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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION	*	MDL No. 2804
	*	
OPIATE LITIGATION	*	CASE NO. 1:17CV2804
	*	
	*	JUDGE DAN AARON POLSTER
	*	
<i>This document relates to: All cases</i>	*	
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**MEMORANDUM IN RESPONSE TO MOTION FILED TO APPROVE A LIST OF  
INDIVIDUALS TO SERVE AS CO-LEADS, CO-LIAISON  
AND A PLAINTIFFS EXECUTIVE COMMITTEE ON BEHALF OF PLAINTIFFS IN  
THIS MDL ALSO TO APPOINT LIAISON COUNSEL AND LEADERSHIP  
COMMITTEES FOR A SEPARATE CASE TRACK FOR LABOR UNIONS AND THIRD  
PARTY PAYOR PLAINTIFFS'**

**I. INTRODUCTION**

This Honorable Court held a telephone conference on December 13, 2017 during which the Court requested plaintiffs' counsel meet and confer regarding recommendation for liaison and steering committees. The Court requested recommendations be submitted to the Court by noon eastern time on December 20, 2017.<sup>1</sup>

On December 18, 2017, Plaintiffs' Counsel held an Organizational Meeting in Cleveland, Ohio where the leadership organizational structure was discussed. At that meeting, a slate of counsel was presented and approved by a voice vote. Shortly before the noon deadline on December 20, a motion entitled Plaintiffs' Motion to Approve Co-Leads, Co-Liaisons, and

<sup>1</sup> Rec doc. 16 p. 50, l. 13-20.

Plaintiffs' Executive Committee was filed (Record Doc. 16) seeking the appointment of the slate of counsel presented at the December 18, 2017 organizational meeting.

This response memorandum is presented by a group of attorneys who represent Third Party Payors (TPP's). TPP's are Health Insurers, Union Health, Welfare, and Benefit Funds, and other end payors who provide health and welfare benefits including prescription drug benefits. This category of plaintiffs comprises large national health insurers, international union health and welfare funds, and small local union health and welfare funds, and everything in between, making up a class of more than 30,000 health insurers, union funds, and other end payors. The TPP's pay for and/or provide reimbursement for some or the entire purchase price on behalf of their members for prescription, including prescription opioids which are manufactured, marketed, promoted, sold, and/or distributed by the Defendants. In addition, unlike governmental entities and other plaintiff categories, TPP's damages can be determined from the review and analysis of their prescription purchases during the relevant period. As such, the presence of TPPs in the litigation will result in defenses that are unique to TPP's, certain discovery that is unique to TPP's, settlement discussion that is unique to TPPs, as well as litigation strategies and motion practice that is unique to TPPs. Thus, the TPPs suggest that in addition to the slate of counsel submitted by Plaintiffs on December 20, a separate TPP track and leadership committee to manage those issues that are unique to TPPs.

Such an approach has been used in other complex litigation. Indeed, just this summer *in In re Generic Pharmaceutical Pricing Antitrust Litigation*, MDL 2724, Judge Rufe appointed three separate plaintiff steering committees consisting of a Direct Purchasers PSC, and End Payor (i.e., Third Party Payor) PSC, and an Indirect Reseller PSC.<sup>2</sup>

<sup>2</sup> See attached *in In re Generic Pharmaceutical Pricing Antitrust Litigation*, MDL 2724, PTO 21 (entered May 19, 2017).

On December 21, 2017 the Plaintiffs filed an amended Motion to Approve Co-Leads, Co-Liaisons, and Executive Committee.<sup>3</sup> In that amended motion, the plaintiffs suggest the creation of Plaintiff Steering Committees to be composed of lawyers who represent many of the diverse interests and wide range of categories of clients that are part of this litigation.<sup>4</sup> As stated above one such category is the Third-Party Payor, and in keeping with the plaintiffs' suggestion to appoint PSC's, undersigned counsel suggests the appointment of a TPP PSC comprised of the lawyers listed, *infra*.

Counsel for the TPP Plaintiffs held a telephone conference on December 19, 2017, during which the proposed TPP track committees were discussed. Afterwards, upon reviewing the slate of committee members proposed by the Plaintiffs in their Motion, James Dugan recognized the absence of John Climaco from the proposal. He contacted Mr. Climaco about participating on behalf of TTP and unions due to Mr. Climaco's extensive experience representing unions.

To date there are 179 opioid cases which have been transferred into the MDL, of which 173 are on behalf of states, counties, and other governmental entities. To date there are ten TPP cases transferred or to be transferred to the MDL:

- a. *Sheet Metal Workers Local 25 Health & Welfare Fund on behalf of itself and all others similarly situated v. Purdue Pharma, LP, et al*, No.17-cv-5079;
- b. *United Food and Commercial Workers Health and Welfare Fund of Northeastern Pennsylvania on behalf of itself and all others similarly situated v. Purdue Pharma LP, et al.* No. 17-cv-5078.
- c. *Philadelphia Federation of Teachers Health and Welfare Fund, Individually and on Behalf of All Others Similarly Situated v Purdue Pharma, LP, et al.*, No 2:17-cv-4746;
- d. *IBEW Local 38 Health and Welfare Fund, on behalf of itself and all others similarly situated v. Purdue Pharma, LP, et al*, 1:17-cv-02171 (ND Ohio).

