.). Robbins Geller recovered \$54.9 million in financial benefits, including \$14.6 million in cash, for Marvell, in addition to extensive corporate governance reforms related to Marvell's stock option granting practices, board of directors' procedures, and executive compensation.
- ***In re KB Home S'holder Derivative Litig.***, No. 06-CV-05148 (C.D. Cal.). Robbins Geller served as co-lead counsel for the plaintiffs and recovered more than \$31 million in financial benefits, including \$21.5 million in cash, for KB Home, plus substantial corporate governance enhancements relating to KB Home's stock option granting practices, director elections, and executive compensation practices.

## Corporate Takeover Litigation

Robbins Geller has earned a reputation as the leading law firm in representing shareholders in corporate takeover litigation. Through its aggressive efforts in prosecuting corporate takeovers, the Firm has secured for shareholders billions of dollars of additional consideration as well as beneficial changes for shareholders in the context of mergers and acquisitions.

The Firm regularly prosecutes merger and acquisition cases post-merger, often through trial, to maximize the benefit for its shareholder class. Some of these cases include:



- ***In re Tesla Motors, Inc. S'holder Litig.***, No. 12711-VCS (Del. Ch.). Robbins Geller, along with co-counsel, secured a \$60 million partial settlement after nearly four years of litigation against Tesla. This partial settlement is one of the largest derivative recoveries in a stockholder action challenging a merger. This partial settlement resolves the claims brought against defendants Kimbal Musk, Antonio J. Gracias, Stephen T. Jurvetson, Brad W. Buss, Ira Ehrenpreis, and Robyn M. Denholm, but not the claims against defendant Elon Musk.
- ***In re Kinder Morgan, Inc. S'holders Litig.***, No. 06-C-801 (Kan. Dist. Ct., Shawnee Cnty.). In the largest recovery ever for corporate takeover class action litigation, the Firm negotiated a settlement fund of \$200 million in 2010.
- ***In re Dole Food Co., Inc. S'holder Litig.***, No. 8703-VCL (Del. Ch.). Robbins Geller and co-counsel went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders. The litigation challenged the 2013 buyout of Dole by its billionaire Chief Executive Officer and Chairman, David H. Murdock. On August 27, 2015, the court issued a post-trial ruling that Murdock and fellow director C. Michael Carter – who also served as Dole's General Counsel, Chief Operating Officer, and Murdock's top lieutenant – had engaged in fraud and other misconduct in connection with the buyout and are liable to Dole's former stockholders for over \$148 million, the largest trial verdict ever in a class action challenging a merger transaction.
- ***Nieman v. Duke Energy Corp.***, No. 3:12-cv-00456 (W.D.N.C.). Robbins Geller, along with co-counsel, obtained a \$146.25 million settlement on behalf of Duke Energy Corporation investors. The settlement resolves accusations that defendants misled investors regarding Duke's future leadership following its merger with Progress Energy, Inc., and specifically, their premeditated coup to oust William D. Johnson (CEO of Progress) and replace him with Duke's then-CEO, John Rogers. This historic settlement represents the largest recovery ever in a North Carolina securities fraud action, and one of the five largest recoveries in the Fourth Circuit.
- ***In re Rural Metro Corp. S'holders Litig.***, No. 6350-VCL (Del. Ch.). Robbins Geller and co-counsel were appointed lead counsel in this case after successfully objecting to an inadequate settlement that did not take into account evidence of defendants' conflicts of interest. In a post-trial opinion, Delaware Vice Chancellor J. Travis Laster found defendant RBC Capital Markets, LLC liable for aiding and abetting Rural/Metro's board of directors' fiduciary duty breaches in the \$438 million buyout of Rural/Metro, citing "the magnitude of the conflict between RBC's claims and the evidence." RBC was ordered to pay nearly \$110 million as a result of its wrongdoing, the largest damage award ever obtained against a bank over its role as a merger adviser. The Delaware Supreme Court issued a landmark opinion affirming the judgment on November 30, 2015, *RBC Cap. Mkts., LLC v. Jervis*, 129 A.3d 816 (Del. 2015).
- ***In re Del Monte Foods Co. S'holders Litig.***, No. 6027-VCL (Del. Ch.). Robbins Geller exposed the unseemly practice by investment bankers of participating on both sides of large merger and acquisition transactions and ultimately secured an \$89 million settlement for shareholders of Del Monte. For efforts in achieving these results, the Robbins Geller lawyers prosecuting the case were named Attorneys of the Year by *California Lawyer* magazine in 2012.
- ***In re TD Banknorth S'holders Litig.***, No. 2557-VCL (Del. Ch.). After objecting to a modest recovery of just a few cents per share, the Firm took over the litigation and obtained a common fund settlement of \$50 million.

- ***In re Chaparral Res., Inc. S'holders Litig.***, No. 2633-VCL (Del. Ch.). After a full trial and a subsequent mediation before the Delaware Chancellor, the Firm obtained a common fund settlement of \$41 million (or 45% increase above merger price) for both class and appraisal claims.
- ***Laborers' Local #231 Pension Fund v. Websense, Inc.***, No. 37-2013-00050879-CU-BT-CTL (Cal. Super. Ct., San Diego Cnty.). Robbins Geller successfully obtained a record-breaking \$40 million in *Websense*, which is believed to be the largest post-merger common fund settlement in California state court history. The class action challenged the May 2013 buyout of Websense by Vista Equity Partners (and affiliates) for \$24.75 per share and alleged breach of fiduciary duty against the former Websense board of directors, and aiding and abetting against Websense's financial advisor, Merrill Lynch, Pierce, Fenner & Smith, Inc. Claims were pursued by the plaintiff in both California state court and the Delaware Court of Chancery.
- ***In re Onyx Pharms., Inc. S'holder Litig.***, No. CIV523789 (Cal. Super. Ct., San Mateo Cnty.). Robbins Geller obtained \$30 million in a case against the former Onyx board of directors for breaching its fiduciary duties in connection with the acquisition of Onyx by Amgen Inc. for \$125 per share at the expense of shareholders. At the time of the settlement, it was believed to set the record for the largest post-merger common fund settlement in California state court history. Over the case's three years, Robbins Geller defeated defendants' motions to dismiss, obtained class certification, took over 20 depositions, and reviewed over one million pages of documents. Further, the settlement was reached just days before a hearing on defendants' motion for summary judgment was set to take place, and the result is now believed to be the second largest post-merger common fund settlement in California state court history.
- ***Harrah's Entertainment***, No. A529183 (Nev. Dist. Ct., Clark Cnty.). The Firm's active prosecution of the case on several fronts, both in federal and state court, assisted Harrah's shareholders in securing an additional \$1.65 billion in merger consideration.
- ***In re Chiron S'holder Deal Litig.***, No. RG 05-230567 (Cal. Super. Ct., Alameda Cnty.). The Firm's efforts helped to obtain an additional \$800 million in increased merger consideration for Chiron shareholders.
- ***In re Dollar Gen. Corp. S'holder Litig.***, No. 07MD-1 (Tenn. Cir. Ct., Davidson Cnty.). As lead counsel, the Firm secured a recovery of up to \$57 million in cash for former Dollar General shareholders on the eve of trial.
- ***In re Prime Hosp., Inc. S'holders Litig.***, No. 652-N (Del. Ch.). The Firm objected to a settlement that was unfair to the class and proceeded to litigate breach of fiduciary duty issues involving a sale of hotels to a private equity firm. The litigation yielded a common fund of \$25 million for shareholders.
- ***In re UnitedGlobalCom, Inc. S'holder Litig.***, No. 1012-VCS (Del. Ch.). The Firm secured a common fund settlement of \$25 million just weeks before trial.
- ***In re eMachines, Inc. Merger Litig.***, No. 01-CC-00156 (Cal. Super. Ct., Orange Cnty.). After four years of litigation, the Firm secured a common fund settlement of \$24 million on the brink of trial.
- ***In re PeopleSoft, Inc. S'holder Litig.***, No. RG-03100291 (Cal. Super. Ct., Alameda Cnty.). The Firm successfully objected to a proposed compromise of class claims arising from takeover defenses by PeopleSoft, Inc. to thwart an acquisition by Oracle Corp., resulting in shareholders receiving an increase of over \$900 million in merger consideration.

- ***ACS S'holder Litig.***, No. CC-09-07377-C (Tex. Cty. Ct., Dallas Cnty.). The Firm forced ACS's acquirer, Xerox, to make significant concessions by which shareholders would not be locked out of receiving more money from another buyer.

## Antitrust

Robbins Geller's antitrust practice focuses on representing businesses and individuals who have been the victims of price-fixing, unlawful monopolization, market allocation, tying, and other anti-competitive conduct. The Firm has taken a leading role in many of the largest federal and state price-fixing, monopolization, market allocation, and tying cases throughout the United States.

- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***, MDL No. 1720 (E.D.N.Y.). Robbins Geller attorneys, serving as co-lead counsel on behalf of merchants, obtained a settlement amount of \$5.5 billion. In approving the settlement, the court noted that Robbins Geller and co-counsel "demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required, litigating on behalf of a class of over 12 million for over fourteen years, across a changing legal landscape, significant motion practice, and appeal and remand. Class counsel's pedigree and efforts alone speak to the quality of their representation."
- ***Dahl v. Bain Cap. Partners, LLC***, No. 07-cv-12388 (D. Mass). Robbins Geller attorneys served as co-lead counsel on behalf of shareholders in this antitrust action against the nation's largest private equity firms that colluded to restrain competition and suppress prices paid to shareholders of public companies in connection with leveraged buyouts. Robbins Geller attorneys recovered more than \$590 million for the class from the private equity firm defendants, including Goldman Sachs Group Inc. and Carlyle Group LP.
- ***Alaska Elec. Pension Fund v. Bank of Am. Corp.***, No. 14-cv-07126 (S.D.N.Y.). Robbins Geller attorneys prosecuted antitrust claims against 14 major banks and broker ICAP plc who were alleged to have conspired to manipulate the ISDAfix rate, the key interest rate for a broad range of interest rate derivatives and other financial instruments in contravention of the competition laws. The class action was brought on behalf of investors and market participants who entered into interest rate derivative transactions between 2006 and 2013. Final approval has been granted to settlements collectively yielding \$504.5 million from all defendants.
- ***In re Currency Conversion Fee Antitrust Litig.***, 01 MDL No. 1409 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and recovered \$336 million for a class of credit and debit cardholders. The court praised the Firm as "indefatigable," noting that the Firm's lawyers "vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar."
- ***In re SSA Bonds Antitrust Litig.***, No. 1:16-cv-03711 (S.D.N.Y.). Robbins Geller attorneys are serving as co-lead counsel in a case against several of the world's largest banks and the traders of certain specialized government bonds. They are alleged to have entered into a wide-ranging price-fixing and bid-rigging scheme costing pension funds and other investors hundreds of millions. To date, three of the more than a dozen corporate defendants have settled for \$95.5 million.
- ***In re Aftermarket Auto. Lighting Prods. Antitrust Litig.***, 09 MDL No. 2007 (C.D. Cal.). Robbins Geller attorneys served as co-lead counsel in this multi-district litigation in which plaintiffs allege that defendants conspired to fix prices and allocate markets for automotive lighting products. The last defendants settled just before the scheduled trial, resulting in total settlements of more than \$50 million. Commenting on the quality of representation, the court commended the Firm for



“expend[ing] substantial and skilled time and efforts in an efficient manner to bring this action to conclusion.”

- ***In re Dynamic Random Access Memory (DRAM) Antitrust Litig.***, 02 MDL No. 1486 (N.D. Cal.). Robbins Geller attorneys served on the executive committee in this multi-district class action in which a class of purchasers of dynamic random access memory (or DRAM) chips alleged that the leading manufacturers of semiconductor products fixed the price of DRAM chips from the fall of 2001 through at least the end of June 2002. The case settled for more than \$300 million.
- ***Microsoft I-V Cases***, JCCP No. 4106 (Cal. Super. Ct., San Francisco Cnty.). Robbins Geller attorneys served on the executive committee in these consolidated cases in which California indirect purchasers challenged Microsoft’s illegal exercise of monopoly power in the operating system, word processing, and spreadsheet markets. In a settlement approved by the court, class counsel obtained an unprecedented \$1.1 billion worth of relief for the business and consumer class members who purchased the Microsoft products.

## Consumer Fraud and Privacy

In our consumer-based economy, working families who purchase products and services must receive truthful information so they can make meaningful choices about how to spend their hard-earned money. When financial institutions and other corporations deceive consumers or take advantage of unequal bargaining power, class action suits provide, in many instances, the only realistic means for an individual to right a corporate wrong.

Robbins Geller attorneys represent consumers around the country in a variety of important, complex class actions. Our attorneys have taken a leading role in many of the largest federal and state consumer fraud, privacy, environmental, human rights, and public health cases throughout the United States. The Firm is also actively involved in many cases relating to banks and the financial services industry, pursuing claims on behalf of individuals victimized by abusive telemarketing practices, abusive mortgage lending practices, market timing violations in the sale of variable annuities, and deceptive consumer credit lending practices in violation of the Truth-In-Lending Act. Below are a few representative samples of our robust, nationwide consumer and privacy practice.

- ***In re Nat’l Prescription Opiate Litig.*** Robbins Geller serves on the Plaintiffs’ Executive Committee to spearhead more than 2,900 federal lawsuits brought on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that “[t]he team reads like a ‘Who’s Who’ in mass torts.”
- ***Apple Inc. Device Performance Litigation.*** Robbins Geller serves on the Plaintiffs’ Executive Committee to advance judicial interests of efficiency and protect the interests of the proposed class in the *Apple* litigation. The case alleges Apple misrepresented its iPhone devices and the nature of updates to its mobile operating system (iOS), which allegedly included code that significantly reduced the performance of older-model iPhones and forced users to incur expenses replacing these devices or their batteries.
- ***In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*** Robbins Geller serves as co-lead counsel in a case against Mylan Pharmaceuticals and Pfizer for engaging in anti-competitive behavior that allowed the price of ubiquitous, life-saving EpiPen auto-injector devices to rise over 600%, resulting in inflated prices for American families. A \$345 million settlement with the Pfizer defendants was reached in 2021. In 2022, the case concluded with a \$264 million

settlement with the Mylan defendants. Pending final approval by the court, the combined recovery for the class will be \$609 million.

- ***Cordova v. Greyhound Lines, Inc.*** Robbins Geller represented California bus passengers *pro bono* in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids. Robbins Geller achieved a watershed court ruling that a private company may be held liable under California law for allowing border patrol to harass and racially profile its customers. The case heralds that Greyhound passengers do not check their rights and dignity at the bus door and has had an immediate impact, not only in California but nationwide. Within weeks of Robbins Geller filing the case, Greyhound added “know your rights” information to passengers to its website and on posters in bus stations around the country, along with adopting other business reforms.
- ***In re Volkswagen “Clean Diesel” Mktg., Sales Pracs., & Prods. Liab. Litig.*** As part of the Plaintiffs’ Steering Committee, Robbins Geller reached a series of settlements on behalf of purchasers, lessees, and dealers that total well over \$17 billion, the largest settlement in history, concerning illegal “defeat devices” that Volkswagen installed on many of its diesel-engine vehicles. The device tricked regulators into believing the cars were complying with emissions standards, while the cars were actually emitting between 10 and 40 times the allowable limit for harmful pollutants.
- ***In re Facebook Biometric Info. Privacy Litig.***, No. 3:15-cv-03747 (N.D. Cal.). Robbins Geller served as co-lead class counsel in a cutting-edge certified class action, securing a record-breaking \$650 million all-cash settlement, the largest privacy settlement in history. The case concerned Facebook’s alleged privacy violations through its collection of its users’ biometric identifiers without informed consent through its “Tag Suggestions” feature, which uses proprietary facial recognition software to extract from user-uploaded photographs the unique biometric identifiers (*i.e.*, graphical representations of facial features, also known as facial geometry) associated with people’s faces and identify who they are. The Honorable James Donato called the settlement “a groundbreaking settlement in a novel area” and praised the unprecedented 22% claims rate as “pretty phenomenal” and “a pretty good day in class settlement history.”
- ***Yahoo Data Breach Class Action.*** Robbins Geller helped secure final approval of a \$117.5 million settlement in a class action lawsuit against Yahoo, Inc. arising out of Yahoo’s reckless disregard for the safety and security of its customers’ personal, private information. In September 2016, Yahoo revealed that personal information associated with at least 500 million user accounts, including names, email addresses, telephone numbers, dates of birth, hashed passwords, and security questions and answers, was stolen from Yahoo’s user database in late 2014. The company made another announcement in December 2016 that personal information associated with more than one billion user accounts was extracted in August 2013. Ten months later, Yahoo announced that the breach in 2013 actually affected all three billion existing accounts. This was the largest data breach in history, and caused severe financial and emotional damage to Yahoo account holders. In 2017, Robbins Geller was appointed to the Plaintiffs’ Executive Committee charged with overseeing the litigation.
- ***Trump University.*** After six and a half years of tireless litigation and on the eve of trial, Robbins Geller, serving as co-lead counsel, secured a historic recovery on behalf of Trump University students around the country. The settlement provides \$25 million to approximately 7,000 consumers, including senior citizens who accessed retirement accounts and maxed out credit cards to enroll in Trump University. The extraordinary result means individual class members are eligible for upwards of \$35,000 in restitution. The settlement resolves claims that President Donald J. Trump and Trump University violated federal and state laws by misleadingly marketing “Live Events” seminars and mentorships as teaching Trump’s “real-estate techniques”

through his “hand-picked” “professors” at his so-called “university.” Robbins Geller represented the class on a *pro bono* basis.

- ***In re Morning Song Bird Food Litig.*** Robbins Geller obtained final approval of a settlement in a civil Racketeer Influenced and Corrupt Organizations Act consumer class action against The Scotts Miracle-Gro Company and its CEO James Hagedorn. The settlement of up to \$85 million provides full refunds to consumers around the country and resolves claims that Scotts Miracle-Gro knowingly sold wild bird food treated with pesticides that are hazardous to birds. In approving the settlement, Judge Houston commended Robbins Geller’s “skill and quality of work [as] extraordinary” and the case as “aggressively litigated.” The Robbins Geller team battled a series of dismissal motions before achieving class certification for the plaintiffs in March 2017, with the court finding that “Plaintiffs would not have purchased the bird food if they knew it was poison.” Defendants then appealed the class certification to the Ninth Circuit, which was denied, and then tried to have the claims from non-California class members thrown out, which was also denied.
- ***Bank Overdraft Fees Litigation.*** The banking industry charges consumers exorbitant amounts for “overdraft” of their checking accounts, even if the customer did not authorize a charge beyond the available balance and even if the account would not have been overdrawn had the transactions been ordered chronologically as they occurred – that is, banks reorder transactions to maximize such fees. The Firm brought lawsuits against major banks to stop this practice and recover these false fees. These cases have recovered over \$500 million thus far from a dozen banks and we continue to investigate other banks engaging in this practice.
- ***Visa and MasterCard Fees.*** After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer-protection verdicts ever awarded in the United States. The Firm’s attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Sony Gaming Networks & Customer Data Security Breach Litigation.*** The Firm served as a member of the Plaintiffs’ Steering Committee, helping to obtain a precedential opinion denying in part Sony’s motion to dismiss plaintiffs’ claims involving the breach of Sony’s gaming network, leading to a \$15 million settlement.
- ***Tobacco Litigation.*** Robbins Geller attorneys have led the fight against Big Tobacco since 1991. As an example, Robbins Geller attorneys filed the case that helped get rid of Joe Camel, representing various public and private plaintiffs, including the State of Arkansas, the general public in California, the cities of San Francisco, Los Angeles, and Birmingham, 14 counties in California, and the working men and women of this country in the Union Pension and Welfare Fund cases that have been filed in 40 states. In 1992, Robbins Geller attorneys filed the first case in the country that alleged a conspiracy by the Big Tobacco companies.
- ***Garment Workers Sweatshop Litigation.*** Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions, one which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and another which alleged violations of California’s Unfair Practices Law by the U.S. retailers. These actions resulted in a

settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts at bringing about the precedent-setting settlement of the actions.

- ***In re Intel Corp. CPU Mktg., Sales Pracs. & Prods. Liab. Litig.*** Robbins Geller serves on the Plaintiffs' Steering Committee in *Intel*, a massive multidistrict litigation pending in the United States District Court for the District of Oregon. *Intel* concerns serious security vulnerabilities – known as “Spectre” and “Meltdown” – that infect nearly all of Intel's x86 processors manufactured and sold since 1995, the patching of which results in processing speed degradation of the impacted computer, server or mobile device.
- ***West Telemarketing Case.*** Robbins Geller attorneys secured a \$39 million settlement for class members caught up in a telemarketing scheme where consumers were charged for an unwanted membership program after purchasing Tae-Bo exercise videos. Under the settlement, consumers were entitled to claim between one and one-half to three times the amount of all fees they unknowingly paid.
- ***Dannon Activia®.*** Robbins Geller attorneys secured the largest ever settlement for a false advertising case involving a food product. The case alleged that Dannon's advertising for its Activia® and DanActive® branded products and their benefits from “probiotic” bacteria were overstated. As part of the nationwide settlement, Dannon agreed to modify its advertising and establish a fund of up to \$45 million to compensate consumers for their purchases of Activia® and DanActive®.
- ***Mattel Lead Paint Toys.*** In 2006-2007, toy manufacturing giant Mattel and its subsidiary Fisher-Price announced the recall of over 14 million toys made in China due to hazardous lead and dangerous magnets. Robbins Geller attorneys filed lawsuits on behalf of millions of parents and other consumers who purchased or received toys for children that were marketed as safe but were later recalled because they were dangerous. The Firm's attorneys reached a landmark settlement for millions of dollars in refunds and lead testing reimbursements, as well as important testing requirements to ensure that Mattel's toys are safe for consumers in the future.
- ***Tenet Healthcare Cases.*** Robbins Geller attorneys were co-lead counsel in a class action alleging a fraudulent scheme of corporate misconduct, resulting in the overcharging of uninsured patients by the Tenet chain of hospitals. The Firm's attorneys represented uninsured patients of Tenet hospitals nationwide who were overcharged by Tenet's admittedly “aggressive pricing strategy,” which resulted in price gouging of the uninsured. The case was settled with Tenet changing its practices and making refunds to patients.
- ***Pet Food Products Liability Litigation.*** Robbins Geller served as co-lead counsel in this massive, 100+ case products liability MDL in the District of New Jersey concerning the death of and injury to thousands of the nation's cats and dogs due to tainted pet food. The case settled for \$24 million.

## Human Rights, Labor Practices, and Public Policy

Robbins Geller attorneys have a long tradition of representing the victims of unfair labor practices and violations of human rights. These include:

- ***Does I v. The Gap, Inc.***, No. 01 0031 (D. N. Mar. I.). In this groundbreaking case, Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions: ***Does I v. Advance Textile Corp.***, No. 99 0002 (D. N. Mar. I.), which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and ***UNITE v. The Gap, Inc.***, No. 300474 (Cal. Super. Ct., San Francisco Cty.), which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts at bringing about the precedent-setting settlement of the actions.
- ***Liberty Mutual Overtime Cases***, No. JCCP 4234 (Cal. Super. Ct., Los Angeles Cnty.). Robbins Geller attorneys served as co-lead counsel on behalf of 1,600 current and former insurance claims adjusters at Liberty Mutual Insurance Company and several of its subsidiaries. Plaintiffs brought the case to recover unpaid overtime compensation and associated penalties, alleging that Liberty Mutual had misclassified its claims adjusters as exempt from overtime under California law. After 13 years of complex and exhaustive litigation, Robbins Geller secured a settlement in which Liberty Mutual agreed to pay \$65 million into a fund to compensate the class of claims adjusters for unpaid overtime. The Liberty Mutual action is one of a few claims adjuster overtime actions brought in California or elsewhere to result in a successful outcome for plaintiffs since 2004.
- ***Veliz v. Cintas Corp.***, No. 5:03-cv-01180 (N.D. Cal.). Brought against one of the nation's largest commercial laundries for violations of the Fair Labor Standards Act for misclassifying truck drivers as salesmen to avoid payment of overtime.
- ***Kasky v. Nike, Inc.***, 27 Cal. 4th 939 (2002). The California Supreme Court upheld claims that an apparel manufacturer misled the public regarding its exploitative labor practices, thereby violating California statutes prohibiting unfair competition and false advertising. The court rejected defense contentions that any misconduct was protected by the First Amendment, finding the heightened constitutional protection afforded to noncommercial speech inappropriate in such a circumstance.

Shareholder derivative litigation brought by Robbins Geller attorneys at times also involves stopping anti-union activities, including:

- ***Southern Pacific/Overnite***. A shareholder action stemming from several hundred million dollars in loss of value in the company due to systematic violations by Overnite of U.S. labor laws.
- ***Massey Energy***. A shareholder action against an anti-union employer for flagrant violations of environmental laws resulting in multi-million-dollar penalties.



- **Crown Petroleum.** A shareholder action against a Texas-based oil company for self-dealing and breach of fiduciary duty while also involved in a union lockout.

## Environment and Public Health

Robbins Geller attorneys have also represented plaintiffs in class actions related to environmental law. The Firm's attorneys represented, on a *pro bono* basis, the Sierra Club and the National Economic Development and Law Center as *amici curiae* in a federal suit designed to uphold the federal and state use of project labor agreements ("PLAs"). The suit represented a legal challenge to President Bush's Executive Order 13202, which prohibits the use of project labor agreements on construction projects receiving federal funds. Our *amici* brief in the matter outlined and stressed the significant environmental and socio-economic benefits associated with the use of PLAs on large-scale construction projects.

Attorneys with Robbins Geller have been involved in several other significant environmental cases, including:

- **Public Citizen v. U.S. D.O.T.** Robbins Geller attorneys represented a coalition of labor, environmental, industry, and public health organizations including Public Citizen, The International Brotherhood of Teamsters, California AFL-CIO, and California Trucking Industry in a challenge to a decision by the Bush administration to lift a Congressionally-imposed "moratorium" on cross-border trucking from Mexico on the basis that such trucks do not conform to emission controls under the Clean Air Act, and further, that the administration did not first complete a comprehensive environmental impact analysis as required by the National Environmental Policy Act. The suit was dismissed by the United States Supreme Court, the court holding that because the D.O.T. lacked discretion to prevent crossborder trucking, an environmental assessment was not required.
- **Sierra Club v. AK Steel.** Brought on behalf of the Sierra Club for massive emissions of air and water pollution by a steel mill, including homes of workers living in the adjacent communities, in violation of the Federal Clean Air Act, the Resource Conservation Recovery Act, and the Clean Water Act.
- **MTBE Litigation.** Brought on behalf of various water districts for befouling public drinking water with MTBE, a gasoline additive linked to cancer.
- **Exxon Valdez.** Brought on behalf of fisherman and Alaska residents for billions of dollars in damages resulting from the greatest oil spill in U.S. history.
- **Avila Beach.** A citizens' suit against UNOCAL for leakage from the oil company pipeline so severe it literally destroyed the town of Avila Beach, California.

Federal laws such as the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act and state laws such as California's Proposition 65 exist to protect the environment and the public from abuses by corporate and government organizations. Companies can be found liable for negligence, trespass, or intentional environmental damage, be forced to pay for reparations, and to come into compliance with existing laws. Prominent cases litigated by Robbins Geller attorneys include representing more than 4,000 individuals suing for personal injury and property damage related to the Stringfellow Dump Site in Southern California, participation in the Exxon Valdez oil spill litigation, and litigation involving the toxic spill arising from a Southern Pacific train derailment near Dunsmuir, California.

Robbins Geller attorneys have led the fight against Big Tobacco since 1991. As an example, Robbins Geller attorneys filed the case that helped get rid of Joe Camel, representing various public and private plaintiffs, including the State of Arkansas, the general public in California, the cities of San Francisco, Los Angeles, and Birmingham, 14 counties in California, and the working men and women of this country in the Union Pension and Welfare Fund cases that have been filed in 40 states. In 1992, Robbins Geller attorneys filed the first case in the country that alleged a conspiracy by the Big Tobacco companies.

## Pro Bono

Robbins Geller provides counsel to those unable to afford legal representation as part of a continuous and longstanding commitment to the communities in which it serves. Over the years the Firm has dedicated a considerable amount of time, energy, and a full range of its resources for many *pro bono* and charitable actions.

Robbins Geller has been honored for its *pro bono* efforts by the California State Bar (including a nomination for the President's Pro Bono Law Firm of the Year award) and the San Diego Volunteer Lawyer's Program, among others.

Some of the Firm's and its attorneys' *pro bono* and charitable actions include:

- Representing public school children and parents in Tennessee challenging the state's private school voucher law, known as the Education Savings Account (ESA) Pilot Program. Robbins Geller helped achieve favorable rulings enjoining implementation of the ESA for violating the Home Rule provision of the Tennessee Constitution, which prohibits the General Assembly from passing laws that target specific counties without local approval.
- Representing California bus passengers *pro bono* in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids. Robbins Geller achieved a watershed court ruling that a private company may be held liable under California law for allowing border patrol to harass and racially profile its customers. The case heralds that Greyhound passengers do not check their rights and dignity at the bus door and has had an immediate impact, not only in California but nationwide. Within weeks of Robbins Geller filing the case, Greyhound added "know your rights" information to passengers to its website and on posters in bus stations around the country, along with adopting other business reforms.
- Working with the Homeless Action Center (HAC) to provide no-cost, barrier-free, culturally competent legal representation that makes it possible for people who are homeless (or at risk of becoming homeless) to access social safety net programs that help restore dignity and provide sustainable income, healthcare, mental health treatment, and housing. Based in Oakland and Berkeley, the non-profit is the only program in the Bay Area that specializes in legal services to those who are chronically homeless. In 2016, HAC provided assistance to 1,403 men and 936 women, and 1,691 cases were completed. An additional 1,357 cases were still pending when the year ended. The results include 512 completed SSI cases with a success rate of 87%.
- Representing Trump University students in two class actions against President Donald J. Trump. The historic settlement provides \$25 million to approximately 7,000 consumers. This means individual class members are eligible for upwards of \$35,000 in restitution – an extraordinary result.

- Representing children diagnosed with Autism Spectrum Disorder, as well as children with significant disabilities, in New York to remedy flawed educational policies and practices that cause substantial harm to these and other similar children year after year.
- Representing 19 San Diego County children diagnosed with Autism Spectrum Disorder in their appeal of the San Diego Regional Center’s termination of funding for a crucial therapy. The victory resulted in a complete reinstatement of funding and set a precedent that allows other children to obtain the treatments they need.
- Serving as Northern California and Hawaii District Coordinator for the United States Court of Appeals for the Ninth Circuit’s Pro Bono program since 1993.
- Representing the Sierra Club and the National Economic Development and Law Center as *amici curiae* before the U.S. Supreme Court.
- Obtaining political asylum, after an initial application had been denied, for an impoverished Somali family whose ethnic minority faced systematic persecution and genocidal violence in Somalia, as well as forced female mutilation.
- Working with the ACLU in a class action filed on behalf of welfare applicants subject to San Diego County’s “Project 100%” program. Relief was had when the County admitted that food-stamp eligibility could not hinge upon the Project 100% “home visits,” and again when the district court ruled that unconsented “collateral contacts” violated state regulations. The decision was noted by the *Harvard Law Review*, *The New York Times*, and *The Colbert Report*.
- Filing numerous *amicus curiae* briefs on behalf of religious organizations and clergy that support civil rights, oppose government-backed religious-viewpoint discrimination, and uphold the American traditions of religious freedom and church-state separation.
- Serving as *amicus* counsel in a Ninth Circuit appeal from a Board of Immigration Appeals deportation decision. In addition to obtaining a reversal of the BIA’s deportation order, the Firm consulted with the Federal Defenders’ Office on cases presenting similar fact patterns, which resulted in a precedent-setting *en banc* decision from the Ninth Circuit resolving a question of state and federal law that had been contested and conflicted for decades.



# PROMINENT CASES, PRECEDENT-SETTING DECISIONS, AND JUDICIAL COMMENDATIONS

## Prominent Cases

Over the years, Robbins Geller attorneys have obtained outstanding results in some of the most notorious and well-known cases, frequently earning judicial commendations for the quality of their representation.

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Investors lost billions of dollars as a result of the massive fraud at Enron. In appointing Robbins Geller lawyers as sole lead counsel to represent the interests of Enron investors, the court found that the Firm’s zealous prosecution and level of “insight” set it apart from its peers. Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. *This is the largest securities class action recovery in history.*

The court overseeing this action had utmost praise for Robbins Geller’s efforts and stated that “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *In re Enron Corp. Sec., Derivative & “ERISA” Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008).

The court further commented: “[I]n the face of extraordinary obstacles, the skills, expertise, commitment, and tenacity of [Robbins Geller] in this litigation cannot be overstated. Not to be overlooked are the unparalleled results, . . . which demonstrate counsel’s clearly superlative litigating and negotiating skills.” *Id.* at 789.

The court stated that the Firm’s attorneys “are to be commended for their zealousness, their diligence, their perseverance, their creativity, the enormous breadth and depth of their investigations and analysis, and their expertise in all areas of securities law on behalf of the proposed class.” *Id.*

In addition, the court noted, “This Court considers [Robbins Geller] ‘a lion’ at the securities bar on the national level,” noting that the Lead Plaintiff selected Robbins Geller because of the Firm’s “outstanding reputation, experience, and success in securities litigation nationwide.” *Id.* at 790.

The court further stated that “Lead Counsel’s fearsome reputation and successful track record undoubtedly were substantial factors in . . . obtaining these recoveries.” *Id.*

Finally, Judge Harmon stated: “As this Court has explained [this is] an extraordinary group of attorneys who achieved the largest settlement fund ever despite the great odds against them.” *Id.* at 828.

- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of

damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. *The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.* According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.

In approving the settlement, the Honorable Jorge L. Alonso noted the team's "skill and determination" while recognizing that "Lead Counsel prosecuted the case vigorously and skillfully over 14 years against nine of the country's most prominent law firms" and "achieved an exceptionally significant recovery for the class." The court added that the team faced "significant hurdles" and "uphill battles" throughout the case and recognized that "[c]lass counsel performed a very high-quality legal work in the context of a thorny case in which the state of the law has been and is in flux." The court succinctly concluded that the settlement was "a spectacular result for the class." *Jaffe v. Household Int'l, Inc.*, No. 02-C-5892, 2016 U.S. Dist. LEXIS 156921, at \*8 (N.D. Ill. Nov. 10, 2016); *Jaffe v. Household Int'l, Inc.*, No. 02-C-05893, Transcript at 56, 65 (N.D. Ill. Oct. 20, 2016).

- ***In re Valeant Pharms. Int'l, Inc. Sec. Litig.***, No. 3:15-cv-07658 (D.N.J.). As sole lead counsel, Robbins Geller attorneys obtained a \$1.2 billion settlement in the securities case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." The settlement resolves claims that defendants made false and misleading statements regarding Valeant's business and financial performance during the class period, attributing Valeant's dramatic growth in revenues and profitability to "innovative new marketing approaches" as part of a business model that was low risk and "durable and sustainable." *Valeant* is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.
- ***In re Am. Realty Cap. Props., Inc. Litig.***, No. 1:15-mc-00040 (S.D.N.Y.). As sole lead counsel, Robbins Geller attorneys zealously litigated the case arising out of ARCP's manipulative accounting practices and obtained a \$1.025 billion settlement. For five years, the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.

In approving the settlement, the Honorable Alvin K. Hellerstein lauded the Robbins Geller litigation team, noting: "My own observation is that plaintiffs' representation is adequate and that the role of lead counsel was fulfilled in an extremely fine fashion by [Robbins Geller]. At every juncture, the representations made to me were reliable, the arguments were cogent, and the representation of their client was zealous."

- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, Robbins Geller represented the California Public Employees' Retirement System ("CalPERS") and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. For example, in 2006, the issue of high-level executives backdating stock options made national headlines. During that time, many law firms, including Robbins Geller, brought shareholder derivative lawsuits against the companies' boards of directors for breaches of their fiduciary duties or for improperly granting backdated options. Rather than pursuing a shareholder derivative case, the Firm filed a securities fraud class action against the company on behalf of CalPERS. In doing so, Robbins Geller faced significant and unprecedented legal

obstacles with respect to loss causation, *i.e.*, that defendants' actions were responsible for causing the stock losses. Despite these legal hurdles, Robbins Geller obtained an \$895 million recovery on behalf of the UnitedHealth shareholders. Shortly after reaching the \$895 million settlement with UnitedHealth, the remaining corporate defendants, including former CEO William A. McGuire, also settled. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders. The total recovery for the class was over \$925 million, the largest stock option backdating recovery ever, and **a recovery that is more than four times larger than the next largest options backdating recovery**. Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.

- ***Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)***, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom's bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm's clients included major public institutions from across the country such as CalPERS, CalSTRS, the state pension funds of Maine, Illinois, New Mexico, and West Virginia, union pension funds, and private entities such as AIG and Northwestern Mutual. Robbins Geller attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- ***Luther v. Countrywide Fin. Corp.***, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.

In approving the settlement, Judge Mariana R. Pfaelzer repeatedly complimented plaintiffs' attorneys, noting that it was "beyond serious dispute that Class Counsel has vigorously prosecuted the Settlement Actions on both the state and federal level over the last six years." Judge Pfaelzer also commented that "[w]ithout a settlement, these cases would continue indefinitely, resulting in significant risks to recovery and continued litigation costs. It is difficult to understate the risks to recovery if litigation had continued." *Me. State Rel. Sys. v. Countrywide Fin. Corp.*, No. 2:10-CV-00302, 2013 U.S. Dist. LEXIS 179190, at \*44, \*56 (C.D. Cal. Dec. 5, 2013).

Judge Pfaelzer further noted that the proposed \$500 million settlement represents one of the "largest MBS class action settlements to date. Indeed, this settlement easily surpasses the next largest . . . MBS settlement." *Id.* at \*59.

- ***In re Wachovia Preferred Sec. & Bond/Notes Litig.***, No. 09-cv-06351 (S.D.N.Y.). In litigation over bonds and preferred securities, issued by Wachovia between 2006 and 2008, Robbins Geller and co-counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company (\$590 million) and Wachovia auditor KPMG LLP (\$37 million). ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis.

As alleged in the complaint, the offering materials for the bonds and preferred securities misstated and failed to disclose the true nature and quality of Wachovia's mortgage loan portfolio, which exposed the bank and misled investors to tens of billions of dollars in losses on mortgage-related assets. In reality, Wachovia employed high-risk underwriting standards and made loans to subprime borrowers, contrary to the offering materials and their statements of "pristine credit quality." Robbins Geller served as co-lead counsel representing the City of Livonia Employees' Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.

- ***In re Cardinal Health, Inc. Sec. Litig.***, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors. On behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund, the Firm aggressively pursued class claims and won numerous courtroom victories, including a favorable decision on defendants' motion to dismiss. *In re Cardinal Health, Inc. Sec. Litigs.*, 426 F. Supp. 2d 688 (S.D. Ohio 2006). At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit. Judge Marbley commented: "[T]his is an extraordinary settlement relative to all the other settlements in cases of this nature and certainly cases of this magnitude. . . . This was an outstanding settlement. . . . [I]n most instances, if you've gotten four cents on the dollar, you've done well. You've gotten twenty cents on the dollar, so that's been extraordinary. *In re Cardinal Health, Inc. Sec. Litig.*, No. 2:04-CV-575, Transcript at 16, 32 (S.D. Ohio Oct. 19, 2007). Judge Marbley further stated:

The quality of representation in this case was superb. Lead Counsel, [Robbins Geller], are nationally recognized leaders in complex securities litigation class actions. The quality of the representation is demonstrated by the substantial benefit achieved for the Class and the efficient, effective prosecution and resolution of this action. Lead Counsel defeated a volley of motions to dismiss, thwarting well-formed challenges from prominent and capable attorneys from six different law firms.

*In re Cardinal Health Inc. Sec. Litigs.*, 528 F. Supp. 2d 752, 768 (S.D. Ohio 2007).

- ***AOL Time Warner Cases I & II***, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cnty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner's disastrous 2001 merger with Internet high flier America Online. Robbins Geller attorneys exposed a massive and sophisticated accounting fraud involving America Online's e-commerce and advertising revenue. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents' case pending in California state court was scheduled to go to trial. The Regents' gross recovery of \$246 million is the largest individual opt-out securities recovery in history.

- ***Abu Dhabi Commercial Bank v. Morgan Stanley & Co.***, No. 1:08-cv-07508-SAS-DCF (S.D.N.Y.), and ***King County, Washington v. IKB Deutsche Industriebank AG***, No. 1:09-cv-08387-SAS (S.D.N.Y.). The Firm represented multiple institutional investors in successfully pursuing recoveries from two failed structured investment vehicles, each of which had been rated “AAA” by Standard & Poors and Moody’s, but which failed fantastically in 2007. The matter settled just prior to trial in 2013. This result was only made possible after Robbins Geller lawyers beat back the rating agencies’ longtime argument that ratings were opinions protected by the First Amendment.
- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA. HealthSouth and its financial advisors perpetrated one of the largest and most pervasive frauds in the history of U.S. healthcare, prompting Congressional and law enforcement inquiry and resulting in guilty pleas of 16 former HealthSouth executives in related federal criminal prosecutions. In March 2009, Judge Karon Bowdre commented in the *HealthSouth* class certification opinion: “The court has had many opportunities since November 2001 to examine the work of class counsel and the supervision by the Class Representatives. The court finds both to be far more than adequate.” *In re HealthSouth Corp. Sec. Litig.*, 257 F.R.D. 260, 275 (N.D. Ala. 2009).
- ***In re Facebook Biometric Info. Privacy Litig.***, No. 3:15-cv-03747 (N.D. Cal.). Robbins Geller served as co-lead class counsel in a cutting-edge certified class action, securing a record-breaking \$650 million all-cash settlement, the largest privacy settlement in history. The case concerned Facebook’s alleged privacy violations through its collection of its users’ biometric identifiers without informed consent through its “Tag Suggestions” feature, which uses proprietary facial recognition software to extract from user-uploaded photographs the unique biometric identifiers (*i.e.*, graphical representations of facial features, also known as facial geometry) associated with people’s faces and identify who they are. The Honorable James Donato called the settlement “a groundbreaking settlement in a novel area” and praised the unprecedented 22% claims rate as “pretty phenomenal” and “a pretty good day in class settlement history.”
- ***In re Dynegy Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynegy investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynegy, Citigroup, Inc., and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Given Dynegy’s limited ability to pay, Robbins Geller attorneys structured a settlement (reached shortly before the commencement of trial) that maximized plaintiffs’ recovery without bankrupting the company. Most notably, the settlement agreement provides that Dynegy will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynegy’s stockholders.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfonds obtained a \$400 million settlement on behalf of class members who purchased Pfizer common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.



In approving the settlement, United States District Judge Alvin K. Hellerstein commended the Firm, noting that “[w]ithout the quality and the toughness that you have exhibited, our society would not be as good as it is with all its problems. So from me to you is a vote of thanks for devoting yourself to this work and doing it well. . . . You did a really good job. Congratulations.”

- ***In re Qwest Commc’ns Int’l, Inc. Sec. Litig.***, No. 01-cv-1451 (D. Colo.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased Qwest securities. In July 2001, the Firm filed the initial complaint in this action on behalf of its clients, long before any investigation into Qwest’s financial statements was initiated by the SEC or Department of Justice. After five years of litigation, lead plaintiffs entered into a settlement with Qwest and certain individual defendants that provided a \$400 million recovery for the class and created a mechanism that allowed the vast majority of class members to share in an additional \$250 million recovered by the SEC. In 2008, Robbins Geller attorneys recovered an additional \$45 million for the class in a settlement with defendants Joseph P. Nacchio and Robert S. Woodruff, the CEO and CFO, respectively, of Qwest during large portions of the class period.
- ***Fort Worth Emps.’ Ret. Fund v. J.P. Morgan Chase & Co.***, No. 1:09-cv-03701 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel for a class of investors and obtained court approval of a \$388 million recovery in nine 2007 residential mortgage-backed securities offerings issued by J.P. Morgan. The settlement represents, on a percentage basis, the largest recovery ever achieved in an MBS purchaser class action. The result was achieved after more than five years of hard-fought litigation and an extensive investigation. In granting approval of the settlement, the court stated the following about Robbins Geller attorneys litigating the case: “[T]here is no question in my mind that this is a very good result for the class and that the plaintiffs’ counsel fought the case very hard with extensive discovery, a lot of depositions, several rounds of briefing of various legal issues going all the way through class certification.”
- ***Smilovits v. First Solar, Inc.***, No. 2:12-cv-00555 (D. Ariz.). As sole lead counsel, Robbins Geller obtained a \$350 million settlement in *Smilovits v. First Solar, Inc.* The settlement, which was reached after a long legal battle and on the day before jury selection, resolves claims that First Solar violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. The settlement is the fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs’ shareholders. The settlement concludes one of the last remaining mortgage-backed securities purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit’s decision rejected the concept of “tranche” standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff’s securities.

In approving the settlement, the Honorable Loretta A. Preska of the Southern District of New York complimented Robbins Geller attorneys, noting:

Counsel, thank you for your papers. They were, by the way, extraordinary

papers in support of the settlement, and I will particularly note Professor Miller's declaration in which he details the procedural aspects of the case and then speaks of plaintiffs' counsel's success in the Second Circuit essentially changing the law.

I will also note what counsel have said, and that is that this case illustrates the proper functioning of the statute.

\* \* \*

Counsel, you can all be proud of what you've done for your clients. You've done an extraordinarily good job.

*NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.*, No. 1:08-cv-10783, Transcript at 10-11 (S.D.N.Y. May 2, 2016).

- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. At the hearing on final approval of the settlement, the Honorable Kevin H. Sharp described Robbins Geller attorneys as “gladiators” and commented: “Looking at the benefit obtained, the effort that you had to put into it, [and] the complexity in this case . . . I appreciate the work that you all have done on this.” *Schuh v. HCA Holdings, Inc.*, No. 3:11-CV-01033, Transcript at 12-13 (M.D. Tenn. Apr. 11, 2016).
- ***Silverman v. Motorola, Inc.***, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement. In May 2012, the Honorable Amy J. St. Eve of the Northern District of Illinois commented: “The representation that [Robbins Geller] provided to the class was significant, both in terms of quality and quantity.” *Silverman v. Motorola, Inc.*, No. 07 C 4507, 2012 U.S. Dist. LEXIS 63477, at \*11 (N.D. Ill. May 7, 2012), *aff'd*, 739 F.3d 956 (7th Cir. 2013).

In affirming the district court's award of attorneys' fees, the Seventh Circuit noted that “no other law firm was willing to serve as lead counsel. Lack of competition not only implies a higher fee but also suggests that most members of the securities bar saw this litigation as too risky for their practices.” *Silverman v. Motorola Sols., Inc.*, 739 F.3d 956, 958 (7th Cir. 2013).

- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T's April 2000 initial public offering of its wireless tracking stock, one of the largest IPOs in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million. In granting approval of the settlement, the court stated the following about the Robbins Geller attorneys handling the case:

Lead Counsel are highly skilled attorneys with great experience in prosecuting complex securities action[s], and their professionalism and diligence displayed during [this] litigation substantiates this characterization. The Court notes that Lead Counsel displayed excellent lawyering skills through their consistent preparedness during court proceedings, arguments and the trial, and their well-written and thoroughly researched submissions to the Court. Undoubtedly, the attentive and persistent effort of Lead Counsel was integral in achieving the excellent result for the Class.

*In re AT&T Corp. Sec. Litig.*, MDL No. 1399, 2005 U.S. Dist. LEXIS 46144, at \*28-\*29 (D.N.J. Apr. 25, 2005), *aff'd*, 455 F.3d 160 (3d Cir. 2006).

- *In re Dollar Gen. Corp. Sec. Litig.*, No. 01-CV-00388 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel in this case in which the Firm recovered \$172.5 million for investors. The *Dollar General* settlement was the largest shareholder class action recovery ever in Tennessee.
- *Carpenters Health & Welfare Fund v. Coca-Cola Co.*, No. 00-CV-2838 (N.D. Ga.). As co-lead counsel representing Coca-Cola shareholders, Robbins Geller attorneys obtained a recovery of \$137.5 million after nearly eight years of litigation. Robbins Geller attorneys traveled to three continents to uncover the evidence that ultimately resulted in the settlement of this hard-fought litigation. The case concerned Coca-Cola's shipping of excess concentrate at the end of financial reporting periods for the sole purpose of meeting analyst earnings expectations, as well as the company's failure to properly account for certain impaired foreign bottling assets.
- *Schwartz v. TXU Corp.*, No. 02-CV-2243 (N.D. Tex.). As co-lead counsel, Robbins Geller attorneys obtained a recovery of over \$149 million for a class of purchasers of TXU securities. The recovery compensated class members for damages they incurred as a result of their purchases of TXU securities at inflated prices. Defendants had inflated the price of these securities by concealing the fact that TXU's operating earnings were declining due to a deteriorating gas pipeline and the failure of the company's European operations.



- *In re Doral Fin. Corp. Sec. Litig.*, 05 MDL No. 1706 (S.D.N.Y.). In July 2007, the Honorable Richard Owen of the Southern District of New York approved the \$129 million settlement, finding in his order:

The services provided by Lead Counsel [Robbins Geller] were efficient and highly successful, resulting in an outstanding recovery for the Class without the substantial expense, risk and delay of continued litigation. Such efficiency and effectiveness supports the requested fee percentage.

Cases brought under the federal securities laws are notably difficult and notoriously uncertain. . . . Despite the novelty and difficulty of the issues raised, Lead Plaintiffs' counsel secured an excellent result for the Class.

. . . Based upon Lead Plaintiff's counsel's diligent efforts on behalf of the Class, as well as their skill and reputations, Lead Plaintiff's counsel were able to negotiate a very favorable result for the Class. . . . The ability of [Robbins Geller] to obtain such a favorable partial settlement for the Class in the face of such formidable opposition confirms the superior quality of their representation . . . .

*In re Doral Fin. Corp. Sec. Litig.*, No. 1:05-md-01706, Order at 4-5 (S.D.N.Y. July 17, 2007).

- *In re Exxon Valdez*, No. A89 095 Civ. (D. Alaska), and *In re Exxon Valdez Oil Spill Litig.*, No. 3 AN 89 2533 (Alaska Super. Ct., 3d Jud. Dist.). Robbins Geller attorneys served on the Plaintiffs' Coordinating Committee and Plaintiffs' Law Committee in this massive litigation resulting from the Exxon Valdez oil spill in Alaska in March 1989. The jury awarded hundreds of millions in compensatory damages, as well as \$5 billion in punitive damages (the latter were later reduced by the U.S. Supreme Court to \$507 million).
- *Mangini v. R.J. Reynolds Tobacco Co.*, No. 939359 (Cal. Super. Ct., San Francisco Cnty.). In this case, R.J. Reynolds admitted that "the *Mangini* action, and the way that it was vigorously litigated, was an early, significant and unique driver of the overall legal and social controversy regarding underage smoking that led to the decision to phase out the Joe Camel Campaign."
- *Does I v. The Gap, Inc.*, No. 01 0031 (D. N. Mar. I.). In this groundbreaking case, Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions: *Does I v. Advance Textile Corp.*, No. 99 0002 (D. N. Mar. I.), which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and *UNITE v. The Gap, Inc.*, No. 300474 (Cal. Super. Ct., San Francisco Cnty.), which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts in bringing about the precedent-setting settlement of the actions.
- *Hall v. NCAA (Restricted Earnings Coach Antitrust Litigation)*, No. 94-2392 (D. Kan.). Robbins

Geller attorneys were lead counsel and lead trial counsel for one of three classes of coaches in these consolidated price-fixing actions against the National Collegiate Athletic Association. On May 4, 1998, the jury returned verdicts in favor of the three classes for more than \$70 million.

- ***In re Prison Realty Sec. Litig.***, No. 3:99-0452 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel for the class, obtaining a \$105 million recovery.
- ***In re Honeywell Int'l, Inc. Sec. Litig.***, No. 00-cv-03605 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased Honeywell common stock. The case charged Honeywell and its top officers with violations of the federal securities laws, alleging the defendants made false public statements concerning Honeywell's merger with Allied Signal, Inc. and that defendants falsified Honeywell's financial statements. After extensive discovery, Robbins Geller attorneys obtained a \$100 million settlement for the class.
- ***Schwartz v. Visa Int'l***, No. 822404-4 (Cal. Super. Ct., Alameda Cnty.). After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer protection verdicts ever awarded in the United States. Robbins Geller attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from their cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Thompson v. Metro. Life Ins. Co.***, No. 00-cv-5071 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and obtained \$145 million for the class in a settlement involving racial discrimination claims in the sale of life insurance.
- ***In re Prudential Ins. Co. of Am. Sales Practs. Litig.***, MDL No. 1061 (D.N.J.). In one of the first cases of its kind, Robbins Geller attorneys obtained a settlement of \$4 billion for deceptive sales practices in connection with the sale of life insurance involving the "vanishing premium" sales scheme.

## Precedent-Setting Decisions

Robbins Geller attorneys operate at the vanguard of complex class action of litigation. Our work often changes the legal landscape, resulting in an environment that is more-favorable for obtaining recoveries for our clients.

- ***Stoyas v. Toshiba Corp.***, 896 F.3d 933 (9th Cir. 2018), *cert. denied*, 588 U.S. \_\_ (2019). In July 2018, the Ninth Circuit ruled in plaintiffs' favor in the *Toshiba* securities class action. Following appellate briefing and oral argument by Robbins Geller attorneys, a three-judge Ninth Circuit panel reversed the district court's prior dismissal in a unanimous, 36-page opinion, holding that Toshiba ADRs are a "security" and the Securities Exchange Act of 1934 could apply to those ADRs that were purchased in a domestic transaction. *Id.* at 939, 949. The court adopted the Second and Third Circuits' "irrevocable liability" test for determining whether the transactions were domestic and held that plaintiffs must be allowed to amend their complaint to allege that the purchase of Toshiba ADRs on the over-the-counter market was a domestic purchase and that the alleged fraud was in connection with the purchase.
- ***Cyan, Inc. v. Beaver Cnty. Emps. Ret. Fund***, No. 15-1439 (U.S.). In March 2018, the U.S. Supreme Court ruled in favor of investors represented by Robbins Geller, holding that state courts continue to have jurisdiction over class actions asserting violations of the Securities Act of 1933. The court's ruling secures investors' ability to bring Securities Act actions when companies fail to make full and

fair disclosure of relevant information in offering documents. The court confirmed that the Securities Litigation Uniform Standards Act of 1998 was designed to preclude securities class actions asserting violations of state law – not to preclude securities actions asserting federal law violations brought in state courts.

- ***Mineworkers’ Pension Scheme v. First Solar Inc.***, 881 F.3d 750 (9th Cir. 2018), *cert. denied*, 588 U.S. \_\_\_ (2019). In January 2018, the Ninth Circuit upheld the district court’s denial of defendants’ motion for summary judgment, agreeing with plaintiffs that the test for loss causation in the Ninth Circuit is a general “proximate cause test,” and rejecting the more stringent revelation of the fraudulent practices standard advocated by the defendants. The opinion is a significant victory for investors, as it forecloses defendants’ ability to immunize themselves from liability simply by refusing to publicly acknowledge their fraudulent conduct.
- ***In re Quality Sys., Inc. Sec. Litig.***, No. 15-55173 (9th Cir.). In July 2017, Robbins Geller’s Appellate Practice Group scored a significant win in the Ninth Circuit in the *Quality Systems* securities class action. On appeal, a three-judge Ninth Circuit panel unanimously reversed the district court’s prior dismissal of the action against Quality Systems and remanded the case to the district court for further proceedings. The decision addressed an issue of first impression concerning “mixed” future and present-tense misstatements. The appellate panel explained that “non-forward-looking portions of mixed statements are not eligible for the safe harbor provisions of the PSLRA . . . . Defendants made a number of mixed statements that included projections of growth in revenue and earnings based on the state of QSI’s sales pipeline.” The panel then held *both* the non-forward-looking and forward-looking statements false and misleading and made with scienter, deeming them actionable. Later, although defendants sought rehearing by the Ninth Circuit sitting *en banc*, the circuit court denied their petition.
- ***Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.***, No. CV-10-J-2847-S (N.D. Ala.). In the *Regions Financial* securities class action, Robbins Geller represented Local 703, I.B. of T. Grocery and Food Employees Welfare Fund and obtained a \$90 million settlement in September 2015 on behalf of purchasers of Regions Financial common stock during the class period. In August 2014, the Eleventh Circuit Court of Appeals affirmed the district court’s decision to certify a class action based upon alleged misrepresentations about Regions Financial’s financial health before and during the recent economic recession, and in November 2014, the U.S. District Court for the Northern District of Alabama denied defendants’ third attempt to avoid plaintiffs’ motion for class certification.
- ***Omnicare, Inc. v. Laborers Dist. Council Constr. Indus. Pension Fund***, No. 13-435 (U.S.). In March 2015, the U.S. Supreme Court ruled in favor of investors represented by Robbins Geller that investors asserting a claim under §11 of the Securities Act of 1933 with respect to a misleading statement of opinion do not, as defendant Omnicare had contended, have to prove that the statement was subjectively disbelieved when made. Rather, the court held that a statement of opinion may be actionable either because it was not believed, or because it lacked a reasonable basis in fact. This decision is significant in that it resolved a conflict among the federal circuit courts and expressly overruled the Second Circuit’s widely followed, more stringent pleading standard for §11 claims involving statements of opinion. The Supreme Court remanded the case back to the district court for determination under the newly articulated standard. In August of 2016, upon remand, the district court applied the Supreme Court’s new test and denied defendants’ motion to dismiss in full.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, 693 F.3d 145 (2d Cir. 2012). In a

securities fraud action involving mortgage-backed securities, the Second Circuit rejected the concept of “tranche” standing and found that a lead plaintiff has class standing to pursue claims on behalf of purchasers of securities that were backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff’s securities. The court noted that, given those common lenders, the lead plaintiff’s claims as to its purchases implicated “the same set of concerns” that purchasers in several of the other offerings possessed. The court also rejected the notion that the lead plaintiff lacked standing to represent investors in different tranches.

- ***In re VeriFone Holdings, Inc. Sec. Litig.***, 704 F.3d 694 (9th Cir. 2012). The panel reversed in part and affirmed in part the dismissal of investors’ securities fraud class action alleging violations of §§10(b), 20(a), and 20A of the Securities Exchange Act of 1934 and SEC Rule 10b-5 in connection with a restatement of financial results of the company in which the investors had purchased stock.

The panel held that the third amended complaint adequately pleaded the §10(b), §20A, and Rule 10b-5 claims. Considering the allegations of scienter holistically, as the U.S. Supreme Court directed in *Matrixx Initiatives, Inc. v. Siracusano*, 563 U.S 27, 48-49 (2011), the panel concluded that the inference that the defendant company and its chief executive officer and former chief financial officer were deliberately reckless as to the truth of their financial reports and related public statements following a merger was at least as compelling as any opposing inference.

- ***Fox v. JAMDAT Mobile, Inc.***, 185 Cal. App. 4th 1068 (2010). Concluding that Delaware’s shareholder ratification doctrine did not bar the claims, the California Court of Appeal reversed dismissal of a shareholder class action alleging breach of fiduciary duty in a corporate merger.
- ***In re Constar Int’l Inc. Sec. Litig.***, 585 F.3d 774 (3d Cir. 2009). The Third Circuit flatly rejected defense contentions that where relief is sought under §11 of the Securities Act of 1933, which imposes liability when securities are issued pursuant to an incomplete or misleading registration statement, class certification should depend upon findings concerning market efficiency and loss causation.
- ***Matrixx Initiatives, Inc. v. Siracusano***, 563 U.S 27 (2011), *aff’g* 585 F.3d 1167 (9th Cir. 2009). In a securities fraud action involving the defendants’ failure to disclose a possible link between the company’s popular cold remedy and a life-altering side effect observed in some users, the U.S. Supreme Court unanimously affirmed the Ninth Circuit’s (a) rejection of a bright-line “statistical significance” materiality standard, and (b) holding that plaintiffs had successfully pleaded a strong inference of the defendants’ scienter.
- ***Alaska Elec. Pension Fund v. Flowserve Corp.***, 572 F.3d 221 (5th Cir. 2009). Aided by former U.S. Supreme Court Justice O’Connor’s presence on the panel, the Fifth Circuit reversed a district court order denying class certification and also reversed an order granting summary judgment to defendants. The court held that the district court applied an incorrect fact-for-fact standard of loss causation, and that genuine issues of fact on loss causation precluded summary judgment.
- ***In re F5 Networks, Inc., Derivative Litig.***, 207 P.3d 433 (Wash. 2009). In a derivative action alleging unlawful stock option backdating, the Supreme Court of Washington ruled that shareholders need not make a pre-suit demand on the board of directors where this step would be futile, agreeing with plaintiffs that favorable Delaware case law should be followed as persuasive authority.
- ***Lormand v. US Unwired, Inc.***, 565 F.3d 228 (5th Cir. 2009). In a rare win for investors in the Fifth

Circuit, the court reversed an order of dismissal, holding that safe harbor warnings were not meaningful when the facts alleged established a strong inference that defendants knew their forecasts were false. The court also held that plaintiffs sufficiently alleged loss causation.

- ***Institutional Inv'rs Grp. v. Avaya, Inc.***, 564 F.3d 242 (3d Cir. 2009). In a victory for investors in the Third Circuit, the court reversed an order of dismissal, holding that shareholders pled with particularity why the company's repeated denials of price discounts on products were false and misleading when the totality of facts alleged established a strong inference that defendants knew their denials were false.
- ***Alaska Elec. Pension Fund v. Pharmacia Corp.***, 554 F.3d 342 (3d Cir. 2009). The Third Circuit held that claims filed for violation of §10(b) of the Securities Exchange Act of 1934 were timely, adopting investors' argument that because scienter is a critical element of the claims, the time for filing them cannot begin to run until the defendants' fraudulent state of mind should be apparent.
- ***Rael v. Page***, 222 P.3d 678 (N.M. Ct. App. 2009). In this shareholder class and derivative action, Robbins Geller attorneys obtained an appellate decision reversing the trial court's dismissal of the complaint alleging serious director misconduct in connection with the merger of SunCal Companies and Westland Development Co., Inc., a New Mexico company with large and historic landholdings and other assets in the Albuquerque area. The appellate court held that plaintiff's claims for breach of fiduciary duty were direct, not derivative, because they constituted an attack on the validity or fairness of the merger and the conduct of the directors. Although New Mexico law had not addressed this question directly, at the urging of the Firm's attorneys, the court relied on Delaware law for guidance, rejecting the "special injury" test for determining the direct versus derivative inquiry and instead applying more recent Delaware case law.
- ***Lane v. Page***, No. 06-cv-1071 (D.N.M. 2012). In May 2012, while granting final approval of the settlement in the federal component of the Westland cases, Judge Browning in the District of New Mexico commented:

Class Counsel are highly skilled and specialized attorneys who use their substantial experience and expertise to prosecute complex securities class actions. In possibly one of the best known and most prominent recent securities cases, Robbins Geller served as sole lead counsel – *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). *See* Report at 3. The Court has previously noted that the class would "receive high caliber legal representation" from class counsel, and throughout the course of the litigation the Court has been impressed with the quality of representation on each side. *Lane v. Page*, 250 F.R.D. at 647.

*Lane v. Page*, 862 F. Supp. 2d 1182, 1253-54 (D.N.M. 2012).

In addition, Judge Browning stated: "Few plaintiffs' law firms could have devoted the kind of time, skill, and financial resources over a five-year period necessary to achieve the pre- and post-Merger benefits obtained for the class here.' . . . [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class." *Id.* at 1254.

- ***Luther v. Countrywide Home Loans Servicing LP***, 533 F.3d 1031 (9th Cir. 2008). In a case of first impression, the Ninth Circuit held that the Securities Act of 1933's specific non-removal features had not been trumped by the general removal provisions of the Class Action Fairness Act of 2005.



- *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008). The Ninth Circuit upheld defrauded investors' loss causation theory as plausible, ruling that a limited temporal gap between the time defendants' misrepresentation was publicly revealed and the subsequent decline in stock value was reasonable where the public had not immediately understood the impact of defendants' fraud.
- *In re WorldCom Sec. Litig.*, 496 F.3d 245 (2d Cir. 2007). The Second Circuit held that the filing of a class action complaint tolls the limitations period for all members of the class, including those who choose to opt out of the class action and file their own individual actions without waiting to see whether the district court certifies a class – reversing the decision below and effectively overruling multiple district court rulings that *American Pipe* tolling did not apply under these circumstances.
- *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007). In a shareholder derivative suit appeal, the Third Circuit held that the general rule that discovery may not be used to supplement demand-futility allegations does not apply where the defendants enter a voluntary stipulation to produce materials relevant to demand futility without providing for any limitation as to their use. In April 2007, the Honorable D. Brooks Smith praised Robbins Geller partner Joe Daley's efforts in this litigation:

Thank you very much Mr. Daley and a thank you to all counsel. As Judge Cowen mentioned, this was an exquisitely well-briefed case; it was also an extremely well-argued case, and we thank counsel for their respective jobs here in the matter, which we will take under advisement. Thank you.

*In re Merck & Co., Inc. Sec., Derivative & ERISA Litig.*, No. 06-2911, Transcript at 35:37-36:00 (3d Cir. Apr. 12, 2007).

- *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007). The Supreme Court of Delaware held that the Alaska Electrical Pension Fund, for purposes of the “corporate benefit” attorney-fee doctrine, was presumed to have caused a substantial increase in the tender offer price paid in a “going private” buyout transaction. The Court of Chancery originally ruled that Alaska's counsel, Robbins Geller, was not entitled to an award of attorney fees, but Delaware's high court, in its published opinion, reversed and remanded for further proceedings.
- *Crandon Cap. Partners v. Shelk*, 157 P.3d 176 (Or. 2007). Oregon's Supreme Court ruled that a shareholder plaintiff in a derivative action may still seek attorney fees even if the defendants took actions to moot the underlying claims. The Firm's attorneys convinced Oregon's highest court to take the case, and reverse, despite the contrary position articulated by both the trial court and the Oregon Court of Appeals.
- *In re Qwest Commc'ns Int'l*, 450 F.3d 1179 (10th Cir. 2006). In a case of first impression, the Tenth Circuit held that a corporation's deliberate release of purportedly privileged materials to governmental agencies was not a “selective waiver” of the privileges such that the corporation could refuse to produce the same materials to non-governmental plaintiffs in private securities fraud litigation.
- *In re Guidant S'holders Derivative Litig.*, 841 N.E.2d 571 (Ind. 2006). Answering a certified question from a federal court, the Supreme Court of Indiana unanimously held that a pre-suit demand in a derivative action is excused if the demand would be a futile gesture. The court adopted a “demand futility” standard and rejected defendants' call for a “universal demand” standard that might have immediately ended the case.

- *Denver Area Meat Cutters v. Clayton*, 209 S.W.3d 584 (Tenn. Ct. App. 2006). The Tennessee Court of Appeals rejected an objector’s challenge to a class action settlement arising out of Warren Buffet’s 2003 acquisition of Tennessee-based Clayton Homes. In their effort to secure relief for Clayton Homes stockholders, the Firm’s attorneys obtained a temporary injunction of the Buffet acquisition for six weeks in 2003 while the matter was litigated in the courts. The temporary halt to Buffet’s acquisition received national press attention.
- *DeJulius v. New Eng. Health Care Emps. Pension Fund*, 429 F.3d 935 (10th Cir. 2005). The Tenth Circuit held that the multi-faceted notice of a \$50 million settlement in a securities fraud class action had been the best notice practicable under the circumstances, and thus satisfied both constitutional due process and Rule 23 of the Federal Rules of Civil Procedure.
- *In re Daou Sys.*, 411 F.3d 1006 (9th Cir. 2005). The Ninth Circuit sustained investors’ allegations of accounting fraud and ruled that loss causation was adequately alleged by pleading that the value of the stock they purchased declined when the issuer’s true financial condition was revealed.
- *Barrie v. Intervoice-Brite, Inc.*, 397 F.3d 249 (5th Cir.), *reh’g denied and opinion modified*, 409 F.3d 653 (5th Cir. 2005). The Fifth Circuit upheld investors’ accounting-fraud claims, holding that fraud is pled as to both defendants when one knowingly utters a false statement and the other knowingly fails to correct it, even if the complaint does not specify who spoke and who listened.
- *City of Monroe Emps. Ret. Sys. v. Bridgestone Corp.*, 399 F.3d 651 (6th Cir. 2005). The Sixth Circuit held that a statement regarding objective data supposedly supporting a corporation’s belief that its tires were safe was actionable where jurors could have found a reasonable basis to believe the corporation was aware of undisclosed facts seriously undermining the statement’s accuracy.
- *Ill. Mun. Ret. Fund v. Citigroup, Inc.*, 391 F.3d 844 (7th Cir. 2004). The Seventh Circuit upheld a district court’s decision that the Illinois Municipal Retirement Fund was entitled to litigate its claims under the Securities Act of 1933 against WorldCom’s underwriters before a state court rather than before the federal forum sought by the defendants.
- *Nursing Home Pension Fund, Local 144 v. Oracle Corp.*, 380 F.3d 1226 (9th Cir. 2004). The Ninth Circuit ruled that defendants’ fraudulent intent could be inferred from allegations concerning their false representations, insider stock sales and improper accounting methods.
- *Southland Sec. Corp. v. INSpire Ins. Sols. Inc.*, 365 F.3d 353 (5th Cir. 2004). The Fifth Circuit sustained allegations that an issuer’s CEO made fraudulent statements in connection with a contract announcement.
- *Smith v. Am. Family Mut. Ins. Co.*, 289 S.W.3d 675 (Mo. Ct. App. 2009). Capping nearly a decade of hotly contested litigation, the Missouri Court of Appeals reversed the trial court’s judgment notwithstanding the verdict for auto insurer American Family and reinstated a unanimous jury verdict for the plaintiff class.
- *Troyk v. Farmers Grp., Inc.*, 171 Cal. App. 4th 1305 (2009). The California Court of Appeal held that Farmers Insurance’s practice of levying a “service charge” on one-month auto insurance policies, without specifying the charge in the policy, violated California’s Insurance Code.
- *Lebrilla v. Farmers Grp., Inc.*, 119 Cal. App. 4th 1070 (2004). Reversing the trial court, the California Court of Appeal ordered class certification of a suit against Farmers, one of the largest

automobile insurers in California, and ruled that Farmers' standard automobile policy requires it to provide parts that are as good as those made by vehicle's manufacturer. The case involved Farmers' practice of using inferior imitation parts when repairing insureds' vehicles.

- ***In re Monumental Life Ins. Co.***, 365 F.3d 408, 416 (5th Cir. 2004). The Fifth Circuit Court of Appeals reversed a district court's denial of class certification in a case filed by African-Americans seeking to remedy racially discriminatory insurance practices. The Fifth Circuit held that a monetary relief claim is viable in a Rule 23(b)(2) class if it flows directly from liability to the class as a whole and is capable of classwide "computation by means of objective standards and not dependent in any significant way on the intangible, subjective differences of each class member's circumstances."
- ***Dent v. National Football League***, No. 15-15143 (9th Cir.). In September 2018, the United States Court of Appeals for the Ninth Circuit issued an important decision reversing the district court's previous dismissal of the *Dent v. National Football League* litigation, concluding that the complaint brought by NFL Hall of Famer Richard Dent and others should not be dismissed on labor-law preemption grounds. The case was remanded to the district court for further proceedings.
- ***Kwikset Corp. v. Superior Court***, 51 Cal. 4th 310 (2011). In a leading decision interpreting the scope of Proposition 64's new standing requirements under California's Unfair Competition Law (UCL), the California Supreme Court held that consumers alleging that a manufacturer has misrepresented its product have "lost money or property" within the meaning of the initiative, and thus have standing to sue under the UCL, if they "can truthfully allege that they were deceived by a product's label into spending money to purchase the product, and would not have purchased it otherwise." *Id.* at 317. *Kwikset* involved allegations, proven at trial, that defendants violated California's "Made in the U.S.A." statute by representing on their labels that their products were "Made in U.S.A." or "All-American Made" when, in fact, the products were substantially made with foreign parts and labor.
- ***Safeco Ins. Co. of Am. v. Superior Court***, 173 Cal. App. 4th 814 (2009). In a class action against auto insurer Safeco, the California Court of Appeal agreed that the plaintiff should have access to discovery to identify a new class representative after her standing to sue was challenged.
- ***Consumer Privacy Cases***, 175 Cal. App. 4th 545 (2009). The California Court of Appeal rejected objections to a nationwide class action settlement benefiting Bank of America customers.
- ***Koponen v. Pac. Gas & Elec. Co.***, 165 Cal. App. 4th 345 (2008). The Firm's attorneys obtained a published decision reversing the trial court's dismissal of the action, and holding that the plaintiff's claims for damages arising from the utility's unauthorized use of rights-of-way or easements obtained from the plaintiff and other landowners were not barred by a statute limiting the authority of California courts to review or correct decisions of the California Public Utilities Commission.
- ***Sanford v. MemberWorks, Inc.***, 483 F.3d 956 (9th Cir. 2007). In a telemarketing-fraud case, where the plaintiff consumer insisted she had never entered the contractual arrangement that defendants said bound her to arbitrate individual claims to the exclusion of pursuing class claims, the Ninth Circuit reversed an order compelling arbitration – allowing the plaintiff to litigate on behalf of a class.
- ***Ritt v. Billy Blanks Enters.***, 870 N.E.2d 212 (Ohio Ct. App. 2007). In the Ohio analog to the *West*



case, the Ohio Court of Appeals approved certification of a class of Ohio residents seeking relief under Ohio's consumer protection laws for the same telemarketing fraud.

- *Haw. Med. Ass'n v. Haw. Med. Serv. Ass'n*, 148 P.3d 1179 (Haw. 2006). The Supreme Court of Hawaii ruled that claims of unfair competition were not subject to arbitration and that claims of tortious interference with prospective economic advantage were adequately alleged.
- *Branick v. Downey Sav. & Loan Ass'n*, 39 Cal. 4th 235 (2006). Robbins Geller attorneys were part of a team of lawyers that briefed this case before the Supreme Court of California. The court issued a unanimous decision holding that new plaintiffs may be substituted, if necessary, to preserve actions pending when Proposition 64 was passed by California voters in 2004. Proposition 64 amended California's Unfair Competition Law and was aggressively cited by defense lawyers in an effort to dismiss cases after the initiative was adopted.
- *McKell v. Wash. Mut., Inc.*, 142 Cal. App. 4th 1457 (2006). The California Court of Appeal reversed the trial court, holding that plaintiff's theories attacking a variety of allegedly inflated mortgage-related fees were actionable.
- *West Corp. v. Superior Court*, 116 Cal. App. 4th 1167 (2004). The California Court of Appeal upheld the trial court's finding that jurisdiction in California was appropriate over the out-of-state corporate defendant whose telemarketing was aimed at California residents. Exercise of jurisdiction was found to be in keeping with considerations of fair play and substantial justice.
- *Kruse v. Wells Fargo Home Mortg., Inc.*, 383 F.3d 49 (2d Cir. 2004), and *Santiago v. GMAC Mortg. Grp., Inc.*, 417 F.3d 384 (3d Cir. 2005). In two groundbreaking federal appellate decisions, the Second and Third Circuits each ruled that the Real Estate Settlement Practices Act prohibits marking up home loan-related fees and charges.

## Additional Judicial Commendations

Robbins Geller attorneys have been praised by countless judges all over the country for the quality of their representation in class-action lawsuits. In addition to the judicial commendations set forth in the Prominent Cases and Precedent-Setting Decisions sections, judges have acknowledged the successful results of the Firm and its attorneys with the following plaudits:

- On February 4, 2021, in granting final approval of the settlement, the Honorable Mark H. Cohen of the United States District Court for the Northern District of Georgia stated: "Lead Counsel successfully achieved a greater-than-average settlement 'in the face of significant risks.'" Robbins Geller's "hard-fought litigation in the Eleventh Circuit" and "[i]n considering the experience, reputation, and abilities of the attorneys, the Court recognize[d] that Lead Counsel is well-regarded in the legal community, especially in litigating class-action securities cases." *Monroe County Employees' Retirement System v. The Southern Company*, No. 1:17-cv-00241, Order at 8-9 (N.D. Ga. Feb. 4, 2021).
- On December 18, 2020, at the final approval hearing of the settlement, the Honorable Yvonne Gonzalez Rogers of the United States District Court for the Northern District of California commended Robbins Geller, stating: "Counsel performed excellent work in not only investigating and analyzing the core of the issues, but in negotiating and demanding the necessary reforms to prevent malfeasance for the benefit of the shareholders and the consumers. The Court complements counsel for its excellence." *In re RH S'holder Derivative Litig.*, No. 4:18-cv-02452-YGR, Order and Final Judgment at 3 (N.D. Cal. Dec. 18, 2020).

- On October 23, 2020, at the final approval hearing of the settlement, the Honorable P. Kevin Castel of the United States District Court for the Southern District of New York praised the firm, “[Robbins Geller] has been sophisticated and experienced.” He also noted that: “[T]he quality of the representation . . . was excellent. The experience of counsel is also a factor. Robbins Geller certainly has the extensive experience and they were litigating against national powerhouses . . . .” *City of Birmingham Ret. & Relief Sys. v. BRF S.A.*, No. 18 Civ. 2213 (PKC), Transcript at 12-13, 18 (S.D.N.Y. Oct. 23, 2020).
- In May 2020, in granting final approval of the settlement, the Honorable Mark L. Wolf praised Robbins Geller: “[T]he class has been represented by excellent honorable counsel . . . . [T]he fund was represented by experienced, energetic, able counsel, the fund was engaged and informed, and the fund followed advice of experienced counsel. Counsel for the class have been excellent, and I would say honorable.” Additionally, Judge Wolf noted, “I find that the work that's been done primarily by Robbins Geller has been excellent and honorable and efficient. . . . [T]his has been a challenging case, and they've done an excellent job.” *McGee v. Constant Contact, Inc.*, No. 1:15-cv-13114-MLW, Transcript at 21, 31, 61 (D. Mass. May 27, 2020).
- In December 2019, the Honorable Margo K. Brodie noted in granting final approval of the settlement that “[Robbins Geller and co-counsel] have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required, litigating on behalf of a class of over 12 million for over fourteen years, across a changing legal landscape, significant motion practice, and appeal and remand. Class counsel's pedigree and efforts alone speak to the quality of their representation.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, No. 1:05-md-01720-MKB-JO, Memorandum & Order (E.D.N.Y. Dec. 16, 2019).
- In October 2019, the Honorable Claire C. Cecchi noted that Robbins Geller is “capable of adequately representing the class, both based on their prior experience in class action lawsuits and based on their capable advocacy on behalf of the class in this action.” The court further commended the Firm and co-counsel for “conduct[ing] the [l]itigation . . . with skill, perseverance, and diligent advocacy.” *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd's, London Members*, No. 2:08-cv-00235-CCC-JAD, Order at 4 (D.N.J. Oct. 3, 2019); *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd's, London Members of Syndicates*, No. 2:08-cv-00235-CCC-JAD, Order Awarding Attorneys' Fees and Expenses/Charges and Service Awards at 3 (D.N.J. Oct. 3, 2019).
- In June 2019, the Honorable T.S. Ellis, III noted that Robbins Geller “achieved the [\$108 million] [s]ettlement with skill, perseverance, and diligent advocacy.” At the final approval hearing, the court further commended Robbins Geller by stating, “I think the case was fully and appropriately litigated [and] you all did a very good job. . . . [T]hank you for your service in the court. . . . [You're] first-class lawyers . . . .” *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031, Order Awarding Attorneys' Fees and Expenses at 3 (E.D. Va. June 7, 2019); *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031, Transcript at 28-29 (E.D. Va. June 7, 2019).
- In June 2019, in granting final approval of the settlement, the Honorable John A. Houston stated: Robbins Geller's “skill and quality of work was extraordinary . . . . I'll note from the top that this has been an aggressively litigated action.” *In re Morning Song Bird Food Litig.*, No. 3:12-cv-01592-JAH-AGS, Transcript at 4, 9 (S.D. Cal. June 3, 2019).
- In May 2019, in granting final approval of the settlement, the Honorable Richard H. DuBois

stated: Robbins Geller is “highly experienced and skilled” for obtaining a “fair, reasonable, and adequate” settlement in the “interest of the [c]lass [m]embers” after “extensive investigation.” *Chicago Laborers Pension Fund v. Alibaba Grp. Holding Ltd.*, No. CIV535692, Judgment and Order Granting Final Approval of Class Action Settlement at 3 (Cal. Super. Ct., San Mateo Cnty. May 17, 2019).

- In April 2019, the Honorable Kathaleen St. J. McCormick noted: “[S]ince the inception of this litigation, plaintiffs and their counsel have vigorously prosecuted the claims brought on behalf of the class. . . . When Vice Chancellor Laster appointed lead counsel, he effectively said: Go get a good result. And counsel took that to heart and did it. . . . The proposed settlement was the product of intense litigation and complex mediation. . . . [Robbins Geller has] only built a considerable track record, never burned it, which gave them the credibility necessary to extract the benefits achieved.” *In re Calamos Asset Mgmt., Inc. S’holder Litig.*, No. 2017-0058-JTL, Transcript at 87, 93, 95, 98 (Del. Ch. Apr. 25, 2019).
- In April 2019, the Honorable Susan O. Hickey noted that Robbins Geller “achieved an exceptional [s]ettlement with skill, perseverance, and diligent advocacy.” *City of Pontiac Gen. Emps.’ Ret. Sys. v. Wal-Mart Stores, Inc.*, No. 5:12-cv-5162, Order Awarding Attorneys’ Fees and Expenses at 3 (W.D. Ark. Apr. 8, 2019).
- In January 2019, the Honorable Margo K. Brodie noted that Robbins Geller “has arduously represented a variety of plaintiffs’ groups in this action[,] . . . [has] extensive antitrust class action litigation experience . . . [and] negotiated what [may be] the largest antitrust settlement in history.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, 330 F.R.D. 11, 34 (E.D.N.Y. 2019).
- On December 20, 2018, at the final approval hearing for the settlement, the court lauded Robbins Geller’s attorneys and their work: “[T]his is a pretty extraordinary settlement, recovery on behalf of the members of the class. . . . I’ve been very impressed with the level of lawyering in the case . . . and with the level of briefing . . . and I wanted to express my appreciation for that and for the work that everyone has done here.” The court concluded, “your clients were all blessed to have you, [and] not just because of the outcome.” *Duncan v. Joy Global, Inc.*, No. 16-CV-1229, Transcript at 12, 20-21 (E.D. Wis. Dec. 20, 2018).
- In October 2017, the Honorable William Alsup noted that Robbins Geller and lead plaintiff “vigorously prosecuted this action.” *In re LendingClub Sec. Litig.*, No. 3:16-cv-02627-WHA, Order at 13 (N.D. Cal. Oct. 20, 2017).
- On November 9, 2018, in granting final approval of the settlement, the Honorable Jesse M. Furman commented: “[Robbins Geller] did an extraordinary job here. . . . [I]t is fair to say [this was] probably the most complicated case I have had since I have been on the bench. . . . I cannot really imagine how complicated it would have been if I didn’t have counsel who had done as admirable [a] job in briefing it and arguing as you have done. You have in my view done an extraordinary service to the class. . . . I think you have done an extraordinary job and deserve thanks and commendation for that.” *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, No. 1:14-cv-07126-JMF-OTW, Transcript at 27-28 (S.D.N.Y. Nov. 9, 2018).

- On September 12, 2018, at the final approval hearing of the settlement, the Honorable William H. Orrick of the Northern District of California praised Robbins Geller’s “high-quality lawyering” in a case that “involved complicated discovery and complicated and novel legal issues,” resulting in an “excellent” settlement for the class. The “lawyering . . . was excellent” and the case was “very well litigated.” *In re Lidoderm Antitrust Litig.*, No. 14-MDL-02521-WHO, Transcript at 11, 14, 22 (N.D. Cal. Sept. 12, 2018).
- On March 31, 2017, in granting final approval of the settlement, the Honorable Gonzalo P. Curiel hailed the settlement as “extraordinary” and “all the more exceptional when viewed in light of the risk” of continued litigation. The court further commended Robbins Geller for prosecuting the case on a *pro bono* basis: “Class Counsel’s exceptional decision to provide nearly seven years of legal services to Class Members on a *pro bono* basis evidences not only a lack of collusion, but also that Class Counsel are in fact representing the best interests of Plaintiffs and the Class Members in this Settlement. Instead of seeking compensation for fees and costs that they would otherwise be entitled to, Class Counsel have acted to allow maximum recovery to Plaintiffs and Class Members. Indeed, that Eligible Class Members may receive recovery of 90% or greater is a testament to Class Counsel’s representation and dedication to act in their clients’ best interest.” In addition, at the final approval hearing, the court commented that “this is a case that has been litigated – if not fiercely, zealously throughout.” *Low v. Trump Univ., LLC*, 246 F. Supp. 3d 1295, 1302, 1312 (S.D. Cal. 2017), *aff’d*, 881 F.3d 1111 (9th Cir. 2018); *Low v. Trump University LLC and Donald J. Trump*, No. 10-cv-0940 GPC-WVG, and *Cohen v. Donald J. Trump*, No. 13-cv-2519-GPC-WVG, Transcript at 7 (S.D. Cal. Mar. 30, 2017).
- In January 2017, at the final approval hearing, the Honorable Kevin H. Sharp of the Middle District of Tennessee commended Robbins Geller attorneys, stating: “It was complicated, it was drawn out, and a lot of work clearly went into this [case] . . . . I think there is some benefit to the shareholders that are above and beyond money, a benefit to the company above and beyond money that changed hands.” *In re Community Health Sys., Inc. S’holder Derivative Litig.*, No. 3:11-cv-00489, Transcript at 10 (M.D. Tenn. Jan. 17, 2017).
- In November 2016, at the final approval hearing, the Honorable James G. Carr stated: “I kept throwing the case out, and you kept coming back. . . . And it’s both remarkable and noteworthy and a credit to you and your firm that you did so. . . . [Y]ou persuaded the Sixth Circuit. As we know, that’s no mean feat at all.” Judge Carr further complimented the Firm, noting that it “goes without question or even saying” that Robbins Geller is very well-known nationally and that the settlement is an excellent result for the class. He succinctly concluded that “given the tenacity and the time and the effort that [Robbins Geller] lawyers put into [the case]” makes the class “a lot better off.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, No. 3:05-cv-07393-JGC, Transcript at 4, 10, 14, 17 (N.D. Ohio Nov. 18, 2016).
- In September 2016, in granting final approval of the settlement, Judge Arleo commended the “vigorous and skilled efforts” of Robbins Geller attorneys for obtaining “an excellent recovery.” Judge Arleo added that the settlement was reached after “contentious, hard-fought litigation” that ended with “a very, very good result for the class” in a “risky case.” *City of Sterling Heights Gen. Emps.’ Ret. Sys. v. Prudential Fin., Inc.*, No. 2:12-cv-05275-MCA-LDW, Transcript of Hearing at 18-20 (D.N.J. Sept. 28, 2016).

- In August 2015, at the final approval hearing for the settlement, the Honorable Karen M. Humphreys praised Robbins Geller’s “extraordinary efforts” and “excellent lawyering,” noting that the settlement “really does signal that the best is yet to come for your clients and for your prodigious labor as professionals. . . . I wish more citizens in our country could have an appreciation of what this [settlement] truly represents.” *Bennett v. Sprint Nextel Corp.*, No. 2:09-cv-02122-EFM-KMH, Transcript at 8, 25 (D. Kan. Aug. 12, 2015).
- In August 2015, the Honorable Judge Max O. Cogburn, Jr. noted that “plaintiffs’ attorneys were able [to] achieve the big success early” in the case and obtained an “excellent result.” The “extraordinary” settlement was because of “good lawyers . . . doing their good work.” *Nieman v. Duke Energy Corp.*, No. 3:12-cv-456, Transcript at 21, 23, 30 (W.D.N.C. Aug. 12, 2015).
- In July 2015, in approving the settlement, the Honorable Douglas L. Rayes of the District of Arizona stated: “Settlement of the case during pendency of appeal for more than an insignificant amount is rare. The settlement here is substantial and provides favorable recovery for the settlement class under these circumstances.” He continued, noting, “[a]s against the objective measures of . . . settlements [in] other similar cases, [the recovery] is on the high end.” *Teamsters Local 617 Pension & Welfare Funds v. Apollo Grp., Inc.*, No. 2:06-cv-02674-DLR, Transcript at 8, 11 (D. Ariz. July 28, 2015).
- In June 2015, at the conclusion of the hearing for final approval of the settlement, the Honorable Susan Richard Nelson of the District of Minnesota noted that it was “a pleasure to be able to preside over a case like this,” praising Robbins Geller in achieving “an outstanding [result] for [its] clients,” as she was “very impressed with the work done on th[e] case.” *In re St. Jude Med., Inc. Sec. Litig.*, No. 0:10-cv-00851-SRN-TNL, Transcript at 7 (D. Minn. June 12, 2015).
- In May 2015, at the fairness hearing on the settlement, the Honorable William G. Young noted that the case was “very well litigated” by Robbins Geller attorneys, adding that “I don’t just say that as a matter of form. . . . I thank you for the vigorous litigation that I’ve been permitted to be a part of.” *Courtney v. Avid Tech., Inc.*, No. 1:13-cv-10686-WGY, Transcript at 8-9 (D. Mass. May 12, 2015).
- In January 2015, the Honorable William J. Haynes, Jr. of the Middle District of Tennessee described the settlement as a “highly favorable result achieved for the Class” through Robbins Geller’s “diligent prosecution . . . [and] quality of legal services.” The settlement represents the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade. *Garden City Emps.’ Ret. Sys. v. Psychiatric Sols., Inc.*, No. 3:09-cv-00882, 2015 U.S. Dist. LEXIS 181943, at \*6-\*7 (M.D. Tenn. Jan. 16, 2015).
- In September 2014, in approving the settlement for shareholders, Vice Chancellor John W. Noble noted “[t]he litigation caused a substantial benefit for the class. It is unusual to see a \$29 million recovery.” Vice Chancellor Noble characterized the litigation as “novel” and “not easy,” but “[t]he lawyers took a case and made something of it.” The court commended Robbins Geller’s efforts in obtaining this result: “The standing and ability of counsel cannot be questioned” and “the benefits achieved by plaintiffs’ counsel in this case cannot be ignored.” *In re Gardner Denver, Inc. S’holder Litig.*, No. 8505-VCN, Transcript at 26-28 (Del. Ch. Sept. 3, 2014).
- In May 2014, at the conclusion of the hearing for final approval of the settlement, the Honorable Elihu M. Berle stated: “I would finally like to congratulate counsel on their efforts to resolve this case, on excellent work – it was the best interest of the class – and to the exhibition of professionalism. So I do thank you for all your efforts.” *Liberty Mutual Overtime Cases*, No. JCCP 4234, Transcript at 20:1-5 (Cal. Super. Ct., Los Angeles Cnty. May 29, 2014).



- In March 2014, Ninth Circuit Judge J. Clifford Wallace (presiding) expressed the gratitude of the court: “Thank you. I want to especially thank counsel for this argument. This is a very complicated case and I think we were assisted no matter how we come out by competent counsel coming well prepared. . . . It was a model of the type of an exercise that we appreciate. Thank you very much for your work . . . you were of service to the court.” *Eclectic Properties East, LLC v. The Marcus & Millichap Co.*, No. 12-16526, Transcript (9th Cir. Mar. 14, 2014).
- In February 2014, in approving a settlement, Judge Edward M. Chen noted the “very substantial risks” in the case and recognized Robbins Geller had performed “extensive work on the case.” *In re VeriFone Holdings, Inc. Sec. Litig.*, No. C-07-6140, 2014 U.S. Dist. LEXIS 20044, at \*5, \*11-\*12 (N.D. Cal. Feb. 18, 2014).
- In August 2013, in granting final approval of the settlement, the Honorable Richard J. Sullivan stated: “Lead Counsel is to be commended for this result: it expended considerable effort and resources over the course of the action researching, investigating, and prosecuting the claims, at significant risk to itself, and in a skillful and efficient manner, to achieve an outstanding recovery for class members. Indeed, the result – and the class’s embrace of it – is a testament to the experience and tenacity Lead Counsel brought to bear.” *City of Livonia Emps. Ret. Sys. v. Wyeth*, No. 07 Civ. 10329, 2013 U.S. Dist. LEXIS 113658, at \*13 (S.D.N.Y. Aug. 7, 2013).
- In July 2013, in granting final approval of the settlement, the Honorable William H. Alsup stated that Robbins Geller did “excellent work in this case,” and continued, “I look forward to seeing you on the next case.” *Fraser v. Asus Comput. Int’l*, No. C 12-0652, Transcript at 12:2-3 (N.D. Cal. July 11, 2013).
- In June 2013, in certifying the class, U.S. District Judge James G. Carr recognized Robbins Geller’s steadfast commitment to the class, noting that “plaintiffs, with the help of Robbins Geller, have twice successfully appealed this court’s orders granting defendants’ motion to dismiss.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, 292 F.R.D. 515, 524 (N.D. Ohio 2013).
- In November 2012, in granting appointment of lead plaintiff, Chief Judge James F. Holderman commended Robbins Geller for its “substantial experience in securities class action litigation” and commented that the Firm “is recognized as ‘one of the most successful law firms in securities class actions, if not the preeminent one, in the country.’” *In re Enron Corp. Sec.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008) (Harmon, J.).” He continued further that, “‘Robbins Geller attorneys are responsible for obtaining the largest securities fraud class action recovery ever [\$7.2 billion in *Enron*], as well as the largest recoveries in the Fifth, Sixth, Eighth, Tenth and Eleventh Circuits.’” *Bristol Cnty. Ret. Sys. v. Allscripts Healthcare Sols., Inc.*, No. 12 C 3297, 2012 U.S. Dist. LEXIS 161441, at \*21 (N.D. Ill. Nov. 9, 2012).
- In June 2012, in granting plaintiffs’ motion for class certification, the Honorable Inge Prytz Johnson noted that other courts have referred to Robbins Geller as “‘one of the most successful law firms in securities class actions . . . in the country.’” *Local 703, I.B. v. Regions Fin. Corp.*, 282 F.R.D. 607, 616 (N.D. Ala. 2012) (quoting *In re Enron Corp. Sec. Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008)), *aff’d in part and vacated in part on other grounds*, 762 F.3d 1248 (11th Cir. 2014).
- In June 2012, in granting final approval of the settlement, the Honorable Barbara S. Jones commented that “class counsel’s representation, from the work that I saw, appeared to me to be of the highest quality.” *In re CIT Grp. Inc. Sec. Litig.*, No. 08 Civ. 6613, Transcript at 9:16-18 (S.D.N.Y. June 13, 2012).

- In March 2012, in granting certification for the class, Judge Robert W. Sweet referenced the *Enron* case, agreeing that Robbins Geller’s “clearly superlative litigating and negotiating skills” give the Firm an “outstanding reputation, experience, and success in securities litigation nationwide,” thus, “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *Billhofer v. Flamel Techs., S.A.*, 281 F.R.D. 150, 158 (S.D.N.Y. 2012).
- In March 2011, in denying defendants’ motion to dismiss, Judge Richard Sullivan commented: “Let me thank you all. . . . [The motion] was well argued . . . and . . . well briefed . . . . I certainly appreciate having good lawyers who put the time in to be prepared . . . .” *Anegada Master Fund Ltd. v. PxRE Grp. Ltd.*, No. 08-cv-10584, Transcript at 83 (S.D.N.Y. Mar. 16, 2011).
- In January 2011, the court praised Robbins Geller attorneys: “They have gotten very good results for stockholders. . . . [Robbins Geller has] such a good track record.” *In re Compellent Techs., Inc. S’holder Litig.*, No. 6084-VCL, Transcript at 20-21 (Del. Ch. Jan. 13, 2011).
- In August 2010, in reviewing the settlement papers submitted by the Firm, Judge Carlos Murguia stated that Robbins Geller performed “a commendable job of addressing the relevant issues with great detail and in a comprehensive manner . . . . The court respects the [Firm’s] experience in the field of derivative [litigation].” *Alaska Elec. Pension Fund v. Olofson*, No. 08-cv-02344-CM-JPO (D. Kan.) (Aug. 20, 2010 e-mail from court re: settlement papers).
- In June 2009, Judge Ira Warshawsky praised the Firm’s efforts in *In re Aeroflex, Inc. S’holder Litig.*: “There is no doubt that the law firms involved in this matter represented in my opinion the cream of the crop of class action business law and mergers and acquisition litigators, and from a judicial point of view it was a pleasure working with them.” *In re Aeroflex, Inc. S’holder Litig.*, No. 003943/07, Transcript at 25:14-18 (N.Y. Sup. Ct., Nassau Cnty. June 30, 2009).
- In March 2009, in granting class certification, the Honorable Robert Sweet of the Southern District of New York commented in *In re NYSE Specialists Sec. Litig.*, 260 F.R.D. 55, 74 (S.D.N.Y. 2009): “As to the second prong, the Specialist Firms have not challenged, in this motion, the qualifications, experience, or ability of counsel for Lead Plaintiff, [Robbins Geller], to conduct this litigation. Given [Robbins Geller’s] substantial experience in securities class action litigation and the extensive discovery already conducted in this case, this element of adequacy has also been satisfied.”
- In June 2008, the court commented, “Plaintiffs’ lead counsel in this litigation, [Robbins Geller], has demonstrated its considerable expertise in shareholder litigation, diligently advocating the rights of Home Depot shareholders in this Litigation. [Robbins Geller] has acted with substantial skill and professionalism in representing the plaintiffs and the interests of Home Depot and its shareholders in prosecuting this case.” *City of Pontiac Gen. Emps.’ Ret. Sys. v. Langone*, No. 2006-122302, Findings of Fact in Support of Order and Final Judgment at 2 (Ga. Super. Ct., Fulton Cnty. June 10, 2008).
- In a December 2006 hearing on the \$50 million consumer privacy class action settlement in *Kehoe v. Fidelity Fed. Bank & Tr.*, No. 03-80593-CIV (S.D. Fla.), United States District Court Judge Daniel T.K. Hurley said the following:

First, I thank counsel. As I said repeatedly on both sides, we have been very, very fortunate. We have had fine lawyers on both sides. The issues in the case are significant issues. We are talking about issues dealing with consumer protection

and privacy. Something that is increasingly important today in our society. . . . I want you to know I thought long and hard about this. I am absolutely satisfied that the settlement is a fair and reasonable settlement. . . . I thank the lawyers on both sides for the extraordinary effort that has been brought to bear here . . . .

*Kehoe v. Fidelity Fed. Bank & Tr.*, No. 03-80593-CIV, Transcript at 26, 28-29 (S.D. Fla. Dec. 7, 2006).

- In *Stanley v. Safeskin Corp.*, No. 99 CV 454 (S.D. Cal.), where Robbins Geller attorneys obtained \$55 million for the class of investors, Judge Moskowitz stated:

I said this once before, and I'll say it again. I thought the way that your firm handled this case was outstanding. This was not an easy case. It was a complicated case, and every step of the way, I thought they did a very professional job.

*Stanley v. Safeskin Corp.*, No. 99 CV 454, Transcript at 13 (S.D. Cal. May 25, 2004).



# ATTORNEY BIOGRAPHIES

## Mario Alba Jr. | Partner

Mario Alba is a partner in the Firm's Melville office. He is a member of the Firm's Institutional Outreach Team, which provides advice to the Firm's institutional clients, including numerous public pension systems and Taft-Hartley funds throughout the United States, and consults with them on issues relating to corporate fraud in the U.S. securities markets, as well as corporate governance issues and shareholder litigation. Some of Alba's institutional clients are currently involved in securities cases involving: Acadia Healthcare Company, Inc.; Reckitt Benckiser Group plc; Livent Corporation; Ryanair Holdings plc; Southwest Airlines Co.; Green Dot Corporation; and XPO Logistics, Inc. Alba's institutional clients are/were also involved in other types of class actions, namely: *In re National Prescription Opiate Litigation*, *In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation* (\$345 million partial settlement achieved a few months prior to trial; additional \$264 million settlement pending approval), *Forth v. Walgreen Co.*, and *In re Humira (Adalimumab) Antitrust Litigation*.

Alba has served as lead counsel in numerous cases and is responsible for initiating, investigating, researching, and filing securities and consumer fraud class actions. He has recovered hundreds of millions of dollars in numerous actions, including cases against BHP Billiton Limited (\$50 million recovery), BRF S.A. (\$40 million recovery), L3 Technologies, Inc. (\$34.5 million recovery), Impax Laboratories Inc. (\$33 million recovery); Super Micro Computer, Inc. (\$18.25 million recovery); NBTY, Inc. (\$16 million recovery), OSI Pharmaceuticals (\$9 million recovery), Advisory Board Company (\$7.5 million recovery), Iconix Brand Group, Inc. (\$6 million recovery), and PXRe Group, Ltd. (\$5.9 million).

Alba has lectured at numerous institutional investor conferences throughout the United States on various shareholder issues, including at the Opal Public Funds Summit, Koried Plan Sponsor Educational Institute, Georgia Association of Public Pension Trustees (GAPPT) Annual Conference, Illinois Public Pension Fund Association, the New York State Teamsters Conference, the American Alliance Conference, and the TEXPERS/IPPPFA Joint Conference at the New York Stock Exchange, among others.

## Education

B.S., St. John's University, 1999; J.D., Hofstra University School of Law, 2002

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2012-2013, 2016-2017; B.S., Dean's List, St. John's University, 1999; Selected as participant in Hofstra Moot Court Seminar, Hofstra University School of Law

## Michael Albert | Partner

Michael Albert is a partner in the Firm's San Diego office, where his practice focuses on complex securities litigation. Albert is a member of the Firm's Lead Plaintiff Advisory Team, which advises institutional investors in connection with lead plaintiff motions, and assists them in securing appointment as lead plaintiff. He is also part of the Firm's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies.

Albert has been a member of litigation teams that have successfully recovered hundreds of millions of dollars for investors in securities class actions, including: *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* (\$272 million recovery), *City of Pontiac General Employees' Retirement Systems v. Wal-Mart Stores, Inc.* (\$160 million recovery), and *In re LendingClub Securities Litigation* (\$125 million recovery). Albert was also a member of the litigation team that recently obtained a \$85 million cash settlement in a consumer class action against Scotts Miracle-Gro.

## Education

B.A., University of Wisconsin-Madison, 2010; J.D., University of Virginia School of Law, 2014

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2020-2021; Managing Board Member, *Virginia Tax Review*, University of Virginia School of Law

## Matthew I. Alpert | Partner

Matthew Alpert is a partner in the Firm's San Diego office and focuses on the prosecution of securities fraud litigation. He has helped recover over \$800 million for individual and institutional investors financially harmed by corporate fraud. Alpert's current cases include securities fraud cases against XPO Logistics (D. Conn.), Canada Goose (S.D.N.Y.), Inogen (C.D. Cal.), and Under Armour (D. Md.). Most recently, Alpert and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.* (D.N.J.), a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever. Alpert was also a member of the litigation team that successfully obtained class certification in a securities fraud class action against Regions Financial, a class certification decision which was substantively affirmed by the United States Court of Appeals for the Eleventh Circuit in *Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.*, 762 F.3d 1248 (11th Cir. 2014). Upon remand, the United States District Court for the Northern District of Alabama granted class certification again, rejecting defendants' post-*Halliburton II* arguments concerning stock price impact.

Some of Alpert's previous cases include: the individual opt-out actions of the AOL Time Warner class action – *Regents of the Univ. of Cal. v. Parsons* (Cal. Super. Ct., Los Angeles Cnty.) and *Ohio Pub. Emps. Ret. Sys. v. Parsons* (Ohio. Ct. of Common Pleas, Franklin Cnty.) (total settlement over \$600 million); *Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.* (N.D. Ala.) (\$90 million settlement); *In re MGM Mirage Sec. Litig.* (D. Nev.) (\$75 million); *In re CIT Grp. Inc. Sec. Litig.* (S.D.N.Y.) (\$75 million settlement); *Luna v. Marvell Tech. Grp., Ltd.* (N.D. Cal.) (\$72.5 million settlement); *Deka Investment GmbH v. Santander Consumer USA Holdings Inc.* (N.D. Tex.) (\$47 million settlement); *In re Bridgestone Sec. Litig.* (M.D. Tenn.) (\$30 million settlement); *In re Walter Energy, Inc. Sec. Litig.* (N.D. Ala.) (\$25 million); *City of Hialeah Emps.' Ret. Sys. & Laborers Pension Trust Fund for N. Cal. v. Toll Brothers, Inc.* (E.D. Pa.) (\$25 million settlement); *In re Molycorp, Inc. Sec. Litig.* (D. Colo.) (\$20.5 million settlement); *In re Banc of California Sec. Litig.* (C.D. Cal.) (\$19.75 million); *Zimmerman v. Diplomat Pharmacy, Inc.* (E.D. Mich.) (\$14.1 million); *Batwin v. Occam Networks, Inc.* (C.D. Cal.) (\$13.9 million settlement); *Int'l Brotherhood of Elec. Workers Local 697 Pension Fund v. Int'l Game Tech.* (D. Nev.) (\$12.5 million settlement); *Kmiec v. Powerwave Techs. Inc.* (C.D. Cal.) (\$8.2 million); *In re Sunterra Corp. Sec. Litig.* (D. Nev.) (\$8 million settlement); and *Luman v. Anderson* (W.D. Mo.) (\$4.25 million settlement).

## Education

B.A., University of Wisconsin at Madison, 2001; J.D., Washington University, St. Louis, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2019

## Darryl J. Alvarado | Partner

Darryl Alvarado is a partner in the Firm's San Diego office. He focuses his practice on securities fraud and other complex civil litigation. Alvarado was a member of the trial team in *Smilovits v. First Solar, Inc.*, which recovered \$350 million for aggrieved investors. The *First Solar* settlement, reached on the eve of trial after more than seven years of litigation and an interlocutory appeal to the U.S. Supreme Court, is the fifth-largest PSLRA recovery ever obtained in the Ninth Circuit. Alvarado recently litigated *Monroe County Employees' Retirement System v. The Southern Company*, which recovered \$87.5 million for investors after more than three years of litigation. The settlement resolved securities fraud claims stemming from defendants' issuance of misleading statements and omissions regarding the construction of a first-of-its-kind "clean coal" power plant in Kemper County, Mississippi. Alvarado helped secure \$388 million for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* That settlement is, on a percentage basis, the largest recovery ever achieved in an RMBS class action. He was also a member of a team of attorneys that secured \$95 million for investors in Morgan Stanley-issued RMBS in *In re Morgan Stanley Mortgage Pass-Through Certificates Litigation*.

Alvarado was a member of a team of lawyers that obtained landmark settlements, on the eve of trial, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Incorporated* and *King County, Washington v. IKB Deutsche Industriebank AG*. He was integral in obtaining several precedent-setting decisions in those cases, including defeating the rating agencies' historic First Amendment defense and defeating the ratings agencies' motions for summary judgment concerning the actionability of credit ratings. Alvarado was also a member of a team of attorneys responsible for obtaining for aggrieved investors \$27 million in *In re Cooper Companies Securities Litigation*, \$19.5 million in *City of Pontiac General Employees' Retirement System v. Lockheed Martin Corporation*, and comprehensive corporate governance reforms to address widespread off-label marketing and product safety violations in *In re Johnson & Johnson Derivative Litigation*.

## Education

B.A., University of California, Santa Barbara, 2004; J.D., University of San Diego School of Law, 2007

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2018-2021; Top 40 Under 40, *Daily Journal*, 2021; Rising Star, *Super Lawyers Magazine*, 2015-2021; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2011

## X. Jay Alvarez | Partner

Jay Alvarez is a partner in the Firm's San Diego office. He focuses his practice on securities fraud litigation and other complex litigation. Alvarez's notable cases include *In re Qwest Commc'ns Int'l, Inc. Sec. Litig.* (\$400 million recovery), *In re Coca-Cola Sec. Litig.* (\$137.5 million settlement), *In re St. Jude Medical, Inc. Sec. Litig.* (\$50 million settlement), and *In re Cooper Cos. Sec. Litig.* (\$27 million recovery). Most recently, Alvarez was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members are eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis.

Prior to joining the Firm, Alvarez served as an Assistant United States Attorney for the Southern District of California from 1991-2003. As an Assistant United States Attorney, he obtained extensive trial experience, including the prosecution of bank fraud, money laundering, and complex narcotics conspiracy cases. During his tenure as an Assistant United States Attorney, Alvarez also briefed and argued numerous appeals before the Ninth Circuit Court of Appeals.

## Education

B.A., University of California, Berkeley, 1984; J.D., University of California, Berkeley, Boalt Hall School of Law, 1987

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2020

## Dory P. Antullis | Partner

Dory Antullis is a partner in the Firm's Boca Raton office and has been practicing law for 17 years, first at a major defense firm and the last 9-1/2 at Robbins Geller. Her practice focuses on complex class actions, including consumer fraud, RICO, public nuisance, data breach, pharmaceuticals, and antitrust litigation.

Antullis, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re Nat'l Prescription Opiate Litig.*, No. 1:17-MD-2804 (N.D. Ohio). She also serves as a primary counsel for named plaintiffs in the consolidated Third Party Payer class action in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, No. 9:20-md-02924-RLR (S.D. Fla.), and is as a core member of the MDL Class Committee responsible for drafting, defending, and proving products liability, RICO, and consumer protection allegations on behalf of both TPPs and consumers nationwide.

Antullis has been an integral part of Robbins Geller's history of successful privacy and data breach class action cases. She is currently serving as Interim Co-Lead Class Counsel in *In re Luxottica of America, Inc. Data Breach Litig.*, No. 1:20-cv-00908-MRB (S.D. Ohio). Her heavy lifting at every stage of the litigation in *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-md-02752-LHK (N.D. Cal.), helped to secure a \$117.5 million recovery in the largest data breach in history. Antullis successfully defeated two rounds of dispositive briefing, worked with leadership and computer privacy and damages experts to plan a winning strategy for the case, and drafted an innovative motion for class certification that immediately preceded a successful mediation with defendants in that litigation. Antullis also provided meaningful "nuts-and-bolts" support in other data breach class actions, including *In re Am. Med. Collection Agency, Inc., Customer Data Sec. Breach Litig.*, No. 2:19-md-02904-MCA-MAH (D.N.J.) (representing class of LabCorp customers), and *In re Solara Med. Supplies Customer Data Breach Litig.*, No. 3:19-cv-02284-H-KSC (S.D. Cal.) (representing victims of a protected health information data breach).

## Education

B.A., Rice University, 1999; J.D., Columbia Law School, 2003

## Honors / Awards

500 Leading Plaintiff Consumer Lawyer, *Lawdragon*, 2022; National Merit Scholar, Rice University; Golden Key National Honor Society, Rice University; Nominated for *The Rice Undergraduate* academic journal, Rice University; Michael I. Sovern Scholar, Columbia Law School; Hague Appeal for Peace, Committee for a Just and Effective Response to 9/11, Columbia Law School; Columbia Mediation and Political Asylum Clinics, Columbia Law School; Harlem Tutorial Program, Columbia Law School; Journal of Eastern European Law, Columbia Law School; Columbia Law Women's Association, Columbia Law School

## Stephen R. Astley | Partner

Stephen Astley is a partner in the Firm's Boca Raton office. Astley devotes his practice to representing institutional and individual shareholders in their pursuit to recover investment losses caused by fraud. He has been lead counsel in numerous securities fraud class actions across the country, helping secure significant recoveries for his clients and investors. He was on the trial team that recovered \$60 million on behalf of investors in *City of Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.* Other notable representations include: *In re ADT Inc. S'holder Litig.* (Fla. Cir. Ct., 15th Jud. Cir.) (\$30 million settlement); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.) (\$20 million settlement); *Eshe Fund v. Fifth Third Bancorp* (S.D. Ohio) (\$16 million); *City of St. Clair Shores Gen. Emps.' Ret. Sys. v. Lender Processing Servs., Inc.* (M.D. Fla.) (\$14 million); and *In re Synovus Fin. Corp.* (N.D. Ga.) (\$11.75 million).

Prior to joining the Firm, Astley was with the Miami office of Hunton & Williams, where he concentrated his practice on class action defense, including securities class actions and white collar criminal defense. Additionally, he represented numerous corporate clients accused of engaging in unfair and deceptive practices. Astley was also an active duty member of the United States Navy's Judge Advocate General's Corps where he was the Senior Defense Counsel for the Naval Legal Service Office Pearl Harbor Detachment. In that capacity, Astley oversaw trial operations for the Detachment and gained substantial first-chair trial experience as the lead defense counsel in over 75 courts-martial and administrative proceedings. Additionally, from 2002-2003, Astley clerked for the Honorable Peter T. Fay, U.S. Court of Appeals for the Eleventh Circuit.

## Education

B.S., Florida State University, 1992; M. Acc., University of Hawaii at Manoa, 2001; J.D., University of Miami School of Law, 1997

## Honors / Awards

J.D., *Cum Laude*, University of Miami School of Law, 1997; United States Navy Judge Advocate General's Corps., Lieutenant



## A. Rick Atwood, Jr. | Partner

Rick Atwood is a partner in the Firm's San Diego office. As a recipient of the *California Lawyer* Attorney of the Year ("CLAY") Award for his work on behalf of shareholders, he has successfully represented shareholders in securities class actions, merger-related class actions, and shareholder derivative suits in federal and state courts in more than 30 jurisdictions. Through his litigation efforts at both the trial and appellate levels, Atwood has helped recover billions of dollars for public shareholders, including the largest post-merger common fund recoveries on record. He is also part of the Firm's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. Most recently, in *In re Dole Food Co., Inc. S'holder Litig.*, which went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders, Atwood helped obtain \$148 million, the largest trial verdict ever in a class action challenging a merger transaction. He was also a key member of the litigation team in *In re Kinder Morgan, Inc. S'holders Litig.*, where he helped obtain an unprecedented \$200 million common fund for former Kinder Morgan shareholders, the largest merger & acquisition class action recovery in history.

Atwood also led the litigation team that obtained an \$89.4 million recovery for shareholders in *In re Del Monte Foods Co. S'holders Litig.*, after which the Delaware Court of Chancery stated that "it was only through the effective use of discovery that the plaintiffs were able to 'disturb[ ] the patina of normalcy surrounding the transaction.'" The court further commented that "Lead Counsel engaged in hard-nosed discovery to penetrate and expose problems with practices that Wall Street considered 'typical.'" One Wall Street banker even wrote in *The Wall Street Journal* that "Everybody does it, but Barclays is the one that got caught with their hand in the cookie jar . . . . Now everybody has to rethink how we conduct ourselves in financing situations." Atwood's other significant opinions include *Brown v. Brewer* (\$45 million recovery) and *In re Prime Hosp., Inc. S'holders Litig.* (\$25 million recovery).

## Education

B.A., University of Tennessee, Knoxville, 1987; B.A., Katholieke Universiteit Leuven, Belgium, 1988; J.D., Vanderbilt School of Law, 1991

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Recommended Lawyer, *The Legal 500*, 2017-2019; M&A Litigation Attorney of the Year in California, *Corporate International*, 2015; Super Lawyer, *Super Lawyers Magazine*, 2014-2017; Attorney of the Year, *California Lawyer*, 2012; B.A., Great Distinction, Katholieke Universiteit Leuven, Belgium, 1988; B.A., Honors, University of Tennessee, Knoxville, 1987; Authorities Editor, *Vanderbilt Journal of Transnational Law*, 1991

## Aelish M. Baig | Partner

Aelish Marie Baig is a partner in the Firm's San Francisco office. She specializes in federal securities and consumer class actions. She focuses primarily on securities fraud litigation on behalf of individual and institutional investors, including state and municipal pension funds, Taft-Hartley funds, and private retirement and investment funds. Baig has litigated a number of cases through jury trial, resulting in multi-million dollar awards and settlements for her clients, and has prosecuted securities fraud, consumer, and derivative actions obtaining millions of dollars in recoveries against corporations such as Wells Fargo, Verizon, Celera, Pall, and Prudential.

Baig, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and



counties around the country in *In re National Prescription Opiate Litigation*. She has also been appointed to the Plaintiffs' Steering Committee in *In re Juul Labs, Inc., Marketing Sales Practices and Product Liability Litigation*, currently pending before the Honorable William H. Orrick in the Northern District of California. She serves on the expert and trial committees and represents, among others, one of the trial bellwethers. Baig and her team have recently completed discovery and are currently preparing for expert reports and trial. She has also been appointed by the Honorable Charles R. Breyer in the Northern District of California to the Plaintiffs' Steering Committee in *In re McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation*.

Additionally, Baig prosecuted an action against Wells Fargo's directors and officers accusing the giant of engaging in the robo-signing of foreclosure papers so as to mass-process home foreclosures, a practice which contributed significantly to the 2008-2009 financial crisis. The resulting settlement was worth more than \$67 million in cash, corporate preventative measures, and new lending initiatives for residents of cities devastated by Wells Fargo's alleged unlawful foreclosure practices. Baig and a team of Robbins Geller attorneys recently obtained a \$62.5 million settlement in *Villella v. Chemical and Mining Company of Chile Inc.*, a securities class action against a Chilean mining company. The case alleged that Sociedad Química y Minera de Chile S.A. ("SQM") violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the Company's failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars' worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014. Due to the company being based out of Chile and subject to Chilean law and rules, Baig and the Robbins Geller litigation team put together a multilingual litigation team with Chilean expertise. Baig was also part of the litigation and trial team in *White v. Celco Partnership d/b/a Verizon Wireless*, which resulted in a \$25 million settlement and Verizon's agreement to an injunction restricting its ability to impose early termination fees in future subscriber agreements. She was also part of the team that prosecuted dozens of stock option backdating actions, securing tens of millions of dollars in cash recoveries as well as the implementation of comprehensive corporate governance enhancements for numerous companies victimized by their directors' and officers' fraudulent stock option backdating practices. Additionally, Baig prosecuted an action against Prudential Insurance for its alleged failure to pay life insurance benefits to beneficiaries of policyholders it knew or had reason to know had died, resulting in a settlement in excess of \$30 million.

## Education

B.A., Brown University, 1992; J.D., Washington College of Law at American University, 1998

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; 500 Leading Plaintiff Consumer Lawyer, *Lawdragon*, 2022; Leading Lawyer in America, *Lawdragon*, 2020-2022; Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Plaintiffs' Lawyers Trailblazer, *The National Law Journal*, 2021; Best Lawyer in Northern California: One to Watch, *Best Lawyers*®, 2021; Featured in "Lawyer Limelight" series, *Lawdragon*, 2020; Litigation Trailblazer, *The National Law Journal*, 2019; California Trailblazer, *The Recorder*, 2019; Super Lawyer, *Super Lawyers Magazine*, 2012-2013; J.D., *Cum Laude*, Washington College of Law at American University, 1998; Senior Editor, *Administrative Law Review*, Washington College of Law at American University

## Randall J. Baron | Partner

Randy Baron is a partner in the Firm's San Diego office. He specializes in securities litigation, corporate takeover litigation, and breach of fiduciary duty actions. For almost two decades, Baron has headed up a team of lawyers whose accomplishments include obtaining instrumental rulings both at injunction and trial phases, and establishing liability of financial advisors and investment banks. With an in-depth understanding of merger and acquisition and breach of fiduciary duty law, an ability to work under extreme time pressures, and the experience and willingness to take a case through trial, he has been responsible for recovering more than a billion dollars for shareholders.

Notable achievements over the years include: *In re Kinder Morgan, Inc. S'holders Litig.* (Kan. Dist. Ct., Shawnee Cnty.), where Baron obtained an unprecedented \$200 million common fund for former Kinder Morgan shareholders, the largest merger & acquisition class action recovery in history; *In re Dole Food Co., Inc. S'holder Litig.* (Del. Ch.), where he went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders and obtained \$148 million, the largest trial verdict ever in a class action challenging a merger transaction; and *In re Rural/Metro Corp. S'holders Litig.* (Del. Ch.), where Baron and co-counsel obtained nearly \$110 million total recovery for shareholders against Royal Bank of Canada Capital Markets LLC. In *In re Del Monte Foods Co. S'holders Litig.* (Del. Ch.), he exposed the unseemly practice by investment bankers of participating on both sides of large merger and acquisition transactions and ultimately secured an \$89 million settlement for shareholders of Del Monte. Baron was one of the lead attorneys representing about 75 public and private institutional investors that filed and settled individual actions in *In re WorldCom Sec. Litig.* (S.D.N.Y.), where more than \$657 million was recovered, the largest opt-out (non-class) securities action in history. Most recently, Baron successfully obtained a partial settlement of \$60 million in *In re Tesla Motors, Inc. S'holder Litig.*, a case that alleged that the members of the Tesla Board of Directors breached their fiduciary duties, unjustly enriched themselves, and wasted corporate assets in connection with their approval of Tesla's acquisition of SolarCity Corp. in 2016.

## Education

B.A., University of Colorado at Boulder, 1987; J.D., University of San Diego School of Law, 1990

## Honors / Awards

Fellow, Advisory Board, Litigation Counsel of America (LCA); Rated Distinguished by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Hall of Fame, *The Legal 500*, 2020-2022; Leading Lawyer, *Chambers USA*, 2016-2022; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2022; Leading Lawyer in America, *Lawdragon*, 2011, 2017-2019, 2021-2022; Best Lawyer in America, *Best Lawyers®*, 2019-2022; Southern California Best Lawyer, *Best Lawyers®*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2016, 2018-2020; National Practice Area Star, *Benchmark Litigation*, 2019-2020; Local Litigation Star, *Benchmark Litigation*, 2018, 2020; Leading Lawyer, *The Legal 500*, 2014-2019; Litigation Star, *Benchmark Litigation*, 2016-2019; California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Winning Litigator, *The National Law Journal*, 2018; Titan of the Industry, *The American Lawyer*, 2018; Recommended Lawyer, *The Legal 500*, 2017; Mergers & Acquisitions Trailblazer, *The National Law Journal*, 2015-2016; Litigator of the Week, *The American Lawyer*, October 16, 2014; Attorney of the Year, *California Lawyer*, 2012; Litigator of the Week, *The American Lawyer*, October 7, 2011; J.D., *Cum Laude*, University of San Diego School of Law, 1990

## James E. Barz | Partner

James Barz is a partner with the Firm and manages the Firm's Chicago office. He has tried 18 cases to verdict, conducted numerous evidentiary hearings, drafted many appeals, and argued 9 cases in the Seventh Circuit. Barz is a registered CPA, former federal prosecutor, and an adjunct professor at Northwestern University School of Law from 2008 to 2021, teaching courses on trial advocacy and class action litigation.

Barz has focused on representing investors in securities fraud class actions that have resulted in recoveries of over \$2 billion. Most recently, Barz was lead counsel in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, and secured a \$1.21 billion recovery for investors, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest securities class action settlement ever. Barz was recognized as a Litigator of the Week by *The American Lawyer* for his work in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*

Barz has also secured substantial recoveries for investors in *HCA* (\$215 million, M.D. Tenn.); *Motorola* (\$200 million, N.D. Ill.); *Sprint* (\$131 million, D. Kan.); *Orbital ATK* (\$108 million, E.D. Va.); *Psychiatric Solutions* (\$65 million, M.D. Tenn.); *Dana Corp.* (\$64 million, N.D. Ohio); *Hospira* (\$60 million, N.D. Ill.); *Career Education* (\$27.5 million, N.D. Ill.); *Accretive Health* (\$14 million, N.D. Ill.); *LJM Funds Management, Ltd.* (\$12.85 million, N.D. Ill.); and *Camping World* (\$12.5 million). He has been lead trial counsel in several of these cases obtaining favorable settlements just days or weeks before trial and after obtaining denials of summary judgment. Barz also handles whistleblower cases, including successful settlements in *United States v. Signature Healthcare LLC* (M.D. Tenn.) (\$30 million) and *Goodman v. Arriva Medical LLC* (M.D. Tenn.) (\$160 million settlement with government and \$28.5 million award to whistleblower). Barz also handles antitrust cases, including currently serving on the Plaintiffs' Steering Committee in *In re Dealer Management Systems Antitrust Litigation* (N.D. Ill.).

## Education

B.B.A., Loyola University Chicago, School of Business Administration, 1995; J.D., Northwestern University School of Law, 1998

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Midwest Trailblazer, *The American Lawyer*, 2022; Award for Excellence in Pro Bono Service, United States District Court for the Northern District of Illinois, 2021; Litigator of the Week, *The American Lawyer*, 2021; Super Lawyer, *Super Lawyers Magazine*, 2018-2021; Leading Lawyer, Law Bulletin Media, 2018; B.B.A., *Summa Cum Laude*, Loyola University Chicago, School of Business Administration, 1995; J.D., *Cum Laude*, Northwestern University School of Law, 1998

## Lea Malani Bays | Partner

Lea Malani Bays is a partner in the Firm's San Diego office. She focuses on e-discovery issues, from preservation through production, and provides counsel to the Firm's multi-disciplinary e-discovery team consisting of attorneys, forensic analysts, and database professionals. Through her role as counsel to the e-discovery team, Bays is very familiar with the various stages of e-discovery, including identification of relevant electronically stored information, data culling, predictive coding protocols, privilege, and responsiveness reviews, as well as having experience in post-production discovery through trial preparation. Through speaking at various events, she is also a leader in shaping the broader dialogue on e-discovery issues.

Bays was recently part of the litigation team that earned the approval of a \$131 million settlement in favor of plaintiffs in *Bennett v. Sprint Nextel Corp.* The settlement, which resolved claims arising from Sprint Corporation's ill-fated merger with Nextel Communications in 2005, represents a significant recovery for the plaintiff class, achieved after five years of tireless effort by the Firm. Prior to joining Robbins Geller, Bays was a Litigation Associate at Kaye Scholer LLP's New York office. She has experience in a wide range of litigation, including complex securities litigation, commercial contract disputes, business torts, antitrust, civil fraud, and trust and estate litigation.

## Education

B.A., University of California, Santa Cruz, 1997; J.D., New York Law School, 2007

## Honors / Awards

Leading Lawyer, *Chambers USA*, 2019-2022; J.D., *Magna Cum Laude*, New York Law School, 2007; Executive Editor, *New York Law School Law Review*; Legal Aid Society's Pro Bono Publico Award; NYSBA Empire State Counsel; Professor Stephen J. Ellmann Clinical Legal Education Prize; John Marshall Harlan Scholars Program, Justice Action Center

## Nathan W. Bear | Partner

Nate Bear is a partner in the Firm's San Diego office. Bear advises institutional investors on a global basis. His clients include Taft-Hartley funds, public and multi-employer pension funds, fund managers, insurance companies, and banks around the world. He counsels clients on securities fraud and corporate governance, and frequently speaks at conferences worldwide. Bear has been part of Robbins Geller litigation teams which have recovered over \$1 billion for investors, including *In re Cardinal Health, Inc. Sec. Litig.* (\$600 million) and *Jones v. Pfizer Inc.* (\$400 million). In addition to initiating securities fraud class actions in the United States, he possesses direct experience in Australian class actions, potential group actions in the United Kingdom, settlements in the European Union under the Wet Collectieve Afwikkeling Massaschade (WCAM), the Dutch Collective Mass Claims Settlement Act, as well as representative actions in Germany utilizing the Kapitalanlegermusterverfahrensgesetz (KapMuG), the Capital Market Investors' Model Proceeding Act. In *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*, Bear was a member of the litigation team which achieved the first major ruling upholding fraud allegations against the chief credit rating agencies. That ruling led to the filing of a similar case, *King County, Washington v. IKB Deutsche Industriebank AG*. These cases, arising from the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles, ultimately obtained landmark settlements – on the eve of trial – from the major credit rating agencies and Morgan Stanley. Bear maintained an active role in litigation at the heart of the worldwide financial crisis, and pursued banks over their manipulation of LIBOR, FOREX, and other benchmark rates. Additionally, Bear represents investors damaged by the defeat device scandal enveloping German automotive manufacturers, including Volkswagen, Porsche, and Daimler.

## Education

B.A., University of California at Berkeley, 1998; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2016; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2011

## Alexandra S. Bernay | Partner

Xan Bernay is a partner in the Firm's San Diego office, where she specializes in antitrust and unfair competition class-action litigation. She has also worked on some of the Firm's largest securities fraud class actions, including the *Enron* litigation, which recovered an unprecedented \$7.2 billion for investors. Bernay currently serves as co-lead counsel in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Additionally, Bernay is involved in *In re Remicade Antitrust Litig.* pending in the Eastern District of Pennsylvania – a large case involving anticompetitive conduct in the biosimilars market, where the Firm is sole lead counsel for the end-payor plaintiffs. She is also part of the litigation team in *In re Dealer Mgmt. Sys. Antitrust Litig.* (N.D. Ill.), which involves anticompetitive conduct related to dealer management systems on behalf of auto dealerships across the country. Another representative case is *Persian Gulf Inc. v. BP West Coast Prods. LLC* (S.D. Cal.), a massive case against the largest gas refiners in the world brought by gasoline station owners who allege they were overcharged for gasoline in California as a result of anticompetitive conduct.

## Education

B.A., Humboldt State University, 1997; J.D., University of San Diego School of Law, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Litigator of the Week, *Global Competition Review*, October 1, 2014

## Erin W. Boardman | Partner

Erin Boardman is a partner in the Firm's Melville office, where her practice focuses on representing individual and institutional investors in class actions brought pursuant to the federal securities laws. She has been involved in the prosecution of numerous securities class actions that have resulted in millions of dollars in recoveries for defrauded investors, including: *Medoff v. CVS Caremark Corp.* (D.R.I.) (\$48 million recovery); *Construction Laborers Pension Tr. of Greater St. Louis v. Autoliv Inc.* (S.D.N.Y.) (\$22.5 million recovery); *In re Gildan Activewear Inc. Sec. Litig.* (S.D.N.Y.) (resolved as part of a \$22.5 million global settlement); *In re L.G. Phillips LCD Co., Ltd., Sec. Litig.* (S.D.N.Y.) (\$18 million recovery); *In re Giant Interactive Grp., Inc. Sec. Litig.* (S.D.N.Y.) (\$13 million recovery); *In re Coventry HealthCare, Inc. Sec. Litig.* (D. Md.) (\$10 million recovery); *Lenartz v. American Superconductor Corp.* (D. Mass.) (\$10 million recovery); *Dudley v. Haub* (D.N.J.) (\$9 million recovery); *Hildenbrand v. W Holding Co.* (D.P.R.) (\$8.75 million recovery); *In re Doral Fin. Corp. Sec. Litig.* (D.P.R.) (\$7 million recovery); and *Van Dongen v. CNinsure Inc.* (S.D.N.Y.) (\$6.625 million recovery). During law school, Boardman served as Associate Managing Editor of the *Journal of Corporate, Financial and Commercial Law*, interned in the chambers of the Honorable Kiyo A. Matsumoto in the United States District Court for the Eastern District of New York, and represented individuals on a *pro bono* basis through the Workers' Rights Clinic.

## Education

B.A., State University of New York at Binghamton, 2003; J.D., Brooklyn Law School, 2007

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2022; Rising Star, *Super Lawyers Magazine*, 2015-2018; B.A., *Magna Cum Laude*, State University of New York at Binghamton, 2003

## Douglas R. Britton | Partner

Doug Britton is a partner in the Firm's San Diego office. His practice focuses on securities fraud and corporate governance. Britton has been involved in settlements exceeding \$1 billion and has secured significant corporate governance enhancements to improve corporate functioning. Notable achievements include *In re WorldCom, Inc. Sec. & "ERISA" Litig.*, where he was one of the lead partners that represented a number of opt-out institutional investors and secured an unprecedented recovery of \$651 million; *In re SureBeam Corp. Sec. Litig.*, where he was the lead trial counsel and secured an impressive recovery of \$32.75 million; and *In re Amazon.com, Inc. Sec. Litig.*, where he was one of the lead attorneys securing a \$27.5 million recovery for investors.

## Education

B.B.A., Washburn University, 1991; J.D., Pepperdine University School of Law, 1996

## Honors / Awards

J.D., *Cum Laude*, Pepperdine University School of Law, 1996



## Luke O. Brooks | Partner

Luke Brooks is a partner in the Firm's securities litigation practice group in the San Diego office. He focuses primarily on securities fraud litigation on behalf of individual and institutional investors, including state and municipal pension funds, Taft-Hartley funds, and private retirement and investment funds. Brooks served as trial counsel in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Other prominent cases recently prosecuted by Brooks include *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.*, in which plaintiffs recovered \$388 million for investors in J.P. Morgan residential mortgage-backed securities, and a pair of cases – *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.* (“Cheyne”) and *King County, Washington, et al. v. IKB Deutsche Industriebank AG* (“Rhinebridge”) – in which plaintiffs obtained a settlement, on the eve of trial in Cheyne, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles. *Reuters* described the settlement as a “landmark” deal and emphasized that it was the “first time S&P and Moody’s have settled accusations that investors were misled by their ratings.” An article published in *Rolling Stone* magazine entitled “The Last Mystery of the Financial Crisis” similarly credited Robbins Geller with uncovering “a mountain of evidence” detailing the credit rating agencies’ fraud. Most recently, Brooks served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

## Education

B.A., University of Massachusetts at Amherst, 1997; J.D., University of San Francisco, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Local Litigation Star, *Benchmark Litigation*, 2017-2018, 2020; California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Recommended Lawyer, *The Legal 500*, 2017-2018; Member, *University of San Francisco Law Review*, University of San Francisco



## Spencer A. Burkholz | Partner

Spence Burkholz is a partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He has 25 years of experience in prosecuting securities class actions and private actions on behalf of large institutional investors. Burkholz was one of the lead trial attorneys in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Burkholz has also recovered billions of dollars for injured shareholders in cases such as *Enron* (\$7.2 billion), *WorldCom* (\$657 million), *Countrywide* (\$500 million), and *Qwest* (\$445 million).

## Education

B.A., Clark University, 1985; J.D., University of Virginia School of Law, 1989

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020, 2022; Leading Lawyer in America, *Lawdragon*, 2018-2022; Best Lawyer in America, *Best Lawyers*®, 2018-2022; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Southern California Best Lawyer, *Best Lawyers*®, 2018-2021; Super Lawyer, *Super Lawyers Magazine*, 2015-2016, 2020; Top 100 Trial Lawyer, *Benchmark Litigation*, 2018-2020; National Practice Area Star, *Benchmark Litigation*, 2020; Local Litigation Star, *Benchmark Litigation*, 2015-2018, 2020; Lawyer of the Year, *Best Lawyers*®, 2020; Recommended Lawyer, *The Legal 500*, 2017-2019; Top 20 Trial Lawyer in California, *Benchmark Litigation*, 2019; California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Plaintiff Attorney of the Year, *Benchmark Litigation*, 2018; B.A., *Cum Laude*, Clark University, 1985; *Phi Beta Kappa*, Clark University, 1985

## Michael G. Capeci | Partner

Michael Capeci is a partner in the Firm's Melville office. His practice focuses on prosecuting complex securities class action lawsuits in federal and state courts. Throughout his tenure with the Firm, Capeci has played an integral role in the teams prosecuting cases such as: *In re BHP Billiton Ltd. Sec. Litig.* (\$50 million recovery); *Galestan v. OneMain Holdings, Inc.* (\$9 million recovery); *Carpenters Pension Tr. Fund of St. Louis v. Barclays PLC* (\$14 million recovery); *City of Pontiac General Emps.' Ret. Sys. v. Lockheed Martin Corp.* (\$19.5 million recovery); and *Plumbers and Pipefitters Local Union No. 630 Pension-Annuity Tr. Fund v. Arbitron Inc.* (\$7 million recovery). Capeci is currently prosecuting numerous cases in federal and state courts alleging violations of the Securities Exchange Act of 1934 and the Securities Act of 1933. Recently, Michael led the litigation team that achieved the first settlement of a 1933 Act claim in New York state court, *In re EverQuote, Inc. Sec. Litig.* (\$4.75 million recovery), following the U.S. Supreme Court's landmark decision in *Cyan, Inc. v. Beaver Cnty. Emps. Ret. Fund* in 2018.

## Education

B.S., Villanova University, 2007; J.D., Hofstra University School of Law, 2010

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2014-2020; J.D., *Cum Laude*, Hofstra University School of Law, 2010

## Jennifer N. Caringal | Partner

Jennifer Caringal is a partner in the Firm's San Diego office, where her practice focuses on complex antitrust and securities litigation. She is also part of the Firm's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies.

Caringal served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.

## Education

B.A., University of Illinois, 2006; J.D., Washington University in St. Louis, School of Law, 2012

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2022; Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Rising Star, *Super Lawyers Magazine*, 2021; Best Lawyer in Southern California: One to Watch, *Best Lawyers*®, 2021

## Brian E. Cochran | Partner

Brian Cochran is a partner in the Firm's San Diego and Chicago offices. He focuses his practice on complex securities, shareholder, consumer protection, and ERISA litigation. Cochran is also a member of Robbins Geller's SPAC Task Force. Cochran specializes in case investigation and initiation and lead plaintiff issues arising under the Private Securities Litigation Reform Act of 1995. He has developed dozens of cases under the federal securities laws and recovered hundreds of millions of dollars for injured investors and consumers. Several of Cochran's cases have pioneered new ground, such as cases on behalf of cryptocurrency investors, and sparked follow-on governmental investigations into corporate malfeasance. Cochran has spearheaded litigation on behalf of injured investors in blank check companies, developing one of the first securities class actions arising from the latest wave of blank check financing, *Alta Mesa Resources*. On March 31, 2021, the United States District Court for the Southern District of Texas denied defendants' motions to dismiss in their entirety.

Brian was a member of the litigation team that achieved a \$1.21 billion settlement in the *Valeant Pharmaceuticals* securities litigation. Brian also developed the *Dynamic Ledger* securities litigation, one of the first cases to challenge a cryptocurrency issuer's failure to register under the federal securities laws, which settled for \$25 million. In addition, Brian was part of the team that secured a historic \$25 million settlement on behalf of Trump University students, which Brian prosecuted on a *pro bono* basis. Other notable recoveries include: *Scotts Miracle-Gro* (up to \$85 million); *Psychiatric Solutions* (\$65 million); *SQM Chemical & Mining Co. of Chile* (\$62.5 million); *Big Lots* (\$38 million); *REV Group* (\$14.25 million, subject to court approval); *Fifth Street Finance* (\$14 million); *Third Avenue Management* (\$14 million); *LJM* (\$12.85 million); *Camping World* (\$12.5 million); *FTS International* (\$9.875 million); and *JPMorgan ERISA* (\$9 million).

## Education

A.B., Princeton University, 2006; J.D., University of California at Berkeley School of Law, Boalt Hall, 2012

## Honors / Awards

Next Generation Partner, *The Legal 500*, 2020-2022; 40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2020-2021; Rising Star, *The Legal 500*, 2019; A.B., With Honors, Princeton University, 2006; J.D., Order of the Coif, University of California at Berkeley School of Law, Boalt Hall, 2012

## Sheri M. Coverman | Partner

Sheri Coverman is a partner in the Firm's Boca Raton office. Her practice focuses on complex class actions, including securities, corporate governance, and consumer fraud litigation.

Coverman is a member of the Firm's Institutional Outreach Team, which provides advice to the Firm's institutional clients, including numerous public pension systems and Taft-Hartley funds throughout the United States, on issues related to corporate fraud, shareholder litigation, and corporate governance issues. Coverman frequently addresses trustees regarding their options for seeking redress for losses due to violations of securities laws and assists in ongoing litigation involving many Firm clients. Coverman's institutional clients are also involved in other types of class actions, namely: *In re National Prescription Opiate Litigation*.

## Education

B.A., University of Florida, 2008; J.D., University of Florida Levin College of Law, 2011

## Desiree Cummings | Partner

Desiree Cummings is a partner with the Firm and is based in the Manhattan office. Cummings focuses her practice on complex securities litigation, consumer and privacy litigation, and breach of fiduciary duty actions.

Before joining Robbins Geller, Cummings spent several years prosecuting securities fraud as an Assistant Attorney General with the New York State Office of the Attorney General's Investor Protection Bureau. As an Assistant Attorney General, Cummings was instrumental in the office's investigation and prosecution of J.P. Morgan and Goldman Sachs in connection with the marketing, sale and issuance of residential mortgage-backed securities, resulting in recoveries worth over \$1.6 billion for the State of New York. In connection with investigating and prosecuting securities fraud as part of a federal and state RMBS Working Group, Cummings was awarded the Louis J. Lefkowitz Award for Exceptional Service. Cummings began her career as a litigator at Paul, Weiss, Rifkind, Wharton & Garrison LLP where she spent several years representing major financial institutions, a pharmaceutical manufacturer, and public and private companies in connection with commercial litigations and state and federal regulatory investigations.

At Robbins Geller, Cummings currently serves as counsel in a data breach and privacy class action and in numerous securities fraud class actions pending in the United States District Court for the Southern District of New York and the United States District Court for the District of Minnesota. Cummings also serves as counsel in several breach of fiduciary duty actions presently pending in the Court of Chancery of the State of Delaware.

## Education

B.A., Binghamton University, 2001, *cum laude*; J.D., University of Michigan Law School, 2004

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2022; Louis J. Lefkowitz Award for Exceptional Service, New York State Office of the Attorney General, 2012

## Joseph D. Daley | Partner

Joseph Daley is a partner in the Firm's San Diego office, serves on the Firm's Securities Hiring Committee, and is a member of the Firm's Appellate Practice Group. Precedents include: *City of Birmingham Ret. & Relief Sys. v. Davis*, 806 F. App'x 17 (2d Cir. 2020); *City of Providence v. Bats Glob. Mkts., Inc.*, 878 F.3d 36 (2d Cir. 2017); *DeJulius v. New Eng. Health Care Emps. Pension Fund*, 429 F.3d 935 (10th Cir. 2005); *Frank v. Dana Corp. ("Dana I")*, 547 F.3d 564 (6th Cir. 2008); *Frank v. Dana Corp. ("Dana II")*, 646 F.3d 954 (6th Cir. 2011); *Freidus v. Barclays Bank PLC*, 734 F.3d 132 (2d Cir. 2013); *In re HealthSouth Corp. Sec. Litig.*, 334 F. App'x 248 (11th Cir. 2009); *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007); *In re Quality Sys., Inc. Sec. Litig.*, 865 F.3d 1130 (9th Cir. 2017); *In re Qwest Commc'ns Int'l*, 450 F.3d 1179 (10th Cir. 2006); *Luther v. Countrywide Home Loans Servicing LP*, 533 F.3d 1031 (9th Cir. 2008); *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.*, 693 F.3d 145 (2d Cir. 2012); *Rosenbloom v. Pyott ("Allergan")*, 765 F.3d 1137 (9th Cir. 2014); *Silverman v. Motorola Solutions, Inc.*, 739 F.3d 956 (7th Cir. 2013); *Siracusano v. Matrixx Initiatives, Inc.*, 585 F.3d 1167 (9th Cir. 2009), *aff'd*, 563 U.S. 27 (2011); and *Southland Sec. Corp. v. INSpire Ins. Solutions Inc.*, 365 F.3d 353 (5th Cir. 2004). Daley is admitted to practice before the U.S. Supreme Court, as well as before 12 U.S. Courts of Appeals around the nation.

## Education

B.S., Jacksonville University, 1981; J.D., University of San Diego School of Law, 1996

## Honors / Awards

Seven-time Super Lawyer, *Super Lawyers Magazine*; Appellate Moot Court Board, Order of the Barristers, University of San Diego School of Law; Best Advocate Award (Traynore Constitutional Law Moot Court Competition), First Place and Best Briefs (Alumni Torts Moot Court Competition and USD Jessup International Law Moot Court Competition)

## Patrick W. Daniels | Partner

Patrick Daniels is a founding and managing partner in the Firm's San Diego office. He is widely recognized as a leading corporate governance and investor advocate. *Daily Journal*, the leading legal publisher in California, named him one of the 20 most influential lawyers in California under 40 years of age. Additionally, the Yale School of Management's Millstein Center for Corporate Governance and Performance awarded Daniels its "Rising Star of Corporate Governance" honor for his outstanding leadership in shareholder advocacy and activism.

Daniels is an advisor to political and financial leaders throughout the world. He counsels private and state government pension funds and fund managers in the United States, United Arab Emirates, United Kingdom, the Netherlands, and other countries within the European Union on issues related to corporate fraud in the United States securities markets and "best practices" in the corporate governance of publicly traded companies. Daniels has represented dozens of institutional investors in some of the largest and most significant shareholder actions, including *Enron*, *WorldCom*, *AOL Time Warner*, *BP*, *Pfizer*, *Countrywide*, *Petrobras*, and *Volkswagen*, to name just a few. In the wake of the financial crisis, he represented dozens of investors in structured investment products in ground-breaking actions against the ratings agencies and Wall Street banks that packaged and sold supposedly highly rated shoddy securities to institutional investors all around the world.

## Education

B.A., University of California, Berkeley, 1993; J.D., University of San Diego School of Law, 1997

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Rising Star of Corporate Governance, Yale School of Management's Milstein Center for Corporate Governance & Performance, 2008; One of the 20 Most Influential Lawyers in the State of California Under 40 Years of Age, *Daily Journal*; B.A., *Cum Laude*, University of California, Berkeley, 1993

## Stuart A. Davidson | Partner

Stuart Davidson is a partner in the Firm's Boca Raton office. His practice focuses on complex consumer class actions, including cases involving deceptive and unfair trade practices, privacy and data breach issues, and antitrust violations. Davidson has served as class counsel in some of the nation's most significant privacy cases, including: *In re Facebook Biometric Info. Privacy Litig.*, No. 3:15-cv-03747 (N.D. Cal.) (\$650 million recovery in a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of user's biometric identifiers without informed consent); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-md-02752 (N.D. Cal.) (\$117.5 million recovery in the largest data breach in history); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, No. 3:11-md-02258 (S.D. Cal.) (settlement valued at \$15 million concerning the massive data breach of Sony's PlayStation Network); and *Kehoe v. Fid. Fed. Bank & Tr.*, No. 9:03-cv-80593 (S.D. Fla.) (\$50 million recovery in Driver's Privacy Protection Act case on behalf of half-a-million Florida drivers against a national bank).

Davidson currently spearheads several aspects of *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices & Antitrust Litigation*, No. 2:17-md-02785-DDC-TJJ (D. Kan.) (representing certified class for antitrust claims involving the illegal reverse payment settlement to delay the generic EpiPen, which allowed the prices of the life-saving EpiPen to rise over 600% in 9 years; \$345 million partial settlement achieved a few months prior to trial; additional \$264 million settlement pending approval), and serves as

Plaintiffs' Co-Lead Counsel in *In re American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 2:19-md-02904-MCA-MAH (D.N.J.) (representing class of LabCorp customers), *Garner v. Amazon.com, Inc.*, No. 2:21-cv-00750-RSL (W.D. Wash.) (alleging Amazon's illegal wiretapping through Alexa-enabled devices), *In re American Financial Resources, Inc. Data Breach Litigation*, No. 2:22-cv-01757-MCA-JSA (D.N.J.), and *In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC (S.D. Cal.) (\$5 million cash settlement for victims of healthcare data breach, pending approval), on Plaintiffs' Steering Committee in *In re Intel Corp. CPU Marketing, Sales Practices & Products Liability Litigation*, No. 3:18-md-02828-SI (D. Or.) (representing class of Intel CPU purchasers based on serious security vulnerabilities that infect Intel's x86 processors), and on Plaintiffs' Executive Committee in *In re Lakeview Loan Servicing Data Breach Litigation*, No. 1:22-cv-20955-DPG (S.D. Fla.).

Davidson also served as Plaintiffs' Co-Lead Counsel in *In re NHL Players' Concussion Injury Litig.*, No. 0:14-md-02551 (D. Minn.) (representing retired National Hockey League players in multidistrict litigation suit against the NHL regarding injuries suffered due to repetitive head trauma and concussions), and in *In re Pet Food Prods. Liab. Litig.*, No. 1:07-cv-02867 (D.N.J.) (\$24 million recovery in multidistrict consumer class action on behalf of thousands of aggrieved pet owners nationwide against some of the nation's largest pet food manufacturers, distributors, and retailers). He also served as Plaintiffs' Co-Lead Counsel in *In re UnitedGlobalCom, Inc. S'holder Litig.*, C.A. No. 1012-VCS (Del. Ch.) (\$25 million recovery weeks before trial); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. Cir. Ct.) (\$11.5 million recovery for former Winn-Dixie shareholders following the corporate buyout by BI-LO); and *In re AuthenTec, Inc. S'holder Litig.*, No. 5-2012-CA-57589 (Fla. Cir. Ct.) (\$10 million recovery for former AuthenTec shareholders following a merger with Apple). The latter two cases are the two largest merger and acquisition recoveries in Florida history.

Davidson is a former lead assistant public defender in the Felony Division of the Broward County, Florida Public Defender's Office. During his tenure at the Public Defender's Office, he tried over 30 jury trials and defended individuals charged with major crimes ranging from third-degree felonies to life and capital felonies.

## Education

B.A., State University of New York at Geneseo, 1993; J.D., Nova Southeastern University Shepard Broad College of Law, 1996

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2022; 500 Leading Plaintiff Consumer Lawyer, *Lawdragon*, 2022; Super Lawyer, *Super Lawyers Magazine*, 2021; One of "Florida's Most Effective Lawyers" in the Privacy category, *American Law Media*, 2020; J.D., *Sunma Cum Laude*, Nova Southeastern University Shepard Broad College of Law, 1996; Associate Editor, *Nova Law Review*, Book Awards in Trial Advocacy, International Law, and Criminal Pretrial Practice



## Jason C. Davis | Partner

Jason Davis is a partner in the Firm's San Francisco office where he practices securities class actions and complex litigation involving equities, fixed-income, synthetic, and structured securities issued in public and private transactions. Davis was on the trial team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Most recently, he was part of the litigation team in *Luna v. Marvell Tech. Grp., Ltd.*, resulting in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors.

Before joining the Firm, Davis focused on cross-border transactions, mergers and acquisitions at Cravath, Swaine and Moore LLP in New York.

## Education

B.A., Syracuse University, 1998; J.D., University of California at Berkeley, Boalt Hall School of Law, 2002

## Honors / Awards

B.A., *Summa Cum Laude*, Syracuse University, 1998; International Relations Scholar of the year, Syracuse University; Teaching fellow, examination awards, Moot court award, University of California at Berkeley, Boalt Hall School of Law



## Mark J. Dearman | Partner

Mark Dearman is a partner in the Firm's Boca Raton office, where his practice focuses on consumer fraud, securities fraud, mass torts, antitrust, and whistleblower litigation. Dearman, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litig.* He was recently appointed to the Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, and as Chair of the Plaintiffs' Executive Committee in *In re Apple Inc. Device Performance Litig.*, Dearman obtained a \$310 million settlement. His other recent representative cases include *In re FieldTurf Artificial Turf Mktg. Pracs. Litig.*, No. 3:17-md-02779 (D.N.J.); *In re NHL Players' Concussion Injury Litig.*, 2015 U.S. Dist. LEXIS 38755 (D. Minn. 2015); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, 903 F. Supp. 2d 942 (S.D. Cal. 2012); *In re Volkswagen "Clean Diesel" Mktg. Sales Pracs. & Prods. Liab. Litig.*, 2016 U.S. Dist. LEXIS 1357 (N.D. Cal. 2016); *In re Ford Fusion & C-Max Fuel Econ. Litig.*, 2015 U.S. Dist. LEXIS 155383 (S.D.N.Y. 2015); *Looper v. FCA US LLC*, No. 5:14-cv-00700 (C.D. Cal.); *In re Aluminum Warehousing Antitrust Litig.*, 95 F. Supp. 3d 419 (S.D.N.Y. 2015), *aff'd*, 833 F.3d 151 (2d Cir. 2016); *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J.); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. 4th Jud. Cir. Ct., Duval Cnty.); *Gemelas v. Dannon Co. Inc.*, No. 1:08-cv-00236 (N.D. Ohio); and *In re AuthenTec, Inc. S'holder Litig.*, No. 05-2012-CA-57589 (Fla. 18th Jud. Cir. Ct., Brevard Cnty.). Prior to joining the Firm, he founded Dearman & Gerson, where he defended Fortune 500 companies, with an emphasis on complex commercial litigation, consumer claims, and mass torts (products liability and personal injury), and has obtained extensive jury trial experience throughout the United States. Having represented defendants for so many years before joining the Firm, Dearman has a unique perspective that enables him to represent clients effectively.

## Education

B.A., University of Florida, 1990; J.D., Nova Southeastern University, 1993

## Honors / Awards

AV rated by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2022; 500 Leading Plaintiff Consumer Lawyer, *Lawdragon*, 2022; Super Lawyer, *Super Lawyers Magazine*, 2014-2020; In top 1.5% of Florida Civil Trial Lawyers in *Florida Trend's Florida Legal Elite*, 2004, 2006

## Kathleen B. Douglas | Partner

Kathleen Douglas is a partner in the Firm's Boca Raton office. She focuses her practice on securities fraud class actions and consumer fraud. Most recently, Douglas and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.

Douglas was also a key member of the litigation team in *In re UnitedHealth Grp. Inc. PSLRA Litig.*, in which she and team of Robbins Geller attorneys achieved a substantial \$925 million recovery. In addition to the monetary recovery, UnitedHealth also made critical changes to a number of its corporate governance policies, including electing a shareholder-nominated member to the company's Board of Directors. Likewise, in *Nieman v. Duke Energy Corp.*, she and a team of attorneys obtained a \$146.25 million recovery, which is the largest recovery in North Carolina for a case involving securities fraud and is one of the five largest recoveries in the Fourth Circuit. In addition, Douglas was a member of the team of attorneys that represented investors in *Knurr v. Orbital ATK, Inc.*, which recovered \$108 million for shareholders and is believed to be the fourth-largest securities class action settlement in the history of the Eastern District of Virginia. Douglas has served as class counsel in several class actions brought on behalf of Florida emergency room physicians. These cases were against some of the nation's largest Health Maintenance Organizations and settled for substantial increases in reimbursement rates and millions of dollars in past damages for the class.

## Education

B.S., Georgetown University, 2004; J.D., University of Miami School of Law, 2007

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2012-2017; B.S., *Cum Laude*, Georgetown University, 2004

## Travis E. Downs III | Partner

Travis Downs is a partner in the Firm's San Diego office. His areas of expertise include prosecution of shareholder and securities litigation, including complex shareholder derivative actions. Downs led a team of lawyers who successfully prosecuted over 65 stock option backdating derivative actions in federal and state courts across the country, resulting in hundreds of millions in financial givebacks for the plaintiffs and extensive corporate governance enhancements, including annual directors elections, majority voting for directors, and shareholder nomination of directors. Notable cases include: *In re Community Health Sys., Inc. S'holder Derivative Litig.* (\$60 million in financial relief and unprecedented corporate governance reforms); *In re Marvell Tech. Grp. Ltd. Derivative Litig.* (\$54 million in financial relief and extensive corporate governance enhancements); *In re McAfee, Inc. Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re Affiliated Computer Servs. Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re KB Home S'holder Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re Juniper Networks Derivative Litig.* (\$22.7 million in financial relief and extensive corporate governance enhancements); *In re Nvidia Corp. Derivative Litig.* (\$15 million in financial relief and extensive corporate governance enhancements); and *City of Pontiac Gen. Emps.' Ret. Sys. v. Langone* (achieving landmark corporate governance reforms for investors).

Downs was also part of the litigation team that obtained a \$67 million settlement in *City of Westland Police & Fire Ret. Sys. v. Stumpf*, a shareholder derivative action alleging that Wells Fargo participated in the mass-processing of home foreclosure documents by engaging in widespread robo-signing, and a \$250 million settlement in *In re Google, Inc. Derivative Litig.*, an action alleging that Google facilitated in the improper advertising of prescription drugs. Downs is a frequent speaker at conferences and seminars and has lectured on a variety of topics related to shareholder derivative and class action litigation.

## Education

B.A., Whitworth University, 1985; J.D., University of Washington School of Law, 1990

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Best Lawyer in America, *Best Lawyers*®, 2018-2022; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Southern California Best Lawyer, *Best Lawyers*®, 2018-2021; Board of Trustees, Whitworth University; Super Lawyer, *Super Lawyers Magazine*, 2008; B.A., Honors, Whitworth University, 1985

## Daniel S. Drosman | Partner

Dan Drosman is a partner in the Firm's San Diego office and a member of the Firm's Management Committee. He focuses his practice on securities fraud and other complex civil litigation and has obtained significant recoveries for investors in cases such as *Morgan Stanley*, *Cisco Systems*, *The Coca-Cola Company*, *Petco*, *PMI*, and *America West*. Drosman served as lead trial counsel in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Drosman also helped secure a \$388 million recovery for investors in *J.P. Morgan residential mortgage-backed securities in Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* On a percentage basis, that settlement is the largest recovery ever achieved in an RMBS class action. Drosman also served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

Most recently, Drosman was part of the Robbins Geller litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant. In another recent case, Drosman and the Robbins Geller litigation team obtained a \$62.5 million settlement in *Villella v. Chemical and Mining Company of Chile Inc.*, which alleged that Sociedad Química y Minera de Chile S.A. ("SQM") violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the Company's failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars' worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014.

In a pair of cases – *Abu Dhabi Commercial Bank, et al. v. Morgan Stanley & Co. Inc.* ("Cheyne" litigation) and *King County, Washington, et al. v. IKB Deutsche Industriebank AG* ("Rhinebridge" litigation) – Drosman led a group of attorneys prosecuting fraud claims against the credit rating agencies, where he is distinguished as one of the few plaintiffs' counsel to defeat the rating agencies' traditional First Amendment defense and their motions for summary judgment based on the mischaracterization of credit ratings as mere opinions not actionable in fraud.

Prior to joining the Firm, Drosman served as an Assistant District Attorney for the Manhattan District Attorney's Office, and an Assistant United States Attorney in the Southern District of California, where he investigated and prosecuted violations of the federal narcotics, immigration, and official corruption law.

## Education

B.A., Reed College, 1990; J.D., Harvard Law School, 1993

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Top Plaintiff Lawyer, *Daily Journal*, 2022; Plaintiff Litigator of the Year, *Benchmark Litigation*, 2022; Lawyer of the Year, *Best Lawyers®*, 2022; Titan of the Plaintiffs Bar, *Law360*, 2022; Leading Lawyer in America, *Lawdragon*, 2018-2022; Best Lawyer in America, *Best Lawyers®*, 2019-2022; Southern California Best Lawyers, *The Wall Street Journal*, 2021; Southern California Best Lawyer, *Best Lawyers®*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2017-2020; Recommended Lawyer, *The Legal 500*, 2017-2018; Top 100 Lawyer, *Daily Journal*, 2017; Department of Justice Special Achievement Award, Sustained Superior Performance of Duty; B.A., Honors, Reed College, 1990; *Phi Beta Kappa*, Reed College, 1990

## Thomas E. Egler | Partner

Tom Egler is a partner in the Firm's San Diego office and focuses his practice on representing clients in major complex, multidistrict litigations, such as *Lehman Brothers*, *Countrywide Mortgage Backed Securities*, *WorldCom*, *AOL Time Warner*, and *Qwest*. He has represented institutional investors both as plaintiffs in individual actions and as lead plaintiffs in class actions.

Egler also serves as a Lawyer Representative to the Ninth Circuit Judicial Conference from the Southern District of California, and in the past has served on the Executive Board of the San Diego chapter of the Association of Business Trial Lawyers. Prior to joining the Firm, Egler was a law clerk to the Honorable Donald E. Ziegler, Chief Judge, United States District Court, Western District of Pennsylvania.

## Education

B.A., Northwestern University, 1989; J.D., The Catholic University of America, Columbus School of Law, 1995

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2017-2018; Associate Editor, *Catholic University Law Review*

## Alan I. Ellman | Partner

Alan Ellman is a partner in the Firm's Melville office, where he concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Most recently, Ellman was on the team of Robbins Geller attorneys who obtained a \$34.5 million recovery in *Patel v. L-3 Communications Holdings, Inc.*, which represents a high percentage of damages that plaintiffs could reasonably expect to be recovered at trial and is more than eight times higher than the average settlement of cases with comparable investor losses. He was also on the team of attorneys who recovered in excess of \$34 million for investors in *In re OSG Sec. Litig.*, which represented an outsized recovery of 93% of bond purchasers' damages and 28% of stock purchasers' damages. The creatively structured settlement included more than \$15 million paid by a bankrupt entity.

Ellman was also on the team of Robbins Geller attorneys who achieved final approval in *Curran v. Freshpet, Inc.*, which provides for the payment of \$10.1 million for the benefit of eligible settlement class members. Additionally, he was on the team of attorneys who obtained final approval of a \$7.5 million recovery in *Plymouth County Retirement Association v. Advisory Board Company*. In 2006, Ellman received a Volunteer and Leadership Award from Housing Conservation Coordinators (HCC) for his *pro bono* service defending a client in Housing Court against a non-payment action, arguing an appeal before the Appellate Term, and staffing HCC's legal clinic. He also successfully appealed a *pro bono* client's criminal sentence before the Appellate Division.

## Education

B.S., B.A., State University of New York at Binghamton, 1999; J.D., Georgetown University Law Center, 2003

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2017-2020; Rising Star, *Super Lawyers Magazine*, 2014-2015; B.S., B.A., *Cum Laude*, State University of New York at Binghamton, 1999

## Jason A. Forge | Partner

Jason Forge is a partner in the Firm's San Diego office. He specializes in complex investigations, litigation, and trials. As a federal prosecutor and private practitioner, Forge has conducted and supervised scores of jury and bench trials in federal and state courts, including the month-long trial of a defense contractor who conspired with Congressman Randy "Duke" Cunningham in the largest bribery scheme in congressional history. He recently obtained approval of a \$160 million recovery in the first successful securities fraud case against Wal-Mart Stores, Inc. in *City of Pontiac General Employees' Retirement System v. Wal-Mart Stores, Inc.* In addition, Forge was a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial.

After the trial victory over Puma Biotechnology and Alan Auerbach, Forge joined a Robbins Geller litigation team that had defeated 12 motions for summary judgment against 40 defendants and was about to depose 17 experts in the home stretch to trial. Forge and the team used these depositions to disprove a truth-on-the-market argument that nine defense experts had embraced. Soon after the last of these expert depositions, the Robbins Geller team secured a \$1.025 billion settlement from American Realty Capital Properties and other defendants that included a record \$237 million contribution from individual defendants and represented more than twice the recovery rate obtained by several funds that had had

opted out of the class.

Forge was a key member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement refunds over 90% of the money thousands of students paid to “enroll” in Trump University. He represented the class on a *pro bono* basis. Forge has also successfully defeated motions to dismiss and obtained class certification against several prominent defendants, including the first federal RICO case against Scotts Miracle-Gro, which recently settled for up to \$85 million. He was a member of the litigation team that obtained a \$125 million settlement in *In re LendingClub Securities Litigation*, a settlement that ranks among the top ten largest securities recoveries ever in the Northern District of California.

In a case against another prominent defendant, Pfizer Inc., Forge led an investigation that uncovered key documents that Pfizer had not produced in discovery. Although fact discovery in the case had already closed, the district judge ruled that the documents had been improperly withheld and ordered that discovery be reopened, including reopening the depositions of Pfizer’s former CEO, CFO, and General Counsel. Less than six months after completing these depositions, Pfizer settled the case for \$400 million.

## Education

B.B.A., The University of Michigan Ross School of Business, 1990; J.D., The University of Michigan Law School, 1993

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Leading Lawyer in America, *Lawdragon*, 2022; Best Lawyer in America, *Best Lawyers®*, 2019-2022; Southern California Best Lawyer, *Best Lawyers®*, 2019-2021; Local Litigation Star, *Benchmark Litigation*, 2020; Plaintiffs’ Lawyer Trailblazer, *The National Law Journal*, 2018; Top 100 Lawyer, *Daily Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; Two-time recipient of one of Department of Justice’s highest awards: Director’s Award for Superior Performance by Litigation Team; numerous commendations from Federal Bureau of Investigation (including commendation from FBI Director Robert Mueller III), Internal Revenue Service, and Defense Criminal Investigative Service; J.D., *Magna Cum Laude*, Order of the Coif, The University of Michigan Law School, 1993; B.B.A., High Distinction, The University of Michigan Ross School of Business, 1990



## William J. Geddish | Partner

William Geddish is a partner with the Firm and is based in the Melville office, where his practice focuses on complex securities litigation. Before joining the Firm, he was an associate in the New York office of a large international law firm, where his practice focused on complex commercial litigation.

Since joining the Firm, Geddish has played a significant role in the following litigations: *In re Barrick Gold Sec. Litig.* (\$140 million recovery); *Scheufele v. Tableau Software, Inc.* (\$95 million recovery); *Landmen Partners, Inc. v. The Blackstone Grp., L.P.* (\$85 million recovery); *In re Jeld-Wen Holding, Inc. Sec. Litig.* (\$40 million recovery); *City of Austin Police Ret. Sys. v. Kinross Gold Corp.* (\$33 million recovery); *City of Roseville Emps' Ret. Sys. v. EnergySolutions, Inc.* (\$26 million recovery); *Beaver Cnty. Emps' Ret. Fund v. Tile Shop Holdings, Inc.* (\$9.5 million recovery); and *Barbara Marciano v. Schell & Kampeter, Inc.* (\$2 million recovery).

## Education

B.A., Sacred Heart University, 2006, J.D., Hofstra University School of Law, 2009

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2013-2020; J.D., *Magna Cum Laude*, Hofstra University School of Law, 2009; Gina Maria Escarce Memorial Award, Hofstra University School of Law

## Paul J. Geller | Partner

Paul Geller, managing partner of the Firm's Boca Raton, Florida office, is a founding partner of the Firm, a member of its Executive and Management Committees, and head of the Firm's Consumer Practice Group. Geller's 29 years of litigation experience is broad, and he has handled cases in each of the Firm's practice areas. Notably, before devoting his practice to the representation of consumers and investors, he defended companies in high-stakes class action and multi-district litigation, providing him with an invaluable perspective. Geller has tried bench and jury trials on both the plaintiffs' and defendants' sides and has argued before numerous state, federal, and appellate courts throughout the country.

Geller was recently selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that "[t]he team reads like a 'Who's Who' in mass torts." Geller was also a critical member of the team that negotiated over \$26 billion in settlements against certain opioid distributors and manufacturers. Prior to the opioid litigation, Geller was a member of the leadership team representing consumers in the massive *Volkswagen "Clean Diesel"* emissions case. The San Francisco legal newspaper *The Recorder* labeled the group that was appointed in that case, which settled for more than \$17 billion, a "class action dream team."

Geller is currently serving as a Lead Counsel in *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, a nationwide class action that alleges that pharmaceutical company Mylan N.V. and others engaged in anti-competitive and unfair business conduct in its sale and marketing of the EpiPen auto-injector device. The case was recently settled for \$609 million.

Some of Geller's other recent noteworthy successes include the largest privacy class action settlement in history – a \$650 million recovery in a cutting-edge class action in *In re Facebook Biometric Info. Privacy Litig.*, concerning Facebook's use of biometric identifiers through its "tag" feature. In addition to the monetary recovery, Facebook recently disabled the tag feature altogether, deleting user facial profiles and discontinuing the use of facial recognition software.

## Education

B.S., University of Florida, 1990; J.D., Emory University School of Law, 1993

## Honors / Awards

Rated AV by Martindale-Hubbell; Fellow, Litigation Counsel of America (LCA) Proven Trial Lawyers; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Leading Lawyer, *Chambers USA*, 2021-2022; 500 Leading Plaintiff Consumer Lawyer, *Lawdragon*, 2022; Leading Lawyer in America, *Lawdragon*, 2006-2007, 2009-2022; Best Lawyer in America, *Best Lawyers*®, 2017-2022; Super Lawyer, *Super Lawyers Magazine*, 2007-2021; Florida Best Lawyer in America, *Best Lawyers*®, 2017-2021; One of "Florida's Most Effective Lawyers" in the Privacy category, American Law Media, 2020; Legend, *Lawdragon*, 2020; Recommended Lawyer, *The Legal 500*, 2016, 2019; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2018; Lawyer of the Year, *Best Lawyers*®, 2018; Attorney of the Month, *Attorney At Law*, 2017; Featured in "Lawyer Limelight" series, *Lawdragon*, 2017; Top Rated Lawyer, South Florida's Legal Leaders, *Miami Herald*, 2015; Litigation Star, *Benchmark Litigation*, 2013; "Legal Elite," *Florida Trend Magazine*; One of "Florida's Most Effective Lawyers," American Law Media; One of Florida's top lawyers in *South Florida Business Journal*; One of the Nation's Top "40 Under 40," *The National Law Journal*; One of Florida's Top Lawyers, *Law & Politics*; Editor, *Emory Law Journal*; Order of the Coif, Emory University School of Law

## Robert D. Gerson | Partner

Robert Gerson is a partner in the Firm's Melville office, where he practices securities fraud litigation and other complex matters. Before joining Robbins Geller, Gerson was associated with a prominent plaintiffs' class action firm, where he represented institutional investors in numerous securities fraud class actions, as well as "opt out" litigations. Gerson is a member of the Committee on Securities Litigation of the Bar Association of the City of New York. He is admitted to practice before the courts of the State of New York, as well as the United States Courts of Appeals for the Second and Eighth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

## Education

B.A., University of Maryland, 2006; J.D., New York Law School, 2009

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2020

## Jonah H. Goldstein | Partner

Jonah Goldstein is a partner in the Firm's San Diego office and is responsible for prosecuting complex securities cases and obtaining recoveries for investors. He also represents corporate whistleblowers who report violations of the securities laws. Goldstein has achieved significant settlements on behalf of investors including in *In re HealthSouth Sec. Litig.* (over \$670 million recovered against HealthSouth, UBS and Ernst & Young), *In re Cisco Sec. Litig.* (approximately \$100 million), and *Marcus v. J.C. Penney Company, Inc.* (\$97.5 million recovery). Goldstein also served on the Firm's trial team in *In re AT&T Corp. Sec. Litig.*, MDL No. 1399 (D.N.J.), which settled after two weeks of trial for \$100 million, and aided in the \$65 million recovery in *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.*, the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade. Most recently, he was part of the litigation team in *Luna v. Marvell Tech. Grp., Ltd.*, resulting in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors. Before joining the Firm, Goldstein served as a law clerk for the Honorable William H. Erickson on the Colorado Supreme Court and as an Assistant United States Attorney for the Southern District of California, where he tried numerous cases and briefed and argued appeals before the Ninth Circuit Court of Appeals.

## Education

B.A., Duke University, 1991; J.D., University of Denver College of Law, 1995

## Honors / Awards

Recommended Lawyer, *The Legal 500*, 2018-2019; Comments Editor, *University of Denver Law Review*, University of Denver College of Law

## Benny C. Goodman III | Partner

Benny Goodman is a partner in the Firm's San Diego office. He primarily represents plaintiffs in shareholder actions on behalf of aggrieved corporations. Goodman has recovered hundreds of millions of dollars in shareholder derivative actions pending in state and federal courts across the nation. Most recently, he led a team of lawyers in litigation brought on behalf of Community Health Systems, Inc., resulting in a \$60 million payment to the company, the largest recovery in a shareholder derivative action in Tennessee and the Sixth Circuit, as well as best-in-class value-enhancing corporate governance reforms that included two shareholder-nominated directors to the Community Health Board of Directors.

Similarly, Goodman recovered a \$25 million payment to Lumber Liquidators and numerous corporate governance reforms, including a shareholder-nominated director, in *In re Lumber Liquidators Holdings, Inc. S'holder Derivative Litig.* In *In re Google Inc. S'holder Derivative Litig.*, Goodman achieved groundbreaking corporate governance reforms designed to mitigate regulatory and legal compliance risk associated with online pharmaceutical advertising, including among other things, the creation of a \$250 million fund to help combat rogue pharmacies from improperly selling drugs online.

## Education

B.S., Arizona State University, 1994; J.D., University of San Diego School of Law, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2018-2021; Recommended Lawyer, *The Legal 500*, 2017

## Elise J. Grace | Partner

Elise Grace is a partner in the San Diego office and counsels the Firm's institutional clients on options to secure premium recoveries in securities litigation both within the United States and internationally. Grace is a frequent lecturer and author on securities and accounting fraud, and develops annual MCLE and CPE accredited educational programs designed to train public fund representatives on practices to protect and maximize portfolio assets, create long-term portfolio value, and best fulfill fiduciary duties. Grace has routinely been named a Recommended Lawyer by *The Legal 500* and named a Leading Plaintiff Financial Lawyer by *Lawdragon*. Grace has prosecuted various significant securities fraud class actions, as well as the AOL Time Warner state and federal securities opt-out litigations, which resulted in a combined settlement of over \$629 million for defrauded investors. Before joining the Firm, Grace practiced at Clifford Chance, where she defended numerous Fortune 500 companies in securities class actions and complex business litigation.

## Education

B.A., University of California, Los Angeles, 1993; J.D., Pepperdine School of Law, 1999

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Recommended Lawyer, *The Legal 500*, 2016-2017; J.D., *Magna Cum Laude*, Pepperdine School of Law, 1999; American Jurisprudence Bancroft-Whitney Award – Civil Procedure, Evidence, and Dalsimer Moot Court Oral Argument; Dean's Academic Scholarship Recipient, Pepperdine School of Law; B.A., *Summa Cum Laude*, University of California, Los Angeles, 1993; B.A., *Phi Beta Kappa*, University of California, Los Angeles, 1993

## Tor Gronborg | Partner

Tor Gronborg is a partner in the Firm's San Diego office and a member of the Firm's Management Committee. He often lectures on topics such as the Federal Rules of Civil Procedure and electronic discovery. Gronborg has served as lead or co-lead counsel in numerous securities fraud cases that have collectively recovered more than \$4.4 billion for investors. Most recently, Gronborg and a team of Robbins Geller attorneys obtained an \$809 million settlement in *In re Twitter, Inc. Sec. Litig.*, a case that did not settle until the day before trial was set to commence.

In addition to *Twitter*, Gronborg's work has included significant recoveries against corporations such as Valeant Pharmaceuticals (\$1.21 billion), Cardinal Health (\$600 million), Motorola (\$200 million), Duke Energy (\$146.25 million), Sprint Nextel Corp. (\$131 million), and Prison Realty (\$104 million), to name a few. Gronborg was also a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, No. SACV15-0865 (C.D. Cal.), a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial and ultimately settled for 100% of the claimed damages plus prejudgment interest.

On three separate occasions, Gronborg's pleadings have been upheld by the federal Courts of Appeals (*Broudo v. Dura Pharms., Inc.*, 339 F.3d 933 (9th Cir. 2003), *rev'd on other grounds*, 544 U.S. 336 (2005); *In re Daou Sys.*, 411 F.3d 1006 (9th Cir. 2005); *Staehr v. Hartford Fin. Servs. Grp.*, 547 F.3d 406 (2d Cir. 2008)).

## Education

B.A., University of California, Santa Barbara, 1991; Rotary International Scholar, University of Lancaster, U.K., 1992; J.D., University of California, Berkeley, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Leading Lawyer in America, *Lawdragon*, 2022; Best Lawyer in America, *Best Lawyers*®, 2022; Super Lawyer, *Super Lawyers Magazine*, 2013-2021; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2019; Moot Court Board Member, University of California, Berkeley; AFL-CIO history scholarship, University of California, Santa Barbara

## Ellen Gusikoff Stewart | Partner

Ellen Stewart is a partner in the Firm's San Diego office, and is a member of the Firm's Summer Associate Hiring Committee. She currently practices in the Firm's settlement department, negotiating and documenting complex securities, merger, ERISA, and derivative action settlements. Notable settlements include: *In re Facebook Biometric Info. Privacy Litig.* (N.D. Cal. 2021) (\$650 million); *KBC Asset Management v. 3D Systems Corp.* (D.S.C. 2018) (\$50 million); *Luna v. Marvell Tech. Grp.* (N.D. Cal. 2018) (\$72.5 million); *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.* (M.D. Tenn. 2015) (\$65 million); and *City of Sterling Heights Gen. Emps.' Ret. Sys v. Hospira, Inc.* (N.D. Ill. 2014) (\$60 million).

Stewart has served on the Federal Bar Association Ad Hoc Committee for the revisions to the Settlement Guidelines for the Northern District of California and was a contributor to the Guidelines and Best Practices – Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions manual of the Bolch Judicial Institute at the Duke University School of Law.

## Education

B.A., Muhlenberg College, 1986; J.D., Case Western Reserve University, 1989

## Honors / Awards

Rated Distinguished by Martindale-Hubbell



## Robert Henssler | Partner

Bobby Henssler is a partner in the Firm's San Diego office, where he focuses his practice on securities fraud and other complex civil litigation. He has obtained significant recoveries for investors in cases such as *Enron*, *Blackstone*, and *CIT Group*. Henssler is currently a key member of the team of attorneys prosecuting fraud claims against Goldman Sachs stemming from Goldman's conduct in subprime mortgage transactions (including "Abacus").

Most recently, Henssler and a team of Robbins Geller attorneys a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.

Henssler was also lead counsel in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. Henssler also led the litigation teams in *Marcus v. J.C. Penney Company, Inc.* (\$97.5 million recovery), *Landmen Partners Inc. v. The Blackstone Group L.P.* (\$85 million recovery), *In re Novatel Wireless Sec. Litig.* (\$16 million recovery), *Carpenters Pension Trust Fund of St. Louis v. Barclays PLC* (\$14 million settlement), and *Kmiec v. Powerwave Technologies, Inc.* (\$8.2 million settlement), to name a few.

## Education

B.A., University of New Hampshire, 1997; J.D., University of San Diego School of Law, 2001

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2022; California Lawyer of the Year, *Daily Journal*, 2022; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; Recommended Lawyer, *The Legal 500*, 2018-2019

## Steven F. Hubachek | Partner

Steve Hubachek is a partner in the Firm's San Diego office. He is a member of the Firm's appellate group, where his practice concentrates on federal appeals. He has more than 25 years of appellate experience, has argued over 100 federal appeals, including 3 cases before the United States Supreme Court and 7 cases before en banc panels of the Ninth Circuit Court of Appeals. Prior to his work with the Firm, Hubachek joined Perkins Coie in Seattle, Washington, as an associate. He was admitted to the Washington State Bar in 1987 and was admitted to the California State Bar in 1990, practicing for many years with Federal Defenders of San Diego, Inc. He also had an active trial practice, including over 30 jury trials, and was Chief Appellate Attorney for Federal Defenders.

## Education

B.A., University of California, Berkeley, 1983; J.D., Hastings College of the Law, 1987

## Honors / Awards

AV rated by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2014-2021; Super Lawyer, *Super Lawyers Magazine*, 2007-2009, 2019-2021; Assistant Federal Public Defender of the Year, National Federal Public Defenders Association, 2011; Appellate Attorney of the Year, San Diego Criminal Defense Bar Association, 2011 (co-recipient); President's Award for Outstanding Volunteer Service, Mid City Little League, San Diego, 2011; E. Stanley Conant Award for exceptional and unselfish devotion to protecting the rights of the indigent accused, 2009 (joint recipient); *The Daily Transcript* Top Attorneys, 2007; J.D., *Cum Laude*, Order of the Coif, Thurston Honor Society, Hastings College of Law, 1987

## Maxwell R. Huffman | Partner

Maxwell Huffman is a partner in the Firm's San Diego office. He focuses his practice on representing institutional and individual investors in shareholder class and derivative actions in the context of mergers, acquisitions, recapitalizations, and other major corporate transactions. Huffman was a member of the litigation team for *In re Dole Food Co., Inc. S'holder Litig.*, where he went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders and obtained a \$148 million recovery, which is the largest trial verdict ever in a class action challenging a merger transaction. Most recently, Huffman successfully obtained a partial settlement of \$60 million in *In re Tesla Motors, Inc. S'holder Litig.*, a case which alleged that the members of the Tesla Board of Directors breached their fiduciary duties, unjustly enriched themselves, and wasted corporate assets in connection with their approval of Tesla's acquisition of SolarCity Corp. in 2016.

Huffman is part of Robbins Geller's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. The rise in "blank check" financing poses unique risks to investors, and this group – comprised of experienced litigators, investigators, and forensic accountants – represents the vanguard of ensuring integrity, honesty, and justice in this rapidly developing investment arena.

## Education

B.A., California State University, Sacramento, 2005; J.D., Gonzaga University School of Law, 2009

## Honors / Awards

Top 40 Under 40, *Daily Journal*, 2020; Recommended Lawyer, *The Legal 500*, 2019; Winning Litigator, *The National Law Journal*, 2018; Titan of the Industry, *The American Lawyer*, 2018

## James I. Jaconette | Partner

James Jaconette is one of the founding partners of the Firm and is located in its San Diego office. He manages cases in the Firm's securities class action and shareholder derivative litigation practices. He has served as one of the lead counsel in securities cases with recoveries to individual and institutional investors totaling over \$8 billion. He also advises institutional investors, including hedge funds, pension funds, and financial institutions. Landmark securities actions in which he contributed in a primary litigating role include *In re Informix Corp. Sec. Litig.*, and *In re Dynegy Inc. Sec. Litig.* and *In re Enron Corp. Sec. Litig.*, where he represented lead plaintiff The Regents of the University of California. Most recently, Jaconette was part of the trial team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action.

## Education

B.A., San Diego State University, 1989; M.B.A., San Diego State University, 1992; J.D., University of California Hastings College of the Law, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; J.D., *Cum Laude*, University of California Hastings College of the Law, 1995; Associate Articles Editor, *Hastings Law Journal*, University of California Hastings College of the Law; B.A., with Honors and Distinction, San Diego State University, 1989

## Rachel L. Jensen | Partner

Rachel Jensen is a partner in the Firm's San Diego office. Jensen has developed a nearly 20-year track record of success in helping to craft impactful business reforms and recover billions of dollars on behalf of individuals, businesses, and government entities injured by unlawful business practices, fraudulent schemes, and hazardous products.

Jensen was one of the lead attorneys who secured a historic recovery on behalf of Trump University students nationwide, providing \$25 million and nearly 100% refunds to class members. Jensen represented the class on a *pro bono* basis. As a member of the Plaintiffs' Steering Committee in the Fiat Chrysler EcoDiesel litigation, Jensen helped obtain an \$840 million global settlement for concealed defeat devices in "EcoDiesel" SUVs and trucks. Jensen also represented drivers against Volkswagen in one of the most brazen corporate frauds in recent history, helping recover \$17 billion for emission cheating in "clean" diesel vehicles. Jensen also serves as one of the lead counsel for policyholders against certain Lloyd's of London syndicates for collusive practices in the insurance market. Most recently, Jensen's representation of California passengers in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids had an immediate impact as Greyhound now provides "know your rights" information to passengers and implemented other business reforms.

Among other recoveries, Jensen has played significant roles in *In re LendingClub Sec. Litig.*, No. 3:16-cv-02627-WHA (N.D. Cal.) (\$125 million settlement that ranks among the top ten largest securities recoveries ever in N.D. Cal.); *Negrete v. Allianz Life Ins. Co. of N. Am.*, No. CV056838CAS(MANx) (C.D. Cal.) (\$250 million to senior citizens targeted for exorbitant deferred annuities that would not mature in their lifetimes); *In re Ins. Brokerage Antitrust Litig.*, No. 04-5184(CCC) (D.N.J.) (\$200 million recovered for policyholders who paid inflated premiums due to kickback scheme among major insurers and brokers); *In*

*re Morning Song Bird Food Litig.*, No. 3:12-cv-01592-JAH-AGS (S.D. Cal.) (\$85 million settlement in refunds to bird lovers who purchased Scotts Miracle-Gro wild bird food treated with pesticides that are hazardous to birds); *City of Westland Police & Fire Ret. Sys. v. Stumpf*, No. 3:11-cv-02369-SI (N.D. Cal.) (\$67 million in homeowner down-payment assistance and credit counseling for cities hardest hit by the foreclosure crisis and computer integration for mortgage servicing segments in derivative settlement with Wells Fargo for “robo-signing” of foreclosure affidavits); *In re Mattel, Inc., Toy Lead Paint Prods. Liab. Litig.*, No. 2:07-ml-01897-DSF-AJW (C.D. Cal.) (\$50 million in refunds and quality assurance business reforms for toys made in China with lead and magnets); and *In re Checking Account Overdraft Litig.*, No. 1:09-md-2036-JLK (S.D. Fla.) (\$500 million in settlements with major banks for manipulating debit transactions to maximize overdraft fees).

Before joining the practice, Jensen clerked for the late Honorable Warren J. Ferguson on the Ninth Circuit Court of Appeals; was associated with Morrison & Foerster LLP in San Francisco; and worked abroad in Arusha, Tanzania as a law clerk in the Office of the Prosecutor at the International Criminal Tribunal for Rwanda (“ICTR”) and at the International Criminal Tribunal for the Former Yugoslavia (“ICTY”), located in The Hague, Netherlands.

## Education

B.A., Florida State University, 1997; University of Oxford, International Human Rights Law Program at New College, Summer 1998; J.D., Georgetown University Law School, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; 500 Leading Plaintiff Consumer Lawyer, *Lawdragon*, 2022; Leading Lawyer in America, *Lawdragon*, 2017-2022; Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Super Lawyer, *Super Lawyers Magazine*, 2016-2021; Best Lawyer in Southern California: One to Watch, *Best Lawyers*®, 2021; Top Woman Lawyer, *Daily Journal*, 2017, 2020; California Trailblazer, *The Recorder*, 2019; Plaintiffs’ Lawyer Trailblazer, *The National Law Journal*, 2018; Rising Star, *Super Lawyers Magazine*, 2015; Nominated for 2011 Woman of the Year, *San Diego Magazine*; Editor-in-Chief, *First Annual Review of Gender and Sexuality Law*, Georgetown University Law School; Dean’s List 1998-1999; B.A., *Cum Laude*, Florida State University’s Honors Program, 1997; *Phi Beta Kappa*

## Steven M. Jodlowski | Partner

Steven Jodlowski is a partner in the Firm's San Diego office. His practice focuses on high-stakes complex litigation, often involving antitrust, securities, and consumer claims. In recent years, he has specialized in representing investors in a series of antitrust actions involving the manipulation of benchmark rates, including the *ISDAfix Benchmark* litigation, which to date resulted in the recovery of \$504.5 million on behalf of investors, and *In re SSA Bonds Antitrust Litig.*, which resulted in the recovery of \$95.5 million on behalf of investors. He is currently serving as interim co-lead class counsel in *Thompson v. 1-800 Contacts, Inc.*, where the court has granted preliminary approval of \$24.9 million in settlements. Jodlowski was also part of the trial team in an antitrust monopolization case against a multinational computer and software company.

Jodlowski has successfully prosecuted numerous antitrust and RICO cases. These cases resulted in the recovery of more than \$1 billion for investors and policyholders. Jodlowski has also represented institutional and individual shareholders in corporate takeover actions in state and federal court. He has handled pre- and post-merger litigation stemming from the acquisition of publicly listed companies in the biotechnology, oil and gas, information technology, specialty retail, electrical, banking, finance, and real estate industries, among others.

## Education

B.B.A., University of Central Oklahoma, 2002; J.D., California Western School of Law, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2019; Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; CAOC Consumer Attorney of the Year Award Finalist, 2015; J.D., *Cum Laude*, California Western School of Law, 2005

## Chad Johnson | Partner

Chad Johnson is the Managing Partner of the Firm's Manhattan office. Johnson has been handling complex securities cases and breach of fiduciary duty actions for more than 30 years. Johnson's background includes significant experience as a plaintiffs' lawyer, a securities-fraud prosecutor, and as a defense lawyer.

Johnson served as the head of New York's securities fraud unit referred to as the Investor Protection Bureau. In that role, Johnson prosecuted cases that resulted in billions of dollars of recoveries for New Yorkers and helped make new law in the area of securities enforcement for the benefit of investors. Johnson's experience in that law enforcement position included prosecuting Wall Street dark pool operators for their false statements to the investing public.

Johnson represents institutional and individual investors in securities and breach of fiduciary duty cases, including representing investors in direct or "opt-out" actions and in class actions. Johnson represents some of the world's largest and most sophisticated asset managers, public pension funds, and sovereign wealth funds. Johnson also represents whistleblowers in false claims act or "*qui tam*" actions.

Johnson's cases have resulted in some of the largest recoveries for shareholders on record. This includes recoveries in the following securities cases: *WorldCom* (which recovered more than \$6 billion for shareholders); *Wachovia* (which recovered \$627 million for shareholders); *Williams* (which recovered \$311 million for shareholders); and *Washington Mutual* (which recovered \$208 million for shareholders). Johnson also helped recover \$16.65 billion from Bank of America and \$13 billion from JP Morgan Chase on behalf of state and federal working groups focused on toxic residential mortgage-backed securities (RMBS) devised and sold by those banks.

Johnson has tried cases in federal and state courts, in the Delaware Court of Chancery, and before arbitration tribunals in the United States and overseas. Johnson also advises investors about how best to enforce their rights as shareholders outside the United States.

## Education

B.A., University of Michigan, 1989; J.D., Harvard Law School, 1993

## Honors / Awards

J.D., *Cum Laude*, Harvard Law School, 1993; B.A., High Distinction, University of Michigan, 1989



## Evan J. Kaufman | Partner

Evan Kaufman is a partner in the Firm's Melville office. He focuses his practice in the area of complex litigation, including securities, ERISA, corporate fiduciary duty, derivative, and consumer fraud class actions. Kaufman has served as lead counsel or played a significant role in numerous actions, including: *In re TD Banknorth S'holders Litig.* (\$50 million recovery); *In re Gen. Elec. Co. ERISA Litig.* (\$40 million cost to GE, including significant improvements to GE's employee retirement plan, and benefits to GE plan participants valued in excess of \$100 million); *EnergySolutions, Inc. Sec. Litig.* (\$26 million recovery); *Lockheed Martin Corp. Sec. Litig.* (\$19.5 million recovery); *In re Warner Chilcott Ltd. Sec. Litig.* (\$16.5 million recovery); *In re Third Avenue Mgmt. Sec. Litig.* (\$14.25 million recovery); *In re Giant Interactive Grp., Inc. Sec. Litig.* (\$13 million recovery); *In re Royal Grp. Tech. Sec. Litig.* (\$9 million recovery); *Fidelity Ultra Short Bond Fund Litig.* (\$7.5 million recovery); *In re Audiovox Derivative Litig.* (\$6.75 million recovery and corporate governance reforms); *State Street Yield Plus Fund Litig.* (\$6.25 million recovery); *In re Merrill Lynch & Co., Inc., Internet Strategies Sec. Litig.* (resolved as part of a \$39 million global settlement); and *In re MONY Grp., Inc. S'holder Litig.* (obtained preliminary injunction requiring disclosures in proxy statement).

## Education

B.A., University of Michigan, 1992; J.D., Fordham University School of Law, 1995

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2013-2015, 2017-20120; Member, *Fordham International Law Journal*, Fordham University School of Law

## David A. Knotts | Partner

David Knotts is a partner in the Firm's San Diego office and, in addition to ongoing litigation work, teaches a full-semester course on M&A litigation at the University of California Berkeley School of Law. He focuses his practice on securities class action litigation in the context of mergers and acquisitions, representing both individual shareholders and institutional investors. Knotts has been counsel of record for shareholders on a number of significant recoveries in courts and throughout the country, including *In re Rural/Metro Corp. S'holders Litig.* (nearly \$110 million total recovery, affirmed by the Delaware Supreme Court in *RBC v. Jervis*), *In re Del Monte Foods Co. S'holders Litig.* (\$89.4 million), *Websense* (\$40 million), *In re Onyx S'holders Litig.* (\$30 million), and *Joy Global* (\$20 million). *Websense* and *Onyx* are both believed to be the largest post-merger class settlements in California state court history. When Knotts recently presented the settlement as lead counsel for the stockholders in *Joy Global*, the United States District Court for the Eastern District of Wisconsin noted that "this is a pretty extraordinary settlement, recovery on behalf of the members of the class. . . . [I]t's always a pleasure to work with people who are experienced and who know what they are doing."

Before joining Robbins Geller, Knotts was an associate at one of the largest law firms in the world and represented corporate clients in various aspects of state and federal litigation, including major antitrust matters, trade secret disputes, and unfair competition claims.

## Education

B.S., University of Pittsburgh, 2001; J.D., Cornell Law School, 2004

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2018, 2020-2021; Next Generation Partner, *The Legal 500*, 2019-2021; Recommended Lawyer, *The Legal 500*, 2017-2019; Wiley W. Manuel Award for Pro Bono Legal Services, State Bar of California; Casa Cornelia Inns of Court; J.D., *Cum Laude*, Cornell Law School, 2004

## Laurie L. Largent | Partner

Laurie Largent is a partner in the Firm's San Diego, California office. Her practice focuses on securities class action and shareholder derivative litigation and she has helped recover millions of dollars for injured shareholders. Largent was part of the litigation team that obtained a \$265 million recovery in *In re Massey Energy Co. Sec. Litig.*, in which Massey was found accountable for a tragic explosion at the Upper Big Branch mine in Raleigh County, West Virginia. She also helped obtain \$67.5 million for Wyeth shareholders in *City of Livonia Emps.' Ret. Sys. v. Wyeth*, settling claims that the defendants misled investors about the safety and commercial viability of one of the company's leading drug candidates. Most recently, Largent was on the team that secured a \$64 million recovery for Dana Corp. shareholders in *Plumbers & Pipefitters Nat'l Pension Fund v. Burns*, in which the Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action. Some of Largent's other cases include: *In re Sanofi-Aventis Sec. Litig.* (S.D.N.Y.) (\$40 million); *In re Bridgepoint Educ., Inc. Sec. Litig.* (S.D. Cal.) (\$15.5 million); *Ross v. Abercrombie & Fitch Co.* (S.D. Ohio) (\$12 million); *Maiman v. Talbott* (C.D. Cal.) (\$8.25 million); *In re Cafepress Inc. S'holder Litig.* (Cal. Super. Ct., San Mateo Cnty.) (\$8 million); and *Krystek v. Ruby Tuesday, Inc.* (M.D. Tenn.) (\$5 million). Largent's current cases include securities fraud cases against Dell, Inc. (W.D. Tex.) and Banc of California (C.D. Cal.).

Largent is a past board member on the San Diego County Bar Foundation and the San Diego Volunteer Lawyer Program. She has also served as an Adjunct Business Law Professor at Southwestern College in Chula Vista, California.

## Education

B.B.A., University of Oklahoma, 1985; J.D., University of Tulsa, 1988

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Board Member, San Diego County Bar Foundation, 2013-2017; Board Member, San Diego Volunteer Lawyer Program, 2014-2017

## Kevin A. Lavelle | Partner

Kevin Lavelle is a partner in the Firm's San Diego office, where his practice focuses on complex securities litigation.

Lavelle has served on numerous litigation teams and helped obtain over \$500 million for investors. His work includes several significant recoveries against corporations, including HCA Holdings, Inc. (\$215 million); Altria Group and JUUL Labs (\$90 million); Endo Pharmaceuticals (\$63 million); and Intercept Pharmaceuticals (\$55 million), among others.

## Education

B.A., College of the Holy Cross, 2008; J.D., Brooklyn Law School, 2013

## Honors / Awards

J.D., *Cum Laude*, Brooklyn Law School, 2013; B.A., *Cum Laude*, College of the Holy Cross, 2008

## Arthur C. Leahy | Partner

Art Leahy is a founding partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He has over 20 years of experience successfully litigating securities actions and derivative cases. Leahy has recovered well over two billion dollars for the Firm's clients and has negotiated comprehensive pro-investor corporate governance reforms at several large public companies. Most recently, Leahy helped secure a \$272 million recovery on behalf of mortgage-backed securities investors in *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* In the *Goldman Sachs* case, he helped achieve favorable decisions in the Second Circuit Court of Appeals on behalf of investors of Goldman Sachs mortgage-backed securities and again in the Supreme Court, which denied Goldman Sachs' petition for certiorari, or review, of the Second Circuit's reinstatement of the plaintiff's case. He was also part of the Firm's trial team in the AT&T securities litigation, which AT&T and its former officers paid \$100 million to settle after two weeks of trial. Prior to joining the Firm, he served as a judicial extern for the Honorable J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, and served as a judicial law clerk for the Honorable Alan C. Kay of the United States District Court for the District of Hawaii.

## Education

B.A., Point Loma Nazarene University, 1987; J.D., University of San Diego School of Law, 1990

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2016-2017; J.D., *Cum Laude*, University of San Diego School of Law, 1990; Managing Editor, *San Diego Law Review*, University of San Diego School of Law

## Nathan R. Lindell | Partner

Nate Lindell is a partner in the Firm's San Diego office, where his practice focuses on representing aggrieved investors in complex civil litigation. He has helped achieve numerous significant recoveries for investors, including: *In re Enron Corp. Sec. Litig.* (\$7.2 billion recovery); *In re HealthSouth Corp. Sec. Litig.* (\$671 million recovery); *Luther v. Countrywide Fin. Corp.* (\$500 million recovery); *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.* (\$388 million recovery); *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* (\$272 million recovery); *In re Morgan Stanley Mortg. Pass-Through Certificates Litig.* (\$95 million recovery); *Massachusetts Bricklayers & Masons Tr. Funds v. Deutsche Alt-A Sec., Inc.* (\$32.5 million recovery); *City of Ann Arbor Emps.' Ret. Sys. v. Citigroup Mortg. Loan Trust Inc.* (\$24.9 million recovery); *Plumbers' Union Local No. 12 Pension Fund v. Nomura Asset Acceptance Corp.* (\$21.2 million recovery); and *Genesee Cnty. Emps.' Ret. Sys. v. Thornburg Mortg., Inc.* (\$11.25 million recovery). In October 2016, Lindell successfully argued in front of the New York Supreme Court, Appellate Division, First Judicial Department, for the reversal of an earlier order granting defendants' motion to dismiss in *Phoenix Light SF Limited v. Morgan Stanley*.

Lindell was also a member of the litigation team responsible for securing a landmark victory from the Second Circuit Court of Appeals in its precedent-setting *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* decision, which dramatically expanded the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of mortgage-backed securities investors, and ultimately resulted in a \$272 million recovery for investors.

## Education

B.S., Princeton University, 2003; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2017; Charles W. Caldwell Alumni Scholarship, University of San Diego School of Law; CALI/AmJur Award in Sports and the Law

## Ryan Llorens | Partner

Ryan Llorens is a partner in the Firm's San Diego office. Llorens' practice focuses on litigating complex securities fraud cases. He has worked on a number of securities cases that have resulted in significant recoveries for investors, including: *In re HealthSouth Corp. Sec. Litig.* (\$670 million); *AOL Time Warner* (\$629 million); *In re AT&T Corp. Sec. Litig.* (\$100 million); *In re Fleming Cos. Sec. Litig.* (\$95 million); and *In re Cooper Cos., Inc. Sec Litig.* (\$27 million).

## Education

B.A., Pitzer College, 1997; J.D., University of San Diego School of Law, 2002

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015

## Andrew S. Love | Partner

Andrew Love is a partner in the Firm's San Francisco office. His practice focuses primarily on appeals of securities fraud class action cases. Love has briefed and argued cases on behalf of defrauded investors and consumers in several U.S. Courts of Appeal, as well as in the California appellate courts. Prior to joining the Firm, Love represented inmates on California's death row in appellate and habeas corpus proceedings, successfully arguing capital cases in both the California Supreme Court and the Ninth Circuit. During his many years as a death penalty lawyer, he co-chaired the Capital Case Defense Seminar (2004-2013), recognized as the largest conference for death penalty practitioners in the country. He regularly presented at the seminar and at other conferences on a wide variety of topics geared towards effective appellate practice. Additionally, he was on the faculty of the National Institute for Trial Advocacy's Post-Conviction Skills Seminar. Love has also written several articles on appellate advocacy and capital punishment that have appeared in *The Daily Journal*, *CACJ Forum*, *American Constitution Society*, and other publications.

## Education

University of Vermont, 1981; J.D., University of San Francisco School of Law, 1985

## Honors / Awards

J.D., *Cum Laude*, University of San Francisco School of Law, 1985; McAuliffe Honor Society, University of San Francisco School of Law, 1982-1985

## Erik W. Luedeke | Partner

Erik Luedeke is a partner in the Firm's San Diego office, where he represents individual and institutional investors in shareholder derivative and securities litigation. As corporate fiduciaries, directors and officers are duty-bound to act in the best interest of the corporation and its shareholders. When they fail to do so they breach their fiduciary duty and may be held liable for harm caused to the corporation. Luedeke's shareholder derivative practice focuses on litigating breach of fiduciary duty and related claims on behalf of corporations and shareholders injured by wayward corporate fiduciaries. Notable shareholder derivative actions in which he recently participated and the recoveries he helped to achieve include *In re Community Health Sys., Inc. S'holder Derivative Litig.* (\$60 million in financial relief and unprecedented corporate governance reforms), *In re Lumber Liquidators Holdings, Inc. S'holder Derivative Litig.* (\$26 million in financial relief plus substantial governance), and *In re Google Inc. S'holder Derivative Litig.* (\$250 million in financial relief to fund substantial governance).

Luedeke's practice also includes the prosecution of complex securities class action cases on behalf of aggrieved investors. Luedeke was a member of the litigation team in *Jaffe v. Household Int'l, Inc.*, No. 02-C-5893 (N.D. Ill.), that resulted in a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial ending in a plaintiffs' verdict. He was also a member of the litigation teams in *In re UnitedHealth Grp. Inc. PSLRA Litig.*, No. 06-CV-1691 (D. Minn.) (\$925 million recovery), and *In re Questcor Pharms., Inc. Sec. Litig.*, No. 8:12-cv-01623 (C.D. Cal.) (\$38 million recovery).

## Education

B.S./B.A., University of California Santa Barbara, 2001; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2017; Student Comment Editor, *San Diego International Law Journal*, University of San Diego School of Law



## Christopher H. Lyons | Partner

Christopher Lyons is a partner in the Firm's Nashville office. He focuses his practice on representing institutional and individual investors in merger-related class action litigation and in complex securities litigation. Lyons has been a significant part of litigation teams that have achieved substantial recoveries for investors. Notable cases include *CoreCivic (Grae v. Corrections Corporation of America)* (\$56 million recovered), *Good Technology* (\$52 million recovered for investors in a privately held technology company), *The Fresh Market (Morrison v. Berry)* (\$27.5 million recovered), and *Calamos Asset Management* (\$22.4 million recovered). His *pro bono* work includes representing individuals who are appealing denial of necessary medical benefits by TennCare (Tennessee's Medicaid program), through the Tennessee Justice Center.

Before joining Robbins Geller, Lyons practiced at a prominent Delaware law firm, where he mostly represented officers and directors defending against breach of fiduciary duty claims in the Delaware Court of Chancery and in the Delaware Supreme Court. Before that, he clerked for Vice Chancellor J. Travis Laster of the Delaware Court of Chancery. Lyons now applies the expertise he gained from those experiences to help investors uncover wrongful conduct and recover the money and other remedies to which they are rightfully entitled.

## Education

B.A., Colorado College, 2006; J.D., Vanderbilt University Law School, 2010

## Honors / Awards

Best Lawyer in America: One to Watch, *Best Lawyers*®, 2022; 40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2018-2020; B.A., Distinction in International Political Economy, Colorado College, 2006; J.D., Law & Business Certificate, Vanderbilt University Law School, 2010

## Noam Mandel | Partner

Noam Mandel is a partner in the Firm's Manhattan office. Mandel has extensive experience in all aspects of litigation on behalf of investors, including securities law claims, corporate derivative actions, fiduciary breach class actions, and appraisal litigation. Mandel has represented investors in federal and state courts throughout the United States and has significant experience advising investors concerning their interests in litigation and investigating and prosecuting claims on their behalf.

Mandel has served as counsel in numerous outstanding securities litigation recoveries, including in *In re Nortel Networks Corporation Securities Litigation* (\$1.07 billion shareholder recovery), *Ohio Public Employees Retirement System v. Freddie Mac* (\$410 million shareholder recovery), and *In re Satyam Computer Services, Ltd. Securities Litigation* (\$150 million shareholder recovery). Mandel has also served as counsel in notable fiduciary breach class and derivative actions, particularly before the Court of Chancery of the State of Delaware. These actions include the groundbreaking fiduciary duty litigation challenging the CVS/Caremark merger (*Louisiana Municipal Police Employees' Retirement System v. Crawford*), which resulted in more than \$3.3 billion in additional consideration for Caremark shareholders. Mandel currently serves as counsel in *In re Dell Technologies Inc. Class V Stockholders Litigation*, which is presently before the Court of Chancery of the State of Delaware.

## Education

B.S., Georgetown University, School of Foreign Service, 1998; J.D., Boston University School of Law, 2002

## Honors / Awards

J.D., *Cum Laude*, Boston University School of Law, 2002; Member, *Boston University Law Review*, Boston University School of Law

## Carmen A. Medici | Partner

Carmen Medici is a partner in the Firm's San Diego office and focuses on complex antitrust class action litigation and unfair competition law. He represents businesses and consumers who are the victims of price-fixing, monopolization, collusion, and other anticompetitive and unfair business practices. Medici specializes in litigation against giants in the financial, pharmaceutical, and commodities industries.

Medici currently serves as co-lead counsel in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time. He is also a part of the co-lead counsel team in *In re SSA Bonds Antitrust Litig.*, pending in the Southern District of New York, representing bond purchasers who were defrauded by a brazen price-fixing scheme perpetrated by traders at some of the nation's largest banks. Medici is also a member of the litigation team in *In re Dealer Mgmt. Sys. Antitrust Litig.*, a lawsuit brought on behalf of car dealerships pending in federal court in Chicago, where one defendant has settled for nearly \$30 million.

## Education

B.S., Arizona State University, 2003; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2021

## Mark T. Millkey | Partner

Mark Millkey is a partner in the Firm's Melville office. He has significant experience in the areas of securities and consumer litigation, as well as in federal and state court appeals.

During his career, Millkey has worked on a major consumer litigation against MetLife that resulted in a benefit to the class of approximately \$1.7 billion, as well as a securities class action against Royal Dutch/Shell that settled for a minimum cash benefit to the class of \$130 million and a contingent value of more than \$180 million. Since joining Robbins Geller, he has worked on securities class actions that have resulted in approximately \$300 million in settlements.

## Education

B.A., Yale University, 1981; M.A., University of Virginia, 1983; J.D., University of Virginia, 1987

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2013-2020

## David W. Mitchell | Partner

David Mitchell is a partner in the Firm's San Diego office and focuses his practice on antitrust and securities fraud litigation. He is a former federal prosecutor who has tried nearly 20 jury trials. As head of the Firm's Antitrust and Competition Law Practice Group, he has served as lead or co-lead counsel in numerous cases and has helped achieve substantial settlements for shareholders. His most notable antitrust cases include *Dahl v. Bain Cap. Partners, LLC*, obtaining more than \$590 million for shareholders, and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Additionally, Mitchell served as co-lead counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining \$504.5 million for plaintiffs. Currently, Mitchell serves as court-appointed lead counsel in *In re Aluminum Warehousing Antitrust Litig., City of Providence, Rhode Island v. BATS Global Markets Inc., In re SSA Bonds Antitrust Litig., In re Remicade Antitrust Litig.*, and *In re 1-800 Contacts Antitrust Litig.*

## Education

B.A., University of Richmond, 1995; J.D., University of San Diego School of Law, 1998

## Honors / Awards

Member, Enright Inn of Court; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Leading Lawyer in America, *Lawdragon*, 2020-2022; Best Lawyer in America, *Best Lawyers*®, 2018-2022; Top 50 Lawyers in San Diego, *Super Lawyers Magazine*, 2021; Southern California Best Lawyer, *Best Lawyers*®, 2018-2021; Super Lawyer, *Super Lawyers Magazine*, 2016-2021; Honoree, Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; Antitrust Trailblazer, *The National Law Journal*, 2015; "Best of the Bar," *San Diego Business Journal*, 2014

## Danielle S. Myers | Partner

Danielle Myers is a partner in the Firm's San Diego office and focuses her practice on complex securities litigation. Myers is one of the partners who oversees the Portfolio Monitoring Program® and provides legal recommendations to the Firm's institutional investor clients on their options to maximize recoveries in securities litigation, both within the United States and internationally, from inception to settlement. She is also part of Robbins Geller's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies.

Myers advises the Firm's clients in connection with lead plaintiff applications and has helped secure appointment of the Firm's clients as lead plaintiff and the Firm's appointment as lead counsel in hundreds of securities class actions, which cases have yielded more than \$4 billion for investors, including 2018-2021 recoveries in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, No. 3:15-cv-07658 (D.N.J.) (\$1.2 billion); *In re Am. Realty Cap. Proprs., Inc. Litig.*, No. 1:15-mc-00040 (S.D.N.Y.) (\$1.025 billion); *Smilovits v. First Solar, Inc.*, No. 2:12-cv-00555 (D. Ariz.) (\$350 million); *City of Pontiac Gen. Ret. Sys. v. Wal-Mart Stores, Inc.*, No. 5:12-cv-5162 (W.D. Ark.) (\$160 million); *Evellard v. LendingClub Corp.*, No. 3:16-cv-02627 (N.D. Cal.) (\$125 million); *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031 (E.D. Va.) (\$108 million); and *Marcus v. J.C. Penney Co., Inc.*, No. 6:13-cv-00736 (E.D. Tex.) (\$97.5 million). Myers is also a frequent lecturer on securities fraud and corporate governance reform at conferences and events around the world.

## Education

B.A., University of California at San Diego, 1997; J.D., University of San Diego, 2008

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2022; Leading Lawyer, *The Legal 500*, 2020-2022; Leading Lawyer in America, *Lawdragon*, 2022; Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Best Lawyer in Southern California: One to Watch, *Best Lawyers*®, 2021; Future Star, *Benchmark Litigation*, 2019-2020; Next Generation Lawyer, *The Legal 500*, 2017-2019; Recommended Lawyer, *The Legal 500*, 2019; Rising Star, *Super Lawyers Magazine*, 2015-2018; One of the "Five Associates to Watch in 2012," *Daily Journal*; Member, *San Diego Law Review*; CALI Excellence Award in Statutory Interpretation

## Eric I. Niehaus | Partner

Eric Niehaus is a partner in the Firm's San Diego office, where his practice focuses on complex securities and derivative litigation. His efforts have resulted in numerous multi-million dollar recoveries to shareholders and extensive corporate governance changes. Recent examples include: *In re Deutsche Bank AG Sec. Litig.* (S.D.N.Y.); *In re NYSE Specialists Sec. Litig.* (S.D.N.Y.); *In re Novatel Wireless Sec. Litig.* (S.D. Cal.); *Batwin v. Occam Networks, Inc.* (C.D. Cal.); *Comm'n's Workers of Am. Plan for Emps.' Pensions and Death Benefits v. CSK Auto Corp.* (D. Ariz.); *Marie Raymond Revocable Tr. v. Mat Five* (Del. Ch.); and *Kelleher v. ADVO, Inc.* (D. Conn.). Niehaus is currently prosecuting cases against several financial institutions arising from their role in the collapse of the mortgage-backed securities market. Before joining the Firm, Niehaus worked as a Market Maker on the American Stock Exchange in New York and the Pacific Stock Exchange in San Francisco.

## Education

B.S., University of Southern California, 1999; J.D., California Western School of Law, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2016; J.D., *Cum Laude*, California Western School of Law, 2005; Member, *California Western Law Review*

## Brian O. O'Mara | Partner

Brian O'Mara is a partner in the Firm's San Diego office. His practice focuses on complex securities and antitrust litigation. Since 2003, O'Mara has served as lead or co-lead counsel in numerous shareholder and antitrust actions, including: *Bennett v. Sprint Nextel Corp.* (D. Kan.) (\$131 million recovery); *In re CIT Grp. Inc. Sec. Litig.* (S.D.N.Y.) (\$75 million recovery); *In re MGM Mirage Sec. Litig.* (D. Nev.) (\$75 million recovery); *C.D.T.S. No. 1 v. UBS AG* (S.D.N.Y.); *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); and *Alaska Elec. Pension Fund v. Bank of Am. Corp.* (S.D.N.Y.). Most recently, O'Mara served as class counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining \$504.5 million for plaintiffs.

O'Mara has been responsible for a number of significant rulings, including: *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 175 F. Supp. 3d 44 (S.D.N.Y. 2016); *Bennett v. Sprint Nextel Corp.*, 298 F.R.D. 498 (D. Kan. 2014); *In re MGM Mirage Sec. Litig.*, 2013 U.S. Dist. LEXIS 139356 (D. Nev. 2013); *In re Constar Int'l Inc. Sec. Litig.*, 2008 U.S. Dist. LEXIS 16966 (E.D. Pa. 2008), *aff'd*, 585 F.3d 774 (3d Cir. 2009); *In re Direct Gen. Corp. Sec. Litig.*, 2006 U.S. Dist. LEXIS 56128 (M.D. Tenn. 2006); and *In re Dura Pharms., Inc. Sec. Litig.*, 452 F. Supp. 2d 1005 (S.D. Cal. 2006). Prior to joining the Firm, he served as law clerk to the Honorable Jerome M. Polaha of the Second Judicial District Court of the State of Nevada.

## Education

B.A., University of Kansas, 1997; J.D., DePaul University, College of Law, 2002

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Super Lawyer, *Super Lawyers Magazine*, 2016-2021; Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; CALI Excellence Award in Securities Regulation, DePaul University, College of Law

## Lucas F. Olts | Partner

Luke Olts is a partner in the Firm's San Diego office, where his practice focuses on securities litigation on behalf of individual and institutional investors. Olts recently served as lead counsel in *In re Facebook Biometric Info. Privacy Litig.*, a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of users' biometric identifiers without informed consent that resulted in a \$650 million settlement. Olts has focused on litigation related to residential mortgage-backed securities, and has served as lead counsel or co-lead counsel in some of the largest recoveries arising from the collapse of the mortgage market. For example, he was a member of the team that recovered \$388 million for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.*, and a member of the litigation team responsible for securing a \$272 million settlement on behalf of mortgage-backed securities investors in *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* Olts also served as co-lead counsel in *In re Wachovia Preferred Sec. & Bond/Notes Litig.*, which recovered \$627 million under the Securities Act of 1933. He also served as lead counsel in *Siracusano v. Matrixx Initiatives, Inc.*, in which the U.S. Supreme Court unanimously affirmed the decision of the Ninth Circuit that plaintiffs stated a claim for securities fraud under §10(b) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. Olts also served on the litigation team in *In re Deutsche Bank AG Sec. Litig.*, in which the Firm obtained a \$18.5 million settlement in a case against Deutsche Bank and certain of its officers alleging violations of the Securities Act of 1933. Before joining the Firm, Olts served as a Deputy District Attorney for the County of Sacramento, where he tried numerous cases to verdict, including crimes of domestic violence, child abuse, and sexual assault.

## Education

B.A., University of California, Santa Barbara, 2001; J.D., University of San Diego School of Law, 2004

## Honors / Awards

Future Star, *Benchmark Litigation*, 2018-2020; Next Generation Lawyer, *The Legal 500*, 2017; Top Litigator Under 40, *Benchmark Litigation*, 2017; Under 40 Hotlist, *Benchmark Litigation*, 2016



## Steven W. Pepich | Partner

Steve Pepich is a partner in the Firm's San Diego office. His practice has focused primarily on securities class action litigation, but has also included a wide variety of complex civil cases, including representing plaintiffs in mass tort, royalty, civil rights, human rights, ERISA, and employment law actions. Pepich has participated in the successful prosecution of numerous securities class actions, including: *Carpenters Health & Welfare Fund v. Coca-Cola Co.* (\$137.5 million recovery); *In re Fleming Cos. Inc. Sec. & Derivative Litig.* (\$95 million recovered); *In re Boeing Sec. Litig.* (\$92 million recovery); *In re Louisiana-Pacific Corp. Sec. Litig.* (\$65 million recovery); *Haw. Structural Ironworkers Pension Trust Fund v. Calpine Corp.* (\$43 million recovery); *In re Advanced Micro Devices Sec. Litig.* (\$34 million recovery); and *Gohler v. Wood*, (\$17.2 million recovery). Pepich was a member of the plaintiffs' trial team in *Mynaf v. Taco Bell Corp.*, which settled after two months of trial on terms favorable to two plaintiff classes of restaurant workers for recovery of unpaid wages. He was also a member of the plaintiffs' trial team in *Newman v. Stringfellow* where, after a nine-month trial in Riverside, California, all claims for exposure to toxic chemicals were ultimately resolved for \$109 million.

## Education

B.S., Utah State University, 1980; J.D., DePaul University, 1983

## Daniel J. Pfefferbaum | Partner

Daniel Pfefferbaum is a partner in the Firm's San Francisco office, where his practice focuses on complex securities litigation. He has been a member of litigation teams that have recovered more than \$100 million for investors, including: *Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.* (\$65 million recovery); *In re PMI Grp., Inc. Sec. Litig.* (\$31.25 million recovery); *Cunha v. Hansen Natural Corp.* (\$16.25 million recovery); *In re Accuray Inc. Sec. Litig.* (\$13.5 million recovery); and *Twinde v. Threshold Pharms., Inc.* (\$10 million recovery). Pfefferbaum was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members are eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis.

## Education

B.A., Pomona College, 2002; J.D., University of San Francisco School of Law, 2006; LL.M. in Taxation, New York University School of Law, 2007

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2016-2020; Future Star, *Benchmark Litigation*, 2018-2020; Top 40 Under 40, *Daily Journal*, 2017; Rising Star, *Super Lawyers Magazine*, 2013-2017

## Theodore J. Pintar | Partner

Ted Pintar is a partner in the Firm's San Diego office. Pintar has over 20 years of experience prosecuting securities fraud actions and derivative actions and over 15 years of experience prosecuting insurance-related consumer class actions, with recoveries in excess of \$1 billion. He was part of the litigation team in the AOL Time Warner state and federal court securities opt-out actions, which arose from the 2001 merger of America Online and Time Warner. These cases resulted in a global settlement of \$618 million. Pintar was also on the trial team in *Knapp v. Gomez*, which resulted in a plaintiff's verdict. Pintar has successfully prosecuted several RICO cases involving the deceptive sale of deferred annuities, including cases against Allianz Life Insurance Company of North America (\$250 million), American Equity Investment Life Insurance Company (\$129 million), Midland National Life Insurance Company (\$80 million), and Fidelity & Guarantee Life Insurance Company (\$53 million). He has participated in the successful prosecution of numerous other insurance and consumer class actions, including: (i) actions against major life insurance companies such as Manufacturer's Life (\$555 million initial estimated settlement value) and Principal Mutual Life Insurance Company (\$380+ million), involving the deceptive sale of life insurance; (ii) actions against major homeowners insurance companies such as Allstate (\$50 million) and Prudential Property and Casualty Co. (\$7 million); (iii) actions against automobile insurance companies such as the Auto Club and GEICO; and (iv) actions against Columbia House (\$55 million) and BMG Direct, direct marketers of CDs and cassettes. Pintar and co-counsel recently settled a securities class action for \$32.8 million against Snap, Inc. in *Snap Inc. Securities Cases*, a case alleging violations of the Securities Act of 1933. Additionally, Pintar has served as a panelist for numerous Continuing Legal Education seminars on federal and state court practice and procedure.

## Education

B.A., University of California, Berkeley, 1984; J.D., University of Utah College of Law, 1987

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2017; CAOC Consumer Attorney of the Year Award Finalist, 2015; Note and Comment Editor, *Journal of Contemporary Law*, University of Utah College of Law; Note and Comment Editor, *Journal of Energy Law and Policy*, University of Utah College of Law

## Ashley M. Price | Partner

Ashley Price is a partner in the Firm's San Diego office. Her practice focuses on complex securities litigation. Price served as lead counsel in *In re Am. Realty Cap. Proprs., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.

Most recently, Price was a key member of the Robbins Geller litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant.

## Education

B.A., Duke University, 2006; J.D., Washington University in St. Louis, School of Law, 2011

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2016-2021

## Willow E. Radcliffe | Partner

Willow Radcliffe is a partner in the Firm's San Francisco office, where she concentrates her practice in securities class action litigation in federal court. She has been significantly involved in the prosecution of numerous securities fraud claims, including actions filed against Pfizer, Inc. (\$400 million recovery), CoreCivic (*Grae v. Corrections Corporation of America*) (\$56 million recovery), Flowserve Corp. (\$55 million recovery), Santander Consumer USA Holdings Inc. (\$47 million), NorthWestern Corp. (\$40 million recovery), Ashworth, Inc. (\$15.25 million recovery), and Allscripts Healthcare Solutions, Inc. (\$9.75 million recovery). Additionally, Radcliffe has represented plaintiffs in other complex actions, including a class action against a major bank regarding the adequacy of disclosures made to consumers in California related to access checks. Before joining the Firm, she clerked for the Honorable Maria-Elena James, Magistrate Judge for the United States District Court for the Northern District of California.

## Education

B.A., University of California, Los Angeles 1994; J.D., Seton Hall University School of Law, 1998

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Best Lawyer in Northern California: One to Watch, *Best Lawyers*®, 2021; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; J.D., *Cum Laude*, Seton Hall University School of Law, 1998; Most Outstanding Clinician Award; Constitutional Law Scholar Award

## Jack Reise | Partner

Jack Reise is a partner in the Firm's Boca Raton office. Devoted to protecting the rights of those who have been harmed by corporate misconduct, his practice focuses on class action litigation (including securities fraud, shareholder derivative actions, consumer protection, antitrust, and unfair and deceptive insurance practices). Reise also dedicates a substantial portion of his practice to representing shareholders in actions brought under the federal securities laws. He is currently serving as lead counsel in more than a dozen cases nationwide. Most recently, Reise and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.* (D.N.J.), a case that *Vanity Fair* reported as “the corporate scandal of its era” that had raised “fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations.” This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever. As lead counsel, Reise has also represented investors in a series of cases involving mutual funds charged with improperly valuing their net assets, which settled for a total of more than \$50 million. Other notable actions include: *In re NewPower Holdings, Inc. Sec. Litig.* (S.D.N.Y.) (\$41 million settlement); *In re ADT Inc. S'holder Litig.* (Fla. Cir. Ct., 15th Jud. Cir.) (\$30 million settlement); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.) (\$20 million settlement); and *In re AFC Enters., Inc. Sec. Litig.* (N.D. Ga.) (\$17.2 million settlement).

## Education

B.A., Binghamton University, 1992; J.D., University of Miami School of Law, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; American Jurisprudence Book Award in Contracts; J.D., *Cum Laude*, University of Miami School of Law, 1995; *University of Miami Inter-American Law Review*, University of Miami School of Law

## Frank A. Richter | Partner

Frank Richter is a partner in the Firm's Chicago office, where he focuses on shareholder, antitrust, and class action litigation.

Richter was an integral member of the Robbins Geller team that secured a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.* (D.N.J.), which is the ninth-largest securities class action settlement in history and the largest ever against a pharmaceutical manufacturer. In addition to *Valeant*, Richter has been a member of litigation teams that have secured hundreds of millions of dollars in securities class action settlements throughout the country, including in *HCA* (\$215 million, E.D. Tenn.), *Sprint* (\$131 million, D. Kan.), *Orbital ATK* (\$108 million, E.D. Va.), *Dana Corp.* (\$64 million, N.D. Ohio), *LJM Funds* (\$12.85 million, N.D. Ill.), and *Camping World* (\$12.5 million, N.D. Ill.).

Richter also works on antitrust matters, including serving on the Plaintiffs' Steering Committee in *In re Dealer Mgmt. Sys. Antitrust Litig.* (N.D. Ill.), and he represents plaintiffs as local counsel in class action and derivative shareholder litigation in Illinois state and federal courts.

## Education

B.A., Truman State University, 2007; M.M., DePaul University School of Music, 2009; J.D., DePaul University College of Law, 2012

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2017-2022; 40 & Under Hot List, *Benchmark Litigation*, 2021; J.D., *Summa Cum Laude*, Order of the Coif, CALI Award for highest grade in seven courses, DePaul University College of Law, 2012

## Darren J. Robbins | Partner

Darren Robbins is a founding partner of Robbins Geller Rudman & Dowd LLP. Over the last two decades, Robbins has served as lead counsel in more than 100 securities class actions and has recovered billions of dollars for investors. Robbins recently served as lead counsel in *In re Am. Realty Cap. Proprs., Inc. Litig.*, a securities class action arising out of improper accounting practices, recovering more than \$1 billion for class members. The *American Realty* settlement represents the largest recovery as a percentage of damages of any major class action brought pursuant to the Private Securities Litigation Reform Act of 1995 and resolved prior to trial. The \$1+ billion settlement included the largest personal contributions (\$237.5 million) ever made by individual defendants to a securities class action settlement.

Robbins also led Robbins Geller's prosecution of wrongdoing related to the sale of residential mortgage-backed securities (RMBS) prior to the global financial crisis, including an RMBS securities class action against Goldman Sachs that yielded a \$272 million recovery for investors. Robbins served as co-lead counsel in connection with a \$627 million recovery for investors in *In re Wachovia Preferred Securities & Bond/Notes Litig.*, one of the largest securities class action settlements ever involving claims brought solely under the Securities Act of 1933.

One of the hallmarks of Robbins' practice has been his focus on corporate governance reform. In *UnitedHealth*, a securities fraud class action arising out of an options backdating scandal, Robbins represented lead plaintiff CalPERS and obtained the cancellation of more than 3.6 million stock options held by the company's former CEO and secured a record \$925 million cash recovery for shareholders. He also negotiated sweeping corporate governance reforms, including the election of a shareholder-nominated director to the company's board of directors, a mandatory holding period for shares acquired via option exercise, and compensation reforms that tied executive pay to performance. Recently, Robbins led a shareholder derivative action brought by several pension funds on behalf of Community Health Systems, Inc. that yielded a \$60 million payment to Community Health as well as corporate governance reforms that included two shareholder-nominated directors, the creation and appointment of a Healthcare Law Compliance Coordinator, the implementation of an executive compensation clawback in the event of a restatement, the establishment of an insider trading controls committee, and the adoption of a political expenditure disclosure policy.

## Education

B.S., University of Southern California, 1990; M.A., University of Southern California, 1990; J.D., Vanderbilt Law School, 1993

## Honors / Awards

Leading Lawyer, *The Legal 500*, 2020-2022; Leading Lawyer, *Chambers USA*, 2014-2022; Best Lawyer in America, *Best Lawyers*®, 2010-2022; California Lawyer of the Year, *Daily Journal*, 2022; Top 50 Lawyers in San Diego, *Super Lawyers Magazine*, 2015, 2021; Litigator of the Week, *The American Lawyer*, 2021; Southern California Best Lawyer, *Best Lawyers*®, 2012-2021; Local Litigation Star, *Benchmark Litigation*, 2013-2018, 2020; Recommended Lawyer, *The Legal 500*, 2011, 2017, 2019; Benchmark California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Lawyer of the Year, *Best Lawyers*®, 2017; Influential Business Leader, *San Diego Business Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; One of the Top 100 Lawyers Shaping the Future, *Daily Journal*; One of the "Young Litigators 45 and Under," *The American Lawyer*; Attorney of the Year, *California Lawyer*; Managing Editor, *Vanderbilt Journal of Transnational Law*, Vanderbilt Law School

## Robert J. Robbins | Partner

Robert Robbins is a partner in the Firm's Boca Raton office. He focuses his practice on investigating securities fraud, initiating securities class actions, and helping institutional and individual shareholders litigate their claims to recover investment losses caused by fraud. Representing shareholders in all aspects of class actions brought pursuant to the federal securities laws, Robbins provides counsel in numerous securities fraud class actions across the country, helping secure significant recoveries for investors. Most recently, Robbins and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever. Robbins has also been a key member of litigation teams responsible for the successful prosecution of many other securities class actions, including: *Hospira* (\$60 million recovery); *3D Systems* (\$50 million); *CVS Caremark* (\$48 million recovery); *Baxter International* (\$42.5 million recovery); *R.H. Donnelley* (\$25 million recovery); *Spiegel* (\$17.5 million recovery); *TECO Energy* (\$17.35 million recovery); *AFC Enterprises* (\$17.2 million recovery); *Accretive Health* (\$14 million recovery); *Lender Processing Services* (\$14 million recovery); *Imperial Holdings* (\$12 million recovery); *Mannatech* (\$11.5 million recovery); *Newpark Resources* (\$9.24 million recovery); *Gilead Sciences* (\$8.25 million recovery); *TCP International* (\$7.175 million recovery); *Cryo Cell International* (\$7 million recovery); *Gainsco* (\$4 million recovery); and *Body Central* (\$3.425 million recovery).

## Education

B.S., University of Florida, 1999; J.D., University of Florida College of Law, 2002

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Rising Star, *Super Lawyers Magazine*, 2015-2017; J.D., High Honors, University of Florida College of Law, 2002; Member, *Journal of Law and Public Policy*, University of Florida College of Law; Member, *Phi Delta Phi*, University of Florida College of Law; *Pro bono* certificate, Circuit Court of the Eighth Judicial Circuit of Florida; Order of the Coif



## Caroline M. Robert | Partner

Caroline Robert is a partner in the Firm's San Diego office, where her practice focuses on complex securities litigation. Robert has maintained an active role in litigation at the heart of the worldwide financial crisis. She was part of the litigation teams that secured settlements for institutional investors against Wall Street banks for their role in structuring residential mortgage-backed securities and their subsequent collapse. Currently, she is litigating *China Development Industrial Bank v. Morgan Stanley & Co. Inc.*

Robert also serves as liaison to some the Firm's institutional investor clients abroad. She is currently representing investors damaged by Volkswagen's defeat device scandal in representative actions in Germany against Volkswagen and Porsche SE under the Kapitalanlegermusterverfahrensgesetz (KapMuG), the Capital Market Investors' Model Proceeding Act.

## Education

B.A., University of San Diego, 2004; J.D., University of San Diego School of Law, 2007

## Honors / Awards

B.A., *Magna Cum Laude*, University of San Diego, 2004

## Henry Rosen | Partner

Henry Rosen is a partner in the Firm's San Diego office, where he is a member of the Hiring Committee and the Technology Committee, the latter of which focuses on applications to digitally manage documents produced during litigation and internally generate research files. He has significant experience prosecuting every aspect of securities fraud class actions and has obtained more than \$1 billion on behalf of defrauded investors. Prominent cases include *In re Cardinal Health, Inc. Sec. Litig.*, in which Rosen recovered \$600 million for defrauded shareholders. This \$600 million settlement is the largest recovery ever in a securities fraud class action in the Sixth Circuit, and remains one of the largest settlements in the history of securities fraud litigation. Additional recoveries include: *Jones v. Pfizer Inc.* (\$400 million); *In re First Energy* (\$89.5 million); *In re CIT Grp. Inc. Sec. Litig.* (\$75 million); *Stanley v. Safeskin Corp.* (\$55 million); *In re Storage Tech. Corp. Sec. Litig.* (\$55 million); and *Rasner v. Sturm* (FirstWorld Communications) (\$25.9 million).

## Education

B.A., University of California, San Diego, 1984; J.D., University of Denver, 1988

## Honors / Awards

Editor-in-Chief, *University of Denver Law Review*, University of Denver

## David A. Rosenfeld | Partner

David Rosenfeld, a partner in the Firm's Melville office, has focused his legal practice for more than 20 years in the area of securities litigation. He has argued in courts throughout the country, has been appointed lead counsel in dozens of securities fraud lawsuits, and has successfully recovered hundreds of millions of dollars for defrauded shareholders.

Rosenfeld works on all stages of litigation, including drafting pleadings, arguing motions, and negotiating settlements. Most recently, he led the teams of Robbins Geller attorneys in recovering \$95 million for shareholders of Tableau Software, Inc., \$90 million for shareholders of Altria Group, Inc., \$40 million for shareholders of BRF S.A., \$20 million for shareholders of Grana y Montero (where shareholders recovered more than 90% of their losses), and \$34.5 million for shareholders of L-3 Communications Holdings, Inc.

Rosenfeld also led the Robbins Geller team in recovering in excess of \$34 million for investors in Overseas Shipholding Group, which represented an outsized recovery of 93% of bond purchasers' damages and 28% of stock purchasers' damages. The creatively structured settlement included more than \$15 million paid by a bankrupt entity. Rosenfeld also led the effort that resulted in the recovery of nearly 90% of losses for investors in Austin Capital, a sub-feeder fund of Bernard Madoff. In connection with this lawsuit, Rosenfeld met with and interviewed Madoff in federal prison in Butner, North Carolina.

Rosenfeld has also achieved remarkable recoveries against companies in the financial industry. In addition to being appointed lead counsel in the securities fraud lawsuit against First BanCorp (\$74.25 million recovery), he recovered \$70 million for investors in Credit Suisse Group and \$14 million for Barclays investors.

## Education

B.S., Yeshiva University, 1996; J.D., Benjamin N. Cardozo School of Law, 1999

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2014-2020; Future Star, *Benchmark Litigation*, 2016-2020; Recommended Lawyer, *The Legal 500*, 2018; Rising Star, *Super Lawyers Magazine*, 2011-2013

## Robert M. Rothman | Partner

Robert Rothman is a partner in the Firm's Melville office and a member of the Firm's Management Committee. He has recovered well in excess of \$1 billion on behalf of victims of investment fraud, consumer fraud, and antitrust violations.

Recently, Rothman served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.* where he obtained a \$1.025 billion cash recovery on behalf of investors. Rothman and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages ever obtained in a major PSLRA case before trial and includes the largest personal contributions by individual defendants in history. Additionally, Rothman has recovered hundreds of millions of dollars for investors in cases against First Bancorp, Doral Financial, Popular, iStar, Autoliv, CVS Caremark, Fresh Pet, The Great Atlantic & Pacific Tea Company (A&P), NBTY, Spiegel, American Superconductor, Iconix Brand Group, Black Box, OSI Pharmaceuticals, Gravity, Caminus, Central European Distribution Corp., OneMain Holdings, The Children's Place, CNinsure, Covisint, FleetBoston Financial, Interstate Bakeries, Hibernia Foods, Jakks Pacific, Jarden, Portal Software, Ply Gem Holdings, Orion Energy, Tommy Hilfiger, TD Banknorth, Teletech, Unitek, Vicuron, Xerium, W Holding, and dozens of others.

Rothman also represents shareholders in connection with going-private transactions and tender offers. For example, in connection with a tender offer made by Citigroup, Rothman secured an increase of more than \$38 million over what was originally offered to shareholders. He also actively litigates consumer fraud cases, including a case alleging false advertising where the defendant agreed to a settlement valued in excess of \$67 million.

## Education

B.A., State University of New York at Binghamton, 1990; J.D., Hofstra University School of Law, 1993

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2022; Northeast Trailblazer, *The American Lawyer*, 2022; Super Lawyer, *Super Lawyers Magazine*, 2011, 2013-2022; New York Trailblazer, *New York Law Journal*, 2020; Dean's Academic Scholarship Award, Hofstra University School of Law; J.D., with Distinction, Hofstra University School of Law, 1993; Member, *Hofstra Law Review*, Hofstra University School of Law

## Samuel H. Rudman | Partner

Sam Rudman is a founding member of the Firm, a member of the Firm's Executive and Management Committees, and manages the Firm's New York offices. His 26-year securities practice focuses on recognizing and investigating securities fraud, and initiating securities and shareholder class actions to vindicate shareholder rights and recover shareholder losses. Rudman is also part of the Firm's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. A former attorney with the SEC, Rudman has recovered hundreds of millions of dollars for shareholders, including a \$200 million recovery in *Motorola*, a \$129 million recovery in *Doral Financial*, an \$85 million recovery in *Blackstone*, a \$74 million recovery in *First BanCorp*, a \$65 million recovery in *Forest Labs*, a \$62.5 million recovery in *SQM*, a \$50 million recovery in *TD Banknorth*, a \$48 million recovery in *CVS Caremark*, a \$34.5 million recovery in *L-3 Communications Holdings*, a \$32.8 million recovery in *Snap, Inc.*, and a \$18.5 million recovery in *Deutsche Bank*.

## Education

B.A., Binghamton University, 1989; J.D., Brooklyn Law School, 1992

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Leading Lawyer, *Chambers USA*, 2014-2022; Leading Lawyer in America, *Lawdragon*, 2016-2022; Super Lawyer, *Super Lawyers Magazine*, 2007-2020; New York Trailblazer, *New York Law Journal*, 2020; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; National Practice Area Star, *Benchmark Litigation*, 2019-2020; Local Litigation Star, *Benchmark Litigation*, 2013-2020; Recommended Lawyer, *The Legal 500*, 2018-2019; Litigation Star, *Benchmark Litigation*, 2013, 2017-2019; Dean's Merit Scholar, Brooklyn Law School; Moot Court Honor Society, Brooklyn Law School; Member, *Brooklyn Journal of International Law*, Brooklyn Law School

## Joseph Russello | Partner

Joseph Russello is a partner in the Firm's Melville office. He began his career as a defense lawyer and now represents investors in securities class actions at the trial and appellate levels.

Rusello spearheaded the team that recovered \$85 million in litigation against The Blackstone Group, LLC, a case that yielded a landmark decision from the Second Circuit Court of Appeals on "materiality" in securities actions. *Litwin v. Blackstone Grp., L.P.*, 634 F.3d 706 (2d Cir. 2011). He also led the team responsible for partially defeating dismissal and achieving a \$50 million settlement in litigation against BHP Billiton, an Australia-based mining company accused of concealing safety issues at a Brazilian iron-ore dam. *In re BHP Billiton Ltd. Sec. Litig.*, 276 F. Supp. 3d 65 (S.D.N.Y. 2017).

Recently, Rusello was co-counsel in a lawsuit against Allied Nevada Gold Corporation, recovering \$14.5 million for investors after the Ninth Circuit Court of Appeals reversed two dismissal decisions. *In re Allied Nev. Gold Corp. Sec. Litig.*, 743 F. App'x 887 (9th Cir. 2018). He was also instrumental in obtaining a settlement and favorable appellate decision in litigation against SAIC, Inc., a defense contractor embroiled in a decade-long overbilling fraud against the City of New York. *Ind. Pub. Ret. Sys. v. SAIC, Inc.*, 818 F.3d 85 (2d Cir. 2016). Other notable recent decisions include: *In re Qudian Sec. Litig.*, 189 A.D. 3d 449 (N.Y. App. Div., 1st Dep't 2020); *Kazi v. XP Inc.*, 2020 WL 4581569 (N.Y. Sup. Ct. Aug. 5, 2020); *In re Dentsply Sirona, Inc. S'holders Litig.*, 2019 WL 3526142 (N.Y. Sup. Ct. Aug. 2, 2019); and *Matter of PPD AI Grp. Sec. Litig.*, 64 Misc. 3d 1208(A), 2019 WL 2751278 (N.Y. Sup. Ct. 2019). Other notable settlements include: *NBTY, Inc.* (\$16 million); *LaBranche & Co., Inc.* (\$13 million); *The Children's Place Retail Stores, Inc.* (\$12 million); and *Prestige Brands Holdings, Inc.* (\$11 million).

## Education

B.A., Gettysburg College, 1998; J.D., Hofstra University School of Law, 2001

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Super Lawyer, *Super Lawyers Magazine*, 2014-2020; *Law360* Securities Editorial Advisory Board, 2017

## Scott H. Saham | Partner

Scott Saham is a partner in the Firm's San Diego office, where his practice focuses on complex securities litigation. He is licensed to practice law in both California and Michigan. Most recently, Saham was a member of the litigation team that obtained a \$125 million settlement in *In re LendingClub Sec. Litig.*, a settlement that ranks among the top ten largest securities recoveries ever in the Northern District of California. He was also part of the litigation teams in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee, and *Luna v. Marvell Tech. Grp., Ltd.*, which resulted in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors. He also served as lead counsel prosecuting the *Pharmacia* securities litigation in the District of New Jersey, which resulted in a \$164 million recovery. Additionally, Saham was lead counsel in the *In re Coca-Cola Sec. Litig.* in the Northern District of Georgia, which resulted in a \$137.5 million recovery after nearly eight years of litigation. He also obtained reversal from the California Court of Appeal of the trial court's initial dismissal of the landmark *Countrywide* mortgage-backed securities action. This decision is reported as *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011), and following this ruling that revived the action the case settled for \$500 million.

## Education

B.A., University of Michigan, 1992; J.D., University of Michigan Law School, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022

## Juan Carlos Sanchez | Partner

Juan Carlos Sanchez is a partner in the Firm's San Diego office, where his practice focuses on complex securities litigation. Sanchez was a member of the litigation team that secured a \$60 million settlement – the largest shareholder derivative recovery ever in Tennessee and the Sixth Circuit – and unprecedented corporate governance reforms in *In re Community Health Sys., Inc. S'holder Derivative Litig.* More recently, Sanchez's representation of California passengers in a landmark consumer and civil rights case against Greyhound Lines, Inc. led to a ruling recognizing that transit passengers do not check their rights and dignity at the bus door.

In addition to actively litigating cases, Sanchez is also a member of the Firm's Lead Plaintiff Advisory Team, which evaluates clients' exposure to securities fraud, advises them on lead plaintiff motions, and helps them secure appointment as lead plaintiff. Sanchez's efforts have assisted institutional and retail clients secure lead plaintiff appointments in more than 40 securities class actions.

Sanchez is also part of Robbins Geller's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. The rise in "blank check" financing poses unique risks to investors, and this group – comprised of experienced litigators, investigators, and forensic accountants – represents the vanguard of ensuring integrity, honesty, and justice in this rapidly developing investment arena.

## Education

B.S., University of California, Davis, 2005; J.D., University of California, Berkeley School of Law (Boalt Hall), 2014



## Vincent M. Serra | Partner

Vincent Serra is a partner in the Firm's Melville office and focuses his practice on complex securities, antitrust, consumer, and employment litigation. His efforts have contributed to the recovery of over a billion dollars on behalf of aggrieved plaintiffs and class members. Notably, Serra has contributed to several significant recoveries, including *Dahl v. Bain Cap. Partners, LLC* (\$590.5 million recovery), an antitrust action against the world's largest private equity firms alleging collusive practices in multi-billion dollar leveraged buyouts, and *Samit v. CBS Corp.* (\$14.75 million recovery, pending final approval), a securities action alleging that defendants made false and misleading statements about their knowledge of former CEO Leslie Moonves's exposure to the #MeToo movement.

Additionally, Serra was a member of the litigation team that obtained a \$22.75 million settlement fund on behalf of route drivers in an action asserting violations of federal and state overtime laws against Cintas Corp. He was also part of the successful trial team in *Lebrilla v. Farmers Grp., Inc.*, which involved Farmers' practice of using inferior imitation parts when repairing insureds' vehicles. Other notable cases include *Alaska Elec. Pension Fund v. Pharmacia Corp.* (\$164 million recovery) and *In re Priceline.com Sec. Litig.* (\$80 million recovery). Serra is currently litigating several actions against manufacturers and retailers for the improper marketing and sale of purportedly "flushable" wipes products. In *Commissioners of Public Works of the City of Charleston (d.b.a. Charleston Water System) v. Costco Wholesale Corp.*, Serra serves as court-appointed class counsel in connection with a settlement that secured an unprecedented commitment of Kimberly-Clark to meet the national municipal wastewater standard for flushability. He also obtained up to \$20 million for consumers who purchased Kimberly-Clark's "flushable" wipes in *Kurtz v. Costco Wholesale Corp.* and *Honigman v. Kimberly-Clark Corp.* (pending final approval).

## Education

B.A., University of Delaware, 2001; J.D., California Western School of Law, 2005

## Honors / Awards

Wiley W. Manuel Award for Pro Bono Legal Services, State Bar of California

## Jessica T. Shinnfield | Partner

Jessica Shinnfield is a partner in the Firm's San Diego office. Currently, her practice focuses on initiating, investigating, and prosecuting securities fraud class actions. Shinnfield served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history. Shinnfield also served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

Shinnfield was also a member of the litigation team prosecuting actions against investment banks and leading national credit rating agencies for their roles in structuring and rating structured investment vehicles backed by toxic assets in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Incorporated* and *King County, Washington v. IKB Deutsche Industriebank AG*. These cases were among the first to successfully allege fraud against the rating agencies, whose ratings have traditionally been protected by the First Amendment. Shinnfield also litigated individual opt-out actions against AOL Time Warner – *Regents of the Univ. of Cal. v. Parsons* and *Ohio Pub. Emps. Ret. Sys. v. Parsons* (recovery more than \$600 million). Additionally, she litigated an action against Omnicare, in which she helped obtain a favorable ruling for plaintiffs from the United States Supreme Court. Shinnfield has also successfully appealed lower court decisions in the Second, Seventh, and Ninth Circuit Courts of Appeals.

## Education

B.A., University of California at Santa Barbara, 2001; J.D., University of San Diego School of Law, 2004

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Plaintiffs' Lawyers Trailblazer, *The National Law Journal*, 2021; Litigator of the Week, *The American Lawyer*, 2020; Rising Star, *Super Lawyers Magazine*, 2015-2019; 40 & Under Hot List, *Benchmark Litigation*, 2018-2019; B.A., *Phi Beta Kappa*, University of California at Santa Barbara, 2001

## Elizabeth A. Shonson | Partner

Elizabeth Shonson is a partner in the Firm's Boca Raton office. She concentrates her practice on representing investors in class actions brought pursuant to the federal securities laws. Shonson has litigated numerous securities fraud class actions nationwide, helping achieve significant recoveries for aggrieved investors. She was a member of the litigation teams responsible for recouping millions of dollars for defrauded investors, including: *In re Massey Energy Co. Sec. Litig.* (S.D. W.Va.) (\$265 million); *Nieman v. Duke Energy Corp.* (W.D.N.C.) (\$146.25 million recovery); *In re ADT Inc. S'holder Litig.* (Fla. Cir. Ct., 15th Jud. Cir.) (\$30 million settlement); *Eshe Fund v. Fifth Third Bancorp* (S.D. Ohio) (\$16 million); *City of St. Clair Shores Gen. Emps. Ret. Sys. v. Lender Processing Servs., Inc.* (M.D. Fla.) (\$14 million); and *In re Synovus Fin. Corp.* (N.D. Ga.) (\$11.75 million).

## Education

B.A., Syracuse University, 2001; J.D., University of Florida Levin College of Law, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2016-2019; J.D., *Cum Laude*, University of Florida Levin College of Law, 2005; Editor-in-Chief, *Journal of Technology Law & Policy*; Phi Delta Phi; B.A., with Honors, *Summa Cum Laude*, Syracuse University, 2001; Phi Beta Kappa

## Trig Smith | Partner

Trig Smith is a partner in the Firm's San Diego office where he focuses his practice on complex securities litigation. He has been involved in the prosecution of numerous securities class actions that have resulted in over a billion dollars in recoveries for investors. His cases have included: *In re Cardinal Health, Inc. Sec. Litig.* (\$600 million recovery); *Jones v. Pfizer Inc.* (\$400 million recovery); *Silverman v. Motorola, Inc.* (\$200 million recovery); and *City of Livonia Emps.' Ret. Sys. v. Wyeth* (\$67.5 million). Most recently, he was a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial.

## Education

B.S., University of Colorado, Denver, 1995; M.S., University of Colorado, Denver, 1997; J.D., Brooklyn Law School, 2000

## Honors / Awards

Member, *Brooklyn Journal of International Law*, Brooklyn Law School; CALI Excellence Award in Legal Writing, Brooklyn Law School

## Mark Solomon | Partner

Mark Solomon is a founding and managing partner of the Firm and leads its international litigation practice. Over the last 29 years, he has regularly represented United States and United Kingdom-based pension funds and asset managers in class and non-class securities litigation in federal and state courts throughout the United States. He was first admitted to the Bar of England and Wales as a Barrister (he is non-active) and is an active member of the Bars of Ohio, California, and various United States federal district and appellate courts.

Since 1993, Solomon has spearheaded the prosecution of many significant securities fraud cases. He has obtained multi-hundred million-dollar recoveries for plaintiffs in pre-trial settlements and significant corporate governance reforms designed to limit recidivism and promote appropriate standards. Prior to the most recent financial crisis, he was instrumental in obtaining some of the first mega-recoveries in the field in California and Texas, serving in the late 1990s and early 2000s as class counsel in *In re Informix Corp. Sec. Litig.* in the federal district court for the Northern District of California, and recovering \$131 million for Informix investors; and serving as class counsel in *Schwartz v. TXU Corp.* in the federal district court for the Northern District of Texas, where he helped obtain a recovery of over \$149 million for a class of purchasers of TXU securities as well as securing important governance reforms. He litigated and tried the securities class action *In re Helionetics, Inc. Sec. Litig.*, where he won a \$15.4 million federal jury verdict in the federal district court for the Central District of California.

Solomon is currently counsel to a number of pension funds serving as lead plaintiffs in cases throughout the United States. He represents the UK's Norfolk Pension Fund in *Hsu v. Puma Biotechnology, Inc.* where, in the federal district court for the Central District of California, after three weeks of trial, the Fund obtained a jury verdict valued at over \$54 million in favor of the class against the company and its CEO. Solomon also represents Norfolk Pension Fund in separate class actions currently pending against Apple Inc. and Apple executives in the federal district court for the Northern District of California and against Anadarko Petroleum Corporation and former Anadarko executives in the federal district court for the Southern District of Texas. He represented the British Coal Staff Superannuation Scheme and the Mineworkers' Pension Scheme in *Smilovits v. First Solar, Inc.* in the federal district court for the District of Arizona, in which the class recently recovered \$350 million on the eve of trial. That settlement is the fifth-largest recovered in the Ninth Circuit since the advent in 1995 of statutory reforms to securities litigation that established the current legal regime. Solomon also represents the same coal industry funds in the recently filed class action against Citrix Inc. and Citrix executives in the federal district court for the Southern District of Florida, and he represents North East Scotland Pension Fund in a class action pending against Under Armour and Under Armour executives in the federal district court for the District of Maryland. In addition, he is currently representing Los Angeles County Employees Retirement Association in a class action pending against FirstEnergy and FirstEnergy executives in the federal district court for the Southern District of Ohio and he is representing Strathclyde Pension Fund in a class action pending against Bank OZK and its CEO in the federal district court for the Eastern District of Arkansas.

## Education

B.A., Trinity College, Cambridge University, England, 1985; L.L.M., Harvard Law School, 1986; Inns of Court School of Law, Degree of Utter Barrister, England, 1987

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Super Lawyer, *Super Lawyers Magazine*, 2017-2018; Recommended Lawyer, *The Legal 500*, 2016-2017; Lizette Bentwich Law Prize, Trinity College, 1983 and 1984; Hollond Travelling Studentship, 1985; Harvard Law School Fellowship, 1985-1986; Member and Hardwicke Scholar of the Honourable Society of Lincoln's Inn

## Hillary B. Stakem | Partner

Hillary Stakem is a partner in the Firm's San Diego office, where her practice focuses on complex securities litigation. Stakem was a member of the litigation team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. She was also part of the litigation teams that secured a \$388 million recovery for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* and a \$131 million recovery in favor of plaintiffs in *Bennett v. Sprint Nextel Corp.* Additionally, Stakem helped to obtain a landmark settlement, on the eve of trial, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the structured investment vehicles in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.* Stakem also obtained a \$350 million settlement on the eve of trial in *Smilovits v. First Solar, Inc.*, the fifth-largest PSLRA settlement ever recovered in the Ninth Circuit, and was on the team of Robbins Geller attorneys who obtained a \$97.5 million recovery in *Marcus v. J.C. Penney Company, Inc.*

Most recently, Stakem was a member of the Robbins Geller litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant.

## Education

B.A., College of William and Mary, 2009; J.D., UCLA School of Law, 2012

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2021; B.A., *Magna Cum Laude*, College of William and Mary, 2009

## Jeffrey J. Stein | Partner

Jeffrey Stein is a partner in the Firm's San Diego office, where he practices securities fraud litigation and other complex matters. He was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members are eligible for upwards of \$35,000 in restitution. Stein represented the class on a *pro bono* basis.

Before joining the Firm, Stein focused on civil rights litigation, with special emphasis on the First, Fourth, and Eighth Amendments. In this capacity, he helped his clients secure successful outcomes before the United States Supreme Court and the Ninth Circuit Court of Appeals.

## Education

B.S., University of Washington, 2005; J.D., University of San Diego School of Law, 2009

## Christopher D. Stewart | Partner

Christopher Stewart is a partner in the Firm's San Diego office. His practice focuses on complex securities and shareholder derivative litigation. Stewart served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, he and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history. Most recently, Stewart served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

He was also part of the litigation team that obtained a \$67 million settlement in *City of Westland Police & Fire Ret. Sys. v. Stumpf*, a shareholder derivative action alleging that Wells Fargo participated in the mass-processing of home foreclosure documents by engaging in widespread robo-signing. Stewart also served on the litigation team in *In re Deutsche Bank AG Sec. Litig.*, in which the Firm obtained a \$18.5 million settlement in a case against Deutsche Bank and certain of its officers alleging violations of the Securities Act of 1933.

## Education

B.S., Santa Clara University, 2004; M.B.A., University of San Diego School of Business Administration, 2009; J.D., University of San Diego School of Law, 2009

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2020; J.D., *Magna Cum Laude*, Order of the Coif, University of San Diego School of Law, 2009; Member, *San Diego Law Review*

## Sabrina E. Tirabassi | Partner

Sabrina Tirabassi is a partner in the Firm's Boca Raton office, where her practice focuses on complex securities litigation, including the Firm's lead plaintiff motion practice. In this role, Tirabassi remains at the forefront of litigation trends and issues arising under the Private Securities Litigation Reform Act of 1995. Further, Tirabassi has been an integral member of the litigation teams responsible for securing significant monetary recoveries on behalf of shareholders, including: *Villella v. Chemical and Mining Company of Chile Inc.*, No. 1:15-cv-02106 (S.D.N.Y.); *In re ADT Inc. S'holder Litig.*, No. 502018CA003494XXXXMB-AG (Fla. Cir. Ct., 15th Jud. Cir.); *KBC Asset Mgmt. NV v. Aegerion Pharms., Inc.*, No. 1:14-cv-10105-MLW (D. Mass.); *Sohal v. Yan*, No. 1:15-cv-00393-DAP (N.D. Ohio); *McGee v. Constant Contact, Inc.*, No. 1:15-cv-13114-MLW (D. Mass.); and *Schwartz v. Urban Outfitters, Inc.*, No. 2:13-cv-05978-MAK (E.D. Pa.).

## Education

B.A., University of Florida, 2000; J.D., Nova Southeastern University Shepard Broad College of Law, 2006, *Magna Cum Laude*

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2010, 2015-2018; J.D., *Magna Cum Laude*, Nova Southeastern University Shepard Broad College of Law, 2006

## Douglas Wilens | Partner

Douglas Wilens is a partner in the Firm's Boca Raton office. Wilens is a member of the Firm's Appellate Practice Group, participating in numerous appeals in federal and state courts across the country. Most notably, Wilens handled successful and precedent-setting appeals in *Ind. Pub. Ret. Sys. v. SAIC, Inc.*, 818 F.3d 85 (2d Cir. 2016) (addressing duty to disclose under SEC Regulation Item 303 in §10(b) case), *Mass. Ret. Sys. v. CVS Caremark Corp.*, 716 F.3d 229 (1st Cir. 2013) (addressing pleading of loss causation in §10(b) case), and *Lormand v. US Unwired, Inc.*, 565 F.3d 228 (5th Cir. 2009) (addressing pleading of falsity, scienter, and loss causation in §10(b) case).

Before joining the Firm, Wilens was an associate at a nationally recognized firm, where he litigated complex actions on behalf of numerous professional sports leagues, including the National Basketball Association, the National Hockey League, and Major League Soccer. He has also served as an adjunct professor at Florida Atlantic University and Nova Southeastern University, where he taught undergraduate and graduate-level business law classes.

## Education

B.S., University of Florida, 1992; J.D., University of Florida College of Law, 1995

## Honors / Awards

Book Award for Legal Drafting, University of Florida College of Law; J.D., with Honors, University of Florida College of Law, 1995



## Shawn A. Williams | Partner

Shawn Williams, a founding partner of the Firm, is the managing partner of the Firm's San Francisco office and a member of the Firm's Management Committee. Williams specializes in complex commercial litigation focusing on securities litigation, and has served as lead counsel in a range of actions resulting in more than a billion dollars in recoveries. For example, Williams was among lead counsel in *In re Facebook Biometric Info. Privacy Litig.*, charging Facebook with violations of the Illinois Biometric Information Privacy Act, resulting in a \$650 million recovery for injured Facebook users, the largest ever privacy class action.

Williams led the team of Robbins Geller attorneys in the investigation and drafting of comprehensive securities fraud claims in *Hefler v. Wells Fargo & Co.*, alleging widespread opening of unauthorized and undisclosed customer accounts. The *Hefler* action resulted in the recovery of \$480 million for Wells Fargo investors. In *City of Westland Police & Fire Ret. Sys. v. MetLife, Inc.*, Williams led the Firm's team of lawyers alleging MetLife's failure to disclose and account for the scope of its use and non-use of the Social Security Administration Death Master File and its impact on MetLife's financial statements. The *MetLife* action resulted in a recovery of \$84 million. Williams also served as lead counsel in the following actions resulting in significant recoveries: *Chicago Laborers Pension Fund v. Alibaba Grp. Holding Ltd.* (\$75 million recovery); *In re Krispy Kreme Doughnuts, Inc. Sec. Litig.* (\$75 million recovery); *In re Medtronic, Inc. Sec. Litig.* (\$43 million recovery); *In re Cadence Design Sys., Inc. Sec. Litig.* (\$38 million recovery); and *City of Sterling Heights Gen. Emps'. Ret. Sys. v. Prudential Fin., Inc.* (\$33 million recovery).

Williams is also a member of the Firm's Shareholder Derivative Practice Group which has secured tens of millions of dollars in cash recoveries and comprehensive corporate governance reforms in a number of high-profile cases including: *In re McAfee, Inc. Derivative Litig.*; *In re Marvell Tech. Grp. Ltd. Derivative Litig.*; *In re KLA-Tencor Corp. S'holder Derivative Litig.*; *The Home Depot, Inc. Derivative Litig.*; and *City of Westland Police & Fire Ret. Sys. v. Stumpf (Wells Fargo & Co.)*.

Williams led multiple shareholder actions in which the Firm obtained favorable appellate rulings, including: *W. Va. Pipe Trades Health & Welfare Fund v. Medtronic, Inc.*, 845 F.3d 384 (8th Cir. 2016); *Knollenberg v. Harmonic, Inc.*, 152 F. App'x 674 (9th Cir. 2005); *Nursing Home Pension Fund, Local 144 v. Oracle Corp.*, 380 F.3d 1226 (9th Cir. 2004); *Lynch v. Rawls*, 429 F. App'x 641 (9th Cir. 2011); and *Barrie v. Intervoice-Brite, Inc.*, 409 F.3d 653 (5th Cir. 2005).

Before joining the Firm in 2000, Williams served for 5 years as an Assistant District Attorney in the Manhattan District Attorney's Office, where he tried over 20 cases to New York City juries.

## Education

B.A., The State of University of New York at Albany, 1991; J.D., University of Illinois, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Top Plaintiff Lawyer, *Daily Journal*, 2022; Most Influential Black Lawyers, *Savoy*, 2022; Leading Lawyer in America, *Lawdragon*, 2018-2022; Best Lawyer in America, *Best Lawyers*®, 2022; Top 100 Lawyer, *Daily Journal*, 2019, 2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2017, 2020-2021; California Trailblazer, *The Recorder*, 2019; Titan of the Plaintiffs Bar, *Law360*, 2019; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2019; Board Member, California Bar Foundation, 2012-2014

## David T. Wissbroecker | Partner

David Wissbroecker is a partner in the Firm's San Diego and Chicago offices. He focuses his practice on securities class action litigation in the context of mergers and acquisitions, representing both individual shareholders and institutional investors. As part of the litigation team at Robbins Geller, Wissbroecker has helped secure monetary recoveries for shareholders that collectively exceed \$1 billion. Wissbroecker has litigated numerous high-profile cases in Delaware and other jurisdictions, including shareholder class actions challenging the acquisitions of Dole, Kinder Morgan, Del Monte Foods, Affiliated Computer Services, Intermix, and Rural Metro. His practice has recently expanded to include numerous proxy fraud cases in federal court, along with shareholder document demand litigation in Delaware. Before joining the Firm, Wissbroecker served as a staff attorney for the United States Court of Appeals for the Seventh Circuit, and then as a law clerk for the Honorable John L. Coffey, Circuit Judge for the Seventh Circuit.

### Education

B.A., Arizona State University, 1998; J.D., University of Illinois College of Law, 2003

### Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2022; Recommended Lawyer, *The Legal 500*, 2019; Rising Star, *Super Lawyers Magazine*, 2015; J.D., *Magna Cum Laude*, University of Illinois College of Law, 2003; B.A., *Cum Laude*, Arizona State University, 1998

## Christopher M. Wood | Partner

Christopher Wood is the partner in charge of Robbins Geller Rudman & Dowd LLP's Nashville office, where his practice focuses on complex securities litigation. He has been a member of the litigation teams responsible for recovering hundreds of millions of dollars for investors, including: *In re Massey Energy Co. Sec. Litig.* (\$265 million recovery); *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery); *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.* (\$65 million recovery); *Grae v. Corrections Corporation of America (CoreCivic)* (\$56 million recovery); *In re Micron Tech., Inc. Sec. Litig.* (\$42 million recovery); and *Winslow v. BancorpSouth, Inc.* (\$29.5 million recovery).

Working together with Public Funds Public Schools (a national campaign founded by the Southern Poverty Law Center and Education Law Center), Wood helped to strike down Tennessee's school voucher program, which would have diverted critically needed funds from public school students in Nashville and Memphis. Wood has also provided pro bono legal services through Tennessee Justice for Our Neighbors, Volunteer Lawyers & Professionals for the Arts, the Ninth Circuit's Pro Bono Program, and the San Francisco Bar Association's Volunteer Legal Services Program.

### Education

B.A., Vanderbilt University, 2003; J.D., University of San Francisco School of Law, 2006

### Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2011-2013, 2015-2020

## Debra J. Wyman | Partner

Debra Wyman is a partner in the Firm's San Diego office. She specializes in securities litigation and has litigated numerous cases against public companies in state and federal courts that have resulted in over \$2 billion in securities fraud recoveries. Wyman served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history. Most recently, Wyman was part of the litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant.

Wyman was also a member of the trial team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. Wyman prosecuted the complex securities and accounting fraud case *In re HealthSouth Corp. Sec. Litig.*, one of the largest and longest-running corporate frauds in history, in which \$671 million was recovered for defrauded HealthSouth investors. She was also part of the trial team that litigated *In re AT&T Corp. Sec. Litig.*, which was tried in the United States District Court, District of New Jersey, and settled after only two weeks of trial for \$100 million. Wyman was also part of the litigation team that secured a \$64 million recovery for Dana Corp. shareholders in *Plumbers & Pipefitters National Pension Fund v. Burns*, in which the Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action.

## Education

B.A., University of California Irvine, 1990; J.D., University of San Diego School of Law, 1997

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Leading Lawyer in America, *Lawdragon*, 2020-2022; Top 250 Women in Litigation, *Benchmark Litigation*, 2021; San Diego Litigator of the Year, *Benchmark Litigation*, 2021; Plaintiff Litigator of the Year, *Benchmark Litigation*, 2021; Top Woman Lawyer, *Daily Journal*, 2017, 2020; MVP, *Law360*, 2020; Litigator of the Week, *The American Lawyer*, 2020; Litigator of the Year, *Our City San Diego*, 2017; Super Lawyer, *Super Lawyers Magazine*, 2016-2017

## Jonathan Zweig | Partner

Jonathan Zweig is a partner with the Firm and is based in the Manhattan office. Zweig's practice focuses primarily on complex securities litigation, corporate control cases, and breach of fiduciary duty actions on behalf of investors.

Before joining Robbins Geller, Zweig served for over six years as an Assistant Attorney General with the New York State Office of the Attorney General's Investor Protection Bureau, where he prosecuted civil securities fraud actions and tried two major cases on behalf of the State. In *New York v. Exxon Mobil Corporation*, a high-profile securities fraud case concerning climate risk disclosures, Zweig examined numerous witnesses and delivered the State's closing argument at trial. In *New York v. Laurence Allen et al.*, Zweig and his colleagues achieved a total victory at trial for defrauded investors in a private equity fund, and established for the first time the retroactive application of the Martin Act's expanded statute of limitations. Zweig also conducted data-intensive investigations of Credit Suisse concerning its alternative trading system and its wholesale market making business, resulting in joint settlements with the SEC totaling \$70 million from Credit Suisse. On three occasions, Zweig was awarded the Louis J. Lefkowitz Award for Exceptional Service.

Zweig was previously a litigator at Davis Polk & Wardwell LLP, where he represented clients in securities litigation, mass tort, and other matters. Zweig also clerked for Judge Jacques L. Wiener, Jr. of the U.S. Court of Appeals for the Fifth Circuit, and Judge Sarah S. Vance of the U.S. District Court for the Eastern District of Louisiana.

## Education

B.A., Yale University, 2007; J.D., Harvard Law School, 2010

## Honors / Awards

Louis J. Lefkowitz Award for Exceptional Service, New York State Office of the Attorney General, 2015, 2020, 2021; J.D., *Magna Cum Laude*, Harvard Law School, 2010; B.A., *Summa Cum Laude*, Yale University, 2007

## Susan K. Alexander | Of Counsel

Susan Alexander is Of Counsel to the Firm and is based in the San Francisco office. Alexander's practice specializes in federal appeals of securities fraud class actions on behalf of investors. With nearly 30 years of federal appellate experience, she has argued on behalf of defrauded investors in circuit courts throughout the United States. Among her most notable cases are *Mineworkers' Pension Scheme v. First Solar Inc.* (\$350 million recovery), *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery), and the successful appellate ruling in *Alaska Elec. Pension Fund v. Flowserve Corp.* (\$55 million recovery). Other representative results include: *Stoyas v. Toshiba Corp.*, 896 F.3d 933 (9th Cir. 2018) (reversing dismissal of securities fraud action and holding that the Exchange Act applies to unsponsored American Depositary Shares); *W. Va. Pipe Trades Health & Welfare Fund v. Medtronic, Inc.*, 845 F.3d 384 (8th Cir. 2016) (reversing summary judgment of securities fraud action on statute of limitations grounds); *In re Ubiquiti Networks, Inc. Sec. Litig.*, 669 F. App'x 878 (9th Cir. 2016) (reversing dismissal of §11 claim); *Carpenters Pension Tr. Fund of St. Louis v. Barclays PLC*, 750 F.3d 227 (2d Cir. 2014) (reversing dismissal of securities fraud complaint, focused on loss causation); *Panther Partners Inc. v. Ikanos Commc'ns, Inc.*, 681 F.3d 114 (2d Cir. 2012) (reversing dismissal of §11 claim); *City of Pontiac Gen. Emps.' Ret. Sys. v. MBIA, Inc.*, 637 F.3d 169 (2d Cir. 2011) (reversing dismissal of securities fraud complaint, focused on statute of limitations); *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008) (reversing dismissal of securities fraud complaint, focused on loss causation); *Barrie v. Intervoice-Brite, Inc.*, 397 F.3d 249 (5th Cir.) (reversing dismissal of securities fraud complaint, focused on scienter), *reh'g denied and op. modified*, 409 F.3d 653 (5th Cir. 2005); and *Pirraglia v. Novell, Inc.*, 339 F.3d 1182 (10th Cir. 2003) (reversing dismissal of securities fraud complaint, focused on scienter). Alexander's prior appellate work was with the California Appellate Project ("CAP"), where she prepared appeals and petitions for writs of *habeas corpus* on behalf of individuals sentenced to death. At CAP, and subsequently in private practice, she litigated and consulted on death penalty direct and collateral appeals for ten years.

## Education

B.A., Stanford University, 1983; J.D., University of California, Los Angeles, 1986

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2015-2021; American Academy of Appellate Lawyers; California Academy of Appellate Lawyers; Ninth Circuit Advisory Rules Committee; Appellate Delegate, Ninth Circuit Judicial Conference; ABA Council of Appellate Lawyers

## Laura M. Andracchio | Of Counsel

Laura Andracchio is Of Counsel in the Firm's San Diego office. Having first joined the Firm in 1997, she was a Robbins Geller partner for ten years before her role as Of Counsel. As a partner with the Firm, Andracchio led dozens of securities fraud cases against public companies throughout the country, recovering hundreds of millions of dollars for injured investors. Her current focus remains securities fraud litigation under the federal securities laws.

Most recently, Andracchio was a member of the litigation team in *In re American Realty Cap. Proprs., Inc. Litig.* (S.D.N.Y.), in which a \$1.025 billion recovery was approved in 2020. She was also on the litigation team for *City of Pontiac Gen. Emps.' Ret. Sys. v. Walmart Stores, Inc.* (W.D. Ark.), in which a \$160 million recovery for Walmart investors was approved in 2019. She also assisted in litigating a case brought against J.P. Morgan Chase & Co., *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.* (S.D.N.Y.), on behalf of investors in residential mortgage-backed securities, which resulted in a recovery of \$388 million in 2017.

Andracchio was also a lead member of the trial team in *In re AT&T Corp. Sec. Litig.*, recovering \$100 million for the class after two weeks of trial in district court in New Jersey. Before trial, she managed and litigated the case, which was pending for four years. She also led the trial team in *Brody v. Hellman*, a case against Qwest and former directors of U.S. West seeking an unpaid dividend, recovering \$50 million for the class, which was largely comprised of U.S. West retirees. Other cases Andracchio has litigated include: *City of Hialeah Emps.' Ret. Sys. v. Toll Brothers, Inc.*; *Ross v. Abercrombie & Fitch Co.*; *In re GMH Cmtys. Tr. Sec. Litig.*; *In re Vicuron Pharms., Inc. Sec. Litig.*; and *In re Navarre Corp. Sec. Litig.*

## Education

B.A., Bucknell University, 1986; J.D., Duquesne University School of Law, 1989

## Honors / Awards

Order of the Barristers, J.D., with honors, Duquesne University School of Law, 1989

## Matthew J. Balotta | Of Counsel

Matt Balotta is Of Counsel in the Firm's San Diego office, where his practice focuses on securities fraud litigation. Balotta earned his Bachelor of Arts degree in History, *summa cum laude*, from the University of Pittsburgh and his Juris Doctor degree from Harvard Law School. During law school, Balotta was a summer associate with the Firm and interned at the National Consumer Law Center. He also participated in the Employment Law and Delivery of Legal Services Clinics and served on the General Board of the Harvard Civil Rights-Civil Liberties Law Review.

## Education

B.A., University of Pittsburgh, 2005; J.D., Harvard Law School, 2015

## Honors / Awards

B.A., *Summa Cum Laude*, University of Pittsburgh, 2005

## Randi D. Bandman | Of Counsel

Randi Bandman is Of Counsel in the Firm's San Diego office. Throughout her career, she has represented and advised hundreds of clients, including pension funds, managers, banks, and hedge funds, such as the Directors Guild of America, Screen Actors Guild, Writers Guild of America, and Teamster funds. Bandman's cases have yielded billions of dollars of recoveries. Notable cases include the AOL Time Warner, Inc. merger (\$629 million), *In re Enron Corp. Sec. Litig.* (\$7.2 billion), Private Equity litigation (*Dahl v. Bain Cap. Partners, LLC*) (\$590.5 million), *In re WorldCom Sec. Litig.* (\$657 million), and *In re Facebook Biometric Info. Privacy Litig.* (\$650 million).

Bandman is currently representing plaintiffs in the Foreign Exchange Litigation pending in the Southern District of New York which alleges collusive conduct by the world's largest banks to fix prices in the \$5.3 trillion a day foreign exchange market and in which billions of dollars have been recovered to date for injured plaintiffs. Bandman is part of the Robbins Geller Co-Lead Counsel team representing the class in the "High Frequency Trading" case, which accuses stock exchanges of giving unfair advantages to high-speed traders versus all other investors, resulting in billions of dollars being diverted. Bandman was instrumental in the landmark state settlement with the tobacco companies for \$12.5 billion. Bandman also led an investigation with congressional representatives on behalf of artists into allegations of "pay for play" tactics, represented Emmy winning writers with respect to their claims involving a long-running television series, represented a Hall of Fame sports figure, and negotiated agreements in connection with a major motion picture. Recently, Bandman was chosen to serve on the Law Firm Advisory Board of the Association of Media & Entertainment Counsel, an organization made up of thousands of attorneys from studios, networks, guilds, talent agencies, and top media companies, dealing with protecting content distributed through a variety of formats worldwide.

## Education

B.A., University of California, Los Angeles; J.D., University of Southern California



## Mary K. Blasy | Of Counsel

Mary Blasy is Of Counsel to the Firm and is based in the Firm's Melville and Washington, D.C. offices. Her practice focuses on the investigation, commencement, and prosecution of securities fraud class actions and shareholder derivative suits. Blasy has recovered hundreds of millions of dollars for investors in securities fraud class actions against Reliance Acceptance Corp. (\$66 million); Sprint Corp. (\$50 million); Titan Corporation (\$15+ million); Martha Stewart Omni-Media, Inc. (\$30 million); and Coca-Cola Co. (\$137.5 million). Blasy has also been responsible for prosecuting numerous complex shareholder derivative actions against corporate malefactors to address violations of the nation's securities, environmental, and labor laws, obtaining corporate governance enhancements valued by the market in the billions of dollars.

In 2014, the Presiding Justice of the Appellate Division of the Second Department of the Supreme Court of the State of New York appointed Blasy to serve as a member of the Independent Judicial Election Qualification Commission, which until December 2018 reviewed the qualifications of candidates seeking public election to New York State Supreme Courts in the 10th Judicial District. She also served on the *Law360* Securities Editorial Advisory Board from 2015 to 2016.

## Education

B.A., California State University, Sacramento, 1996; J.D., UCLA School of Law, 2000

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2016-2020; *Law360* Securities Editorial Advisory Board, 2015-2016; Member, Independent Judicial Election Qualification Commission, 2014-2018

## William K. Cavanagh, Jr. | Of Counsel

Bill Cavanagh is Of Counsel in the Firm's Washington, D.C. office. Cavanagh concentrates his practice in employee benefits law and works with the Firm's Institutional Outreach Team. Prior to joining Robbins Geller, Cavanagh was employed by Ullico for the past nine years, most recently as President of Ullico Casualty Group. The Ullico Casualty Group is the leading provider of fiduciary liability insurance for trustees in both the private as well as the public sector. Prior to that he was President of the Ullico Investment Company.

Preceding Cavanagh's time at Ullico, he was a partner at the labor and employee benefits firm Cavanagh and O'Hara in Springfield, Illinois for 28 years. In that capacity, Cavanagh represented public pension funds, jointly trustee Taft-Hartley, health, welfare, pension, and joint apprenticeship funds advising on fiduciary and compliance issues both at the Board level as well as in administrative hearings, federal district courts, and the United States Courts of Appeals. During the course of his practice, Cavanagh had extensive trial experience in state and the relevant federal district courts. Additionally, Cavanagh served as co-counsel on a number of cases representing trustees seeking to recover plan assets lost as a result of fraud in the marketplace.

### Education

B.A., Georgetown University, 1974; J.D., John Marshall Law School, 1978

### Honors / Awards

Rated AV Preeminent by Martindale-Hubbell

## Christopher Collins | Of Counsel

Christopher Collins is Of Counsel in the Firm's San Diego office and his practice focuses on antitrust and consumer protection. Collins served as co-lead counsel in *Wholesale Elec. Antitrust Cases I & II*, charging an antitrust conspiracy by wholesale electricity suppliers and traders of electricity in California's newly deregulated wholesale electricity market wherein plaintiffs secured a global settlement for California consumers, businesses, and local governments valued at more than \$1.1 billion. He was also involved in California's tobacco litigation, which resulted in the \$25.5 billion recovery for California and its local entities. Collins is currently counsel on the California Energy Manipulation antitrust litigation, the Memberworks upsell litigation, as well as a number of consumer actions alleging false and misleading advertising and unfair business practices against major corporations. He formerly served as a Deputy District Attorney for Imperial County where he was in charge of the Domestic Violence Unit.

### Education

B.A., Sonoma State University, 1988; J.D., Thomas Jefferson School of Law, 1995

## Patrick J. Coughlin | Of Counsel

Patrick Coughlin is Of Counsel to the Firm and is based in the San Diego office. He has been lead counsel for several major securities matters, including one of the earliest and largest class action securities cases to go to trial, *In re Apple Computer Sec. Litig.*, No. C-84-20148 (N.D. Cal.). Coughlin was a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, No. SACV15-0865 (C.D. Cal.), a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial. He also served as lead counsel in *In re Facebook Biometric Info. Privacy Litig.*, No. 3:15-cv-03747-JD (N.D. Cal.), a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of users' biometric identifiers without informed consent that resulted in a \$650 million settlement. Coughlin currently serves as co-lead counsel in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Coughlin was one of the lead attorneys who secured a historic \$25 million recovery on behalf of approximately 7,000 Trump University students in two class actions against President Donald J. Trump, which means individual class members are eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis. Additional prominent securities class actions prosecuted by Coughlin include: the *Enron* litigation, in which \$7.2 billion was recovered; the *Qwest* litigation, in which a \$445 million recovery was obtained; and the *HealthSouth* litigation, in which a \$671 million recovery was obtained.

## Education

B.S., Santa Clara University, 1977; J.D., Golden Gate University, 1983

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Best Lawyer in America, *Best Lawyers*®, 2006-2022; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2004-2021; Southern California Best Lawyer, *Best Lawyers*®, 2012-2021; Hall of Fame, *Lawdragon*, 2020; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2019; Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; Senior Statesman, *Chambers USA*, 2014-2018; Antitrust Trailblazer, *The National Law Journal*, 2015; Top 100 Lawyers, *Daily Journal*, 2008; Leading Lawyer in America, *Lawdragon*, 2006, 2008-2009

## Vicki Multer Diamond | Of Counsel

Vicki Multer Diamond is Of Counsel to the Firm and is based in the Firm's Melville office. She has over 25 years of experience as an investigator and attorney. Her practice at the Firm focuses on the initiation, investigation, and prosecution of securities fraud class actions. Diamond played a significant role in the factual investigations and successful oppositions to the defendants' motions to dismiss in a number of cases, including *Tableau*, *One Main*, *Valeant*, and *Orbital ATK*.

Diamond has served as an investigative consultant to several prominent law firms, corporations, and investment firms. Before joining the Firm, she was an Assistant District Attorney in Brooklyn, New York, where she served as a senior Trial Attorney in the Felony Trial Bureau, and was special counsel to the Special Commissioner of Investigations for the New York City schools, where she investigated and prosecuted crime and corruption within the New York City school system.

## Education

B.A., State University of New York at Binghamton, 1990; J.D., Hofstra University School of Law, 1993

## Honors / Awards

Member, *Hofstra Property Law Journal*, Hofstra University School of Law

## Michael J. Dowd | Of Counsel

Mike Dowd was a founding partner of the Firm. He has practiced in the area of securities litigation for 20 years, prosecuting dozens of complex securities cases and obtaining significant recoveries for investors in cases such as *UnitedHealth* (\$925 million), *WorldCom* (\$657 million), *AOL Time Warner* (\$629 million), *Qwest* (\$445 million), and *Pfizer* (\$400 million).

Dowd served as lead trial counsel in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Dowd also served as the lead trial lawyer in *In re AT&T Corp. Sec. Litig.*, which was tried in the District of New Jersey and settled after only two weeks of trial for \$100 million. Dowd served as an Assistant United States Attorney in the Southern District of California from 1987-1991, and again from 1994-1998, where he handled dozens of jury trials and was awarded the Director's Award for Superior Performance.

## Education

B.A., Fordham University, 1981; J.D., University of Michigan School of Law, 1984

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Director's Award for Superior Performance, United States Attorney's Office; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022; Best Lawyer in America, *Best Lawyers*®, 2015-2022; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Southern California Best Lawyer, *Best Lawyers*®, 2015-2021; Super Lawyer, *Super Lawyers Magazine*, 2010-2020; Lawyer of the Year, *Best Lawyers*®, 2020; Recommended Lawyer, *The Legal 500*, 2016-2019; Hall of Fame, *Lawdragon*, 2018; Litigator of the Year, *Our City San Diego*, 2017; Leading Lawyer in America, *Lawdragon*, 2014-2016; Litigator of the Week, *The American Lawyer*, 2015; Litigation Star, *Benchmark Litigation* 2013; Directorship 100, NACD Directorship, 2012; Attorney of the Year, *California Lawyer*, 2010; Top 100 Lawyers, *Daily Journal*, 2009; B.A., *Magna Cum Laude*, Fordham University, 1981

## Richard W. Gonnello | Of Counsel

Richard Gonnello is Of Counsel in the Firm's Manhattan office. He has two decades of experience litigating complex securities actions.

Gonnello has successfully represented institutional and individual investors. He has obtained substantial recoveries in numerous securities class actions, including *In re Royal Ahold Sec. Litig.* (D. Md.) (\$1.1 billion) and *In re Tremont Sec. Law, State Law & Ins. Litig.* (S.D.N.Y.) (\$100 million). Gonnello has also obtained favorable recoveries for institutional investors pursuing direct opt-out claims, including cases against Qwest Communications International, Inc. (\$175 million) and Tyco International Ltd (\$21 million).

Gonnello has co-authored the following articles appearing in the *New York Law Journal*: "Staehr Hikes Burden of Proof to Place Investor on Inquiry Notice" and "Potential Securities Fraud: 'Storm Warnings' Clarified."

## Education

B.A., Rutgers University, 1995; J.D., UCLA School of Law, 1998

## Honors / Awards

B.A., *Summa Cum Laude*, Rutgers University, 1995

## Mitchell D. Gravo | Of Counsel

Mitchell Gravo is Of Counsel to the Firm and is a member of the Firm's institutional investor client services group. With more than 30 years of experience as a practicing attorney, he serves as liaison to the Firm's institutional investor clients throughout the United States and Canada, advising them on securities litigation matters.

Gravo's clients include Anchorage Economic Development Corporation, Anchorage Convention and Visitors Bureau, UST Public Affairs, Inc., International Brotherhood of Electrical Workers, Alaska Seafood International, Distilled Spirits Council of America, RIM Architects, Anchorage Police Department Employees Association, Fred Meyer, and the Automobile Manufacturer's Association. Prior to joining the Firm, he served as an intern with the Municipality of Anchorage, and then served as a law clerk to Superior Court Judge J. Justin Ripley.

## Education

B.A., Ohio State University; J.D., University of San Diego School of Law

## Dennis J. Herman | Of Counsel

Dennis Herman is Of Counsel in the Firm's San Francisco office where he focuses his practice on securities class actions. He has led or been significantly involved in the prosecution of numerous securities fraud claims that have resulted in substantial recoveries for investors, including settled actions against Massey Energy (\$265 million), Coca-Cola (\$137 million), VeriSign (\$78 million), Psychiatric Solutions, Inc. (\$65 million), St. Jude Medical, Inc. (\$50 million), NorthWestern (\$40 million), BancorpSouth (\$29.5 million), America Service Group (\$15 million), Specialty Laboratories (\$12 million), Stellent (\$12 million), and Threshold Pharmaceuticals (\$10 million).

### Education

B.S., Syracuse University, 1982; J.D., Stanford Law School, 1992

### Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2018-2022; Northern California Best Lawyer, *Best Lawyers*®, 2018-2021; Super Lawyer, *Super Lawyers Magazine*, 2017-2018; Order of the Coif, Stanford Law School; Urban A. Sontheimer Award (graduating second in his class), Stanford Law School; Award-winning Investigative Newspaper Reporter and Editor in California and Connecticut

## Helen J. Hodges | Of Counsel

Helen Hodges is Of Counsel in the Firm's San Diego office. She specializes in securities fraud litigation. Hodges has been involved in numerous securities class actions, including: *Dynegy*, which was settled for \$474 million; *Thurber v. Mattel*, which was settled for \$122 million; *Nat'l Health Labs*, which was settled for \$64 million; and *Knapp v. Gomez*, Civ. No. 87-0067-H(M) (S.D. Cal.), in which a plaintiffs' verdict was returned in a Rule 10b-5 class action. Additionally, beginning in 2001, Hodges focused on the prosecution of *Enron*, where a record \$7.2 billion recovery was obtained for investors.

### Education

B.S., Oklahoma State University, 1979; J.D., University of Oklahoma, 1983

### Honors / Awards

Rated AV by Martindale-Hubbell; Hall of Fame, Oklahoma State University, 2022; served on the Oklahoma State University Foundation Board of Trustees, 2013-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Philanthropist of the Year, Women for OSU at Oklahoma State University, 2020; Super Lawyer, *Super Lawyers Magazine*, 2007



## David J. Hoffa | Of Counsel

David Hoffa is Of Counsel in the Firm's Washington D.C. office. He has served as a liaison to over 110 institutional investors in portfolio monitoring, securities litigation, and claims filing matters. His practice focuses on providing a variety of legal and consulting services to U.S. state and municipal employee retirement systems and single and multi-employer U.S. Taft-Hartley benefit funds. In addition to serving as a leader on the Firm's Israel Institutional Investor Outreach Team, Hoffa also serves as a member of the Firm's lead plaintiff advisory team, and advises public and multi-employer pension funds around the country on issues related to fiduciary responsibility, legislative and regulatory updates, and "best practices" in the corporate governance of publicly traded companies.

Early in his legal career, Hoffa worked for a law firm based in Birmingham, Michigan, where he appeared regularly in Michigan state court in litigation pertaining to business, construction, and employment related matters. Hoffa has also appeared before the Michigan Court of Appeals on several occasions.

## Education

B.A., Michigan State University, 1993; J.D., Michigan State University College of Law, 2000

## Andrew W. Hutton | Of Counsel

Drew Hutton is Of Counsel in the Firm's San Diego and New York offices, responsible for simplifying cases of complex financial fraud. Hutton has prosecuted a variety of securities actions, achieving high-profile recoveries and results. Representative cases against corporations and their auditors include *In re AOL Time Warner Sec. Litig.* (\$2.5 billion) and *In re Williams Cos. Sec. Litig.* (\$311 million). Representative cases against corporations and their executives include *In re Broadcom Sec. Litig.* (\$150 million) and *In re Clarent Corp. Sec. Litig.* (class plaintiff's 10b-5 jury verdict against former CEO). Hutton is also active in shareholder derivative litigation, achieving monetary recoveries and governance changes, including *In re Affiliated Computer Servs. Derivative Litig.* (\$30 million), *In re KB Home S'holder Derivative Litig.* (\$30 million), and *In re KeyCorp Derivative Litig.* (modified CEO stock options and governance). Hutton has also litigated securities cases in bankruptcy court (*In re WorldCom, Inc.* – \$15 million for individual claimant) and a complex options case before FINRA (eight-figure settlement for individual investor). Hutton is also experienced in complex, multi-district consumer litigation. Representative nationwide insurance cases include *In re Prudential Sales Pracs. Litig.* (\$4 billion), *In re Metro. Life Ins. Co. Sales Pracs. Litig.* (\$2 billion), and *In re Conseco Life Ins. Co. Cost of Ins. Litig.* (\$200 million). Representative nationwide consumer lending cases include a \$30 million class settlement of Truth-in-Lending claims against American Express and a \$24 million class settlement of RICO and RESPA claims against Community Bank of Northern Virginia (now PNC Bank).

Hutton is the founder of Hutton Law Group, a plaintiffs' litigation practice currently representing retirees, individual investors, and businesses, and is also the founder of Hutton Investigative Accounting, a financial forensics and investigation firm. Before founding Hutton Law and joining Robbins Geller, Hutton was a public company accountant, Certified Public Accountant, and broker of stocks, options, and insurance products. Hutton has also served as an expert litigation consultant in both financial and corporate governance capacities. Hutton is often responsible for working with experts retained by the Firm in litigation and has conducted dozens of depositions of financial professionals, including audit partners, CFOs, directors, bankers, actuaries, and opposing experts.

## Education

B.A., University of California, Santa Barbara, 1983; J.D., Loyola Law School, 1994

## Nancy M. Juda | Of Counsel

Nancy Juda is Of Counsel to the Firm and is based in the Firm's Washington, D.C. office. Her practice focuses on advising Taft-Hartley pension and welfare funds on issues related to corporate fraud in the United States securities markets. Juda's experience as an ERISA attorney provides her with unique insight into the challenges faced by pension fund trustees as they endeavor to protect and preserve their funds' assets.

Prior to joining Robbins Geller, Juda was employed by the United Mine Workers of America Health & Retirement Funds, where she began her practice in the area of employee benefits law. She was also associated with a union-side labor law firm in Washington, D.C., where she represented the trustees of Taft-Hartley pension and welfare funds on qualification, compliance, fiduciary, and transactional issues under ERISA and the Internal Revenue Code.

Using her extensive experience representing employee benefit funds, Juda advises trustees regarding their options for seeking redress for losses due to securities fraud. She currently advises trustees of funds providing benefits for members of unions affiliated with North America's Building Trades of the AFL-CIO. Juda also represents funds in ERISA class actions involving breach of fiduciary claims.

## Education

B.A., St. Lawrence University, 1988; J.D., American University, 1992

## Francis P. Karam | Of Counsel

Frank Karam is Of Counsel to the Firm and is based in the Firm's Melville office. Karam is a trial lawyer with 30 years of experience. His practice focuses on complex class action litigation involving shareholders' rights and securities fraud. He also represents a number of landowners and royalty owners in litigation against large energy companies. He has tried complex cases involving investment fraud and commercial fraud, both on the plaintiff and defense side, and has argued numerous appeals in state and federal courts. Throughout his career, Karam has tried more than 100 cases to verdict.

Karam has served as a partner at several prominent plaintiffs' securities firms. From 1984 to 1990, Karam was an Assistant District Attorney in the Bronx, New York, where he served as a senior Trial Attorney in the Homicide Bureau. He entered private practice in 1990, concentrating on trial and appellate work in state and federal courts.

## Education

A.B., College of the Holy Cross; J.D., Tulane University School of Law

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2019-2020; "Who's Who" for Securities Lawyers, *Corporate Governance Magazine*, 2015

## Ashley M. Kelly | Of Counsel

Ashley Kelly is Of Counsel in the San Diego office, where she represents large institutional and individual investors as a member of the Firm's antitrust and securities fraud practices. Her work is primarily federal and state class actions involving the federal antitrust and securities laws, common law fraud, breach of contract, and accounting violations. Kelly's case work has been in the financial services, oil & gas, e-commerce, and technology industries. In addition to being an attorney, she is a Certified Public Accountant. Kelly was an important member of the litigation team that obtained a \$500 million settlement on behalf of investors in *Luther v. Countrywide Fin. Corp.*, which was the largest residential mortgage-backed securities purchaser class action recovery in history.

## Education

B.S., Pennsylvania State University, 2005; J.D., Rutgers University-Camden, 2011

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2016, 2018-2021

## Jerry E. Martin | Of Counsel

Jerry Martin is Of Counsel in the Firm's Nashville office. He specializes in representing individuals who wish to blow the whistle to expose fraud and abuse committed by federal contractors, health care providers, tax cheats, or those who violate the securities laws. Martin was a member of the litigation team that obtained a \$65 million recovery in *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.*, the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade.

Before joining the Firm, Martin served as the presidentially appointed United States Attorney for the Middle District of Tennessee from May 2010 to April 2013. As U.S. Attorney, he made prosecuting financial, tax, and health care fraud a top priority. During his tenure, Martin co-chaired the Attorney General's Advisory Committee's Health Care Fraud Working Group. Martin has been recognized as a national leader in combatting fraud and has addressed numerous groups and associations, such as Taxpayers Against Fraud and the National Association of Attorneys General, and was a keynote speaker at the American Bar Association's Annual Health Care Fraud Conference.

## Education

B.A., Dartmouth College, 1996; J.D., Stanford University, 1999

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2016-2019

## Ruby Menon | Of Counsel

Ruby Menon is Of Counsel to the Firm and serves as a member of the Firm's legal, advisory, and business development group. She also serves as the liaison to the Firm's many institutional investor clients in the United States and abroad. For over 12 years, Menon served as Chief Legal Counsel to two large multi-employer retirement plans, developing her expertise in many areas of employee benefits and pension administration, including legislative initiatives and regulatory affairs, investments, tax, fiduciary compliance, and plan administration.

### Education

B.A., Indiana University, 1985; J.D., Indiana University School of Law, 1988

## Eugene Mikolajczyk | Of Counsel

Eugene Mikolajczyk is Of Counsel to the Firm and is based in the Firm's San Diego Office. Mikolajczyk has over 30 years' experience prosecuting shareholder and securities litigation cases as both individual and class actions. Among the cases are *Heckmann v. Ahmanson*, in which the court granted a preliminary injunction to prevent a corporate raider from exacting greenmail from a large domestic media/entertainment company.

Mikolajczyk was a primary litigation counsel in an international coalition of attorneys and human rights groups that won a historic settlement with major U.S. clothing retailers and manufacturers on behalf of a class of over 50,000 predominantly female Chinese garment workers, in an action seeking to hold the Saipan garment industry responsible for creating a system of indentured servitude and forced labor. The coalition obtained an unprecedented agreement for supervision of working conditions in the Saipan factories by an independent NGO, as well as a substantial multi-million dollar compensation award for the workers.

### Education

B.S., Elizabethtown College, 1974; J.D., Dickinson School of Law, Penn State University, 1978

## Roxana Pierce | Of Counsel

Roxana Pierce is Of Counsel in Robbins Geller Rudman & Dowd LLP's Washington D.C. office. She is an international lawyer whose practice focuses on protecting investor rights and the rights of victims of consumer fraud, waste, and abuse, including county pension funds, institutional investors, and state and city governmental entities. She zealously represents her clients with claims for consumer protection, securities, products liability, contracts, and other violations, whether through litigation, arbitration, mediation, or negotiation. She has represented clients in over 75 countries and 12 states, with extensive experience in the Middle East, Asia, Russia, the former Soviet Union, Germany, Belgium, the Caribbean, and India. Pierce's client base includes large institutional investors, state, county, and city retirement funds, pension funds, attorneys general, international banks, asset managers, foreign governments, multinational corporations, sovereign wealth funds, and high-net-worth individuals. She presently has over 20 class, private, and group actions on file, including cases against the largest pharmaceutical and automobile manufacturers in the world for securities fraud consumer rights violations.

Pierce has counseled international clients since 1994. She has spearheaded the contract negotiations for hundreds of projects, including several valued at over \$1 billion, and typically conducts her negotiations with the leadership of foreign governments and the leadership of Fortune 500 corporations, foreign and domestic. Pierce presently represents several European legacy banks in litigation concerning the 2008 financial crisis.

Pierce has been assisting the litigation team at Robbins Geller with the investigation of the opioids and e-cigarette issues facing many states, cities, and municipalities for more than four years. In particular, she has been working closely with doctors and other health care providers to obtain evidence relating to the opioid crisis facing Maryland, the District of Columbia, Pennsylvania, and Florida.

## Education

B.A., Pepperdine University, 1988; J.D., Thomas Jefferson School of Law, 1994

## Honors / Awards

Certificate of Accomplishment, Export-Import Bank of the United States; Humanitarian Spirit Award for Advocacy, The National Center for Children and Families, 2019

## Sara B. Polychron | Of Counsel

Sara Polychron is Of Counsel in the Firm's San Diego office, where her practice focuses on complex securities litigation. She is part of the litigation team prosecuting actions against investment banks and the leading credit rating agencies for their role in the structuring and rating of residential mortgage-backed securities and their subsequent collapse.

Sara earned her Bachelor of Arts degree with honors from the University of Minnesota, where she studied Sociology with an emphasis in Criminology and Law. As an undergraduate she interned with the Hennepin County Attorney's Office, where she advocated for victims of domestic violence and assisted in sentencing negotiations in Juvenile Court. Sara received her Juris Doctor degree from the University of San Diego School of Law, where she was the recipient of two academic scholarships. While in law school, she interned with the Center for Public Interest Law and was a contributing author and assistant editor to the California Regulatory Law Reporter. She also worked as a legal research assistant at the law school and clerked for two San Diego law firms.

### Education

B.A., University of Minnesota, 1999; J.D., University of San Diego School of Law, 2005

## Svenna Prado | Of Counsel

Svenna Prado is Of Counsel in the Firm's San Diego office, where she focuses on various aspects of international securities and consumer litigation. She was part of the litigation teams that secured settlements against German defendant IKB, as well as Deutsche Bank and Deutsche Bank/West LB for their role in structuring residential mortgage-backed securities and their subsequent collapse. Before joining the Firm, Prado was Head of the Legal Department for a leading international staffing agency in Germany where she focused on all aspects of employment litigation and corporate governance. After she moved to the United States, Prado worked with an internationally oriented German law firm as Counsel to corporate clients establishing subsidiaries in the United States and Germany. As a law student, Prado worked directly for several years for one of the appointed Trustees winding up Eastern German operations under receivership in the aftermath of the German reunification. Utilizing her experience in this area of law, Prado later helped many clients secure successful outcomes in U.S. Bankruptcy Court.

### Education

J.D., University of Erlangen-Nuremberg, Germany, 1996; Qualification for Judicial Office, Upper Regional Court Nuremberg, Germany, 1998; New York University, "U.S. Law and Methodologies," 2001



## Stephanie Schroder | Of Counsel

Stephanie Schroder is Of Counsel in the Firm's San Diego office. Schroder advises institutional investors, including public and multi-employer pension funds, on issues related to corporate fraud in the United States and worldwide financial markets. Schroder has been with the Firm since its formation in 2004, and has over 20 years of securities litigation experience.

Schroder has represented institutional investors in securities fraud litigation that has resulted in collective recoveries of over \$2 billion. Most recently, Schroder was part of the Robbins Geller team that obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest securities class action settlement ever. Additional prominent cases include: *In re AT&T Corp. Sec. Litig.* (\$100 million recovery at trial); *In re FirstEnergy Corp. Sec. Litig.* (\$89.5 million recovery); *Rasner v. Sturm (FirstWorld Communications)*; and *In re Advanced Lighting Sec. Litig.* Schroder also specializes in derivative litigation for breaches of fiduciary duties by corporate officers and directors. Significant litigation includes *In re OM Grp. S'holder Litig.* and *In re Chiquita S'holder Litig.* Schroder previously represented clients that suffered losses from the Madoff fraud in the *Austin Capital* and *Meridian Capital* litigations, which were also successfully resolved. In addition, Schroder is a frequent lecturer on securities fraud, shareholder litigation, and options for institutional investors seeking to recover losses caused by securities and accounting fraud.

## Education

B.A., University of Kentucky, 1997; J.D., University of Kentucky College of Law, 2000

## Kevin S. Sciarani | Of Counsel

Kevin Sciarani is Of Counsel to the Firm and is based in the San Diego office, where his practice focuses on complex securities litigation. Sciarani earned Bachelor of Science and Bachelor of Arts degrees from the University of California, San Diego. He graduated *magna cum laude* from the University of California, Hastings College of the Law with a Juris Doctor degree, where he served as a Senior Articles Editor on the *Hastings Law Journal*.

During law school, Sciarani interned for the U.S. Securities and Exchange Commission and the Antitrust Section of the California Department of Justice. In his final semester, he served as an extern to the Honorable Susan Illston of the United States District Court for the Northern District of California. Sciarani also received recognition for his *pro bono* assistance to tenants living in foreclosed properties due to the subprime mortgage crisis.

## Education

B.S., B.A., University of California, San Diego, 2005; J.D., University of California, Hastings College of the Law, 2014

## Honors / Awards

J.D., *Magna Cum Laude*, Order of the Coif, University of California, Hastings College of the Law, 2014; CALI Excellence Award, Senior Articles Editor, Hastings Law Journal, University of California, Hastings College of the Law

## Christopher P. Seefer | Of Counsel

Christopher Seefer is Of Counsel in the Firm's San Francisco office. He concentrates his practice in securities class action litigation, including cases against Verisign, UTStarcom, VeriFone, Nash Finch, NextCard, Terayon, and America West. Seefer served as an Assistant Director and Deputy General Counsel for the Financial Crisis Inquiry Commission, which reported to Congress in January 2011 its conclusions as to the causes of the global financial crisis. Prior to joining the Firm, he was a Fraud Investigator with the Office of Thrift Supervision, Department of the Treasury (1990-1999), and a field examiner with the Office of Thrift Supervision (1986-1990).

## Education

B.A., University of California Berkeley, 1984; M.B.A., University of California, Berkeley, 1990; J.D., Golden Gate University School of Law, 1998

## Arthur L. Shingler III | Of Counsel

Arthur Shingler is Of Counsel in the Firm's San Diego office. Shingler has successfully represented both public and private sector clients in hundreds of complex, multi-party actions with billions of dollars in dispute. Throughout his career, he has obtained outstanding results for those he has represented in cases generally encompassing shareholder derivative and securities litigation, unfair business practices litigation, publicity rights and advertising litigation, ERISA litigation, and other insurance, health care, employment, and commercial disputes.

Representative matters in which Shingler served as lead litigation or settlement counsel include, among others: *In re Royal Dutch/Shell ERISA Litig.* (\$90 million settlement); *In re Priceline.com Sec. Litig.* (\$80 million settlement); *In re General Motors ERISA Litig.* (\$37.5 million settlement, in addition to significant revision of retirement plan administration); *Wood v. Ionatron, Inc.* (\$6.5 million settlement); *In re Lattice Semiconductor Corp. Derivative Litig.* (corporate governance settlement, including substantial revision of board policies and executive management); *In re 360networks Class Action Sec. Litig.* (\$7 million settlement); and *Rothschild v. Tyco Int'l (US), Inc.*, 83 Cal. App. 4th 488 (2000) (shaped scope of California's Unfair Practices Act as related to limits of State's False Claims Act).

## Education

B.A., Point Loma Nazarene College, 1989; J.D., Boston University School of Law, 1995

## Honors / Awards

B.A., *Cum Laude*, Point Loma Nazarene College, 1989

## Leonard B. Simon | Of Counsel

Leonard Simon is Of Counsel in the Firm's San Diego office. His practice has been devoted to litigation in the federal courts, including both the prosecution and the defense of major class actions and other complex litigation in the securities and antitrust fields. Simon has also handled a substantial number of complex appellate matters, arguing cases in the United States Supreme Court, several federal Courts of Appeals, and several California appellate courts. He has also represented large, publicly traded corporations. Simon served as plaintiffs' co-lead counsel in *In re Am. Cont'l Corp./Lincoln Sav. & Loan Sec. Litig.*, MDL No. 834 (D. Ariz.) (settled for \$240 million), and *In re NASDAQ Market-Makers Antitrust Litig.*, MDL No. 1023 (S.D.N.Y.) (settled for more than \$1 billion). He was also in a leadership role in several of the state court antitrust cases against Microsoft, and the state court antitrust cases challenging electric prices in California. He was centrally involved in the prosecution of *In re Washington Pub. Power Supply Sys. Sec. Litig.*, MDL No. 551 (D. Ariz.), the largest securities class action ever litigated.

Simon is an Adjunct Professor of Law at Duke University, the University of San Diego, and the University of Southern California Law Schools. He has lectured extensively on securities, antitrust, and complex litigation in programs sponsored by the American Bar Association Section of Litigation, the Practising Law Institute, and ALI-ABA, and at the UCLA Law School, the University of San Diego Law School, and the Stanford Business School. He is an Editor of *California Federal Court Practice* and has authored a law review article on the PSLRA.

## Education

B.A., Union College, 1970; J.D., Duke University School of Law, 1973

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2016-2020; Super Lawyer, *Super Lawyers Magazine*, 2008-2016; J.D., Order of the Coif and with Distinction, Duke University School of Law, 1973

## Laura S. Stein | Of Counsel

Laura Stein is Of Counsel in the Firm's Philadelphia office. Since 1995, she has practiced in the areas of securities class action litigation, complex litigation, and legislative law. Stein has served as one of the Firm's and the nation's top asset recovery experts with a focus on minimizing losses suffered by shareholders due to corporate fraud and breaches of fiduciary duty. She also seeks to deter future violations of federal and state securities laws by reinforcing the standards of good corporate governance. Stein works with over 500 institutional investors across the nation and abroad, and her clients have served as lead plaintiff in successful cases where billions of dollars were recovered for defrauded investors against such companies as: AOL Time Warner, TYCO, Cardinal Health, AT&T, Hanover Compressor, 1st Bancorp, Enron, Dynegy, Inc., Honeywell International, Bridgestone, LendingClub, Orbital ATK, and Walmart, to name a few. Many of the cases led by Stein's clients have accomplished groundbreaking corporate governance achievements, including obtaining shareholder-nominated directors. She is a frequent presenter and educator on securities fraud monitoring, litigation, and corporate governance.

## Education

B.A., University of Pennsylvania, 1992; J.D., University of Pennsylvania Law School, 1995

## John J. Stoia, Jr. | Of Counsel

John Stoia is Of Counsel to the Firm and is based in the Firm's San Diego office. He is one of the founding partners and former managing partner of the Firm. He focuses his practice on insurance fraud, consumer fraud, and securities fraud class actions. Stoia has been responsible for over \$10 billion in recoveries on behalf of victims of insurance fraud due to deceptive sales practices such as "vanishing premiums" and "churning." He has worked on dozens of nationwide complex securities class actions, including *In re Am. Cont'l Corp./Lincoln Sav. & Loan Sec. Litig.*, which arose out of the collapse of Lincoln Savings & Loan and Charles Keating's empire. Stoia was a member of the plaintiffs' trial team that obtained verdicts against Keating and his co-defendants in excess of \$3 billion and settlements of over \$240 million.

He also represented numerous large institutional investors who suffered hundreds of millions of dollars in losses as a result of major financial scandals, including AOL Time Warner and WorldCom. Currently, Stoia is lead counsel in numerous cases against online discount voucher companies for violations of both federal and state laws including violation of state gift card statutes.

## Education

B.S., University of Tulsa, 1983; J.D., University of Tulsa, 1986; LL.M., Georgetown University Law Center, 1987

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2020; Super Lawyer, *Super Lawyers Magazine*, 2007-2017; Litigator of the Month, *The National Law Journal*, July 2000; LL.M. Top of Class, Georgetown University Law Center

## Christopher J. Supple | Of Counsel

Chris Supple is Senior Counsel to Robbins Geller, having joined the Firm after spending the past decade (2011-2021) as Deputy Executive Director and General Counsel at MassPRIM (the Massachusetts Pension Reserves Investment Management Board). While at MassPRIM, Supple also served for the last half-decade as Chair and Co-Chair of the Securities Litigation Committee of NAPPA (the National Association of Public Pension Attorneys). Supple is very familiar with, and experienced in, the role that institutional investors play in private securities litigation, having successfully directed MassPRIM's securities litigation activity in dozens of actions that recovered more than a billion dollars for investors, including *Schering-Plough* (\$473 million), *Massey Energy* (\$265 million), and *Fannie Mae* (\$170 million).

Supple's 30-plus years of experience in law and investments also includes over five years as a federal prosecutor, six years in senior leadership positions for two Massachusetts Governors, and over ten years in private law practice where his clients included MassPRIM and also its sibling Health Care Security/State Retiree Benefits Trust Fund. Supple began his career (after a federal court clerkship) as a litigating attorney assigned to securities cases at the Boston law firm of Hale and Dorr (now called WilmerHale). Supple has litigated in state and federal courts throughout the nation, and has successfully tried over 25 cases to jury verdict, tried dozens of cases to judges sitting without juries, argued hundreds of evidentiary and non-evidentiary motions, and settled dozens of cases by negotiated agreement. Supple holds the Investment Foundations™ Certificate awarded by the CFA (Chartered Financial Analyst) Institute, and for nearly a decade was an adjunct law professor teaching a course in Federal Criminal Prosecution.

## Education

B.A., The College of the Holy Cross, 1985; J.D., Duke University School of Law, 1988

## Honors / Awards

J.D., with Honors, Duke University School of Law, 1988

## David C. Walton | Of Counsel

David Walton was a founding partner of the Firm. For over 25 years, he has prosecuted class actions and private actions on behalf of defrauded investors, particularly in the area of accounting fraud. He has investigated and participated in the litigation of highly complex accounting scandals within some of America's largest corporations, including Enron (\$7.2 billion), HealthSouth (\$671 million), WorldCom (\$657 million), AOL Time Warner (\$629 million), Countrywide (\$500 million), and Dynegy (\$474 million), as well as numerous companies implicated in stock option backdating.

Walton is a member of the Bar of California, a Certified Public Accountant (California 1992), a Certified Fraud Examiner, and is fluent in Spanish. In 2003-2004, he served as a member of the California Board of Accountancy, which is responsible for regulating the accounting profession in California.

## Education

B.A., University of Utah, 1988; J.D., University of Southern California Law Center, 1993

## Honors / Awards

Recommended Lawyer, *The Legal 500*, 2019; Super Lawyer, *Super Lawyers Magazine*, 2015-2016; California Board of Accountancy, Member, 2003-2004; *Southern California Law Review*, Member, University of Southern California Law Center; Hale Moot Court Honors Program, University of Southern California Law Center

## Bruce Gamble | Special Counsel

Bruce Gamble is Special Counsel to the Firm in the Firm's Washington D.C. office and is a member of the Firm's institutional investor client services group. He serves as liaison with the Firm's institutional investor clients in the United States and abroad, advising them on securities litigation matters. Gamble formerly served as Of Counsel to the Firm, providing a broad array of highly specialized legal and consulting services to public retirement plans. Before working with Robbins Geller, Gamble was General Counsel and Chief Compliance Officer for the District of Columbia Retirement Board, where he served as chief legal advisor to the Board of Trustees and staff. Gamble's experience also includes serving as Chief Executive Officer of two national trade associations and several senior level staff positions on Capitol Hill.

## Education

B.S., University of Louisville, 1979; J.D., Georgetown University Law Center, 1989

## Honors / Awards

Executive Board Member, National Association of Public Pension Attorneys, 2000-2006; American Banker selection as one of the most promising U.S. bank executives under 40 years of age, 1992



## Tricia L. McCormick | Special Counsel

Tricia McCormick is Special Counsel to the Firm and focuses primarily on the prosecution of securities class actions. McCormick has litigated numerous cases against public companies in the state and federal courts which resulted in hundreds of millions of dollars in recoveries to investors. She is also a member of a team that is in constant contact with clients who wish to become actively involved in the litigation of securities fraud. In addition, McCormick is active in all phases of the Firm's lead plaintiff motion practice.

### Education

B.A., University of Michigan, 1995; J.D., University of San Diego School of Law, 1998

### Honors / Awards

J.D., *Cum Laude*, University of San Diego School of Law, 1998

## R. Steven Aronica | Forensic Accountant

Steven Aronica is a Certified Public Accountant licensed in the States of New York and Georgia and is a member of the American Institute of Certified Public Accountants, the Institute of Internal Auditors, and the Association of Certified Fraud Examiners. Aronica has been instrumental in the prosecution of numerous financial and accounting fraud civil litigation claims against companies that include Lucent Technologies, Tyco, Oxford Health Plans, Computer Associates, Aetna, WorldCom, Vivendi, AOL Time Warner, Ikon, Doral Financial, First BanCorp, Acclaim Entertainment, Pall Corporation, iStar Financial, Hibernia Foods, NBTY, Tommy Hilfiger, Lockheed Martin, the Blackstone Group, and Motorola. In addition, he assisted in the prosecution of numerous civil claims against the major United States public accounting firms.

Aronica has been employed in the practice of financial accounting for more than 30 years, including public accounting, where he was responsible for providing clients with a wide range of accounting and auditing services; the investment bank Drexel Burnham Lambert, Inc., where he held positions with accounting and financial reporting responsibilities; and at the SEC, where he held various positions in the divisions of Corporation Finance and Enforcement and participated in the prosecution of both criminal and civil fraud claims.

### Education

B.B.A., University of Georgia, 1979

## Andrew J. Rudolph | Forensic Accountant

Andrew Rudolph is the Director of the Firm's Forensic Accounting Department, which provides in-house forensic accounting expertise in connection with securities fraud litigation against national and foreign companies. He has directed hundreds of financial statement fraud investigations, which were instrumental in recovering billions of dollars for defrauded investors. Prominent cases include *Qwest*, *HealthSouth*, *WorldCom*, *Boeing*, *Honeywell*, *Vivendi*, *Aurora Foods*, *Informix*, *Platinum Software*, *AOL Time Warner*, and *UnitedHealth*.

Rudolph is a Certified Fraud Examiner and a Certified Public Accountant licensed to practice in California. He is an active member of the American Institute of Certified Public Accountants, California's Society of Certified Public Accountants, and the Association of Certified Fraud Examiners. His 20 years of public accounting, consulting, and forensic accounting experience includes financial fraud investigation, auditor malpractice, auditing of public and private companies, business litigation consulting, due diligence investigations, and taxation.

### Education

B.A., Central Connecticut State University, 1985

## Christopher Yurcek | Forensic Accountant

Christopher Yurcek is the Assistant Director of the Firm's Forensic Accounting Department, which provides in-house forensic accounting and litigation expertise in connection with major securities fraud litigation. He has directed the Firm's forensic accounting efforts on numerous high-profile cases, including *In re Enron Corp. Sec. Litig.* and *Jaffe v. Household Int'l, Inc.*, which obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Other prominent cases include *HealthSouth*, *UnitedHealth*, *Vesta*, *Informix*, *Mattel*, *Coca-Cola*, and *Media Vision*.

Yurcek has over 20 years of accounting, auditing, and consulting experience in areas including financial statement audit, forensic accounting and fraud investigation, auditor malpractice, turn-around consulting, business litigation, and business valuation. He is a Certified Public Accountant licensed in California, holds a Certified in Financial Forensics (CFF) Credential from the American Institute of Certified Public Accountants, and is a member of the California Society of CPAs and the Association of Certified Fraud Examiners.

### Education

B.A., University of California, Santa Barbara, 1985

# EXHIBIT 4

1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

11 Co-Lead Class Counsel for Plaintiffs

13 UNITED STATES DISTRICT COURT  
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 In re SOLARA MEDICAL SUPPLIES ) Case No. 3:19-cv-02284-H-KSC  
 16 DATA BREACH LITIGATION ) CLASS ACTION

17 \_\_\_\_\_ )  
 18 This Document Relates To: ) DECLARATION OF WILLIAM B.  
 19 ALL ACTIONS. ) FEDERMAN FILED ON BEHALF OF  
 20 \_\_\_\_\_ ) FEDERMAN & SHERWOOD IN  
 ) SUPPORT OF APPLICATION FOR  
 ) AWARD OF ATTORNEYS' FEES  
 ) AND EXPENSES

21 DATE: September 12, 2022  
 22 TIME: 10:30 a.m.  
 23 JUDGE: Marilyn L. Huff  
 24 COURTROOM: TBD (Telephonic)

25  
 26  
 27  
 28

1 I, William B. Federman, declare as follows:

2 1. I am a founder and member of the firm of Federman & Sherwood (the  
3 “Firm”). I am submitting this declaration in support of the application for an award  
4 of attorneys’ fees and expenses/charges (“expenses”) in connection with services  
5 rendered in the above-entitled action.

6 2. This Firm is Co-Lead Class Counsel for plaintiffs in this litigation.

7 3. The information in this declaration regarding the Firm’s time and  
8 expenses is taken from time and expense reports and supporting documentation  
9 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
10 partner who oversaw and/or conducted the day-to-day activities in the litigation and  
11 I reviewed these reports (and backup documentation where necessary or appropriate)  
12 in connection with the preparation of this declaration. The purpose of this review  
13 was to confirm both the accuracy of the entries as well as the necessity for, and  
14 reasonableness of, the time and expenses committed to the litigation. As a result of  
15 this review, reductions were made to the Firm’s billed time in the exercise of billing  
16 judgment. Based on this review and the adjustments made, I believe that the time  
17 reflected in the Firm’s lodestar calculation and the expenses for which payment is  
18 sought herein are reasonable and were necessary for the effective and efficient  
19 prosecution and resolution of the litigation.

20 4. After the reductions referred to above, the number of hours spent on the  
21 litigation by my Firm is 1,988.95. A breakdown of the lodestar is provided in Exhibit  
22 A. The lodestar amount for attorney/paraprofessional time based on the Firm’s  
23 current rates is \$1,156,270.50. The hourly rates shown in Exhibit A are consistent  
24 with hourly rates submitted by the Firm in other complex class action litigation. The  
25 Firm’s rates are set based on periodic analysis of rates charged by firms performing  
26 comparable work both on the plaintiff and defense side. For personnel who are no  
27 longer employed by the Firm, the “current rate” used for the lodestar calculation is  
28

1 based upon the rate for that person in his or her final year of employment with the  
2 Firm.

3 5. My Firm seeks an award of \$101,308.93 in expenses and charges in  
4 connection with the prosecution of the litigation. Those expenses and charges are  
5 summarized by category in Exhibit B.

6 6. The following is additional information regarding certain of these  
7 expenses:

8 (a) Filing, Witness, and Other Fees: \$1,153.70. These expenses  
9 have been paid to the Court for filing fees, to publication services for publishing  
10 legal notices and releases, and to attorney service firms or individuals who served  
11 process of the complaint or subpoenas.

12 (b) Transportation, Hotels, and Meals: \$691.16. In connection with  
13 the prosecution of this case, the Firm has paid for travel expenses to, among other  
14 things, take depositions.

15 (c) Photocopies: \$3,466.50. In connection with this case, the Firm  
16 made 13,866 in-house photocopies, charging \$0.25 per copy for a total of \$3,466.50.  
17 Each time an in-house copy machine is used, we require that a case name and code  
18 be provided, which is how the 13,866 copies were identified as related to this case.

19 (d) Online Legal Research: \$18,198.73. This category includes  
20 vendors such as Westlaw and Pacer. These resources were used to conduct legal  
21 research and obtain access to legal authorities and caselaw to include in briefs. This  
22 expense represents the expense incurred by the Firm for use of these services in  
23 connection with this litigation. The charges for these vendors vary depending upon  
24 the type of services requested.

25 (e) Litigation Expense Fund: \$77,500.00. My firm contributed to  
26 the Litigation Expense Fund maintained by Federman & Sherwood to pay for certain  
27 common expenses related to the litigation, including payments for experts,  
28

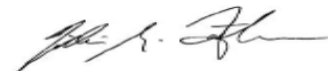
1 deposition transcription and recording costs, and mediation fees. A breakdown of  
2 the Litigation Expense Fund can be found at Exhibit D to this Declaration.

3 7. The expenses pertaining to this case are reflected in the books and  
4 records of this Firm. These books and records are prepared from receipts, expense  
5 vouchers, check records and other documents and are an accurate record of the  
6 expenses.

7 8. The identification and background of my Firm, including its attorneys  
8 and paraprofessionals, is attached hereto as Exhibit C.

9 9. My Firm also maintained a litigation expense fund for certain common  
10 expenses in connection with the prosecution of this case. A breakdown of the  
11 contributions to and payments made from the litigation expense fund, including  
12 payments to experts, deposition reporters and videographers, and JAMS mediator  
13 Bruce A. Friedman, is attached as Exhibit D. Any balance remaining in the litigation  
14 expense fund will be contributed to the Settlement Fund so that there will be no  
15 double reimbursement of the contributions to the litigation expense fund by  
16 plaintiffs' counsel.

17 I declare under penalty of perjury that the foregoing is true and correct.  
18 Executed this 25<sup>th</sup> day of July, 2022, at Oklahoma City, Oklahoma.

19 

20 \_\_\_\_\_  
21 William B. Federman



# **EXHIBIT A**

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
 Federman & Sherwood  
 Inception through June 30, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
William B. Federman	(P)	334.05	\$900.00	\$300,645.00
A. Brooke Murphy	(OC)	1,077.45	\$640.00	\$689,568.00
Carin L. Marcussen	(OC)	45.70	\$510.00	\$23,307.00
Cedric C.M. Bond	(A)	114.55	\$410.00	\$46,965.50
Tyler J. Bean	(A)	31.40	\$350.00	\$10,990.00
<i>Paralegals</i>	(PR)	269.25	\$250.00	\$67,312.50
<i>Law Clerks</i>	(LC)	116.55	\$150.00	\$17,482.50
<b><i>TOTAL</i></b>		<b><i>1,988.95</i></b>		<b><i>\$1,156,270.50</i></b>

(P) Partner  
 (OC) Of Counsel  
 (A) Associate

# **EXHIBIT B**

**EXHIBIT B**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
 Federman & Sherwood  
 Inception through June 30, 2022

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness, and Other Fees	\$1,153.70
Transportation, Hotels, & Meals	\$691.16
Telephone, Facsimile	\$75.46
Postage	\$6.90
Messenger, Overnight Delivery	\$151.39
Photocopies	\$3,466.50
Online Legal and Financial Research	\$18,198.73
Litigation Fund Contributions	\$77,500.00
Miscellaneous (ShareFile)	\$65.09
<b><i>TOTAL</i></b>	<b><i>\$101,308.93</i></b>

# **EXHIBIT C**

**EXHIBIT C****FEDERMAN & SHERWOOD**

(An Association of Attorneys and Professional Corporations)

10205 N. PENNSYLVANIA AVENUE  
OKLAHOMA CITY, OKLAHOMA 73120  
TELEPHONE: 405-235-1560  
FACSIMILE: 405-239-2112

212 W. SPRING VALLEY ROAD  
RICHARDSON, TEXAS 75081  
TELEPHONE: 214- 696-1100  
FACSIMILE: 214-740-0112

**FIRM RESUME**

**WILLIAM B. FEDERMAN.** *Education:* Boston University (B.A., cum laude, 1979); University of Tulsa (J.D., 1982); Phi Alpha Delta (Treasurer, 1980-1982). *Admitted to practice:* United States District Courts for the following Districts: Western, Northern and Eastern, Oklahoma; Eastern and Southern, New York; Southern, Northern, Eastern and Western, Texas; Eastern and Western, Arkansas; District of Columbia; District of Colorado; Northern, Ohio; United States Court of Appeals for the following Circuits: First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh and Federal; and United States Supreme Court. *Lectures/Publications:* “Class Actions, New Rules and Data Breach Cases,” 40<sup>th</sup> Annual OCBA Winter Seminar 2019; “A Case Study of Ethical Issues in Complex Litigation and Trends in Class Certification,” 39<sup>th</sup> Annual OCBA Winter Seminar, 2018; “Talkin’ About Insurance Coverage and Complex Litigation: What Every Lawyer and Client Should Know,” 38<sup>th</sup> Annual OCBA Winter Seminar, 2017; “Securities Litigation: Using Data to Make the Case,” by Bloomberg BNA, 2016; “The Changing Landscape for Prosecution of Financial Claims Involving Insolvent Companies” 37<sup>th</sup> Annual OCBA Winter Seminar, 2016; “Current Status of Securities Class Actions: Where are the Courts Taking Us?” Houston Bar Association, 2014. “Class & Derivative Actions and Securities Litigation,” 2013 Annual Meeting of the American Bar Association; “Litigation and Employment Law Update,” Securities Industry Association Compliance and Legal Division; “Inside a Disclosure Crisis”, 30<sup>th</sup> Annual Northwest Securities Institute Annual Meeting and sponsored by the Washington Bar Association; “Managing Directors’ Liability,” 3<sup>rd</sup> Annual Energy Industry Directors Conference and sponsored by Rice University; “Executive Liability - 2009 D & O Market Trends,” Chartis Insurance; “Derivative Actions and Protecting the Corporation – Critical Issues in Today’s Banking,” Oklahoma Bar Association and the Oklahoma Bankers Association; “Arbitration - What Is It? Why Should a Lawyer Suggest or Use It?,” Oklahoma Bar Association; “The Attorney and Accountant as Targets in Failed Financial Institution Litigation,” American Bar Association Trial Practice Committee; “Effective Arbitration in the 1990’s - Adapting to Build a Successful Practice,” Oklahoma County Bar Association; “Current Issues in Direct Investments and Limited Partnerships: The Litigation Scene From All Perspectives,” American Bar Association Litigation Section; “Stockbroker Litigation and Arbitration,” Securities Arbitration Institute. Author: “Who’s Minding the Store: The Corporate Attorney-Client Privilege,” 52 O.B.J. 1244, 1981; “Potential Liability From Indirect Remuneration in Private Oil and Gas Offerings,” 11 Sec. Reg. L.J. 135, 1983; “Capitalism and Reality Meet in the Courts. . . Finally,” 59 O.B.J. 3537, 1987; “Class Actions, New Rules & Data Breach Cases,” Annual OCBA Winter Seminar, 2019. *Membership:* Arbitration Panel, New York Stock Exchange; Federal Bar Association; Oklahoma County Bar Association (Committee on Professionalism, 1987-1990); Oklahoma Bar Association (Civil Procedure/Evidence Code, Lawyers Helping Lawyers Assistance Program and Rules of Professional Conduct Committees, 2017-2020); American Bar Association (Committee on Securities Litigation and Corporate Counsel); American Inns of Court (Barrister 1990-1993 and Master 2002-2004); inducted into the Outstanding Lawyers of America, 2003; received the Martindale-Hubbell peer review rating of AV Preeminent in both ethical standards and legal ability; recognized as one of the “Top Lawyers of 2013” for excellence and achievements in the legal community; Litigation Counsel of America (Trial Lawyer & Appellate Lawyer Honorary Society). *Recognition:* Securities Litigation and Arbitration Law Firm of the Year in Oklahoma – 2018 (Global Law Experts Annual Awards); Securities Litigation and Arbitration Law Firm of the Year in Oklahoma – 2019, 2020 (Corporate INTL Magazine); Oklahoma Super Lawyers list by Thomson Reuters – 2019, 2022; Recognized for Exceptional Service and Outstanding Performance on behalf of the Federal Bar Association (Oklahoma City Chapter) Pro Bono Program – 2018, 2019, 2020.

**STUART W. EMMONS. (In Memoriam)** *Education:* University of Oklahoma (J.D., 1987, with distinction); University of Oklahoma (B.B.A., Accounting, 1984, with distinction). *Admitted to practice:* 1987, Oklahoma; 1987, U.S. District Court for the Western District of Oklahoma; 1990, U.S. District Court for the Northern District of Oklahoma; 1992, U.S. Court of Appeals, Tenth Circuit; 1994, U.S. Court of Appeals, Eighth Circuit; U.S. Patent and Trademark Office; 2002, U.S. District Court for the District of Colorado; U.S. District Court for the Southern District of Texas; 2003, U.S. Court of Appeals, Second Circuit; 2004, U.S. District Court for the Northern District of Texas; U.S. Court of Appeals, Fifth Circuit; 2005, United States Supreme Court; 2005 U.S. Court of Appeals, Fourth Circuit; 2015, U.S. Court of Appeals, First Circuit; 2016, U.S. Court of Appeals, Ninth Circuit and U.S. Court of Appeals for the First Circuit. 1988-1989, Law Clerk to the Hon. Layn R. Phillips, U.S. District Court for the Western District of Oklahoma. *Published Decisions:* *American Fidelity Assurance Company v. The Bank of New York Mellon*, 810 F.3d 1234 (10<sup>th</sup> Cir. 2016); *Paul Spitzberg v. Houston American Energy Corporation, et al.*, 758 F.3d 676 (5<sup>th</sup> Cir. 2014); *Patipan Nakkhumpun v. Daniel J. Taylor, et al.*, 782 F.3d 1142 (10<sup>th</sup> Cir. 2015); *Membership:* Oklahoma County and Oklahoma Bar Associations.

**SARA E. COLLIER.** *Education:* Oklahoma Christian University (B.S. 2000); Oklahoma City University School of Law (J.D. 2004). *Admitted to practice:* 2005, Oklahoma; 2005, U.S. District Courts for the Western, Eastern and Northern Districts of Oklahoma; 2007, U.S. District Court for the Southern District of Texas; and 2007, United States Court of Appeals for Veterans Claims in Washington, DC. *Membership:* Oklahoma Bar Association, American Bar Association.

**MOLLY E. BRANTLEY.** *Education:* University of Oklahoma (B.A., 2013); Oklahoma City University School of Law (J.D., 2017; Merit Scholar 2014-2017). *Admitted to practice:* Oklahoma, 2017; United States District Court for the Northern District of Oklahoma; United States District Court for the Western District of Oklahoma, 2020. *Membership:* Oklahoma Bar Association; Federal Bar Association.

**CEDRIC C.M. BOND.** *Education:* Oklahoma City University (J.D., *summa cum laude*, 2017; Editor in Chief, 2016-17, Excellence in Technical Editing Award, 2016, Okla. City U.L. Rev.; Outstanding Graduate; Dean's Legal Ethics Award; Nine CALI Awards, for highest grade in class, including Antitrust I, Legal Profession, Legal Research & Writing I & II, and Torts); Oklahoma City University (B.A. History, cum laude, 2014; Newman Civic Fellow). *Admitted to practice:* Supreme Court of Oklahoma, 2017; U.S. District Court for the Eastern District of Missouri and U.S. District Court for the Northern and Western Districts of Oklahoma, and U.S. District Court for the Northern District of Texas, 2019. *Experience:* Staff Attorney, U.S. Court of Appeals for the Eighth Circuit, 2017-2019; Legal Intern, The Honorable Noma Gurich, Chief Justice, Supreme Court of Oklahoma, 2015; Research Assistant, The Honorable Robert H. Henry, Chief Judge (former), U.S. Court of Appeals for the Tenth Circuit, 2015-16. *Membership:* Oklahoma Bar Association; American Bar Association; Federal Bar Association; Scribes, The American Academy of Legal Writers. *Recognition:* Outstanding Senior Law Student, Oklahoma Bar Association.

**D. COLBY ADDISON.** *Education:* University of Oklahoma (B.S., 2013); University of Oklahoma (J.D., 2016). *Admitted to practice:* Oklahoma, U.S. District Courts for the Western, Eastern and Northern Districts of Oklahoma, 2016. *Membership:* Oklahoma Bar Association; Federal Bar Association, Oklahoma Employment Lawyers Association, National Employment Lawyers Association. Mr. Addison is experienced in all aspects of complex litigation and has successfully litigated numerous class actions from inception through discovery and court approved settlement. Prior to joining Federman & Sherwood, Mr. Addison was a co-founder of a firm that specialized in wage and hour collective action and discrimination cases. Mr. Addison has earned the distinction of Super Lawyers for 2019, 2020, and 2021. He has been a featured speaker and lecturer on labor and employment law topics, including as a CLE educator. Mr. Addison has served as Lead or Co-Lead for Plaintiffs in multiple complex litigation cases.

**OF COUNSEL:**

**JOHN CHARLES SHERWOOD.** *Education:* Texas Christian University, (BBA, magna cum laude, 1981); Baylor School of Law (J.D., 1984). *Areas of Practice:* Litigation. *Board Certified:* Civil Trial Law, Personal Injury Trial Law, Texas Board of Legal Specialization. *Organizations:* Texas Trial Lawyers, Association of Trial Lawyers of America, Dallas Trial Lawyers Association, Dallas Bar Association, Former Chairperson of the Solo and Small Firm Section of the Dallas Bar Association (1999), Member of the College of the State Bar of Texas, and founding President of Citizens For a Fair Judiciary (Political Action Committee). *Licenses and Courts of Practice:* Member of the State Bar of Texas, National Board of Trial Advocacy, Licensed as a Certified Public Accountant by the Texas State Board of Public Accountancy, admitted to practice before the United States Tax Court, United States District Court, Northern District of Texas, United States Fifth Circuit Court of Appeals, and the United States Supreme Court. *Papers Presented:* *Other People's Money*, Presented to the Dallas Bar Association, Solo and Small Firm Section; *Recognition:* "Top Attorneys in Texas, Business Litigation," (2012).

**A. BROOKE MURPHY.** *Education:* Oklahoma City University (B.A. summa cum laude, 2005; Robert L. Jones Outstanding Senior Paper Award; Women's Leadership Award); University of Oklahoma College of Law (J.D. 2010, with honors; Dean's List; First Amendment Moot Court Team; Assistant Articles Editor of Oklahoma Law Review). *Admitted to practice:* Oklahoma, 2010; U.S. District Court for the Western District of Oklahoma, 2010; U.S. District Court for the Northern District of Texas, 2010; Tenth Circuit Court of Appeals, 2014; First Circuit Court of Appeals and Ninth Circuit Court of Appeals, 2016; Second Circuit Court of Appeals, 2021. *Published Decisions:* *Paul Spitzberg v. Houston American Energy Corporation, et al.*, 758 F.3d 676 (5th Cir. 2014); *Patipan Nakkhumpun v. Daniel J. Taylor, et al.*, 782 F.3d 1142 (10th Cir. 2015); *Angley v. UTi Worldwide Inc.*, 311 F. Supp. 3d 1117 (C.D. Cal. 2018); *Mulderrig v. Amyris, Inc.*, 492 F. Supp. 3d 999 (N.D. Cal. 2020); *McFarlane v. Altice USA, Inc.*, 524 F. Supp. 3d 264 (S.D.N.Y. 2021). *Publication:* *Credit Rating Immunity? How the Hands-Off Approach Toward Credit Rating Agencies Led to the Subprime Credit Crisis and the Need for Greater Accountability*, 62 Okla. L. Rev. 735 (2010). *Recognition:* "Rising Star," *Oklahoma Super Lawyers*, 2020, 2021, 2022.

**CARIN L. MARCUSSEN.** *Education:* United States Air Force Academy (attended 1996-1997); Oklahoma State University (B.S., 2000); University of Oklahoma (J.D. with honors, 2003). *Admitted to practice:* Supreme Court of Oklahoma, 2003; U. S. District Court for the Western District of Oklahoma, 2003; U.S. District Court for the Northern District of Oklahoma, 2004; U.S. District Court for the Eastern District of Oklahoma, 2005; U.S. Court of Appeals for the Tenth Circuit, 2006; U.S. Bankruptcy Court for the Western District of Oklahoma, 2012. *Member:* Oklahoma Bar Association (Civil Procedure & Evidence Code Committee; Disaster Relief Committee); Oklahoma Association for Justice; American Association for Justice; National Association of Professional Women. *Publication:* *Democracy for Sale: The United States Supreme Court's Decision in Citizens United*, *The Advocate*, Spring 2010. *Recognition:* Marquis Who's Who of American Women, 2007; Pro Bono Award, Oklahoma County Bar Association, 2010; President's Award, Oklahoma Association for Justice, 2013; "Rising Star", *Oklahoma Super Lawyers*, 2008, 2009, 2011, 2013, 2014, 2015, 2017.

**JOSHUA D. WELLS.** *Education:* Oklahoma Baptist University (B.A. 2004); Oklahoma City University College of Law (J.D. 2008) (Dean's List, Faculty Honor Roll, OCU American Trial Lawyers Association Moot Court Team, 2008; Staff Member, Law Review, 2006-07; Executive Editor, Law Review, 2007-08). *Admitted to practice:* 2008, Oklahoma; Federal Bar Association; American Bar Association; U. S. District Court for the Western District of Oklahoma; 2009, U.S. District Court for the Eastern District of Oklahoma; 2011, U.S. District Court for the Northern District of Oklahoma; 2012, U.S. Court of Appeals for the Tenth Circuit; 2016, U.S. Court of Appeals, Fourth Circuit. *Member:* Oklahoma Bar Association. *Publication:* *Stuck in the Mire: The Incomprehensible Labor Law*, 34 Okla. City U.L. Rev. 131 (2009). *Experience:* Research Assistant to J. William Conger, General Counsel and Distinguished Lecturer of Law, Oklahoma City University and President of the Oklahoma Bar Association (2007-08). General Counsel for Reaching Souls International (2013-2016). Mr. Wells has significant experience in complex and class action litigation in various state and federal courts, with more than a decade of experience



protecting consumer and shareholder rights. Mr. Wells knows how to efficiently prosecute complex cases to conclusion and practices in areas of estate planning, probate, and guardianships for both children and adults. He is the recipient of the Federal Bar Association Pro Bono Exceptional Service Award (2019) and is a leader in his church.

***PARALEGALS:***

**NANCY G. BEATTY.** Mrs. Beatty has over thirty-five years of legal experience. She primarily works on coordinating and administrating of class actions and other complex litigation. Ms. Beatty has served on several professional advisory boards in Oklahoma and Tennessee.

**SHARON J. KING.** Ms. King has worked in the legal community for over twenty years, after having worked in the securities and insurance industry for over fifteen years. She primarily works on insurance and civil litigation.

**JANE E. ADAMS.** Mrs. Adams has over 25 years of Administrative and Finance experience focusing her career on Human Resources. Additionally, she has first-hand experience with FEMA response as well as government contractual administration.

**TIFFANY R. PEINTNER.** Mrs. Peintner has worked in the legal community for over ten years. Before joining Federman & Sherwood, Mrs. Peintner worked in patent law, oil and gas, probate, banking and real estate, family law, personal injury and insurance defense. She works in securities and civil litigation for the firm.

**FRANDELIND V. TRAYLOR.** Mrs. Traylor has worked in the legal community for over fifteen years. She provides class action, securities and derivative litigation, and product liability support for the firm.

**LACRISTA A. BAGLEY.** Ms. Bagley has been in the legal field for twenty-one years. Before joining Federman & Sherwood, Ms. Bagley worked primarily in bankruptcy law that focused on Chapter 11's and corporate liquidations, as well as estate planning, family law, civil defense, personal injury and medical malpractice.

# **EXHIBIT D**

**EXHIBIT D***In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC

## Litigation Expense Fund Register

<b>DATE</b>	<b>CHECK</b>	<b>DESCRIPTION</b>	<b>WITHDRAWALS</b>	<b>DEPOSITS</b>	<b>TOTAL</b>
09/17/20	Wire	Robbins Gellar (Litigation Fund Contribution)		\$30,000.00	\$30,000.00
09/18/20	Wire	Carlson Lynch (Litigation Fund Contribution)		\$15,000.00	\$45,000.00
09/29/20	Wire	Green & Noblin (Litigation Fund Contribution)		\$15,000.00	\$60,000.00
09/29/20	Wire	Abington Cole (Litigation Fund Contribution)		\$15,000.00	\$75,000.00
10/01/20	Deposit	Federman & Sherwood (Litigation Fund Contribution)		\$30,000.00	\$105,000.00
10/01/20	1001	GlassRatner - Inv. 54685 (Expert)	\$27,353.00		\$77,647.00
10/22/20	1002	B Riley (fka/GlassRatner) Inv. 54914 (Expert)	\$5,805.50		\$71,841.50
12/03/20	1003	B Riley (fka/Glass Ratner) Inv. 55259 (Expert)	\$23,800.00		\$48,041.50
12/03/20	1004	Enterprise Knowledge Partners, LLC, Inv. 4461 (Expert)	\$5,100.00		\$42,941.50
12/22/20	Wire	Green & Noblin (Litigation Fund Contribution)		\$10,000.00	\$52,941.50
12/22/20	Wire	Carlson Lynch (Litigation Fund Contribution)		\$10,000.00	\$62,941.50
12/23/20	Deposit	Federman & Sherwood (Litigation Fund Contribution)		\$20,000.00	\$82,941.50
12/23/30	Wire	Robbins Gellar (Litigation Fund Contribution)		\$20,000.00	\$102,941.50
12/23/20	1005	B Riley (Expert) Inv. 55408	\$52,089.50		\$50,852.00
12/29/20	1006	Veritext - Deposition Strebe - Inv. 4729054 and 4731867	\$4,809.50		\$46,042.50
01/21/21	1007	B Riley (Expert) Inv. 55593	\$7,069.00		\$38,973.50
03/10/21	1008	B Riley (Expert) Inv. 55773	\$1,336.50		\$37,637.00
05/04/21	1009	B Riley (Expert) Inv. 55999 and 56267	\$19,658.00		\$17,979.00
05/04/21	1010	Professional Reporters - Deposition Brad Haller - Inv. 177665 and 177688	\$839.55		\$17,139.45
05/13/21	1011	B Riley (Expert) Inv. 56484	\$6,951.00		\$10,188.45
06/22/21	Wire	JAMS, Inc. (Mediation)	\$7,450.00		\$2,738.45

DATE	CHECK	DESCRIPTION	WITHDRAWALS	DEPOSITS	TOTAL
06/30/21	Wire	Robbins Geller (Litigation Fund Contribution)		\$10,000.00	\$12,738.45
07/01/21	Wire	Carlson Lynch (Litigation Fund Contribution)		\$5,000.00	\$17,738.45
07/07/21	Deposit	Federman & Sherwood (Litigation Fund Contribution)		\$10,000.00	\$27,738.45
07/09/21	Wire	Green Noblin (Litigation Fund Contribution)		\$5,000.00	\$32,738.45
07/07/21	1012	B Riley (Expert) Invoice 56722	\$7,705.00		\$25,033.45
07/07/21	1013	Magna Legal Services – Depositions of Keally, Harris, Mercado, Bickford - Inv. 708365, 707170, 707178, 715235	\$3,160.85		\$21,872.60
07/14/21	1014	Magna Legal Services, Inc. - Deposition Maldonado Inv. 701102	\$724.85		\$21,147.75
07/14/21	1015	Void Check			\$21,147.75
01/06/20		Check Order Charge	\$45.65		\$21,102.10
07/21/21	1016	Magna Legal Services - Deposition Maldonado Inv. 701102	\$724.85		\$20,377.25
08/20/21	1017	B Riley (Expert) - Invoice 57172	\$3,388.50		\$16,988.75
10/12/21	1018	Veritext - Deposition Ben Mead - Inv. 5216551	\$3,181.04		\$13,807.71
10/22/21	Transfer	Federman & Sherwood (Litigation Fund Contribution)		\$17,500.00	\$31,307.71
10/21/21	Wire	Robbins Geller (Litigation Fund Contribution)		\$17,500.00	\$48,807.71
10/26/21	1019	JAMS, Inc. (Mediation) - Additional Time	\$3,200.00		\$45,607.71
10/26/21	1020	Veritext - Deposition Ben Mead (Additional) Inv. 5215050	\$1,023.00		\$44,584.71
10/26/21	1021	EcoScribe - Depositions Mendoza, Crawford, Outlaw and Foreman - Inv. 63564, 63309, 63468, 63539	\$7,472.00		\$37,112.71
10/26/21	1022	B Riley (Expert) - Inv. 57584	\$9,097.50		\$28,015.21
11/16/21		Magna Legal Services, Inc. - Reimbursement of duplicate payment for Maldonado deposition		\$724.85	\$28,740.06

<b>DATE</b>	<b>CHECK</b>	<b>DESCRIPTION</b>	<b>WITHDRAWALS</b>	<b>DEPOSITS</b>	<b>TOTAL</b>
11/18/21	1023	Enterprise Knowledge Partners, LLC (expert)	\$2,700.00		\$26,040.06
12/07/21	1024	JAMS, Inc. (mediation)	\$40.00		\$26,000.06
01/04/22	1025	Enterprise Knowledge Partners, LLC (expert)	\$2,700.00		\$23,300.06
04/22/22		Refund Harland Clark checks		\$45.65	\$23,345.71

# EXHIBIT 5

1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

14 Co-Lead Class Counsel for Plaintiffs

15 UNITED STATES DISTRICT COURT  
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 In re SOLARA MEDICAL SUPPLIES ) Case No. 3:19-cv-02284-H-KSC  
 18 DATA BREACH LITIGATION ) CLASS ACTION

19 This Document Relates To: )  
 20 ALL ACTIONS. )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )  
 26 )  
 27 )  
 28 )

DECLARATION OF CORNELIUS P. DUKELOW FILED ON BEHALF OF ABINGTON COLE + ELLERY IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

DATE: September 12, 2022  
 TIME: 10:30 a.m.  
 JUDGE: Hon. Marilyn L. Huff  
 COURTROOM: TBD (Telephonic)

1 I, Cornelius P. Dukelow, declare as follows:

2 1. I am a member of the firm of Abington Cole + Ellery (the “Firm”). I  
3 am submitting this declaration in support of the application for an award of  
4 attorneys’ fees and expenses/charges (“expenses”) in connection with services  
5 rendered in the above-entitled action.

6 2. This Firm is counsel of record for plaintiffs in this litigation.

7 3. The information in this declaration regarding the Firm’s time and  
8 expenses is taken from time and expense reports and supporting documentation  
9 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
10 partner who oversaw and/or conducted the day-to-day activities in the litigation and  
11 I reviewed these reports (and backup documentation where necessary or appropriate)  
12 in connection with the preparation of this declaration. The purpose of this review  
13 was to confirm both the accuracy of the entries as well as the necessity for, and  
14 reasonableness of, the time and expenses committed to the litigation. As a result of  
15 this review, reductions were made to both time and expenses in the exercise of billing  
16 judgment. Based on this review and the adjustments made, I believe that the time  
17 reflected in the Firm’s lodestar calculation and the expenses for which payment is  
18 sought herein are reasonable and were necessary for the effective and efficient  
19 prosecution and resolution of the litigation.

20 4. After the reductions referred to above, the number of hours spent on the  
21 litigation by my Firm is 63.2. A breakdown of the lodestar is provided in Exhibit A.  
22 The lodestar amount for attorney time based on the Firm’s current rates is  
23 \$60,040.00. The hourly rates shown in Exhibit A are consistent with hourly rates  
24 submitted by the Firm in other complex class action litigation. The Firm’s rates  
25 are set based on periodic analysis of rates charged by firms performing  
26 comparable work both on the plaintiff and defense side. For personnel who  
27 are no longer employed by the Firm, the “current rate” used for the  
28



1 lodestar calculation is based upon the rate for that person in his or her final year of  
2 employment with the Firm.

3 5. My Firm seeks an award of \$15,206.00 in expenses and charges in  
4 connection with the prosecution of the litigation. Those expenses and charges are  
5 summarized by category in Exhibit B.

6 6. The following is additional information regarding certain of these  
7 expenses:

8 (a) Filing, Witness, and Other Fees: \$206.00. These expenses have  
9 been paid to the Court as pro hac vice fees.


10 (b) Litigation Expense Fund: \$15,000.00. My firm contributed to  
11 the Litigation Expense Fund maintained by Federman & Sherwood to pay for certain  
12 common expenses related to the litigation. A breakdown of the Litigation Expense  
13 Fund can be found as an Exhibit to the Declaration of William B. Federman Filed on  
14 Behalf of Federman & Sherwood in Support of Application for Award of  
15 Attorneys' Fees and Expenses, submitted contemporaneously herewith.

16 7. The expenses pertaining to this case are reflected in the books and  
17 records of this Firm. These books and records are prepared from receipts, expense  
18 vouchers, check records and other documents and are an accurate record of the  
19 expenses.

20 8. The identification and background of my Firm and its partners is  
21 attached hereto as Exhibit C.

22 I declare under penalty of perjury that the foregoing is true and correct.  
23 Executed this 5<sup>th</sup> day of July, 2022, at Tulsa, Oklahoma.

24  
25  
26  
27  
28

  
\_\_\_\_\_  
Cornelius P. Dukelow

# **EXHIBIT A**

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
 Abington Cole + Ellery  
 Inception through June 30, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Cornelius P. Dukelow	(P)	63.2	\$950	\$60,040
<b><i>TOTAL</i></b>		<b><i>63.2</i></b>		<b><i>\$60,040</i></b>

(P) Partner

# **EXHIBIT B**

**EXHIBIT B**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
Abington Cole + Ellery  
Inception through June 30, 2022

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness, and Other Fees	\$206.00
Litigation Fund Contributions	\$15,000.00
<b><i>TOTAL</i></b>	<b><i>\$15,206.00</i></b>

# **EXHIBIT C**

## EXHIBIT C

### FIRM RESUME

# ABINGTON COLE + ELLERY

Abington Cole + Ellery is a boutique law firm focusing on consumer class actions and intellectual property related matters.

#### Attorney Profile

Cornelius P. Dukelow:

Mr. Dukelow began practicing law in 2001. Mr. Dukelow's practice focuses on consumer class action litigation, patent prosecution, patent litigation, trademark prosecution, and trademark litigation.

Mr. Dukelow is a registered patent attorney licensed to practice before the United States Patent and Trademark Office. Mr. Dukelow is admitted to practice in Oklahoma, before the United States District Court for the Northern District of Oklahoma, before the United States District Court for the Western District of Oklahoma, and before the United States Court of Appeals for the Federal Circuit.

Mr. Dukelow is a graduate of Kansas State University, receiving a Bachelor of Science in Biology (1997), and the University of Tulsa College of Law (JD 2001) where he was an Article's Editor for the University of Tulsa Law Review.

#### Representative Data Breach Cases:

- *In Re: Ambry Genetics Data Breach Litigation*, Case No. 8:20-cv-00791 (C.D. Cali.).
- *Bahnmaier v. First American Financial Corp.*, Case No. 8:19-cv-01040 (C.D. Cali.).
- *Baker v. Chipotle Mexican Grill, Inc.*, Case No. 5:17-cv-01134 (C.D. Cali.).
- *Brandon v. Equifax, Inc.*, Case No. 1:17-cv-03454 (N.D. Ga.); MDL: *In re: Equifax, Inc., Customer Data Sec. Breach Litig.*, Case No. 1:17-md-02800 (N.D. Ga.).
- *Bray et al. v. GameStop Corp.*, No. 17-cv-01415-CMA-SKC (D. Del.).
- *Brescia v. Anthem, Inc., et al.*, Case No. 1:15-cv-00203 (S.D. Ind.); MDL: *In re: Anthem, Inc. Data Breach Litigation*, Case No. 15-md-02617 (N.D. Cali.).
- *Cochran v. Experian Information Solutions, Inc.*, Case No. 8:15-cv-01659 (C.D. Cali.); MDL: *In re: Experian Data Breach Litigation*, Case No. 8:15-cv-1592 (C.D. Cali.).
- *Engl v. Natural Grocers By Vitamin Cottage, Inc.*, Case No. 1:15-cv-02129 (D. Colo.).
- *Finesse Express, LLC, et al. v. Total Quality Logistics, LLC*, Case No. 1:20-cv-00235 (S.D. Ohio).

- *Fuentes v. Sunshine Behavioral Health Group LLC*, Case No. 8:20-cv-00487 (C.D. Cali.).
- *Gilmore v. Sonic Corp.*, Case No. 5:17-cv-01032 (W.D. Okla.).
- *Hayes v. Medical Informatics Engineering, Inc.*, Case No. 1:15-cv-01308 (S.D. Ind.); MDL: *In re: Medical Informatics Engineering, Inc., Customer Data Security Breach Litigation*, Case No. 3:15-md-02667 (N.D. Ind.).
- *Hellyer v. Altice USA, Inc.*, Case No. 1:20-cv-01410 (S.D. N.Y.).
- *Key v. American Medical Collection Agency, Inc.*, Case No. 7:19-cv-05536 (S.D. N.Y.).
- *Koenig v. Lime Crime, Inc.*, Case No. 2:16-cv-00503 (C.D. Cali.).
- *Kyles et al. v. Stein Mart, Inc. et al.*, Case No. 1:19-cv-00483 (D. Del.).
- *Most Wanted Motorsports LLC v. Capital One Financial Corp. et al.*, Case No. 2:19-cv-01303 (W.D. Wash.).
- *Noe v. Target Corporation*, Case No. 4:14-cv-00083 (N.D. Okla.); MDL: *In re: Target Corporation Customer Data Security Breach Litigation Case*, No. 0:14-md-02522 (D. Minn.).
- *Perdue et al. v. Hy-Vee, Inc.*, Case No. 1:19-cv-01330 (C.D. Ill.).
- *Poling v. Artech LLC*, Case No. 3:20-cv-07630 (N.D. Cali.).
- *Solak v. The Home Depot, Inc.*, Case No. 1:14-cv-02856 (N.D. Ga.); MDL: *In re: The Home Depot, Inc., Customer Data Security Breach Case*, No. 1:14-md-02583 (N.D. Ga.).
- *In re Solara Medical Supplies Data Breach Litigation*, Case No. 3:19-cv-02284 (S.D. Cali.).
- *Stasi et al. v. Inmediata Health Group Corp.*, Case No. 3:19-cv-02353 (S.D. Cali.).
- *Stobbe v. Accellion, Inc.*, Case No. 5:21-cv-01353-SVK (N.D. Cali.).



# EXHIBIT 6

1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
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 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

14 Co-Lead Class Counsel for Plaintiffs

15 UNITED STATES DISTRICT COURT  
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 In re SOLARA MEDICAL SUPPLIES )  
 18 DATA BREACH LITIGATION )

Case No. 3:19-cv-02284-H-KSC

CLASS ACTION

19 This Document Relates To:

20 ALL ACTIONS.

DECLARATION OF ROBERT S.  
 GREEN FILED ON BEHALF OF  
 GREEN & NOBLIN, P.C. IN  
 SUPPORT OF APPLICATION FOR  
 AWARD OF ATTORNEYS' FEES  
 AND EXPENSES

DATE: September 12, 2022  
 TIME: 10:30 a.m.  
 JUDGE: Marilyn L. Huff  
 COURTROOM: TBD (Telephonic)

28

1 I, Robert S. Green, declare as follows:

2 1. I am a partner with the firm of Green & Noblin, P.C. I am submitting  
3 this declaration in support of the application for an award of attorneys' fees and  
4 expenses/charges ("expenses") in connection with services rendered in the above-  
5 entitled action.

6 2. This Firm is counsel of record for plaintiffs in this litigation.

7 3. The information in this declaration regarding the Firm's time and  
8 expenses is taken from time and expense reports and supporting documentation  
9 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
10 partner who oversaw and/or conducted the day-to-day activities in the litigation and  
11 I reviewed these reports (and backup documentation where necessary or appropriate)  
12 in connection with the preparation of this declaration. The purpose of this review  
13 was to confirm both the accuracy of the entries as well as the necessity for, and  
14 reasonableness of, the time and expenses committed to the litigation. As a result of  
15 this review, reductions were made to both time and expenses in the exercise of billing  
16 judgment. Based on this review and the adjustments made, I believe that the time  
17 reflected in the Firm's lodestar calculation and the expenses for which payment is  
18 sought herein are reasonable and were necessary for the effective and efficient  
19 prosecution and resolution of the litigation.

20 4. After the reductions referred to above, the number of hours spent on the  
21 litigation by my Firm is 324.20. A breakdown of the lodestar is provided in Exhibit  
22 A. The lodestar amount for attorney/paralegal time based on the Firm's current rates  
23 is \$185,316.50. The hourly rates shown in Exhibit A are consistent with hourly rates  
24 submitted by the Firm in other complex class action litigation. The Firm's rates are  
25 set based on periodic analysis of rates charged by firms performing comparable work  
26 both on the plaintiff and defense side. For personnel who are no longer employed  
27 by the Firm, the "current rate" used for the lodestar calculation is based upon the  
28 rate for that person in his or her final year of employment with the Firm.

1           5.     My Firm seeks an award of \$32,064.17 in expenses and charges in  
2 connection with the prosecution of the litigation. Those expenses and charges are  
3 summarized by category in Exhibit B.

4           6.     The following is additional information regarding certain of these  
5 expenses:

6                 (a)    Filing, Witness, and Other Fees: \$2,035.98. These expenses  
7 have been paid to the Court for filing fees and to attorney service firms or individuals  
8 who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies  
9 of court documents for plaintiffs.

10                (b)    Messenger and Overnight Delivery Fees: \$28.19. These  
11 expenses have been paid to overnight delivery companies to deliver courtesy copies  
12 of court filings to the Court.

13                (c)    Litigation Expense Fund: \$30,000. My firm contributed to the  
14 Litigation Expense Fund maintained by Federman & Sherwood to pay for certain  
15 common expenses related to the litigation. A breakdown of the Litigation Expense  
16 Fund can be found as an Exhibit to the Declaration of William B. Federman filed on  
17 Behalf of Federman & Sherwood in Support of Application for Award of Attorneys'  
18 Fees and Expenses, submitted contemporaneously herewith.

19           7.     The expenses pertaining to this case are reflected in the books and  
20 records of this Firm. These books and records are prepared from receipts, expense  
21 vouchers, check records and other documents and are an accurate record of the  
22 expenses.

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# **EXHIBIT A**

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
 GREEN & NOBLIN, P.C.  
 Inception through June 30, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Robert S. Green	(P)	133.10	\$850	\$113,135.00
James Robert Noblin	(P)	6.6	\$800	\$5,280.00
Evan M. Sumer	(A)	171.80	\$375	\$64,425.00
Paralegals		12.7	\$195	\$2,476.50
<b><i>TOTAL</i></b>		<b><i>324.20</i></b>		<b><i>\$185,316.50</i></b>

(P) Partner

(A) Associate

# **EXHIBIT B**



**EXHIBIT B**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
GREEN & NOBLIN, P.C.  
Inception through June 30, 2022

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness, and Other Fees	\$2,035.98
Messenger, Overnight Delivery	\$28.19
Litigation Fund Contributions	\$30,000.00
<b><i>TOTAL</i></b>	<b><i>\$32,064.17</i></b>

# **EXHIBIT C**



G R E E N & N O B L I N, P. C.

## FIRM RESUME

### Litigation Approach

The Firm's business strategy is to aggressively develop and pursue opportunities in the field of class action litigation. The Firm's principals have many years of experience prosecuting class action claims relating to antitrust violations, consumer protection, truth in lending practices, financial services, securities offerings, accounting malpractice, breach of fiduciary duties of corporate officers and directors, and products liability.

The aggressive, result-oriented approach to client representation applied by the Firm and its principals has been demonstrated in the following litigation:

- *Wiseman Park v. Southern Wine & Spirits*, Superior Court of Los Angeles County Case No. BC548599. The Firm is co-counsel in this class action alleging violation of California's regulations regarding late fees in the sale of liquor to retailers. The Firm was instrumental in obtaining a ruling of first impression from the California Court of Appeals favoring plaintiffs' position. *Wiseman Park, LLC v. Southern Glazer's Wine & Spirits, LLC*, 16 Cal.App.5th 132 (2017).
- *In re Lithium Ion Batteries Antitrust Litigation*, Case No. 13-md-2420 YGR. The Firm was selected by the Court to serve on the Steering Committee for indirect purchasers' counsel following a litigated selection process. These cases ultimately settled for in excess of \$50 million.
- *In re Domestic Drywall Antitrust Litigation*, Case No. 13-md-2437. The Firm was appointed Co-Lead Counsel for indirect purchasers in this multi-district litigation pending in Philadelphia. These cases settled for approximately \$17 million.
- *John Doe v. SuccessfulMatch.com*, Case No. 1-22-CV-21120, Superior Court of Santa Clara County. Robert Green served as the Lead Trial Counsel in this class action asserting claims under California's UCL and CLRA statutes. In October 2014, a jury awarded the plaintiffs approximately \$1.5 million in compensatory damages and \$15 million in punitive damages. The Court entered judgment on the verdict and added injunctive and declaratory relief. The case later settled as part of a nationwide class in which class members received over 100% of their asserted damages.

- 
- *Rutledge v. Hewlett-Packard*, Case No. 1-03-CV-817837, Superior Court of Santa Clara County. The firm served as Lead Counsel of this nationwide consumer class action stemming from the failure of certain HP laptop computers. We were successful in two appeals, resulting in published cases favoring plaintiffs in consumer class actions, *Hewlett-Packard Co. v. Superior Court*, 167 Cal. App. 4<sup>th</sup> 87 (2008), and *Rutledge v. Hewlett-Packard Co.*, 238 Cal. App. 4<sup>th</sup> 1164 (2015). In 2018, the Court approved a settlement of \$6.5 million.
  - *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Case No. 07-mdl-1827 SI. The Firm served a critical role developing the evidence that led to a \$1.1 billion settlement in this indirect purchaser antitrust class action settled earlier this year. Members of the Firm were involved in all phases of the litigation over a five-year period, including research and drafting of our initial complaint and later motions and pleadings, managing document review and deposition preparation teams, and identifying and organizing exhibits and other evidence for trial.
  - *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, 02-mdl-1486 PJH. The Firm worked extensively on this indirect purchaser antitrust action, both in San Francisco Superior Court in a coordinated action, and in the federal antitrust action. Principals of the Firm were active in conducting depositions, such as Dell and Nanya executives among others, along with conducting legal and factual research, drafting significant pleadings and running document review teams. The case settled for in excess of \$300 million.
  - *In re Static Random Access Memory (SRAM) Antitrust Litigation*, Case No. 07-mdl-1819 CW. The Firm participated in all phases of this direct purchaser class action from researching and drafting complaints up through and including final trial preparations. The case settled for approximately \$75 million just days before trial.
  - *In re Chase Bank USA, N.A. "Check Loan Litigation"*. The Firm served on the Executive Committee running this national MDL proceeding in which JPMorgan Chase & Co., the nation's largest issuer of credit cards, agreed to settle for \$100 million. The case is a class action lawsuit charging that the bank acted improperly when it more than doubled the minimum monthly payment requirement for over 1 million customers who entered into balance transfer loans with "fixed" interest rates. The Court approved the final settlement on November 19, 2012. The Firm was active in prosecuting the action, from origination, through motions, fact discovery, expert discovery, summary judgment and trial preparation. *See In re: Chase Bank, USA, N.A. "Check Loan" Contract Litigation*, 274 F.R.D. 286 (N.D. Cal. 2011).
  - *Hellum v. Breyer (Prosper Marketplace, Inc.) Unregistered Securities Litigation*. Green & Noblin served as counsel for the class in this action asserting the sale of unregistered securities. The action settled for \$10 million in 2014. The court certified a class of approximately 50,000 purchasers of loan notes from Prosper Marketplace, Inc. and denied summary judgment. At the time of settlement, we were preparing for an imminent trial. The Firm's work resulted in a ruling by the Court of Appeal clarifying the pleading requirements for controlling officers and directors under both California and federal securities laws. *See, Hellum v. Breyer*, 194 Cal.App.4th 1300 (2011).

- *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917, Case No. 07-5944 SC. The Firm served on document review and deposition preparation teams for this indirect purchaser class action case in the Northern District of California. The case settled for over \$500 million.
- *In re Textainer Partnership Securities Litigation*. Robert Green served as Lead Trial Counsel in these consolidated cases. The cases settled for \$10 million after Plaintiffs obtained a ruling in their favor at the conclusion of Phase 1 of the trial in San Francisco Superior Court. The Plaintiffs asserted breach of fiduciary duty claims in connection with a sale of assets transaction that resulted in the dissolution of six limited partnerships.
- *McKesson Inc. Derivative Litigation*. McKesson-HBOC, Inc. lost \$9 billion in stock market capitalization in one day during April 1999 after announcing that prior financial statements would be restated due to accounting errors. Rather than pursuing the individuals and companies who participated in the conduct that led to the accounting restatements, the company sued its own shareholders in a case that was promptly dismissed by the Ninth Circuit U.S. Court of Appeals. As co-counsel for plaintiff shareholders seeking to recover money on behalf of the corporation from the wrongdoers, the Firm obtained an important decision from the Delaware Supreme Court expanding the rights of shareholders to obtain and inspect corporate documents where there is a proper purpose for investigating potential wrongdoing. *See Saito v. McKesson HBOC, Inc.*, 806 A.2d 113 (Del. Supr. 2002). A substantial settlement on behalf of the Company was approved by the Delaware Chancery Court on February 12, 2006.
- *In re Providian Credit Card Cases*. Robert Green was appointed co-lead counsel in this national class action brought on behalf of Providian credit card customers who were improperly charged late fees, higher interest rates on balance transfers, and fees for add-on products, including Credit Protection, PricePro, Drive Pro, HealthPro, and credit line increases. The San Francisco Superior Court approved a settlement for \$105 million, which covered restitution to Providian customers, "in-kind" payments to customers, and the costs and expenses of the litigation.

### Attorneys

**Robert S. Green** litigates cases of national import across a spectrum of subjects. In antitrust litigation, Mr. Green was named to the Steering Committee of the Lithium Ion Batteries Indirect Purchaser Litigation, and served on important discovery and trial preparation roles in the SRAM, DRAM, and LCD-TFT Thin Film Transistor class actions. In credit card class actions, Mr. Green was one of the Lead Counsel in the Chase Bank "Check Loans" Litigation which settled for \$100 million in 2012 and in the Providian Credit Card Cases that settled for \$75 million in 2001. Mr. Green successfully argued the Ninth Circuit Appeal in *DeMando v. Capital One Bank*. In securities litigation, Mr. Green has been named Lead Counsel by state and federal courts from California to New York, participated in or served as lead counsel in three trials, two of which lasted six months, and obtained settlements of \$35.75 million for Securities Act claims in the STEC Securities Litigation, \$10 million for unregistered securities claims in the Prosper Marketplace Litigation, and \$10 million for limited partner claims in the Textainer Limited Partners Securities Litigation. In consumer and defective product cases, Mr. Green was a key

member of the trial team in a three month trial against Ford Motor Company in connection with Ford Explorer/Firestone Tire Rollover Litigation that resulted in a substantial settlement at the conclusion of the trial. Mr. Green also successfully prosecuted defective computer claims against HP and Toshiba, defective software claims against Sony, defective dashboard electronics claims against Audi and internet fraud claims against Webloyalty.com.

Mr. Green is AV Preeminent Peer Review Rated by Martindale-Hubbell and was named a finalist for Consumer Attorney of the Year in 2013 by the Consumer Attorneys of California in connection with his work on the Chase Bank “Check Loans” Litigation. Mr. Green is recognized as one of the “Super Lawyers” of Northern California. Mr. Green graduated with honors from the University of the Pacific, McGeorge School of Law in 1984. He received his Masters of Business Administration degree from California State University-Sacramento in 1989 and his undergraduate degree with distinction from Oregon State University in 1981. Mr. Green is an active member of the National Association of Consumer Attorneys (NACA). Mr. Green is an Editorial Advisor for the Consumer Financial Services Law Report and is on the Partners’ Council for the National Consumer Law Center. Mr. Green also served on the Board of Marin AIDS Interfaith Network. Publications by Mr. Green include *Developments in Credit Card Litigation*, published by the Review of Banking and Financial Services; and *Litigating Credit Card Cases*, published by the Consumer Advocate. Mr. Green is licensed to practice in California.

**James Robert Noblin** has practiced complex business litigation since 1984, focusing primarily on antitrust and unfair competition cases. Mr. Rob Noblin graduated from Harvard Law School *cum laude* in 1983. He received his undergraduate degree *summa cum laude* from the University of Southern California in 1980. After graduating from law school, Mr. Noblin was a law clerk for the Honorable William A. Norris of the United States Court of Appeals for the Ninth Circuit from 1983 - 1984.

Mr. Noblin has tried over 10 cases to a jury as either the lead or a principal trial lawyer, including the six-week trial resulting in a verdict of over \$ 70 million that was upheld in *Image Tech. Services, Inc. v. Eastman Kodak Co.*, 125 F.3d 1195 (9<sup>th</sup> Cir. 1997). His other representative cases include: *In re Domestic Drywall Antitrust Litig.*, 163 F. Supp. 3d 175 (E.D. Pa. 2016), *Fun v. Leapfrog Enters.*, No. CV 09-916-GHK (VBXx), 2010 U.S. Dist. LEXIS 146641 (C.D. Cal. Sep. 10, 2010), *Newcal Indus., Inc. v. Ikon Office Solution*, 513 F.3d 1038 (9<sup>th</sup> Cir. 2008) *ABC Int'l Traders, Inc. v. Matsushita Elec. Corp.*, 14 Cal. 4th 1247 (1997); *Knevelbaard Dairies v. Kraft Foods, Inc.*, 232 F.3d 979 (9<sup>th</sup> Cir. 2000) *Brill Media Co., LLC v. TCW Group, Inc.*, 132 Cal. App. 4th 324 (2005); *Proctor v. Vishay Intertechnology Inc.*, 584 F.3d 1208 (9<sup>th</sup> Cir. 2009); *Am. Ad Mgmt., Inc. v. Gen. Tel. Co. of California*, 190 F.3d 1051 (9<sup>th</sup> Cir. 1999) *Consol. Credit Agency v. Equifax, Inc.*, CV-03-1229 CAS(CWX), 2005 WL 6218038 (C.D. Cal. Jan. 26, 2005); *Hanson v. Morgan Stanley Smith Barney, LLC*, 762 F. Supp. 2d 1201 (C.D. Cal. 2011); and *Lori Rubinstein Physical Therapy, Inc. v. PTPN, Inc.*, 148 Cal. App. 4th 1130 (2007).

He also contributed to Chapter 20, *California Antitrust and Unfair Competition Law, Revised Edition*, published by the California State Bar Antitrust and Unfair Competition Section and has published articles on antitrust topics, including *United States v. AMR Corp. and Judicial Hostility Toward Predatory Pricing Cases*, Antitrust Report (Jan. 2002); *The Tumult in State*

*Antitrust Law: Cel-Tech and the California Example in Little FTC Act Cases*, Antitrust Report (June 1999); and *The Confluence of Muddied Waters: Antitrust Consequential Damages and the Interplay of Proximate Cause, Antitrust Injury, Standing and Disaggregation*, 13 St. John's Journal of Legal Commentary 145 (1998).

**Evan Sumer** is an associate at Green & Noblin P.C. He enjoys representing plaintiffs on complex commercial litigation cases. As a former fintech entrepreneur and business executive, Mr. Sumer's areas of interest in law include consumer privacy, securities, and consumer privacy violations by businesses.

Mr. Sumer holds a JD from UC Davis School of Law and an MBA from McCombs School of Business at the University of Texas at Austin. He earned his Bachelor of Science degree in Mechanical Engineering from UC Berkeley.

# EXHIBIT 7



1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

11 Co-Lead Class Counsel for Plaintiffs

13 UNITED STATES DISTRICT COURT  
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 In re SOLARA MEDICAL SUPPLIES ) Case No. 3:19-cv-02284-H-KSC  
 16 DATA BREACH LITIGATION ) CLASS ACTION

17 \_\_\_\_\_ )  
 18 This Document Relates To: ) DECLARATION OF KELLY K.  
 19 ALL ACTIONS. ) IVERSON FILED ON BEHALF OF  
 20 \_\_\_\_\_ ) LYNCH CARPENTER, LLP IN  
 ) SUPPORT OF APPLICATION FOR  
 ) AWARD OF ATTORNEYS' FEES  
 ) AND EXPENSES

Date: September 12, 2022  
 Time: 10:30am  
 Judge: Hon. Marilyn L. Huff  
 Courtroom: TBD (Telephonic)

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1 I, Kelly K. Iverson, declare as follows:

2 1. I am a partner with the firm of Lynch Carpenter, LLP (“Lynch  
3 Carpenter” or the “Firm”). I am submitting this declaration in support of the  
4 application for an award of attorneys’ fees and expenses/charges (“expenses”) in  
5 connection with services rendered in the above-entitled action.

6 2. This Firm is interim class counsel of record for plaintiffs in this  
7 litigation.

8 3. The information in this declaration regarding the Firm’s time and  
9 expenses is taken from time and expense reports and supporting documentation  
10 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
11 partner who oversaw and/or conducted the day-to-day activities in the litigation and  
12 I reviewed these reports (and backup documentation where necessary or appropriate)  
13 in connection with the preparation of this declaration. The purpose of this review  
14 was to confirm both the accuracy of the entries as well as the necessity for, and  
15 reasonableness of, the time and expenses committed to the litigation. As a result of  
16 this review, reductions were made to both time and expenses in the exercise of billing  
17 judgment. Based on this review and the adjustments made, I believe that the time  
18 reflected in the Firm’s lodestar calculation and the expenses for which payment is  
19 sought herein are reasonable and were necessary for the effective and efficient  
20 prosecution and resolution of the litigation.

21 4. After the reductions referred to above, the number of hours spent on the  
22 litigation by my Firm is 534.5. A breakdown of the lodestar is provided in Exhibit  
23 A. The lodestar amount for attorney/paralegal time based on the Firm’s current rates  
24 is \$364,255.00. The hourly rates shown in Exhibit A are consistent with hourly rates  
25 submitted by the Firm in other complex class action litigation. The Firm’s rates are  
26 set based on periodic analysis of rates charged by firms performing comparable work  
27 both on the plaintiff and defense side. For personnel who are no longer employed  
28

1 by the Firm, the “current rate” used for the lodestar calculation is based upon the  
2 rate for that person in his final year of employment with the Firm.

3 5. My Firm seeks an award of \$32,488.26 in expenses and charges in  
4 connection with the prosecution of the litigation. Those expenses and charges are  
5 summarized by category in Exhibit B.

6 6. The following is additional information regarding certain of these  
7 expenses:

8 (a) Filing, Witness, and Other Fees: \$1,692.01. These expenses  
9 have been paid to the Court for filing fees and to attorney service firms or individuals  
10 who served process of the complaint.

11 (b) Court Hearing and Deposition Reporting, and Transcripts:  
12 \$796.25. The vendor who was paid for hearing and deposition transcripts include  
13 Magna Legal Services.

14 (c) Litigation Expense Fund: \$30,000.00. My firm contributed to  
15 the Litigation Expense Fund maintained by Federman & Sherwood to pay for certain  
16 common expenses related to the litigation. A breakdown of the Litigation Expense  
17 Fund can be found as an exhibit to the Declaration of William B. Federman Filed on  
18 Behalf of Federman & Sherwood in Support of Application for Award of Attorneys’  
19 Fees and Expenses, submitted contemporaneously herewith.

20 7. The expenses pertaining to this case are reflected in the books and  
21 records of this Firm. These books and records are prepared from receipts, expense  
22 vouchers, check records and other documents and are an accurate record of the  
23 expenses.

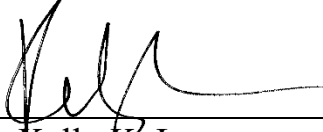
24 8. The identification and background of my Firm and its partners is  
25 attached hereto as Exhibit C.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this 14th day of July, 2022, at Pittsburgh, Pennsylvania.

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\_\_\_\_\_  
Kelly K. Iverson

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
 Lynch Carpenter LLP  
 Inception through June 30, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Gary Lynch	(P)	21.8	\$950	\$20,710.00
Kelly Iverson	(P)	194.3	\$850	\$165,155.00
Jamisen Etzel	(P)	1.9	\$700	\$1,330.00
Eric Zard	(P)	3.6	\$625	\$2,250.00
Elizabeth Pollock-Avery	(P)	113.7	\$700	\$79,590.00
Matthew Brady	(A)	163.5	\$500	\$81,750.00
Bailey Corbin	(A)	28	\$400	\$11,200.00
Kenneth Held	(A)	2.3	\$400	\$920.00
Paralegals		5.4	\$250	\$1,350.00
<b><i>TOTAL</i></b>		<b><i>534.5</i></b>		<b><i>\$364,255.00</i></b>

(P) Partner

(A) Associate

**EXHIBIT B**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
Lynch Carpenter LLP  
Inception through June 30, 2022

**[DELETE ANY CATEGORIES THAT DO NOT APPLY]**

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing, Witness, and Other Fees	\$1,692.01
Court Hearing Transcripts and Deposition Reporting, Transcripts, and Videography	\$796.25
Litigation Fund Contributions	\$30,000.00
<b><i>TOTAL</i></b>	<b><i>\$32,488.26</i></b>

**EXHIBIT C**

FIRM RESUME





# LYNCH CARPENTER

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## **OUR MISSION**

Lynch Carpenter is a national law firm with a singular mission – to provide a voice to those who have been silenced by the disproportionate powers which too often exist in America. With lawyers based in Pittsburgh, San Diego, Los Angeles, Philadelphia, and Chicago, Lynch Carpenter has created an inclusive national community of like-minded legal talent to represent plaintiffs in complex litigation. Lynch Carpenter lawyers have developed strong collaborative working relationships with counsel throughout the nation and have been involved in numerous high-profile multidistrict litigation proceedings, frequently in leadership roles.

The Lynch Carpenter platform is self-made, without reliance upon the legacy of a long-established “repeat player” law firm, and is based upon the fundamental principle that input from a broad base of lawyers with diverse backgrounds, working together with mutual respect, will result in the strongest possible organization. At Lynch Carpenter, diversity is utilized, not tokenized. To this end, the firm strives to provide equal opportunities for promotion and leadership to its attorneys and supporting professionals. Eleven of the 22 Lynch Carpenter attorneys have been appointed to leadership positions in multidistrict or otherwise consolidated litigation, in class-action matters involving financial fraud (including securities fraud, derivative actions, and lending fraud), data breach, privacy, consumer fraud, breach of contract, labor and employment, antitrust, and civil rights, in federal and state courts throughout the country.

Lynch Carpenter represents a wide variety of clients, including individual consumers and employees, small businesses, non-profits, issue advocacy groups, and governmental entities. Over the past ten years, Lynch Carpenter lawyers emerged as national leaders in data breach and privacy litigation, and in that time have negotiated or contributed to class recoveries totaling more than \$250 million in that sector alone. Along the way, the Lynch Carpenter team has generated seminal legal authority in both trial and appellate courts. For example, in 2018, as a direct result of Lynch Carpenter’s tenacious appellate advocacy, the Pennsylvania Supreme Court became one of the first state high courts to recognize that a common-law duty of reasonable care applies to the collection and storage of sensitive electronically-stored data. This landmark opinion, *Dittman v. UPMC*, 196 A.3d 1036 (Pa. 2018), paved the way for data breach victims to bring viable negligence claims against companies whose inadequate security practices allow major breach incidents to happen.

In October 2020, *The Legal Intelligencer* named Lynch Carpenter (under its predecessor name) “Litigation Department of the Year” for general litigation in Pennsylvania. In 2021, the firm was named as a finalist for Litigation Department of the Year in the Pennsylvania region by *The American Lawyer*. Several of its partners co-author the current edition of *Class Actions: The Law of 50 States* published by Law Journal Press. Lynch Carpenter’s attorneys are recipients of numerous additional individual awards, as described in more detail in the individual biographies on the firm’s website.

Lynch Carpenter continues to grow and establish itself as a leader in representing plaintiffs in complex litigation throughout the country. The firm remains committed to developing its younger lawyers and providing them with opportunities for professional growth, both inside and outside of the firm. In leading major complex litigation, the firm draws strength from its decentralized management structure, which fosters collaboration within the firm and enables the assembly of internal litigation teams for each case. In this way, Lynch Carpenter epitomizes the synergistic benefits which result from a group of good lawyers working together to do good things.

## **REPRESENTATIVE AND NOTABLE CASES**

### **PRIVACY & DATA BREACH LITIGATION**

***In re Equifax, Inc. Customer Data Security Breach Litig.***, MDL 2800 (N.D. Ga.). The Equifax data breach compromised the nation's entire credit reporting system. More than 400 lawsuits filed by consumers and financial institutions were consolidated in the MDL. Gary Lynch was appointed co-lead counsel for financial institution plaintiffs. After significant dispositive motions practice and initial rounds of discovery, the parties negotiated a settlement of the financial institution class action that provides up to \$7.75 million in cash benefits, plus additional injunctive relief. The court granted preliminary approval of the settlement in June 2020 and final approval in October 2020.

***In re TikTok, Inc., Consumer Privacy Litig.***, No. 20-cv-4699 (MDL No. 2948) (N.D. Ill.). Judge Lee appointed Katrina Carroll as Co-lead Counsel in this multidistrict litigation alleging that one of the world's biggest social media platforms captured, collected, and transmitted personal data from TikTok users and their devices without their consent and/or knowledge, including private information and biometric information within the meaning of the Illinois Biometric Information Privacy Act.

***In re Blackbaud, Inc. Customer Data Breach Litig.***, MDL 2972 (D.S.C.). In 2020, data security company Blackbaud, Inc. was target for a ransomware attack. In the litigation that followed, brought by Blackbaud's customers, Kelly Iverson was appointed to the Plaintiffs' Steering Committee. On October 19, 2021, the Honorable J. Michelle Childs denied Blackbaud's motion to dismiss Plaintiffs' negligence and gross negligence claims.

***In re Wawa, Inc. Data Security Litig.***, 2:19-cv-6019 (E.D. Pa.). Gary Lynch was appointed co-lead counsel for a putative class of financial institution plaintiffs in consolidated actions brought against Wawa, Inc. arising out of a 2019 payment card data breach involving the convenience store's point-of-sale systems. A consolidated amended complaint was filed in July 2020, and in 2021 the district court denied the defendant's motion to dismiss the primary claims.

***In re Marriott International Customer Data Security Breach Litigation***, MDL No. 2879 (D. MD.). Lynch Carpenter was appointed to the Plaintiffs' Steering Committee in this multidistrict litigation related to the data breach involving Starwood guest information dating back to at least 2014. The MDL includes more than 100 cases and is in pretrial litigation. The District Court certified several bellwether classes in May 2022.

***In re Anthem, Inc. Customer Data Security Breach Litig.***, No. 5:15-md-02617, MDL 2617 (N.D. Cal.). Lynch Carpenter attorneys represented customers of a national health insurer which experienced a data breach involving the personal information, including social security numbers, of up to an estimated 80 million customers. The case was consolidated and transferred to the Northern District of California in June 2015. Lynch Carpenter attorneys participated in discovery related to Highmark, the Pennsylvania-based member of the Blue Cross Blue Shield Association and a co-defendant in the MDL. The parties reached a settlement valued at \$117 million, which was approved by the Court.

***In re Home Depot Customer Data Breach Litig.***, 1:14-md-02583, MDL 2583 (N.D. Ga.). In this multidistrict litigation, Lynch Carpenter attorneys represented financial institutions in litigation related to the major data breach at the retailer which continued for almost six months in 2014 and resulted in the compromise of approximately 56 million payment card accounts. Lynch Carpenter was appointed by Judge Thrash to be one of three lead counsel managing the financial institution track of the litigation. In September 2017, the Court granted final approval to a comprehensive class settlement that provides over \$27 million in relief to the financial institution class.

***First Choice Federal Credit Union v. The Wendy's Company et al***, 2:16-cv-0506, (W.D. Pa.). This class action arose out of a malware installed on the point-of-sale systems of Wendy's franchised restaurants for the purpose of capturing and ex-filtrating customer payment card data. Approximately 18 million payment cards were exposed. The United States District Court for the Western District of Pennsylvania consolidated several proposed class actions and appointed Lynch Carpenter as Co-lead Counsel on behalf of the plaintiff financial institutions. In November 2018, after three rounds of in-person mediation, Wendy's agreed to pay \$50 million into a non-reversionary fund and to adopt and/or maintain certain reasonable safeguards to manage its data security risks. When the settlement received final approval in November 2019, the Honorable Maureen P. Kelly noted Class Counsel's "national reputation," "significant experience in these types of class actions and in data breach litigation," and "high level of skill and efficiency." Judge Kelly further explained:

This case has gone on for three and a half years...This was a very involved case and everyone brought to the table an incredible wealth of knowledge, was always prepared, really was thorough and professional in everything that was provided to the Court. And as involved as this case was, if every case I had was as well organized and professionally presented as this case has been, my life would be much easier... The briefs I got in this case and any filings were just so well-done and detailed. And my law clerks and I have discussed that a number of times. I want to thank counsel for the way you have conducted yourselves and the way you've all presented this case.

***Dittman et al v. UPMC d/b/a The University of Pittsburgh Medical Center and UPMC McKeesport***, Allegheny Cty., Pa. No. GD-14-003285; 196 A.3d 1036 (Pa. 2018). Lynch Carpenter represented several employees of the health care group UPMC in a class action stemming from a breach of UPMC's personnel files. On November 21, 2018, the Supreme Court of Pennsylvania issued a landmark decision, reversing two lower courts, regarding the viability of common law negligence claims in the wake of a data breach. The Court found that UPMC engaged in affirmative conduct by collecting and storing employee data, and that general principles of negligence support holding actors to "a duty to others to exercise the care of a reasonable man to protect [others] against an unreasonable risk of harm to them arising out of the act." As to the economic loss doctrine, the Court agreed with Plaintiffs' interpretation of Pennsylvania legal precedent on the issue, finding that the question of whether the economic loss doctrine applies necessarily turns on the "source of the duty alleged," and, accordingly, a plaintiff may seek pecuniary damages under a negligence theory if the duty sought to be enforced arises independently of any contractual relationship between the parties. After remand to the trial court, additional motions practice, and initiating discovery, the parties reached a multimillion-dollar settlement that received final approval in December 2021.

***In re Target Corporation Customer Data Breach Litig.***, 0:14-md-02522, MDL 2522 (D. Minn.). This multidistrict litigation arose out of the massive data breach that occurred in late 2013.

Judge Magnuson appointed Gary Lynch to the five-member Plaintiffs' Executive Committee that managed the litigation on behalf of all Plaintiffs' tracks (consumer, financial institution, and shareholder). A settlement agreement which provided \$10 million to affected individual customers was granted final approval in November 2015. A separate settlement providing approximately \$39 million in relief to plaintiff financial institutions was granted final approval in May 2016.

***Greater Chautauqua Federal Credit Union et al v. Kmart Corporation et al***, No. 15-cv-02228 (N.D. Ill.). In this consolidated data breach case in which financial institutions were seeking recovery for losses sustained as a result of a 2014 data breach at one of the nation's largest discount retail chains, Judge Lee appointed Gary Lynch to the Plaintiffs' Executive Committee, and Katrina Carroll to serve as Liaison Counsel. A settlement was reached and approved in June 2017.

***In re Ashley Madison Customer Data Security Breach Litig.***, MDL No. 2669 (E.D. Mo.). In this well-publicized data breach case Lynch Carpenter attorneys represented individuals whose highly sensitive account information was leaked from a social media company. The case was consolidated and transferred to the Eastern District of Missouri in December 2015. Judge Ross appointed Gary Lynch and Katrina Carroll (while with her prior firm) to the Executive Committee. A class settlement for \$11.2 million was given final approval in November 2017.

***In re Vizio, Inc. Consumer Privacy Litig.***, MDL No. 2693 (C.D. Cal.). This action was filed on behalf of individuals who purchased Vizio "Smart TVs," which contained software that collected information about the users in a manner that allegedly violates numerous consumer protection statutes. The case was consolidated and transferred to the Central District of California in April 2016, and Lynch Carpenter was appointed to the Plaintiffs' Steering Committee. The case was settled and received final approval in 2019, providing for a \$17 million common fund.

***Veridian Credit Union v. Eddie Bauer LLC***, 2:17-cv-356 (W.D. Wash.). Lynch Carpenter served as co-lead counsel on behalf of a class of financial institutions in this class action against Eddie Bauer arising out of payment card data breach of the retailer's point-of-sale systems in 2016, which led to the exposure of up to 1.4 million payment cards. After overcoming a motion to dismiss and engaging in substantial discovery, the parties negotiated a class action settlement, which was approved in 2019. The agreement made up to \$2.8 million available in direct cash relief to class members and provided for an addition \$7 million worth of injunctive relief and other benefits.

***In Re: Solara Medical Supplies Data Breach Litigation***, 19-cv-02284 (S.D. Cal.). In January 2020, Judge Marilyn Huff appointed Kelly Iverson to the Plaintiffs' Steering Committee in this data breach action that affected both the personally identifiable information as well as protected health information of Plaintiffs' and the classes.

***In re Community Health Systems, Inc., Customer Data Security Breach Litigation***, 2:15-cv-00222, MDL 2595 (N.D. Ala.). Gary Lynch served as a member of the plaintiffs' steering committee in consolidated multidistrict litigation stemming from a 2014 data breach involving one of the nation's largest hospital chains. The breach affected over 200 hospitals and the sensitive personal information of approximately 4.5 million patients was compromised. The action settled on a class basis for up to \$3.1 million.

***In re Arby's Restaurant Group***, 1:17-mi-55555 (N.D. Ga.). In October 2016, computer hackers accessed Arby's inadequately protected point-of-sale system and installed malware that infected nearly 1,000 Arby's restaurant locations. Gary Lynch was appointed by Judge Totenberg as Chair of the Financial Institution Plaintiffs' Executive Committee. The case settled and received final approval in November 2020.

***Vance v. International Business Machines Corp.***, 1:20-cv-577 (N.D. Ill.). Lynch Carpenter attorneys were appointed Co-lead Counsel in this class action claiming IBM violated Illinois's Biometric Information Privacy Act when it collected, obtained, disclosed, redisclosed, disseminated, and otherwise profited from Illinois residents' unique facial geometric measurements without providing notice or obtaining consent. In September 2020, Lynch Carpenter defeated nearly all of the arguments raised in IBM's motion to dismiss, allowing the case to proceed forward toward class certification.

***In Re: Clearview AI, Inc., Consumer Privacy Litig.***, 1:21-cv-00135 (N.D. Ill.). Lynch Carpenter attorneys served as counsel in this multidistrict litigation on behalf of a proposed class of Illinois citizens alleging that Clearview, in violation of the Illinois Biometric Information Privacy Act, scraped over 3 billion facial images from the internet, scanned the facial images' biometrics, and built a searchable database of the scanned images and biometrics, allowing users to instantly identify an unknown individual with only a photograph. Clearview then sold or otherwise gave access to these biometrics to hundreds of law enforcement agencies, private entities, and individuals.

***Lewert v. PF Chang's China Bistro, Inc.***, No. 1:14-cv-04787 (N.D. Ill.): Katrina Carroll served as Court-appointed co-lead counsel representing P.F. Chang's customers who had their personal financial information compromised in a 2014 security breach. This matter was one of the first data breach cases on record. Ms. Carroll oversaw all of the appellate briefing in ultimately obtaining a landmark ruling in the Seventh Circuit on Article III standing, hailed by Law360 as one of the "top privacy cases" of 2016.

***Salam v. Lifewatch, Inc.***, No. 1:13-cv-09305 (N.D. Ill.): In this hard-fought litigation, Lynch Carpenter partner Katrina Carroll is currently involved as court-appointed Co-lead Counsel on behalf of a certified class in this privacy matter brought under the Telephone Consumer Protection Act ("TCPA"). Ms. Carroll has been directly involved in all aspects of litigation, including discovery and motion practice which culminated in a total victory for plaintiffs in contested class certification.

#### **CONSUMER PROTECTION/PRODUCTS LIABILITY**

***In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litig.***, MDL No. 3014 (W.D. Pa.). In February 2022, Kelly Iverson was appointed as one of four co-lead counsel from a pool of 75 applicants. The MDL includes over 300 actions involving allegations regarding the potentially harmful degradation of sound abatement foam on recalled continuous positive airway pressure (CPAP) machines and the manufacturers' conduct in marketing and ultimate recall of the machines. The actions are in the early pretrial stages.

***In re Robinhood Outage Litig.***, No. 20-cv-1626 (N.D. Cal.). In July 2020, Jamisen Etzel was appointed to the executive committee overseeing consolidated actions brought by consumers who sustained losses when the trading application Robinhood suffered severe service outages in early 2020 during a period of intense market volatility. A consolidated amended complaint was filed in August 2020, and rulings on class certification are expected in 2022.



**Morrow v. Ann Inc.**, 16-cv-3340 (S.D.N.Y.). Lynch Carpenter attorneys were co-class counsel in a case alleging deceptive pricing practices by a major national retail chain. After plaintiffs overcame a motion to dismiss, the case settled for \$6.1 million worth of class benefits. The settlement was approved in April 2018.

**Luca v. Wyndham Hotel Group, LLC**, 2:16-cv-746 (W.D. Pa.). Lynch Carpenter attorneys were co-lead counsel in a class action against the Wyndham hotel companies for violations of New Jersey consumer protection statutes. Plaintiffs alleged that Wyndham’s websites deceptively masked the resort fees charged at certain hotels and forced patrons to agree to illegal terms and conditions. In 2017, plaintiffs defeated a motion to dismiss filed by two of the primary operating subsidiaries. A class settlement worth up to \$7.6 million was reached in 2019 and approved later that year.

**Van v. LLR, Inc.**, 3:18-cv-0197 (D. Ak.); 962 F.3d 1160 (9th Cir. 2020). Lynch Carpenter partners Jamisen Etzel and Kelly Iverson won a significant consumer rights ruling from the United States Court of Appeals for the Ninth Circuit. The appeals court reversed a district court dismissal for lack of standing, and, in a published decision, held that the temporary loss of money is a sufficient “injury-in-fact” under Article III of the Constitution to confer standing on a consumer to file a federal lawsuit. In September 2021, the District of Alaska certified a class of consumers asserting claims under Alaska’s Unfair Trade Practices and Consumer Protection Act.

**Mednick v. Precor, Inc.**, No. 14-cv-03624 (N.D. Ill.): Lynch Carpenter partner Katrina Carroll served as court-appointed Co-lead Counsel in this products liability matter concerning the heart rate monitoring feature on Precor fitness machines. Due to Ms. Carroll’s efforts, the plaintiffs defeated a contested class certification motion and obtained class certification for a multi-state consumer class. Ms. Carroll was instrumental in negotiating a class settlement providing meaningful relief for class members shortly thereafter, for which the Court recently issued final approval.

**In re Rust-Oleum Restore Marketing, Sales Practices and Prods. Liab. Litig.** No. 1:15-cv-1364 (N.D. Ill.): In this sprawling products liability MDL relating to defective deck resurfacing products, Katrina Carroll was instrumental in negotiating a \$9.3 million settlement providing meaningful relief to consumers, which received final approval in March of 2017 by the Honorable Amy J. St. Eve of the United States District Court for the Northern District of Illinois, now a sitting Judge of the Court of Appeals for the Seventh Circuit.

**FINANCIAL FRAUD, LENDING PRACTICES, AND SECURITIES**

**In re: FedLoan Student Loan Servicing Litigation – MDL No. 2833**, (E.D. Pa.). Lynch Carpenter serves as court-appointed co-lead counsel on behalf of student loan borrowers and federal grant recipients in this multidistrict litigation. The claims relate to widespread and systemic failures on the part of a student loan servicer and the U.S. Department of Education to adequately service the programs and advise its participant. A consolidated complaint was filed in November 2019. As of January 2022, a motion to dismiss is fully briefed and currently awaiting resolution by the Court.

**CitiMortgage SCRA Litigation**, (S.D.N.Y.). Lynch Carpenter attorneys were tri-lead counsel in this class action against CitiMortgage on behalf of Sergeant Jorge Rodriguez in the Southern District of New York. This case alleges that CitiMortgage improperly foreclosed upon Mr. Rodriguez’s home (and the

homes of similarly situated individuals) while he was serving his country in Iraq, in violation of the Servicemembers Civil Relief Act. The case settled and received final approval in October 2015, securing a total recovery of \$38.2 million for members of our military service.

***In re Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Secondary Mortgage Loan Litigation***, (W.D. Pa./3d Cir.). Lynch Carpenter attorneys were co-lead class counsel in this national litigation on behalf of second mortgage borrowers under the Real Estate Settlement Procedures Act. The class was certified by the district court and affirmed by the Third Circuit, 795 F.3d 380 (2015). A class settlement was finalized in early 2017 and obtained a total recovery of \$24 million.

***In re Tenet Healthcare Corp. Securities Litigation***, 02-cv-8462 (C.D. Cal.). Prior to joining the firm, Katrina Carroll represented the State of New Jersey's Division of Investment in this securities class action against Tenet Healthcare and its outside auditor, KPMG, related to false and misleading public statements those entities made between 2000 and 2002 about Tenet's financial health. Katrina played a large role in drafting motions *in limine* briefing issues regarding the admissibility of plaintiff's expert witness report. Tenet settled in 2006 for \$215 million, and KPMG settled in 2008 for \$65 million.

***In re Motorola Securities Litig.***, 03-cv-287 (N.D. Ill.). Katrina Carroll represented the State of New Jersey's Division of Investment in this securities class action against Motorola, stemming from misrepresentations made by the company regarding a \$2 billion loan it made to a Turkish entity that was not repaid. The case settled a few days before trial for \$190 million.

***Figueroa v. Capital One***, 18-cv-692 (S.D. Cal.). Todd Carpenter and Eddie Kim served as Class Counsel in a class action challenging the unlawful assessment of multiple ATM fees in contravention of the customer account agreement, which resulted in a \$13 million settlement.

***Bingham v. Acorns Grow***, 30-2019-0150842 (Cal. Sup. Ct. Orange Cnty.). Eddie Kim served as Class Counsel in a class action on behalf of customers of a financial mobile app that automatically transferred "spare change" from each purchase using debit cards issued by customers' banks into an Acorns Grow investment account. This action challenged the app's failure to prevent overdrafts of customers' checking accounts as a result of the automated transfers and the resultant assessment of overdraft fees. A \$2.5 million settlement is pending court approval.

***Schertzer v. Bank of America***, 19-cv-264 (S.D. Cal.). Lynch Carpenter attorneys represent bank customers who were assessed out-of-network ATM fees for balance inquiries transpiring from deceptive ATM prompts utilized by independent ATM operators Cardtronics and FCTI. Plaintiffs prevailed on challenges to the pleadings and a ruling on the motion for class certification is pending.

#### **COVID-19 INSURANCE LITIGATION**

***In re Generali Covid-19 Travel Insurance Litig.***, No. 20-md-2968, MDL 2968 (S.D.N.Y.). In January 2021, Jamisen Etzel was appointed co-lead counsel in this MDL comprising actions brought on behalf of consumers whose travel plans were cancelled as a result of the Covid-19 pandemic, and whose travel insurance provider either denied coverage or refused to return premiums paid for post-departure risks the insurer was not required to cover.

***Business Income Insurance Coverage Litigation***, various. Lynch Carpenter attorneys represents numerous business-policyholders who were forced to close or curtail their business operations as a result of government shut down orders in the wake of the Covid-19 pandemic and who have been denied insurance coverage under their “all risks” property insurance coverage.

#### WAGE AND HOUR & EMPLOYMENT DISCRIMINATION LITIGATION

***Verma v. 3001 Castor Inc.***, (E.D. Pa.). As co-class counsel, Lynch Carpenter attorneys won a \$4.59 million jury verdict in 2018 for misclassified workers at a Philadelphia nightclub. The claims were brought under the FLSA and Pennsylvania Minimum Wage Act. The trial verdict was fully affirmed by the Third Circuit in August 2019.

***Genesis Healthcare v. Symczyk*** (U.S. Supreme Court). Gary Lynch served as Counsel of Record before the United States Supreme Court in an appeal addressing the application of mootness principles in a putative collective action filed under Section 216(b) of the Fair Labor Standards Act. When defendant served the plaintiff with a Rule 68 offer of judgment for “make whole” relief, the district court dismissed the case as moot. Gary Lynch successfully argued the appeal in the United States Court of Appeals for the Third Circuit, which held that the FLSA collective action did not become moot upon the plaintiff’s receipt of a Rule 68 offer of judgment for full satisfaction of her individual claim. The Supreme Court reversed in a 5-4 opinion, with Justice Kagan writing a strong dissent on behalf of our client—a position which was subsequently adopted by the majority of the Court in *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153 (2016). Plaintiff’s position before the Supreme Court was supported by the United States as Amicus Curiae.

#### ANTITRUST

***In Re Railway Industry Employee No-Poach Antitrust Litigation***, MDL 2850, (W.D. Pa.), Chief Judge Joy Flowers Conti appointed Lynch Carpenter partner Kelly K. Iverson as Plaintiffs’ Liaison Counsel on behalf of the class of employees who alleged the defendants and their co-conspirators entered into unlawful agreements to reduce and eliminate competition among them for employees and to suppress the compensation of those employees. The two defendants agreed to class settlements worth a combined \$48.95 million, and final approval was granted in August 2020.

***In Re Blue Cross Blue Shield Antitrust Litigation***, MDL No. 2406, (N.D. Ala.). Lynch Carpenter attorneys represent healthcare subscriber plaintiffs in four states in this nationwide class action challenging the anti-competitive practices of Blue Cross/Blue Shield’s nationwide network of local insurers who do not compete with each other based on geographic boundaries. A \$2.7 billion settlement received preliminary approval in early 2021.

#### CIVIL RIGHTS

***ADA (Americans with Disabilities Act) Accessibility Litigation***. Lynch Carpenter is currently counsel for plaintiffs in a substantial number of putative class actions filed on behalf of individuals with disabilities to enforce the ADA’s accessibility requirements. Over the last ten years, Lynch Carpenter attorneys have represented individuals with visual and mobility disabilities in seeking improved access to physical locations, ATMs, Point of Sale devices, and websites.



## **Pertinent Attorney Biographies**

### **Gary F. Lynch**

Gary Lynch was born and grew up in Western Pennsylvania. Gary earned his Juris Doctor in 1989 from the University of Pittsburgh School of Law, where he served as an Editor of the *University of Pittsburgh Law Review*, and his Bachelor of Science in Accounting from the Pennsylvania State University in 1986. He was admitted to the State Bar of the Commonwealth of Pennsylvania in 1989 and the State Bar of New York in 2018, and is admitted to practice in the United States Supreme Court, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits, and the United States District Courts for the Western, Middle, and Eastern Districts of Pennsylvania, the Northern and Southern Districts of Ohio, the Northern and Central Districts of Illinois, the Western District of New York, the Eastern and Western Districts of Michigan, and the District of Maryland. Gary has also been admitted *pro hac vice* in numerous jurisdictions nationwide.

Gary has been engaged in the practice of law for the last thirty-three years, beginning his legal career at Reed Smith, LLP (formerly Reed Smith Shaw & McClay). After leaving Reed Smith in 1991, Gary served as the Managing Partner of Lynch & Kunkel and Gary F. Lynch, P.C., focusing his practice on the representation of clients in employment-related matters, particularly complex litigation. Since co-founding Carlson Lynch (now Lynch Carpenter) in June of 2004, Gary has developed a nationally recognized plaintiffs' class action practice in the areas of consumer protection litigation and employee rights.

Gary has served in a leadership capacity in several MDL/class action proceedings, including many of the largest data breach cases in recent years. For example, as Co-Lead counsel representing a class of financial institution plaintiffs in *In re Equifax, Inc. Customer Data Security Breach Litigation* (N.D. Ga.); *First Choice Federal Credit Union v. The Wendy's Company* (W.D. Pa.), and *In re: The Home Depot, Inc. Customer Data Security Breach Litigation* (N.D. Ga.); as a member of the Plaintiffs' Steering Committee representing the consumer plaintiffs in *In re Marriott International Customer Data Security Breach Litigation* (D. Md.), and as member of the overall executive committee in *In re Target Corporation Customer Data Breach Litig.*, (D. Minn.).

His appointments extend beyond data breach cases, however, and in 2018, Hon. C. Darnell Jones II appointed him Co-Lead counsel representing a class of student loan borrowers in *In re: FedLoan Student Loan Servicing Litigation* (E.D. Pa.). In *Ellis v. Edward Jones* (N.D. Ohio No. 1:08-cv-00540, MDL No. 1779), he chaired the Plaintiffs' Leadership Committee in a wage and hour class/collective action, which returned more than \$19 million to the class.

In 2018, Gary successfully argued before the Pennsylvania Supreme Court in *Dittman et al v. UPMC*, where the Court issued its landmark decision establishing a general duty of care to protect against data breaches and clarifying the parameters of the economic loss doctrine in the data breach context, as well as any other context where an independent legal duty is sought to be enforced for purely economic damages. Gary also served as Counsel of Record before the United States Supreme Court in the case of *Genesis HealthCare Corp. v. Symczyk*.

Gary currently serves on the Local Rules Advisory Committee for the United States District Court for the Western District of Pennsylvania. He has been rated as a “Super Lawyer” and has received Martindale Hubbell’s “AV” rating. Gary is a frequent local and national Continuing Legal Education lecturer.

Gary is active in a number of community non-profit organizations, including past President and current board member of the Human Services Center, Inc. (an outpatient behavioral healthcare provider), board member of the Highland House, Inc. (a halfway home for women recovering from addiction), and former board member of the Lawrence County (Pennsylvania) Historical Society.

### **Kelly K. Iverson**

Kelly Iverson was born and raised in Pittsburgh. She received Juris Doctor, *summa cum laude*, from Duquesne University School of Law, where she was honored with the Shalom Moot Court Award for Outstanding Trial Advocacy and an appointment to the Louis L. Manderino Honor Society for Meritorious Service to the Trial Advocacy Program. Kelly has extensive litigation experience in both state and federal courts. In 2016, she served as lead trial counsel in a medical malpractice action in federal court, receiving a verdict in her client’s favor for the maximum available statutory damage award. Kelly’s trial practice also includes second chair experience in both jury trials and commercial arbitration.

Kelly joined Lynch Carpenter as a partner in February 2018. She prosecutes consumer protection matters with a focus on consumer fraud, data breach and privacy, and civil rights class actions. Kelly was Court appointed as co-lead counsel in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litig.*, MDL No. 3014 (W.D. Pa.) and *Flynn v. Concord Hospitality Enter. Co.* (W.D. Pa.), and as Plaintiffs’ Liaison Counsel in *In Re Railway Industry Employee No-Poach Antitrust Litigation* (W.D. Pa.). Kelly also serves as a committee member for the leadership teams in the following multidistrict litigation proceedings: *In re Blackbaud, Inc. Customer Data Breach Litig.*, MDL 2972 (D.S.C.); *In re Equifax, Inc. Customer Data Security Breach Litigation* (N.D. Ga.); *In Re: Marriott International, Inc., Customer Data Security Breach Litigation* (D. Md.) and *In re Arby’s Restaurant Group, Inc. Data Security Litig.* (N.D. Ga.). She also assisted lead counsel in prosecuting the consolidated action, *First Choice Fed. Credit Union v. The Wendy’s Co.* (W.D. Pa.), which ended with final approval of a \$50 million class settlement.

In 2019, Kelly was selected to SuperLawyers - Rising Stars, a distinction given to no more than 2.5% of her peers under the age of 40. Kelly currently serves on the Board of Millvale Athletic Association, a local fastpitch softball organization. From 2010 through 2017, she served as a high school mock trial attorney advisor for Fort Cherry High School and Pittsburgh Science and Technology Academy. Kelly lives in Lawrenceville with her husband Nathan, their three children, and their dog.

### **Jamisen Etzel**

Jamisen Etzel began his legal career at Carlson Lynch (now Lynch Carpenter) as an associate in 2012, becoming partner in January 2020. Jamisen represents plaintiffs in all facets and stages of class and complex litigation, practicing primarily in data breach, privacy, wage and hour/misclassification, consumer fraud, financial fraud, and breach of contract matters. Jamisen regularly serves as court-

appointed lead or co-lead counsel, and in that capacity has obtained final approval of numerous class action settlements.

Jamisen contributes in various capacities to high-profile complex and multidistrict class actions in federal and state courts around the country. His experience includes participation in the investigation, briefing, discovery, and resolution of major cases against The Wendy's Company, Home Depot, Target, Eddie Bauer, Wyndham Hotels & Resorts, PNC Bank, and Equifax, all of which ended in approved class action settlements and returned millions of dollars in cash and other benefits to his clients.

In March 2018, Jamisen was part of a three-person trial team that obtained a rare federal court class action jury award of \$4.5 million in unpaid wages and illegally confiscated tips for misclassified nightclub workers. In 2017, Jamisen was the lead associate in Lynch Carpenter's team during a class arbitration trial concerning illegal second mortgage lending practices, resulting in a \$24 million recovery for his clients.

Jamisen achieves significant successes for his clients in appellate courts, helping to shape favorable law for consumers and employees. As lead briefing and arguing counsel, Jamisen won appeals in four published cases in recent years, including two reversals:

- *Van v. LLR, Inc.*, 962 F.3d 1160 (9th Cir. 2020)
- *Verma v. 3001 Castor Inc.*, 937 F.3d 221 (3d Cir. 2019)
- *Mickles v. Country Club, Inc.*, 887 F.3d 1270 (11th Cir. 2018)
- *DeGidio v. Crazy Horse Saloon and Restaurant, Inc.*, 880 F.3d 135 (4th Cir. 2018)

Jamisen was also one of the primary brief writers in the *Dittman v. UPMC* appeals, leading to a groundbreaking opinion from the Supreme Court of Pennsylvania—in favor of his clients—which clarified Pennsylvania's economic loss rule and recognized that a common law duty of reasonable care applies to those who collect sensitive personal and financial data. 196 A.3d 1036 (Pa. 2018).

Jamisen attended Duquesne University where he graduated *magna cum laude* in 2008 with a Bachelor of Arts in Political Science. He obtained his law degree from New York University School of Law in 2011. While at NYU Law, Jamisen was Managing Editor of the *Journal of Legislation and Public Policy*. During the summer of 2010, Jamisen interned with United States Senior District Judge William H. Walls of the U.S. District Court for the District of New Jersey.

In 2019 and 2020, Jamisen was selected to SuperLawyers – Rising Stars, a distinction given to no more than 2.5% of his peers under the age of 40. He was recognized as a “2020 Pennsylvania Trailblazer” by *The Legal Intelligencer*.

### **Nicholas Colella**

Nick was born and raised in Western Pennsylvania. After receiving his bachelor's degree from Penn State University, he moved to Florida to attend the University of Florida College of Law. While there, Nick became a member of the University's Alternative Dispute Resolution team where he and his partner placed top ten nationally amongst their peers.

During his time in law school, Nick worked with multiple private firms, as well as the U.S. Attorney's Office for the Middle District of Florida, gaining invaluable hands on experience in a wide array of

practice areas. He was first exposed to class action litigation during his summer internship with Lynch Carpenter, assisting in data breach and privacy matters. Prior to rejoining Lynch Carpenter, Nick started his professional career with a boutique firm in North Florida, representing financial institutions and corporations and focusing mainly on regulatory and compliance matters, incorporating areas of securities law, corporate and banking law.

**Bailey Corbin**

Bailey Corbin is a first-year associate at Lynch Carpenter. She graduated from the University of Pittsburgh School of Law in 2021 and received her undergraduate degree from Nova Southeastern University in 2018.

# EXHIBIT 8

1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

14 Co-Lead Class Counsel for Plaintiffs

15 UNITED STATES DISTRICT COURT  
 16 SOUTHERN DISTRICT OF CALIFORNIA

17 In re SOLARA MEDICAL SUPPLIES )  
 18 DATA BREACH LITIGATION )

Case No. 3:19-cv-02284-H-KSC

CLASS ACTION

19 This Document Relates To:

20 ALL ACTIONS.

DECLARATION OF WILLIAM M. SWEETNAM FILED ON BEHALF OF KEOGH LAW, LTD., IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

DATE: September 12, 2022

TIME: 10:30 a.m.

JUDGE: Hon. Marilyn L. Huff

COURTROOM: TBD (Telephonic)

21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1 I, WILLIAM M. SWEETNAM, declare as follows:

2 1. I am associated with the firm of Keogh Law, Ltd. (the “Firm”). I am  
3 submitting this declaration in support of the application for an award of attorneys’  
4 fees and expenses/charges (“expenses”) in connection with services rendered in the  
5 above-entitled action.

6 2. I am one of counsel of record for plaintiffs in this litigation.

7 3. The information in this declaration regarding the Firm’s time and  
8 expenses is taken from time reports and supporting documentation prepared and/or  
9 maintained by the Firm in the ordinary course of business. I am the attorney who  
10 oversaw and/or conducted the day-to-day activities in the litigation and I reviewed  
11 these reports (and backup documentation where necessary or appropriate) in  
12 connection with the preparation of this declaration. The purpose of this review was  
13 to confirm both the accuracy of the entries as well as the necessity for, and  
14 reasonableness of, the time committed to the litigation. As a result of this review,  
15 reductions were made to both time and expenses in the exercise of billing judgment.  
16 Based on this review and the adjustments made, I believe that the time reflected in  
17 the Firm’s lodestar calculation are reasonable and were necessary for the effective  
18 and efficient prosecution and resolution of the litigation.

19 4. After the reductions referred to above, the number of hours spent on the  
20 litigation by my Firm is 11.5. A breakdown of the lodestar is provided in Exhibit A.  
21 The lodestar amount for attorney time based on the Firm’s current rates is \$7,992.50.  
22 The hourly rates shown in Exhibit A are consistent with hourly rates submitted by  
23 the Firm in other complex class action litigation. The Firm’s rates are set based on  
24 periodic analysis of rates charged by firms performing comparable work both on the  
25 plaintiff and defense side.

26 5. My Firm does not seek an award of expenses and charges in connection  
27 with the prosecution of the litigation.

28





# **EXHIBIT A**

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
Keogh Law, Ltd.  
Inception through June 30, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
William M. Sweetnam	(P)	11.5	695.00	7,992.50

(P) Partner

# **EXHIBIT B**

**WILLIAM M. SWEETNAM**

William M. Sweetnam concentrates his practice class action and complex litigation and appeals, having prosecuted hundreds of consumer, shareholder and antitrust class action in federal and state courts across the country. In addition to representing both plaintiffs and defendants in a wide variety of cases involving both economic and non-economic injuries, Mr. Sweetnam has acted as lead counsel, co-lead counsel and has been a member of the executive and steering committees in consumer, antitrust and other class action, complex and multidistrict litigation matters.

Notably, Mr. Sweetnam was appointed sole lead counsel in *Kelly v. Old National Bank*, 82C01-1012-CT-627 (Cir. Ct Vanderburgh Cty, Ind.), in which he obtained a settlement valued at more than 90% of the class' damages incurred as a result of the unlawful overdraft fee scheme alleged therein, far exceeding the results obtained by much larger firms against some the countries' largest banks, resulting in individual consumers receiving several thousand dollars in refunded overdraft fees.

Before joining Keogh Law, Ltd., Mr. Sweetnam ran a successful class action litigation boutique, Sweetnam LLC, established in 2008. Prior to that, Mr. Sweetnam was a partner at a Chicago class action litigation boutique, where he perfected his skills representing victims of consumer fraud and deceptive and anti-competitive practices. Mr. Sweetnam has extensive litigation experience in a variety of nationwide class actions in state and federal courts alleging violations of consumer fraud and deceptive trade practices statutes, breach of warranty and violations of federal securities laws, shareholder derivative suits and appeals.

Mr. Sweetnam began his career as a class action and complex litigation practitioner with what is now known as Kessler Topaz Meltzer & Check, LLP, one of the largest class action law firms in the United States, where he was part of a team of lawyers involved in prosecuting class actions challenging abusive marketing practices in several areas involving life insurance and annuities. These cases led to class settlements valued at hundreds of millions of dollars, and sometimes even billions of dollars, with such major life insurance companies as Prudential, Met Life, John Hancock, New York Life, State Farm, American Express/IDS, Transamerica, and many others, as well as to numerous changes in industry sales practices.

Mr. Sweetnam continued his career at one of Chicago's oldest and most respected class action litigation firms, Krislov & Associates, Ltd., where he represented consumers and investors engaged in an array of nationwide class actions in state and federal courts involving everything from consumer fraud to breach of warranty and securities and shareholder derivative lawsuits and appeals.

Mr. Sweetnam began his career as a lawyer representing plaintiffs in catastrophic injury cases in 1994. In 1995, he began defending corporate, insurance industry and insurance policyholder clients.

Mr. Sweetnam is a graduate of The University of Michigan and the De Paul University College of Law where he received the American Jurisprudence Award in Constitutional Law and was a member of the Journal of Art and Entertainment Law. He has written and lectured on class actions and class action litigation reform.

Mr. Sweetnam was born and raised in Grand Rapids, Michigan. He is married with three children, and resides in Lake Forest, Illinois.

EDUCATION

The University of Michigan, Ann Arbor, Michigan (B.A., 1990)

De Paul University College of Law, Chicago, Illinois (J.D., 1994)

AREAS OF PRACTICE

Litigation and Appeals

- Class Actions
- Consumer Fraud and Deceptive Trade Practices
- Breach of Warranty
- Securities Fraud
- Shareholder Derivative Actions
- False Claims
- Antitrust

BAR ADMISSIONS

- Illinois Supreme Court
- United States Supreme Court
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois (Trial Bar)
- United States District Court for the Central District of Illinois
- United States District Court for the Southern District of Illinois
- United States District Court for the Western District of Michigan
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Texas
- United States District Court for the Western District of Wisconsin

ASSOCIATIONS

Federal Bar Association, Chicago Chapter

The Chicago Bar Association

The Catholic Lawyers Guild of Chicago

PROFESSIONAL EXPERIENCE

Of Counsel, Keogh Law, Ltd., Chicago, Illinois (2020 - Present)

Managing Member, Sweetnam LLC, Chicago, Illinois (2008 - 2020)

Partner, Freed & Weiss, LLC, Chicago, Illinois (2002-2008)

Senior Associate, Krislov & Associates, Ltd., Chicago, Illinois (1999-2002)

Associate, Schiffrin, Craig & Barroway, LLP (now Kessler Topaz Meltzer & Check, LLP), Chicago, Illinois (1997-1999)

Associate, Merlo, Kanofsky & Brinkmeier, Ltd. (now Merlo Kanofsky & Gregg, Ltd.), Chicago, Illinois (1995-1997)

Associate, Peter D. Kasdin, Ltd., Chicago, Illinois (1994-1995)

#### LECTURES

*Law of Remedies: Damages, Equity and Restitution, Chicago-Kent College of Law, February 2019*

*Law of Remedies: Class Actions and Complex Litigation, Chicago-Kent College of Law, February 2018*

*The Class Action Fairness Act of 2005: Selecting a Forum and Keeping It, Illinois Institute for Continuing Legal Education, Chicago, Illinois, June, 2008*

*Federalization of Consumer Class Action Litigation: The Class Action Fairness Act of 2005, The John Marshall Law School, Chicago, Illinois, March, 2006*

#### REPORTED DECISIONS

*Jett v. Warrantech Corp.*, ---F.Supp.3d---, 2020 WL 525045 (S.D. Ill. 2020)

*Old Nat. Bank v. Kelly*, 31 N.E.3d 522 (Ind. App. 2014)

*Nava v. Sears, Roebuck & Co.*, 995 N.E.2d 303 (1st Dist. 2013)

*Cappuccitti v. DirecTV, Inc.*, 623 F.3d 1118 (11th Cir. 2010)

*Pella Corp. v. Saltzman*, 606 F.3d 391 (7th Cir. 2010)

*In re Digitek Prod. Liab. Litig.*, 264 F.R.D. 249 (S.D. W. Va. 2010)

*Aleman v. Park West Galleries, Inc.*, 655 F. Supp. 2d 1378 (J.P.M.L. 2009)

*In re Park West Galleries, Inc. Mktg. & Sales Practices Litig.*, 645 F. Supp. 2d 1358 (J.P.M.L. 2009)

*In re Digitek Prod. Liab. Litig.*, 648 F. Supp. 2d 795 (S.D. W. Va. 2009)

*Vernon v. Qwest Communs. Int'l, Inc.*, 643 F. Supp. 2d 1256 (W.D. Wash. 2009)

*Stachurski v. DirecTV, Inc.*, 642 F. Supp. 2d 758 (N.D. Ohio 2009)

*In re Comcast Corp. Set-Top Cable TV Box Antitrust Litig.*, 626 F. Supp. 2d 1353 (J.P.M.L. 2009)

*In re Refrigerant Compressors Antitrust Litig.*, 626 F. Supp. 2d 1320 (J.P.M.L. 2009)

*Saltzman v. Pella Corp.*, 257 F.R.D. 471 (N.D. Ill., 2009)

*Coneff v. AT&T Corp.*, 620 F. Supp. 2d 1248 (W.D. Wash. 2009)

*Hoving v. Lawyers Title Ins. Co.*, 256 F.R.D. 555 (E.D. Mich. 2009)

*In re Nissan N. Am., Inc. Odometer Litig.*, 664 F. Supp. 2d 873 (M.D. Tenn. 2009)

*Hoving v. Lawyers Title Ins. Co.*, 256 F.R.D. 555 (E.D. Mich. 2009)

*In re Digitek Prods. Liab. Litig.*, 571 F. Supp. 2d 1376 (J.P.M.L. 2008)

*In re BP Prods. N. Am., Inc.*, 560 F. Supp. 2d 1377 (J.P.M.L. 2008)

*Hoving v. Transnation Title Ins. Co.*, 545 F. Supp. 2d 662 (E.D. Mich. 2008)

*In re Nissan N. Am., Inc. Odometer Litig.*, 542 F. Supp. 2d 1367 (J.P.M.L. 2008)

*Berry v. Budget Rent a Car Sys.*, 497 F. Supp. 2d 1361 (S.D. Fla. 2007)

*Cook v. Home Depot U.S.A., Inc.*, 62 U.C.C. Rep. Serv. 2d (Callaghan) 197 (S.D. Ohio 2007)

*Womack v. Nissan N. Am., Inc.*, 550 F. Supp. 2d 630 (E.D. Tex. 2007)

*Knudsen v. Liberty Mut. Ins. Co.*, 435 F.3d 755 (7th Cir. 2006)

*Knudsen v. Liberty Mut. Ins. Co.*, 411 F.3d 805 (7th Cir. 2005)

*Knudsen v. Liberty Mut. Ins. Co.*, 405 F. Supp. 2d 916 (N.D. Ill. 2005)

*Enzenbacher v. Browning-Ferris Indus. of Ill.*, 774 N.E.2d 858 (Ill. App. 2002)

*In re Nat'l Life Ins. Co.*, 247 F. Supp. 2d 486 (D. Vt 2002)

*Kaskel v. N. Trust Co.*, 45 U.C.C. Rep. Serv. 2d (Callaghan) 827 (N.D. Ill. 2001)

*Wardrop v. Amway Asia Pac. Ltd.*, Fed. Sec. L. Rep. (CCH) P91,346 (S.D.N.Y. Mar. 20, 2001)

*Grove v. Principal Mut. Life Ins. Co.*, 14 F. Supp. 2d 1101 (S.D. Iowa 1998)

# EXHIBIT 9



1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
 11 bbeall@rgrdlaw.com

7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

11 Co-Lead Class Counsel for Plaintiffs

12  
 13 UNITED STATES DISTRICT COURT  
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 In re SOLARA MEDICAL SUPPLIES ) Case No. 3:19-cv-02284-H-KSC  
 16 DATA BREACH LITIGATION ) CLASS ACTION

17 \_\_\_\_\_ )  
 18 This Document Relates To: ) DECLARATION OF WILLIAM M.  
 19 ALL ACTIONS. ) SWEETNAM FILED ON BEHALF OF  
 20 \_\_\_\_\_ ) SWEETNAM LLC IN SUPPORT OF  
 ) APPLICATION FOR AWARD OF  
 ) ATTORNEYS' FEES AND  
 ) EXPENSES

21 DATE: September 12, 2022  
 22 TIME: 10:30 a.m.  
 23 JUDGE: Hon. Marilyn L. Huff  
 24 COURTROOM: TBD (Telephonic)

24  
 25  
 26  
 27  
 28

1 I, WILLIAM M. SWEETNAM, declare as follows:

2 1. I am a member of the firm formerly known as Sweetnam LLC (the  
3 “Firm”). I am submitting this declaration in support of the application for an award  
4 of attorneys’ fees and expenses/charges (“expenses”) in connection with services  
5 rendered in the above-entitled action.

6 2. This Firm was counsel of record for plaintiffs in this litigation and a  
7 member of the Plaintiffs’ Steering Committee.

8 3. The information in this declaration regarding the Firm’s time and  
9 expenses is taken from time and expense reports and supporting documentation  
10 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
11 partner who oversaw and/or conducted the day-to-day activities in the litigation and  
12 I reviewed these reports (and backup documentation where necessary or appropriate)  
13 in connection with the preparation of this declaration. The purpose of this review  
14 was to confirm both the accuracy of the entries as well as the necessity for, and  
15 reasonableness of, the time and expenses committed to the litigation. As a result of  
16 this review, reductions were made to both time and expenses in the exercise of billing  
17 judgment. Based on this review and the adjustments made, I believe that the time  
18 reflected in the Firm’s lodestar calculation and the expenses for which payment is  
19 sought herein are reasonable and were necessary for the effective and efficient  
20 prosecution and resolution of the litigation.

21 4. After the reductions referred to above, the number of hours spent on the  
22 litigation by my Firm is 109.80. A breakdown of the lodestar is provided in Exhibit  
23 A. The lodestar amount for attorney time based on the Firm’s current rates is  
24 \$76,311.00. The hourly rate shown in Exhibit A is consistent with hourly rates  
25 submitted by the Firm in other complex class action litigation. The Firm’s rates are  
26 set based on periodic analysis of rates charged by firms performing comparable work  
27 both on the plaintiff and defense side.

28



# **EXHIBIT A**

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
 Sweetnam LLC  
 Inception through June 30, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
William M. Sweetnam	(P)	109.80	695	\$76,311.00
<b><i>TOTAL</i></b>		<b><i>109.80</i></b>		<b><i>\$76,311.00</i></b>

(P) Partner

# **EXHIBIT B**

**EXHIBIT B**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
Sweetnam LLC  
Inception through June 30, 2022

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing, Witness, and Other Fees	\$ 206.00
Online Legal and Financial Research	475.00
<b><i>TOTAL</i></b>	<b>\$ 681.00</b>

# **EXHIBIT C**



**WILLIAM M. SWEETNAM**

William M. Sweetnam concentrates his practice class action and complex litigation and appeals, having prosecuted hundreds of consumer, shareholder and antitrust class action in federal and state courts across the country. In addition to representing both plaintiffs and defendants in a wide variety of cases involving both economic and non-economic injuries, Mr. Sweetnam has acted as lead counsel, co-lead counsel and has been a member of the executive and steering committees in consumer, antitrust and other class action, complex and multidistrict litigation matters.

Notably, Mr. Sweetnam was appointed sole lead counsel in *Kelly v. Old National Bank*, 82C01-1012-CT-627 (Cir. Ct Vanderburgh Cty, Ind.), in which he obtained a settlement valued at more than 90% of the class' damages incurred as a result of the unlawful overdraft fee scheme alleged therein, far exceeding the results obtained by much larger firms against some the countries' largest banks, resulting in individual consumers receiving several thousand dollars in refunded overdraft fees.

Before joining Keogh Law, Ltd., Mr. Sweetnam ran a successful class action litigation boutique, Sweetnam LLC, established in 2008. Prior to that, Mr. Sweetnam was a partner at a Chicago class action litigation boutique, where he perfected his skills representing victims of consumer fraud and deceptive and anti-competitive practices. Mr. Sweetnam has extensive litigation experience in a variety of nationwide class actions in state and federal courts alleging violations of consumer fraud and deceptive trade practices statutes, breach of warranty and violations of federal securities laws, shareholder derivative suits and appeals.

Mr. Sweetnam began his career as a class action and complex litigation practitioner with what is now known as Kessler Topaz Meltzer & Check, LLP, one of the largest class action law firms in the United States, where he was part of a team of lawyers involved in prosecuting class actions challenging abusive marketing practices in several areas involving life insurance and annuities. These cases led to class settlements valued at hundreds of millions of dollars, and sometimes even billions of dollars, with such major life insurance companies as Prudential, Met Life, John Hancock, New York Life, State Farm, American Express/IDS, Transamerica, and many others, as well as to numerous changes in industry sales practices.

Mr. Sweetnam continued his career at one of Chicago's oldest and most respected class action litigation firms, Krislov & Associates, Ltd., where he represented consumers and investors engaged in an array of nationwide class actions in state and federal courts involving everything from consumer fraud to breach of warranty and securities and shareholder derivative lawsuits and appeals.

Mr. Sweetnam began his career as a lawyer representing plaintiffs in catastrophic injury cases in 1994. In 1995, he began defending corporate, insurance industry and insurance policyholder clients.

Mr. Sweetnam is a graduate of The University of Michigan and the De Paul University College of Law where he received the American Jurisprudence Award in Constitutional Law and was a member of the Journal of Art and Entertainment Law. He has written and lectured on class actions and class action litigation reform.

Mr. Sweetnam was born and raised in Grand Rapids, Michigan. He is married with three children, and resides in Lake Forest, Illinois.

EDUCATION

The University of Michigan, Ann Arbor, Michigan (B.A., 1990)

De Paul University College of Law, Chicago, Illinois (J.D., 1994)

AREAS OF PRACTICE

Litigation and Appeals

- Class Actions
- Consumer Fraud and Deceptive Trade Practices
- Breach of Warranty
- Securities Fraud
- Shareholder Derivative Actions
- False Claims
- Antitrust

BAR ADMISSIONS

- Illinois Supreme Court
- United States Supreme Court
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois (Trial Bar)
- United States District Court for the Central District of Illinois
- United States District Court for the Southern District of Illinois
- United States District Court for the Western District of Michigan
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Texas
- United States District Court for the Western District of Wisconsin

ASSOCIATIONS

Federal Bar Association, Chicago Chapter

The Chicago Bar Association

The Catholic Lawyers Guild of Chicago

PROFESSIONAL EXPERIENCE

Of Counsel, Keogh Law, Ltd., Chicago, Illinois (2020 - Present)

Managing Member, Sweetnam LLC, Chicago, Illinois (2008 - 2020)

Partner, Freed & Weiss, LLC, Chicago, Illinois (2002-2008)

Senior Associate, Krislov & Associates, Ltd., Chicago, Illinois (1999-2002)

Associate, Schiffrin, Craig & Barroway, LLP (now Kessler Topaz Meltzer & Check, LLP), Chicago, Illinois (1997-1999)

Associate, Merlo, Kanofsky & Brinkmeier, Ltd. (now Merlo Kanofsky & Gregg, Ltd.), Chicago, Illinois (1995-1997)

Associate, Peter D. Kasdin, Ltd., Chicago, Illinois (1994-1995)

#### LECTURES

*Law of Remedies: Damages, Equity and Restitution, Chicago-Kent College of Law, February 2019*

*Law of Remedies: Class Actions and Complex Litigation, Chicago-Kent College of Law, February 2018*

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*Federalization of Consumer Class Action Litigation: The Class Action Fairness Act of 2005, The John Marshall Law School, Chicago, Illinois, March, 2006*

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*Jett v. Warrantech Corp.*, ---F.Supp.3d---, 2020 WL 525045 (S.D. Ill. 2020)

*Old Nat. Bank v. Kelly*, 31 N.E.3d 522 (Ind. App. 2014)

*Nava v. Sears, Roebuck & Co.*, 995 N.E.2d 303 (1st Dist. 2013)

*Cappuccitti v. DirecTV, Inc.*, 623 F.3d 1118 (11th Cir. 2010)

*Pella Corp. v. Saltzman*, 606 F.3d 391 (7th Cir. 2010)

*In re Digitek Prod. Liab. Litig.*, 264 F.R.D. 249 (S.D. W. Va. 2010)

*Aleman v. Park West Galleries, Inc.*, 655 F. Supp. 2d 1378 (J.P.M.L. 2009)

*In re Park West Galleries, Inc. Mktg. & Sales Practices Litig.*, 645 F. Supp. 2d 1358 (J.P.M.L. 2009)

*In re Digitek Prod. Liab. Litig.*, 648 F. Supp. 2d 795 (S.D. W. Va. 2009)

*Vernon v. Qwest Communs. Int'l, Inc.*, 643 F. Supp. 2d 1256 (W.D. Wash. 2009)

*Stachurski v. DirecTV, Inc.*, 642 F. Supp. 2d 758 (N.D. Ohio 2009)

*In re Comcast Corp. Set-Top Cable TV Box Antitrust Litig.*, 626 F. Supp. 2d 1353 (J.P.M.L. 2009)

*In re Refrigerant Compressors Antitrust Litig.*, 626 F. Supp. 2d 1320 (J.P.M.L. 2009)

*Saltzman v. Pella Corp.*, 257 F.R.D. 471 (N.D. Ill., 2009)

*Coneff v. AT&T Corp.*, 620 F. Supp. 2d 1248 (W.D. Wash. 2009)

*Hoving v. Lawyers Title Ins. Co.*, 256 F.R.D. 555 (E.D. Mich. 2009)

*In re Nissan N. Am., Inc. Odometer Litig.*, 664 F. Supp. 2d 873 (M.D. Tenn. 2009)

*Hoving v. Lawyers Title Ins. Co.*, 256 F.R.D. 555 (E.D. Mich. 2009)

*In re Digitek Prods. Liab. Litig.*, 571 F. Supp. 2d 1376 (J.P.M.L. 2008)

*In re BP Prods. N. Am., Inc.*, 560 F. Supp. 2d 1377 (J.P.M.L. 2008)

*Hoving v. Transnation Title Ins. Co.*, 545 F. Supp. 2d 662 (E.D. Mich. 2008)

*In re Nissan N. Am., Inc. Odometer Litig.*, 542 F. Supp. 2d 1367 (J.P.M.L. 2008)

*Berry v. Budget Rent a Car Sys.*, 497 F. Supp. 2d 1361 (S.D. Fla. 2007)

*Cook v. Home Depot U.S.A., Inc.*, 62 U.C.C. Rep. Serv. 2d (Callaghan) 197 (S.D. Ohio 2007)

*Womack v. Nissan N. Am., Inc.*, 550 F. Supp. 2d 630 (E.D. Tex. 2007)

*Knudsen v. Liberty Mut. Ins. Co.*, 435 F.3d 755 (7th Cir. 2006)

*Knudsen v. Liberty Mut. Ins. Co.*, 411 F.3d 805 (7th Cir. 2005)

*Knudsen v. Liberty Mut. Ins. Co.*, 405 F. Supp. 2d 916 (N.D. Ill. 2005)

*Enzenbacher v. Browning-Ferris Indus. of Ill.*, 774 N.E.2d 858 (Ill. App. 2002)

*In re Nat'l Life Ins. Co.*, 247 F. Supp. 2d 486 (D. Vt 2002)

*Kaskel v. N. Trust Co.*, 45 U.C.C. Rep. Serv. 2d (Callaghan) 827 (N.D. Ill. 2001)

*Wardrop v. Amway Asia Pac. Ltd.*, Fed. Sec. L. Rep. (CCH) P91,346 (S.D.N.Y. Mar. 20, 2001)

*Grove v. Principal Mut. Life Ins. Co.*, 14 F. Supp. 2d 1101 (S.D. Iowa 1998)

# EXHIBIT 10

1 ROBBINS GELLER RUDMAN & DOWD LLP  
 2 STUART A. DAVIDSON (admitted *pro hac vice*)  
 3 DOROTHY P. ANTULLIS (admitted *pro hac vice*)  
 4 BRADLEY M. BEALL (admitted *pro hac vice*)  
 5 120 East Palmetto Park Road, Suite 500  
 6 Boca Raton, FL 33432  
 7 Telephone: 561/750-3000  
 8 561/750-3364 (fax)  
 9 sdavidson@rgrdlaw.com  
 10 dantullis@rgrdlaw.com  
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7 FEDERMAN & SHERWOOD  
 8 WILLIAM B. FEDERMAN  
 9 10205 N. Pennsylvania Avenue  
 10 Oklahoma City, OK 73120  
 11 Telephone: 405/235-1560  
 12 405/239-2112 (fax)  
 13 wbf@federmanlaw.com

11 Co-Lead Class Counsel for Plaintiffs

13 UNITED STATES DISTRICT COURT  
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 In re SOLARA MEDICAL SUPPLIES ) Case No. 3:19-cv-02284-H-KSC  
 16 DATA BREACH LITIGATION ) CLASS ACTION

17 \_\_\_\_\_ )  
 18 This Document Relates To: ) DECLARATION OF PATRICK J.  
 19 ALL ACTIONS. ) SHEEHAN FILED ON BEHALF OF  
 20 \_\_\_\_\_ ) WHATLEY KALLAS, LLP IN  
 ) SUPPORT OF APPLICATION FOR  
 ) AWARD OF ATTORNEYS' FEES  
 ) AND EXPENSES

21 DATE: September 12, 2022  
 22 TIME: 10:30 a.m.  
 23 JUDGE: Marilyn L. Huff  
 24 COURTROOM: TBD (Telephonic)

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1 I, Patrick J. Sheehan, declare as follows:

2 1. I am partner in the firm of Whatley Kallas, LLP (“Whatley Kallas” or  
3 the “Firm”). I am submitting this declaration in support of the application for an  
4 award of attorneys’ fees and expenses/charges (“expenses”) in connection with  
5 services rendered in the above-entitled action.

6 2. This Firm served as local counsel in the District of Massachusetts for  
7 plaintiffs in this litigation in connection with the enforcement of a subpoena *duces*  
8 *tecum* served upon Charles River Associates.

9 3. The information in this declaration regarding the Firm’s time and  
10 expenses is taken from time and expense reports and supporting documentation  
11 prepared and/or maintained by the Firm in the ordinary course of business. I am the  
12 partner who oversaw and/or conducted the day-to-day activities in the litigation and  
13 I reviewed these reports (and backup documentation where necessary or appropriate)  
14 in connection with the preparation of this declaration. The purpose of this review  
15 was to confirm both the accuracy of the entries as well as the necessity for, and  
16 reasonableness of, the time and expenses committed to the litigation. As a result of  
17 this review, reductions were made to both time and expenses in the exercise of billing  
18 judgment. Based on this review and the adjustments made, I believe that the time  
19 reflected in the Firm’s lodestar calculation herein is reasonable and necessary for  
20 the effective and efficient prosecution and resolution of the litigation.

21 4. After the reductions referred to above, the number of hours spent on the  
22 litigation by my Firm is 15.10. A breakdown of the lodestar is provided in Exhibit  
23 A. The lodestar amount for attorney/paralegal time based on the Firm’s current rates  
24 is \$7,402.50. The hourly rates shown in Exhibit A are consistent with hourly rates  
25 submitted by the Firm in other complex class action litigation. The Firm’s rates are  
26 set based on periodic analysis of rates charged by firms performing comparable work  
27 both on the plaintiff and defense side.

28

1           5.     The identification and background of my Firm and its partners is  
2 attached hereto as Exhibit B.

3           I declare under penalty of perjury that the foregoing is true and correct.  
4 Executed this 7th day of July, 2022, at Boston, Massachusetts.

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7 Patrick J. Sheehan  
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# Exhibit A

**EXHIBIT A**

*In re Solara Medical Supplies Data Breach Litigation*, No. 3:19-cv-02284-H-KSC  
Whatley Kallas, LLP  
Inception through June 30, 2022

<i>NAME</i>	<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Patrick J. Sheehan (Partner)	8.90	\$675	\$6,007.50
Sharon C. Musson (Paralegal)	6.20	\$225	\$1,395.00
<b><i>TOTAL</i></b>	<b>15.10</b>		<b>\$7,402.50</b>

# Exhibit B



## **I. Introduction**

**The attorneys of Whatley Kallas, LLP have a long history of representation of health systems and other healthcare providers, patients and members of the organized medicine community. The Firm is a full-service litigation and healthcare firm.** The attorneys of Whatley Kallas have a strong national reputation in healthcare litigation, and provide a broad array of services to their clients. The Firm handles arbitration, class action, antitrust, ERISA and commercial litigation, including claims on behalf of healthcare providers against payors including health insurance companies.

**Whatley Kallas operates offices in New York, Alabama, Colorado, California, Georgia, Massachusetts, and New Hampshire.**

**The attorneys of Whatley Kallas have been repeatedly recognized in legal publications, such as *The National Law Journal* and *American Lawyer*, by their peers and by leaders of organized medicine for their work in the healthcare field.**

**The attorneys of Whatley Kallas represent a number of health systems in claims against health insurance companies in litigation including arbitration. They have held leadership roles in numerous high profile, complex national class action litigations, recovering billions of dollars in value, consisting of monetary relief and significant corporate reforms, which have provided meaningful change for classes of people and businesses.**

**Whatley Kallas's attorneys have been appointed to leadership positions in numerous cases.** For example, Joe Whatley and Edith Kallas serve as co-lead counsel for the class of Provider Plaintiffs in the ongoing case entitled *In re Blue Cross Blue Shield Antitrust Litigation MDL 2406*, No. 13-cv-20000 (N.D. Ala. filed 2013), pending in the Northern District of Alabama. Examples of cases in which Whatley Kallas attorneys served in a leadership role and were extensively involved in the litigation and negotiation of settlements include: *Waterbury Hospital v. U.S. Foodservice*, No. 07-md-1894 (D. Conn. filed 2007) (served as co-lead counsel in action resulting in a \$297 million settlement); *Love v. Blue Cross Litigation*, No. 03-cv-21296 (S.D. Fla. filed 2003) and the related case entitled *In re: Managed Care Litigation* (served as co-lead counsel and members of the steering committee, respectively, in actions resulting in billions of dollars in value, consisting of monetary relief and significant corporate reform, to classes of 900,000 physicians throughout the United States); *Scher v. Oxford Health Plans* (served as lead counsel in statewide class arbitration on behalf of physicians in New York resulting in a settlement of \$22 million); *In re Insurance Brokerage Antitrust Litigation*, No. 04-cv-05184 (D. N.J. filed 2004) (served as co-lead counsel in action resulting in settlements with Marsh & McLennan, AIG, Zurich Insurance Company and Arthur J. Gallagher, together totaling over

\$250 million); *Levinson v. Westport National Bank*, No. 09-cv-00269 (D. Conn. 2014) (served as lead counsel in action resulting in a \$7.5 million settlement for retirees and small investors most of whom were doctors on the eve of closing argument of a jury trial); *In re: Qwest Savings and Retirement Plan ERISA Litigation*, No. 02-cv-00464 (D. Colo. 2007) (served as co-lead counsel in action resulting in an approximately \$37.5 million settlement). In addition, Whatley Kallas's attorneys have taken lead roles in numerous cases on behalf of patients. Such cases include the HIV/AIDS Specialty Medications Mail Order Litigations, which were filed against a number of healthcare companies in the country and resulted in significant practice reforms, as well as *Feller v. Blue Cross of California*, No. 56-2010-00368587-CU-BT-VTA (Ventura Super. Ct. filed 2010) (remedying the practice of trapping members in a closed plan subject to dramatically increasing premiums).

**The Firm's lawyers have gained a national reputation for their aggressive litigation style and their quality legal work. A significant aspect of the Firm's resources is its ability to try complex cases.** One of the Firm's founding partners, Joe R. Whatley, Jr., is an experienced trial lawyer and is one of the few lawyers representing plaintiffs in complex class action litigation who has tried class action cases to verdict. He won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala. 1996). In *Cox v. United Steelworkers*, Mr. Whatley served as counsel to one of the defendants and the jury returned a defendants' verdict. Mr. Whatley also won what was, at the time, the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). More recently, Mr. Whatley and other attorneys from Whatley Kallas have tried a number of class actions before juries, including, *In re Cox Enterprises, Inc. Set-Top Cable Television Antitrust Litigation*, No. 12-ml-2048 (W.D. Okla. filed 2012), to a plaintiffs' jury verdict in 2015 and *Levinson v. Westport National Bank*, which settled immediately before closing arguments to the jury in 2013. Whatley Kallas's experience in this regard has made it a highly sought-after member of plaintiffs' leadership groups in numerous complex and multidistrict litigations.

## II. Firm Litigation

### A. Healthcare and Insurance Litigation

A more detailed description of examples of healthcare and insurance cases in which attorneys at Whatley Kallas have served in leadership roles includes, among others:

***In re Blue Cross Blue Shield Antitrust Litigation MDL 2406*, No. 13-cv-20000 (N.D. Ala. filed 2013).** Co-lead counsel for the class of Provider Plaintiffs in this action. The Provider Plaintiffs (including hospitals, physicians, surgery centers, chiropractors, and other healthcare providers) have alleged that all insurers licensing the Blue Cross or Blue Shield trademarks reached explicit agreement to divide the United States into geographic markets called "Service Areas" and to allocate those geographic markets, free of competition, among themselves. The Provider Plaintiffs have also challenged the agreements reached by the Blues to fix prices for services rendered by healthcare providers through the Blue Card Program. The Provider Plaintiffs' claims have survived Motions to Dismiss and the case is ongoing.

***Love v. Blue Cross Blue Shield Association*, No. 03-cv-21296 (S.D. Fla. filed 2003).** Co-lead counsel in this action, which alleged that defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with approximately ninety percent (90%) of the defendants. The settlements consisted of billions of dollars in value, consisting of monetary relief and significant corporate reforms.

***In re Managed Care Litigation*, MDL No. 1334, No. 03-cv-21296 (S.D. Fla. filed 2003).** Members of the Plaintiffs' Steering Committee in this action against nine of the largest managed care providers in the United States, including Aetna, Cigna, United, Healthnet, Humana, PacifiCare, Prudential, and WellPoint. This action alleged that these defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with Aetna, Cigna, Healthnet, Humana, Prudential, and Wellpoint consisting of monetary relief and significant business practice changes valued in the billions of dollars.

**Arbitrations for Health Systems.** Whatley Kallas represents health systems in arbitrations against major healthcare insurers for breach of contract or violations of law in the Commercial and Medicare Advantage contexts. While the details of these arbitrations are often confidential, Whatley Kallas has helped recover over a \$100 million from major health insurers related to DRG downcoding, incorrect categorization of claims as observation rather than inpatient admissions, and other claims denial issues in 2021 alone.

***Scher v. Oxford Health Plans*, AAA Case No. 11 193 00548 05.** Lead Counsel in this statewide class arbitration on behalf of a class of physicians in the state of New York, which resulted in a settlement of \$22 million.

**HIV/AIDS Specialty Medications Mail Order Litigations.** Served in lead role in successfully brought actions against a number of major health insurance companies in the United States involving their requirements to obtain HIV/AIDS specialty medications by mail order. These companies have agreed to resolve these issues, either as part of a class action settlement or other agreements obligating those companies to change or cancel their mail order programs as to HIV/AIDS specialty medications, ultimately impacting an estimated 50,000 consumers nationwide. These cases include: *Doe v. United Health Care*, No. 13-cv-00864 (C.D. Cal. filed 2013) (national class action settlement approved in July 2014 permitting consumers to opt out of mail order program); *Doe v. Cigna Health Care*, No. 15-cv-60894 (S.D. Fla. filed 2015) (national settlement implemented in December 2015 that removed HIV/AIDS specialty medications from the mandatory mail order tier); *Doe v. Blue Cross of California*, No. 37-2013-31442 (San Diego Super. Ct. filed 2013) (California-only settlement implemented in May 2013 cancelling mandatory mail order program); and *Doe v. Anthem, Inc.* (national settlement implemented in June 2016 that also removed HIV/AIDS specialty medications from the mandatory mail-order requirement tier for all of Anthem's subsidiaries in the United States).

***Feller v. Blue Cross of California*, No. 56-2010-00368587-CU-BT-VTA (Ventura Super. Ct. filed 2010).** Served in lead role in class action successfully brought to remedy the practice of trapping members in a closed plan subject to dramatically increasing premiums. Under the settlement, among other relief, class members were allowed to switch plans without underwriting until 2014, at which time preexisting conditions will no longer serve as a basis for denying health insurance.

***In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663, No. 04-cv-05184 (D.N.J. filed 2004).** Co-lead counsel in action involving class of purchasers of commercial and employer benefit insurance against many of the largest insurance companies and brokers in the country relating to these companies' alleged participation in a conspiracy to manipulate the markets for insurance. Settlements with the majority of the defendants were reached including, Marsh & McLennan, AIG, Zurich Insurance Company and Arthur J. Gallagher, together totaling over \$250 million.

***Omni Healthcare, Inc. et al. v. Health First, Inc. et al.*, No. 13-cv-01509 (M.D. Fla. 2013).** Whatley Kallas handled this antitrust case for doctors and other healthcare professionals through selection of the jury. The night after opening statements, the Defendants agreed to pay Whatley Kallas' clients \$32 million dollars.

## **B. Antitrust and Other Complex Commercial Litigation**

A more detailed description of examples of antitrust and other complex commercial cases in which attorneys at Whatley Kallas have served in leadership roles includes, among others:

***Waterbury Hospital v. U.S. Foodservice*, No. 06-cv-01657 (D. Conn. 2014).** Co-lead counsel for a certified class of customers in a case involving an alleged scheme whereby USF, the second largest food distributor in the United States, fraudulently inflated the prices it charged to its cost-plus customers. Plaintiffs alleged that USF's customers were charged, pursuant to cost-plus agreements, inflated prices that represented the cost of products plus a kickback to their suppliers. The case settled for \$297 million.

***Levinson v. Westport National Bank*, No. 09-cv-00269 (D. Conn. 2014).** Lead counsel for certified class of hundreds of retirees and small investors who lost the bulk of their savings in the aftermath of the Bernard Madoff scandal. This action alleged that the bank breached numerous contractual and fiduciary duties to the investors in its administration of their accounts. After a two-week trial, on the eve of closing arguments, a settlement was reached in the amount of \$7.5 million for the Class.

***In re Cox Enterprises, Inc. Set-Top Cable Television Antitrust Litigation*, No. 12-mj-2048 (W.D. Okla. filed 2012).** Co-lead counsel on behalf of a certified plaintiff class of Oklahoma City Cox customers alleging that the cable provider Cox unlawfully tied its premium cable service to rental of its set-top boxes. After a two-week trial, the jury awarded the plaintiffs \$6.31 million in damages, which were trebled to \$18.93 million. After the jury verdict, the Court entered an Order directing verdict for the Defendant.

***Parsons v. Brighthouse Networks, LLC*, No. 09-cv-00267 (N.D. Ala. 2015).** Co-lead counsel for a nationwide class of Brighthouse cable customers alleging that Brighthouse abused its market power to illegally tie the rental of a set top box to the purchase of premium cable from Brighthouse. The parties reached a settlement valued at approximately \$91 million dollars in monetary relief and \$72 million dollars in injunctive relief.

***In Re Puerto Rican Cabotage Antitrust Litigation*, No. 08-md-01960 (D.P.R. filed 2008).** Co-lead counsel representing purchasers in a class action alleging that Defendants conspired to fix the prices of shipping services to and from Puerto Rico. A settlement was reached resulting in monetary and non-monetary relief exceeding \$100 million in value.

***In re Lorazepam and Clorazepate Antitrust Litigation*, MDL No. 1290 (D.D.C. 2005).** Third Party Payor Lead Class Counsel in an antitrust action. Settlements of over \$100 million were achieved.

***Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala. 1996).** Co-lead counsel representing a class of cattle ranchers against the major beef packers and producers in the country for conspiring to depress the price of beef on the cash market. In addition to serving in a leadership position in this action, Joe R. Whatley served as trial counsel in the Middle District of Alabama for the plaintiff class, and obtained a \$1.28 billion jury verdict for the class of ranchers and cattle producers. The verdict was ultimately vacated.

### **III. Biographies**

#### **Joe R. Whatley, Jr.**

Joe Whatley grew up in Monroeville, Alabama, the setting for *To Kill A Mockingbird*. Mr. Whatley is one of the few lawyers in the country to have argued before the United States Supreme Court as well as tried class actions to jury verdict for plaintiffs and defendants. He has a wide-ranging, national practice. He has argued cases before a majority of the Circuit Courts of Appeals in the country and tried cases in a number of different State and District Courts, before Judges and juries.

He is a graduate of Harvard College (A.B., *cum laude*, 1975), and the University of Alabama School of Law (J.D., 1978). Mr. Whatley is a member of the Bar in the States of Alabama, Texas, Colorado and New York, and is admitted to practice before the United States Supreme Court, the United States District Court for the Middle, Southern and Northern Districts of Alabama, the Southern, Eastern and Northern Districts of New York, the Northern, Southern, Eastern and Western Districts of Texas, the Eastern and Western Districts of Michigan, the Eastern District of Wisconsin, the Northern District of Florida, the Northern District of Illinois, and the District of Colorado, as well as the United States Court of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Ninth, Tenth, Eleventh, and District of Columbia Circuits. After graduating from the University of Alabama School of Law, Mr. Whatley served as a law clerk to the Honorable Frank H. McFadden, who was then Chief United States District Judge for the Northern District of Alabama (1978-1979). Mr. Whatley is a member of the American Bar Association (Member, Sections on: Labor and Employment Law; Litigation; Antitrust Law;



Health Law), a member and past President (1990-1991) of the Birmingham Federal Bar Association, and a member and past President (1990-1991) of the Labor and Employment Law Section of the Alabama State Bar.

For more than a decade Mr. Whatley has focused his practice on healthcare and antitrust cases. His healthcare cases have primarily been against health insurance companies. Mr. Whatley was appointed Co-Lead Counsel for the Provider Plaintiffs in *In re Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406. He was one of the most active lawyers in Court proceedings in *In re Managed Care Litigation* and in *Thomas/Love v. Blue Cross*, and was one of the principal negotiators of the path-breaking settlements in both of those proceedings that resulted in billions of dollars in value, consisting of monetary relief and significant practice changes in the managed care industry. He represents providers of healthcare of all types in disputes with health insurance companies. He has represented and currently represents doctors and ancillary providers in a whole range of issues related to their reimbursement. He also currently represents ambulatory surgery centers in antitrust claims against health insurance companies in multiple markets. He has represented hospitals in arbitration against health insurance companies.

He is also an experienced trial lawyer, having tried numerous cases, including class actions, to verdict. For example, Mr. Whatley won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.), and won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). Mr. Whatley has recovered billions of dollars of value, consisting of monetary relief and significant business practice changes in litigations against the managed care industry. Additionally, Mr. Whatley tried *Levinson v. Westport National Bank*, No. 09-cv-269 (D. Conn. 2012), a case brought by retirees and small investors alleging that the defendant bank breached numerous contractual and fiduciary duties to the investors in its administration of the plaintiffs' financial accounts, which settled on the eve of closing arguments; and *In re Cox Enterprises, Inc. Set-Top Cable Television Antitrust Litigation*, wherein a class alleged that the cable provider Cox unlawfully tied its premium cable service to rental of its set-top boxes, which resulted in a \$6.31 million jury verdict before trebling. (After the jury verdict, the Court entered an Order directing verdict for the Defendant.)

Mr. Whatley has been recognized by his peers as one of the top lawyers in the country. He has been admitted as a Fellow to the American College of Trial Lawyers as well as a member of the International Academy of Trial Lawyers. In 2011, he was selected as one of the top 100 lawyers in the New York Metropolitan Area. He has been selected each year for decades as one of the Best Lawyers in Alabama.

**E-MAIL: [jwhatley@whatleykallas.com](mailto:jwhatley@whatleykallas.com)**

### **Edith M. Kallas**

Ms. Kallas was born in New York, New York. Ms. Kallas graduated from the Juilliard School in 1984 with a B.M. in Music Performance and from the Fashion Institute of Technology with an A.A.S., summa cum laude. She is a 1987 graduate of the Benjamin N. Cardozo School of Law, where she was a member of the Moot Court Board. Ms. Kallas is admitted to the New York and

Colorado State Bars, the United States Supreme Court, the United States District Court for the Southern, Eastern and Northern Districts of New York, the United States District Court for the District of Colorado, and the United States Courts of Appeal for the Second, Third, Sixth, Ninth, Eleventh, and District of Columbia Circuits. She is also a member of the American Bar Association (Health Law Section), Association of the Bar of the City of New York, the New York State Bar Association, the New York County Lawyers' Association, the Colorado Bar Association and the American Society of Medical Association Counsel.

In April of 2004, Ms. Kallas was honored by thirteen State and County Medical Societies, who presented her with an award "For the Success Attained in her Relentless Pursuit of Justice for the Physicians of America and their Patients." Also in 2004, Ms. Kallas was named by the New York County Lawyers' Association as one of the "Outstanding Women of the Bar." In 2005, the National Law Journal featured Ms. Kallas in their UP CLOSE section in an article entitled, "HMO Settlement: A Fairer Deal for Doctors." The National Law Journal also featured Ms. Kallas and her partner Joe Whatley in an article entitled "Case Puts Doctors Back in the Driver's Seat" in 2007. In 2011, the National Law Journal recognized Ms. Kallas in a feature article entitled, "In Insurance Fights, a Healthy Return for Firm – With Wellpoint Case." In February 2013, Ms. Kallas was highlighted in the *Big Suits* section of the American Lawyer Magazine in connection with the *In re Aetna UCR Litigation* settlement.

Ms. Kallas concentrates her practice in the areas of healthcare and insurance litigation. She represents healthcare providers, patients and members of the organized medicine community including physicians, ancillary providers, ambulatory surgical centers, durable medical equipment providers, as well as numerous national, state and county medical societies throughout the country. Her medical association clients have included the American Medical Association, Medical Society of the State of New York, Connecticut State Medical Society, Medical Society of New Jersey, California Medical Association, Florida Medical Association, Texas Medical Association, South Carolina Medical Association, Tennessee Medical Association, Northern Virginia Medical Societies, North Carolina Medical Society, Nebraska Medical Association, Washington State Medical Association, Hawaii Medical Association, Alaska State Medical Association, Rhode Island Medical Society, Vermont Medical Society, New Hampshire Medical Society, El Paso County Medical Society, and the California Chiropractic Association.

Ms. Kallas represents healthcare providers in litigation, arbitration, negotiations, and contracting, and provides day-to-day consultation and advocacy services in connection with a broad range of issues facing providers today. She has also represented healthcare providers and medical associations in numerous class actions pending in federal and state courts (including representation of a certified class of approximately 900,000 physicians throughout the United States). Ms. Kallas was appointed Co-Lead Counsel for the Provider Plaintiffs in *In re Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406. She has also served as Co-Lead Counsel in the *Love et al. v. Blue Cross Blue Shield Association et al.* in the United States District Court for the Southern District of Florida; on the Steering Committee in the *In re Managed Care* action; as Co-Lead Counsel and a member of the Executive Committee in the UCR Class Actions against Wellpoint (C.D. Cal.), CIGNA and Aetna; as Lead Counsel in the *Scher v. Oxford* physician class arbitration; and has served as lead counsel in numerous state court

healthcare actions. Ms. Kallas also served as Co-Lead Counsel in the *In re Insurance Brokerage Antitrust Litigation* in the District of New Jersey against major brokerage and insurance companies on behalf of classes of businesses and employees who purchased insurance, including healthcare insurance. She was one of the principal negotiators of settlements with Aetna, Cigna, Healthnet, Prudential, Humana, Wellpoint and 90% of all the Blue Cross entities in the country on behalf of nationwide classes of physicians and medical societies that have resulted in billions of dollars in value, consisting of monetary relief and significant corporate reforms, to physicians throughout the country. The settlements have resulted in significant business practice changes that are viewed as setting a new standard in the healthcare industry in the best interests of physicians and their patients.

Ms. Kallas has also served in a lead role in *Doe v. United Health Care*, No. 13-cv-00864 (C.D. Cal. filed 2013) (national class action settlement approved in July 2014 permitting consumers to opt out of mail order program); *Doe v. Cigna Health Care*, No. 15-cv-60894 (S.D. Fla. filed 2015) (national settlement implemented in December 2015 that removed HIV/AIDS specialty medications from the mandatory mail order tier); *Doe v. Blue Cross of California*, No. 37-2013-31442 (San Diego Super. Ct. filed 2013) (California-only settlement implemented in May 2013 cancelling mandatory mail order program); and *Doe v. Anthem, Inc.* (national settlement implemented in June 2016 that also removed HIV/AIDS specialty medications from the mandatory mail-order requirement tier for all of Anthem's subsidiaries in the United States), and was a principal negotiator of the settlements in those actions. Ms. Kallas has also given legislative testimony regarding issues affecting physicians and successfully handled, on a pro bono basis, an appeal for a patient requiring lifesaving treatment.

Ms. Kallas is the co-author of "Gender Bias and the Treatment of Women As Advocates," Women in Law 1998. Ms. Kallas has also participated as a Faculty Member and/or Speaker in connection with the following presentations: "Class Action Healthcare Litigation," ALI-ABA Healthcare Law and Litigation Conference, 1999; "Class Actions: HMOs and Healthcare Providers Under Attack," ALI-ABA Life and Health Insurance Litigation Conference, 2000; "Providers (Suits by Doctors and Hospital Class Actions)," ALI-ABA Healthcare Law and Litigation Conference, 2000; "The Application of ERISA and RICO Theories in the Age of Managed Care," The Judges and Lawyers Breast Cancer Alert, 2000; "Healthcare Litigation: What You Need to Know After Pegram," Practising Law Institute, 2000; "Provider Suits by Doctors and Hospitals v. HMOs," ALI-ABA Healthcare Law and Litigation Conference, 2001; The Joint Seminar Session of the School of Allied Health and Health Law Section at Quinnipiac University School of Law, 2001; The CLE Conference presented by the American Society of Medical Association Counsel, 2002; "The Unique Role of The Medical Society Effectively Litigating for Change in the Healthcare Arena," American Academy of Otolaryngology Presidential Board of Governors Special Seminar 2002; "The Future of Class Action Litigation in America," The CLE Conference presented by the American Bar Association, 2005; "Gender Bias in Litigation and the Trend Toward Diversity in Multi-District Litigation Proceedings," Mass Torts and Class Actions CLE Summit (Whatley Drake LLC Continuing Legal Education Conference) 2006 and 2007; "Arbitration Issues in Class Action Suits: How *Bazzle* Changed the Landscape of Class Arbitration," Whatley Drake & Kallas LLC Continuing Legal Education Conference 2007, ASMAC 2008; "Forum Shopping: Defendants Do It Too," Symposium on the Class Action Fairness Act and published in the Newsletter of the ABA Tort Trial and Insurance

Practice Section Business Litigation Committee, Winter 2007; "Ingenix Litigation Update," ASMAC 2010; "Negotiating Skills for Career Advancement," Connecticut State Medical Society Professional Development Conference for Women in Medicine CME, May 2010; and "National Trends in Provider Contracting," Connecticut State Medical Society, "Managed Care Contracting: Anatomy of a Contract" Seminar, April 2012; "Avoiding Traps in Alternative Dispute Resolution," American Medical Association Webinar, February 2013; "Contract Negotiation Skills," Connecticut State Medical Society Professional Development Conference for Women in Medicine CME; "Update on Antitrust in Healthcare Cases," American Society of Medical Association Counsel Meeting, June 2015; "MDL Process and Procedures, Selection of Lead Counsel," Miami Law Class Action & Complex Litigation Forum, December 2016; "Health Insurer Predatory Practices," ASMAC 2018; "Ethics Issues in Large Scale Litigation," Miami Law Class Action & Complex Litigation Forum, January 2020.

**E-MAIL: [ekallas@whatleykallas.com](mailto:ekallas@whatleykallas.com)**

### **Patrick J. Sheehan**

Mr. Sheehan heads the Firm's Boston, Massachusetts office. Mr. Sheehan's practice focuses on complex litigation involving health care law and consumer protection issues. As part of his practice, Mr. Sheehan represents a wide array of health care providers and consumers in class actions and other complex litigation pending throughout the country. Mr. Sheehan's health care practice focuses on issues concerning health care financing, including provider reimbursement, health insurance and antitrust matters. Mr. Sheehan's consumer protection practice concentrates on issues related to health insurance and other types of insurance, the deceptive advertising of health benefits purportedly provided by consumer products and myriad other issues implicating consumer protection law.

Mr. Sheehan is a graduate of the College of the Holy Cross and Northeastern University School of Law, where he was an editor of the NU Forum. Mr. Sheehan is a member of the American Bar Association, the American Association for Justice, the Massachusetts Bar Association, the Massachusetts Academy of Trial Attorneys and the Boston Bar Association. Mr. Sheehan is a longstanding member of the Board of Directors and a past President of the Holy Cross Lawyers Association as well as a member of the Holy Cross Alumni Association Board of Directors. Mr. Sheehan is also a long-time member of the Massachusetts Bar Association's Health Law Section Council and the Boston Bar Association's Multidistrict Litigation and Class Actions Section Steering Committee. Mr. Sheehan has been recognized as a Super Lawyer for his work in class actions for years and frequently speaks on issues concerning health law and class actions.

Mr. Sheehan is a member of the Massachusetts and New York bars and is admitted to practice before the United States District Courts for the District of Massachusetts, the Southern and Eastern Districts of New York, the Northern District Of Illinois, the District of Colorado, the Eastern District of Michigan, the United States Courts of Appeals for the First, Third, Fourth and Eleventh Circuits and the United States Supreme Court.

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### **W. Tucker Brown**

Mr. Brown's practice focuses primarily on the areas of healthcare, antitrust and other complex

litigation. Mr. Brown represents a wide array of healthcare clients, including national and state medical associations, physicians, hospitals, surgical centers and other healthcare providers in litigations, including national class actions, arbitrations and other forms of dispute resolution. Much of the focus of Mr. Brown's practice is representing healthcare providers in disputes with managed care companies and insurers. In 2016, Mr. Brown was named one of Law360's six "Rising Stars" in Health Law. Mr. Brown was selected as an Alabama Super Lawyers "Rising Star" from 2012-2019, and Super Lawyer in 2020 and 2021. He was a Mid-South Super Lawyer selection in 2020 and 2021.

Mr. Brown presently represents health care providers in antitrust litigation challenging illegal price fixing, market allocation, boycotts and other anticompetitive schemes in cases including *In re Blue Cross Blue Shield Antitrust Litigation*, No. 2:13-cv-20000 (MDL 2406)(N.D. Ala.); a regional hospital system against major insurers in arbitration regarding Medicare Advantage plans resulting in settlements to date of over \$20 million; an eating disorder treatment center in claims against a national insurer in arbitration for claims involving breach of contract.

Mr. Brown has been involved in numerous noteworthy healthcare and antitrust cases including *Kissing Camels Surgery Center, LLC, et al. v. Centura Health Corp., et al.*, No. 1:12-cv-03012-WJM-NYW (D. Col.), where Mr. Brown led the five-year litigation on behalf of four Colorado surgery centers involving antitrust claims against large hospital groups and insurers for working to exclude those surgery centers from the Colorado market. The *Kissing Camels* litigation ultimately resulted in successful settlements for each of four Colorado ambulatory surgery centers. Mr. Brown helped lead the litigation efforts in *Parsons v. Brighthouse Networks* where Whatley Kallas represented a nationwide class in an antitrust action against a cable company for tying. Whatley Kallas helped reached a settlement in that case valued at approximately \$91 million dollars in monetary relief and \$72 million dollars in injunctive relief. Mr. Brown was part of the trial team in the *In re Cox Enterprises Inc. Set-Top Cable Television Box Antitrust Litigation*, No. 5:12-ml-02048 (MDL 2048) (W.D. Okla.) case which tried the case through to a Plaintiffs' verdict, though it was subsequently overturned.

Mr. Brown has been a member of the Alabama Bar since 2004 and is admitted to practice before the United States Court of Appeals for the Eleventh Circuit, as well as the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama, and the U.S. District Court for the District of Colorado. He obtained his B.A. in Economics and Political Science from Vanderbilt University and received his J.D., *magna cum laude*, in 2004 from the Georgetown University Law Center, where he was Order of the Coif. Following law school, he served as law clerk to Hon. William M. Acker, Jr., U.S. District Court for the Northern District of Alabama from 2004 to 2005. He is a member of the Alabama State Bar, the American Bar Association (Healthcare and Antitrust Sections), and the Birmingham Bar Association. Mr. Brown has served as the President of The Community Kitchens of Birmingham. He was born in Birmingham, Alabama.

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### **Henry C. Quillen**

Mr. Quillen has extensive experience litigating matters involving healthcare and antitrust issues. He has briefed and argued dispositive motions in *In re Blue Cross Blue Shield Antitrust*



*Litigation*, MDL No. 2406, and he was one of the primary attorneys representing the plaintiffs in *OMNI Healthcare, Inc. v. Health First, Inc.*, which resulted in a \$32 million settlement. He has also obtained a favorable ruling from the Arkansas Supreme Court on behalf of an air ambulance provider in *Air Evac EMS, Inc. v. USABLE Mutual Insurance Co.* The D.C. Circuit cited Mr. Quillen's amicus brief for the American Medical Association when affirming an injunction against the merger of Anthem and Cigna in *United States v. Anthem*. In 2016, Mr. Quillen was named a "Rising Star" by Law360 for his work in competition law, one of just seven attorneys to be honored in his field that year.

Before joining Whatley Kallas, Mr. Quillen was an associate in the litigation department of Sullivan & Cromwell LLP, where he focused on complex commercial litigation. He also served as a law clerk to the Honorable A. Raymond Randolph of the United States Court of Appeals for the District of Columbia Circuit, as well as the Honorable Jeffrey Howard of the United States Court of Appeals for the First Circuit.

Mr. Quillen graduated from Harvard College magna cum laude (A.B., Biochemical Sciences, 2000) and Yale Law School (J.D., 2007). He also received a Master in Public Administration from the John F. Kennedy School of Government (2007). He is a member of the American Bar Association and admitted to practice in New York, New Hampshire, the District of Columbia, the United States District Courts for the District of Colorado, District of Columbia, and District of New Hampshire, the United States Courts of Appeals for the First, Eighth, Tenth, Eleventh, and District of Columbia Circuits, the United States Court of Appeals for Veterans Claims, and the United States Supreme Court.

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### **Catherine I. Hanson**

Ms. Hanson has over 30 years of experience providing advice and counsel to physicians, medical associations and other health care related individuals and organizations. She has handled a broad array of health care and association matters, utilizing all advocacy strategies from informal discussion, to regulation, legislation and litigation. Most recently, Ms. Hanson has focused on managed care, including the impact of ACOs, new payment models and clinical integration, HIPAA, including the Privacy, Security and Transaction Rules, and evolving physician employment arrangements. Ms. Hanson is the author of numerous publications and a sought after speaker.

Ms. Hanson recently served as vice-president of the American Medical Association's state and private sector advocacy unit from July 2007 through January 2013. Under her leadership, AMA's private sector advocacy team developed the National Managed Care Contract and database, the only complete compilation and analysis of every managed care law and regulation in the country. Ms. Hanson also directed the creation of numerous other unique resources for physicians, including how-to manuals on new payment models, ACOs and physician integration strategies. She led the development of AMA's National Health Insurer Report Card (NHIRC), the first objective look at the claims processing activities of the nation's largest health insurers. Ms. Hanson's private sector advocacy team also achieved significant, nationwide physician profiling

reforms and improvements in the HIPAA transaction standards necessary to enable payer transparency and physician practice automation.

Ms. Hanson's state advocacy successes included obtaining National Association of Insurance Commissioners (NAIC) support for AMA positions related to critical state ACA implementation/health insurance market reform issues, such as medical loss ratio, rate review, health insurance exchanges, and transparency of coverage facts for consumers, successes that were subsequently reflected in the federal ACA regulations. She led a successful effort that secured National Conference of Insurance Legislators (NCOIL) model bills regulating rental network PPOs and calling for transparency for out-of-network services instead of a ban on balance billing. Last but certainly not least, Ms. Hanson's team worked with medical associations throughout the country to achieve hundreds of legislative and regulatory victories to preserve medical liability reforms, ensure health insurer transparency, improve public health and safety, enact truth-in-advertising laws and protect the patient-physician relationship.

Prior to her AMA work, Ms. Hanson served as vice-president and general counsel for the California Medical Association from December 1986 through June 2007. Her many CMA accomplishments included an extremely successful advocacy campaign in the courts and before the California Attorney General that resulted in nearly 100 decisions upholding MICRA and otherwise protecting physicians from unfair professional liability exposure, protecting the physician-patient relationship, increasing access to care, reigning in managed care abuses, and ensuring fair peer review, among other issues. Ms. Hanson also led the development and publication of the 4000+ page *California Physicians Legal Handbook*, a comprehensive health law treatise, which she published annually with her CMA Legal Center staff from 1990-2007. Prior to starting the CMA's in-house law department, Ms. Hanson was an attorney with the law firm of Hassard Bonnington in San Francisco.

Ms. Hanson is a past president of the California Society for Health Care Attorneys, a past president of the American Society of Medical Association Counsel, a member of the American Health Lawyers Association, and the American Bar Association Health Law Section.

Ms. Hanson is a Phi Beta Kappa graduate of the University of California, Berkeley. She obtained her J.D. degree from Boalt Hall School of Law at University of California, Berkeley. She is a California licensed attorney admitted to practice in the U.S. Supreme Court, the Ninth Circuit Court of Appeals, and the United States District Court for the Northern and Southern Districts of California. Ms. Hanson has an AV Martindale Hubbell rating. Ms. Hanson is Of Counsel to the Firm.

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### **Alan Mansfield**

Alan M. Mansfield has practiced primarily in the area of national health care, privacy, consumer and securities class action and public interest litigation since 1989. His clients have included such public interest organizations as the California Medical Association, the Independent

Physical Therapists of California, Consumer Watchdog, and the Privacy Rights Clearinghouse.

Mr. Mansfield has been involved in numerous significant healthcare matters, including a class action against Anthem Blue Cross for improperly closing certain health plans which resulted in a settlement requiring defendant to limit plan rate increases and requiring any plan changes to be without medical underwriting for several years (*Feller v. Anthem Blue Cross*, Ventura County Superior Court Case No. 56-2010-00368587-CU-BT-VTA); and a class action representing a number of California pharmacists seeking to require Pharmacy Benefits Managers to provide data required under state law, obtaining a significant decision from the Ninth Circuit and the California Supreme Court interpreting the scope of the First Amendment as applied to California pharmacists' claims under California law (*Beeman v. Anthem Prescription*, 2011 U.S. App. LEXIS 14687 (9th Cir., July 19, 2011), *Beeman v. Anthem Prescription*, 58 Cal. 4<sup>th</sup> 529 (2013)). He also has been actively involved resolving numerous cases on behalf of patients with HIV/AIDS, including *Doe v. CVS*, S.D. Oh. Case No. 2:18 cv-00238-EAS-CMV (Ohio class action settlement approved in January 2020 arising out of Ohio ADAP mailing, providing for over \$2 million in payments to affected individuals); *Doe v. United Health Care*, No. 13-cv-00864 (C.D. Cal. filed 2013) (national class action settlement approved in July 2014 permitting consumers to opt out of mail order program); *Doe v. Cigna Health Care*, No. 15-cv-60894 (S.D. Fla. filed 2015) (national settlement implemented in December 2015 that removed HIV/AIDS specialty medications from the mandatory mail order tier); *Doe v. Blue Cross of California*, No. 37-2013-31442 (San Diego Super. Ct. filed 2013) (California-only settlement implemented in May 2013 cancelling mandatory mail order program); *Doe v. Anthem, Inc.* (national settlement implemented in June 2016 that also removed HIV/AIDS specialty medications from the mandatory mail-order requirement tier for all of Anthem's subsidiaries in the United States), and *DOE v. Aetna, Inc. and Coventry Health Plans* (nationwide settlement revising similar mandatory mail-order pharmacy programs). He was also one of the counsel who negotiated a settlement of claims by the IPTCA against a nationwide workers compensation claims processor, revising the procedures and review of submitting and adjudicating such claims. He is currently one of the primary counsel in an action against the California Department of Public Health and other entities for violating the privacy rights of hundreds of recipients of HIV/AIDS medications in California, as well as other significant health care matters.

As part of his commitment to public interest litigation, Mr. Mansfield was one of the lead counsel in *Garrett v. City of Escondido*, 465 F.Supp. 2d 1043 (S.D. Cal. 2006), in the U.S. District Court for the Southern District of California, which successfully challenged the legality of the City of Escondido's immigration landlord-tenant enforcement ordinance, resulting in one of the first decisions addressing the constitutionality of local ordinances or state laws addressing immigration issues. Based on that and other work in the community performed by both him and the previous firm for which he was the managing partner (Rosner & Mansfield LLP), he and his firm was awarded the 2007 Public Service by a Law Firm Award by the San Diego County Bar Association. He also assisted the ACLU in obtaining a significant First Amendment victory regarding the improper seizure by the U.S. Government of property belonging to members of the Mongols Motorcycle Club (*Rivera v. Melson*, No. 2:09-cv-02435 DOC (JCx)(C.D. Cal.)). He was also involved in the "Joe Camel" teen smoking case, a landmark decision that permitted false advertising claims to proceed against a major tobacco company. *Mangini v. R.J. Reynolds*



*Tobacco Co.*(1994) 7 Cal.4th 1057. He also volunteers as a *pro tem* commissioner for the San Diego County Superior Court handling small claims and traffic matters.

Highlights from other successful actions where he was appointed as one of the lead class counsel include a class action against 23andMe arising out of claims relating to early genetic testing results, which was resolved as a class action settlement in arbitration valued at over \$10 million; a class action against Nvidia Corp. arising out of alleged defects in GPUs that resulted in class action settlement valued at over \$50 million (*In re Nvidia GTX 970 Graphics Card Litigation*, N.D. Ca. Case No. 15-CV-00760-PJH); an action against American Honda for misrepresenting gas mileage on Honda Civic Hybrids, resulting in a settlement valued at over \$400 million (*Lockabey v. American Honda*, S.D. Sup. Ct. Case No. 37-2010-00087755-CU-BT-CTL); and an action involving the unauthorized billing of consumers for overdraft fees on checking and debit account, resulting in the creation of a \$35 million common fund and significant *cy pres* contributions to several non-profit organizations (*Closson v. Bank of America*, San Francisco Superior Court Case No. CGC 04436877). He also prevailed, after a two-week long class action arbitration in January 2009, on behalf of a class of senior citizens residing at a senior living community who were charged entrance fees in violation of California's landlord-tenant laws, obtaining significant relief for the benefit of the class members and contributions for Alzheimer's Disease research (*VanPelt v. SRG*).

Mr. Mansfield was also one of the lead counsel in class action lawsuits against various utilities, including a class action against Sprint Communications for charging customers improper telephone fees for data plan communication, resulting in a settlement that fully refunded the vast majority of such charges (*Taylor v. Sprint Communications*, Case No. C07-CV-2231-W (RJB)); a class action involving billing customers for previously promised airtime, resulting in a class action settlement that gave over 1 million customers the ability to claim full reimbursement for the uncredited airtime (*Nelson v. Virgin Mobile*, Case No. 05-CV-1594-AJB); a case challenging Sprint's failure to provide a cancellation window when it imposed certain additional fees against customers in July 2003, resulting in a class-wide settlement returning Early Termination Fees that had been charged to consumers, as well as improving certain disclosure practices (*UCAN v. Sprint Spectrum LP*, San Diego Superior Court Case No. GIC 814461); and a class action *Maycumber v. PowerNet Global Telecommunications*, Case No. 06-cv-1773-H (RBB) (S.D. Cal.), which challenged the practice of charging a "Network Access Charge" as a tax when it was not, resulting in a significant refund of such charges. Mr. Mansfield also represented the public interest group UCAN in an action before the California Public Utilities Commission involving improper billing for Early Termination Fees, resulting in a refund of over \$18 million in fees to over 100,000 former Cingular Wireless customers (*In Re Cingular Wireless*, CPUC Case No. I.02-06-003), as well as an action challenging AT&T California's practice of terminating 911-only service to California residents in violation of the Public Utilities Code, resulting in a multi-million dollar fine and an order requiring significant practice changes (*UCAN v. SBC California*, CPUC Case No. C.05-11-011).

Mr. Mansfield is currently the President of the Association of Business Trial Lawyers, San Diego Chapter (Secretary – 2017; Treasurer – 2018; Vice President -- 2019); member of the Executive Committee (2008-present); Program Chair, 2017 ABTL Annual Seminar and 2018 ABTL Joint Board Retreat; Planning Committee member, 2016; Program Co-chair, 2009 ABTL Annual

Seminar; Co-chair, mini-annual seminar, 2009, 2013 and 2015; Editor, ABTL Report (2004-2009). He also is a Master member of the Enright Inn of Court, and in that capacity has been a team leader for numerous committees responsible for making presentations to members of Inn. He is a member of the Anti-Trust Section of California Bar Association (now California Lawyers Association), where he participated in committee that made presentation to State's Anti-trust and Unfair Competition Law section related to Proposition 64 (2005). Previously Mr. Mansfield was a Lawyer Representative to the Ninth Circuit Judicial Conference, Southern District of California (6/2008 to 6/2010), where he helped create and make presentations to the Southern District of California Judicial Conference, as well as attended the Ninth Circuit Judicial Conference in 2009. He is also a member of the San Diego County Bar Association, the Federal Bar Association, San Diego Chapter, the Consumer Attorneys of San Diego, and the American Bar Association.

Mr. Mansfield has been a panelist or speaker on numerous issues, including the following: California Center for Judicial Education And Research (July 2001) – participant in panel discussion on mechanics of Bus. & Prof. Code Section 17200 (“UCL”) to state court judges in continuing legal education program for judges; The Rutter Group (2001) -- panel discussion on mechanics of UCL; Consumer Financial Services Litigation (PLI, April 2000 and 2001) – participant in panel discussion on choice of law issues arising in nationwide class certification and jurisdictional issues arising from being engaged in Internet activities; Judge Advocate General Naval Training Center (Nov. 2004) – lectured on procedure and substance of state consumer protection statutes at training session for JAG officers from around the Western U.S.; Mealey's Unfair Competition Law Annual Section 17200 Seminar (Nov. 2004) – participant in panel discussion on anticipated litigation issues under UCL; California State Bar Association, Antitrust and Unfair Competition Annual Seminar (May 2005) – participant in panel discussion on class certification issues arising under UCL in light of then recent amendments to Proposition 64; Southern District of California Judicial Conference (May 2008) – participant in panel discussion on identity theft issues and protections available to victims; Mealey's “Weathering Mass Tort and Class Action Settlement Negotiations” (Feb. 2008) – participated in tele-seminar re: ethical issues involved in class actions; Privacy Foundation, University of Denver School of Law (February 2004, 2005, 2007, 2009, 2011 and 2015) – lectured and participated in several panels where discussed federal privacy issues; University of San Diego School of Law (Spring 2008) – guest lecturer in class on Mediation and Arbitration on class action mediation and arbitration issues; Privacy Advocates Seminar (May 2009) – Moderator of panel on trends and limitations in privacy litigation and potential role of cy pres awards in resolving privacy matters; State Bar of California Unfair Competition Law Section “Navigating the Waters: Understanding the Intricacies of California's Unfair Competition Law” (June 2010) — panelist on recent developments under UCL.

Mr. Mansfield has also authored a treatise and articles on a variety of consumer law related issues. In 2003 Mr. Mansfield wrote the chapter and later the 2005 update on California's Consumers Legal Remedies Act, published by the California Bar Association in California Antitrust and Unfair Competition Law – Third, Ch. 19 at 150 (Matthew Bender & Co. 2003). He also assisted in the 2009 revision of the same chapter for the Antitrust and Unfair Competition Law Section, The State Bar of California, California State Antitrust and Unfair Competition Law Fourth, Ch. 19 (Cheryl Lee Johnson, ed., Matthew Bender & Co. 2009). Articles written by Mr.

Mansfield include: The ABTL Annual Seminar Keynote Presentation “Watergate: The Ultimate Crisis Event”, ABTL Report San Diego (Winter 2017-18) at 6 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Another Post-Concepcion Twist – California Supreme Court Rules Claims for Public Injunctive Relief May Not Be Subject to Arbitration, ABTL Report San Diego (Spring 2017) at 17 ([www.abtl.org/sd](http://www.abtl.org/sd)); Would You Consider Making Scriptural References in a Closing Argument? ABTL Report San Diego (Winter 2016) at 16 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); How Does Sanchez v. Valencia Holding Co. Change The Arbitration Equation In California? ABTL Report San Diego (Fall 2015) at 1 (co-authored with Michael Klitzke) ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Class Action Waivers After the Supreme Court Decision in AT&T v. Concepcion, ABTL Report San Diego (Summer 2011) at 4 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); republished in the San Diego Defense Bar Journal (Summer 2011); Kwikset Corp. v. Superior Court: Re-affirming the Vitality of Private Enforcement of the Unfair Competition Law, Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Vol. 20, No. 1 (Spring 2011)(co-authored with Hon. Pamela M. Parker); Supreme Court's Most Recent Prop. 64 Decision Provides Guidance On Standing, ABTL Report San Diego (Winter 2011) at 1 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Dukes v. Walmart – the Ninth Circuit’s Analysis of How “Merits” Evidence is to be Weighed In Deciding Class Certification, ABTL Report San Diego (Summer 2010) at 7 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); The Proper Scope of Expert Analysis In the Context of Class Certification, Program Materials for American Association for Justice Annual Seminar (July 2009) (co-authored with W. Tucker Brown); The Revised Standards for Publication of Appellate Decisions, ABTL Report San Diego (June 2008) at 4 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Is Your Client Prepared to Comply With the Data Security Breach Notification Laws?, ABTL Report San Diego (Spring 2007) at 4 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Behind The Red Cover: A Writ Petition Primer, ABTL Report San Diego (November 2005) at 1 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Has The Class Certification Inquiry Changed Due To Proposition 64? Program Materials for California's Unfair Competition Law After Proposition 64, State Bar of California Antitrust and Unfair Competition Section Seminar (May 2005); Litigation Involving Websites and Personal Privacy on the Internet - A Balance Gone Askew, Consumer Attorneys of California, Forum Vol. 32, No. 8 at 22 (October 2002)(co-wrote with William Doyle); Hartwell: Are Courtroom Doors Open to Litigation Involving Regulated Industries? ABTL Report San Diego (August 2002) at 1 ([www.abtl.org/report/sd](http://www.abtl.org/report/sd)); Litigation Arising from the Use of Websites, Consumer Financial Services Litigation at 57 (PLI, April 2001); Nationwide Class Actions in State Court: Starting with Shutts, Consumer Financial Services Litigation at 263 (PLI, April 2000); Kraus, Cortez and Future Battlegrounds In Representative Actions under the Unfair Competition Law, Consumer Attorneys of California, Forum, Vol. 30, No. 6 at 233 (July/August 2000) (co-authored with Mark Chavez); Private Enforcement of California's Unfair Business Practices Act, Program Materials for Consumer Attorneys of California Annual Seminar (November 1997); and Life After BMW v. Gore - Who Is Now the Trier of Fact?, Consumer Financial Services Litigation (Supplement) at 55 (PLI, April 1997).

Mr. Mansfield received his B.S. degree, *cum laude*, in Business Administration - Finance from California Polytechnic State University, San Luis Obispo in 1983 and his *Juris Doctorate* degree from the University of Denver School of Law in 1986. He is admitted to the Bar of the State of California, to the United States District Courts for all Districts of California, to the United States District Court for the Districts of Colorado and Michigan, to the Second, Third, Fifth, Sixth,

Ninth and Tenth Circuit Courts of Appeal, and to the Supreme Court of the United States of America. Mr. Mansfield is Of Counsel to the Firm.

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### **Deborah Winegard**

Ms. Winegard focuses her practice on healthcare litigation, primarily representing physicians, ambulatory surgery centers, and other healthcare providers in disputes with third party payers and in antitrust litigation against health insurers and healthcare systems. Ms. Winegard also represents medical societies and organizations advocating for physician interests with payers and government.

Ms. Winegard speaks widely on healthcare and reimbursement issues affecting physicians. She has given presentations for the American Medical Association, the Ambulatory Surgery Center Association, the American Society of Medical Association Counsel, the Medical Group Managers Association, and several state and specialty medical associations. Ms. Winegard has published articles in several publications, including *Connecticut Medicine*, published by the Connecticut State Medical Society, and *Texas Medicine*, published by the Texas Medical Association. A webinar on RAC and other medical audits Ms. Winegard conducted for the Physicians Advocacy Institute is available on that organization's website.

Ms. Winegard's prior experience includes serving as the General Counsel and Director of Third Party Payer Advocacy for the Medical Association of Georgia, as General Counsel and Senior Vice President for the California Medical Association, as Law & Government Affairs Vice President for four states for AT&T, and as an Associate on King & Spalding's Healthcare Team.

Ms. Winegard served as the Facilitator for the MDL settlements with Aetna, Blue Cross Blue Shield Association, Capital Blue Cross, CIGNA, Health Net, and Humana, handling compliance disputes brought by physicians who complained that these health insurers had violated the settlement agreements reached in the MDL healthcare litigation.

Ms. Winegard graduated *magna cum laude* with a B.A. in Politics from Wake Forest University in 1979, where she was elected to the Phi Beta Kappa honor society. She earned her J.D. with honors from George Washington University in 1982. She is admitted to practice in Georgia, as well as in the United States District Court for the Northern District of Georgia.

Ms. Winegard is based in Atlanta, where she serves as a member of the Board of Governors and Chair of the Audit Committee for LifeLink Foundation. She has previously held leadership positions for the Health Law Section of the State Bar of Georgia, the Georgia Association for Women Lawyers, and the National Kidney Foundation of Georgia, and has also served on the Boards of Directors for the Alliance Française d'Atlanta and the Boys & Girls Clubs of Metro Atlanta.

Ms. Winegard speaks French and Spanish. Ms. Winegard is Of Counsel to the Firm.

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**Sara Hacker Collins**

Ms. Collins is a member of the Alabama Bar (2005). She is a member of the Alabama State Bar, Birmingham Bar Association and Farrah Law Society. She graduated from Auburn University (B.A. magna cum laude, 2002) and the University of Alabama School of Law (J.D., 2005) where she was Senior Editor of the *Alabama Law Review*. Following law school she served as law clerk for Judge Patricia Smith, Alabama Supreme Court (2005-2006) and for Judge Inge Johnson, U. S. District Judge, Northern District of Alabama (2006-2007).

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**D. Jamie Carruth**

Mr. Carruth practices in the areas of healthcare litigation, antitrust, product liability, consumer protection, complex litigation, and class actions. He represents physicians, medical practices, and ambulatory surgical centers in reimbursement and contract disputes against managed care companies. He represents clients in alternative dispute resolution proceedings in addition to state and federal courts. He specializes in using the latest technology to assist clients in efficiently navigating the E-Discovery process. He is a member of the Alabama Bar since 2004 and is admitted to practice in the United States District Court for the Northern District of Alabama. He is a member of the American and Birmingham Bar Associations. He received a B.A. in political science from the University of Alabama, Tuscaloosa, Alabama in 2001 and obtained a J.D. in 2004 from the University of Alabama School of Law, Tuscaloosa, Alabama.

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**C. Nicholas Dorman**

Mr. Dorman is an associate in the firm's Birmingham office. His practice is focused on healthcare and antitrust litigation, and he primarily represents healthcare providers challenging anticompetitive practices of insurers and health systems. He also has experience representing both providers and consumers in healthcare litigation involving claims under ERISA and RICO, and representing whistleblowers in *qui tam* litigation under the False Claims Act. He has represented clients in both class and individual antitrust litigation and has taken antitrust cases to trial, obtaining jury verdicts or favorable settlements for his clients.

Mr. Dorman graduated first in his class from the University of Florida Levin College of Law, receiving book awards in Antitrust: Healthcare; Appellate Advocacy; Constitutional Law; Consumer Law; Electronic Discovery, and Electronic Discovery: Search and Data Analysis. He served on the Florida Law Review as Managing Editor. While in law school, he also served as an extern to Hon. Gary R. Jones and to Hon. Maurice M. Paul, both of the U.S. District Court for the Northern District of Florida.

Mr. Dorman is a member of the Florida Bar and is admitted to practice before the U.S. District Courts for the Northern, Middle, and Southern Districts of Florida. He is a member of the Healthcare and Antitrust Sections of the American Bar Association and is a member of Public Justice.



Mr. Dorman is not admitted to practice in the State of Alabama.

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**T. Kenneth Foster**

T. Kenneth Foster is an attorney with the Firm. He received his B.S. with honors in Business Administration from The University of Alabama in 1968 and his J.D. from The University of Alabama School of Law in 2000. Following law school, he was in private practice for over 15 years, handling both civil and criminal matters. He is a member of the Alabama Bar Association. Prior to attending law school, Mr. Foster worked for several grain processing and milling companies, serving as past president and on the board of directors of the Home Baking Association, a national milling trade association.

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**Charles N. Miller**

Charles N. Miller is an attorney with the Firm. He received a B.A. in Political Science from Auburn University in 1992. He received his J.D. *summa cum laude* from the Birmingham School of Law in 2011. Mr. Miller is admitted to practice in Alabama and the Northern District of Alabama. He has litigation experience in the automotive industry and criminal law and is a member of the Bessemer Bar. Mr. Miller is a professor at the Birmingham School of Law where he teaches Torts, Alabama Law of Damages, and Civil Discovery.

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**Cody B. Isbell**

Cody B. Isbell is an attorney in the Firm's Birmingham office. He received his B.S. in Criminal Justice from Faulkner University in 2012. He received his J.D. from Cumberland School of Law in 2015. He was a semi-finalist in the Robert B. Donworth Moot Court Competition. Following law school, he practiced as a personal injury attorney in Birmingham. He has been a member of the Alabama State Bar since 2015.

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