<sup>3</sup> Record Doc. 17.

<sup>4</sup> *Id.*, p.2

- e. *Laborers 17 Health Benefit Fund v. Purdue Pharma, L.P., et al.*, 1:17-cv-09877-(S.D.N.Y.)
- f. *Teamsters Local 493 Health Services and Insurance Plan v. Purdue Pharma, et al.*, Case No.: 3:17-cv-02092 (D. Conn.);
- g. *Teamsters Local 671 Health Services and Insurance Plan v. Purdue Pharma, et al.*, Case No.: 3:17-cv-02093 (D. Conn.);
- h. *Teamsters Local 677 Health Services and Insurance Plan v. Purdue Pharma, et al.*, Case No.: 3:17-cv-02094 (D. Conn.);
- i. *IBEW Local 90 Benefits Plan v. Purdue Pharma, L.P., et al.*, Case No.: 3:17-cv-02095 (D. Conn.);
- j. *Teamsters Health Services and Insurance Plan Local 404 v. Purdue Pharma, LP et al.*, 3:17-cv-12342 (D. Mass.).

Inasmuch as during the telephone conference on December 13, 2017, the possibility of separate case tracks and leadership were discussed; and further that plaintiffs have amended their motion to suggest, consistent with the Manual For Complex Litigation (4th Edition), the creation of PSCs, the undersigned Third Party Payor counsel have conferred and agreed upon the following leadership committees and liaison counsel for the TPP Plaintiffs' Case Track, which they now submit for the Court's consideration:

**Co-Lead Counsel**

- James Dugan – The Dugan Law Firm
- Gerry Lawrence – Lowey Dannenberg Cohen & Hart, P.C.
- John Climaco, Climaco, Wilcox, Peca & Garofoli, L.P.A

**Liaison Counsel**

- John R. Climaco, Climaco, Wilcox, Peca & Garofoli, L.P.A

**Executive Committee**

- Frank Schirripa – Hach Rose Schirripa & Cheverie LLP
- Pam B. Slate and Mark M. Sandmann – Hill, Hill, Carter, Franco, Cole & Black, P.C.
- Adam Pessin – Fine, Kaplan & Black, R.P.C.
- Eric Young and Jayne Goldstein – Sheperd, Finkelman, Miller & Shaw, LLP
- James L. Ferraro – The Ferraro Law Firm, P.A.

The Third Party Payor Plaintiffs' Liaison Counsel and Leadership Committees will work in concert with the leadership committees appointed for the governmental entities to best facilitate the just and efficient conduct of this litigation.

## II. LEGAL STANDARDS

The Sixth Circuit applies Rule 23(g) from the Federal Rules of Civil Procedure, pertaining to class actions. According to the rule, in relevant part, the Court must consider:<sup>5</sup>

- (i) the work counsel has done in identifying or investigating potential claims in the action
- (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action;
- (iii) counsel's knowledge of the applicable law; and
- (iv) the resources that counsel will commit to representing the class

The Court may consider any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class.<sup>6</sup> Similarly, Rule 23(g)(4) adds that Class counsel must fairly and adequately represent the interests of the class.<sup>7</sup> Rule 23(g)(2) specifically states that applicants must be adequate under 23(g)(1) and 23(g)(4) to meet the standard for court appointment.<sup>8</sup>

Rule 23(g)(1)(A) *mandates* consideration of the four factors identified in that sub-section, and Rule 23(g)(1)(B) permits consideration of "any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class."<sup>9</sup> Similarly, Rule 23(g)(4) *requires* class counsel to represent the class "fairly and adequately."<sup>10</sup> The court should be confident that any

<sup>5</sup> Fed. R. Civ. P. 23(g)(1)(A).

<sup>6</sup> Fed. R. Civ. P. 23(g)(1)(B).

<sup>7</sup> Fed. R. Civ. P. 23(g)(4).

<sup>8</sup> See Fed. R. Civ. P. 23(g)(2); see also *Pund v. City of Bedford, Ohio*, No. 1:16CV1076, 2017 WL 3219710, at \*6-7 (N.D. Ohio July 28, 2017).

<sup>9</sup> *Stanich v. Travelers Indem. Co.*, 259 F.R.D. 294, 319 (N.D. Ohio 2009) (emphasis included); see also, e.g., *Jenkins v. Hyundai Motor Fin. Co.*, 2008 WL 781862, at \*9 (S.D. Ohio Mar. 24, 2008).

<sup>10</sup> *Stanich*, 259 F.R.D. at 319

counsel appointed will fulfill its obligation to act fairly, efficiently, and economically in the interest of all parties and parties' counsel.<sup>11</sup>

### **III. ARGUMENT**

Movers herein represent TPP's, i.e., Health Insurers, Union Health, Welfare, and Benefit Funds, and other end payors who provide health and welfare benefits including prescription drug benefits. The proposed TPP co-lead counsel, as detailed in the *curricula vitae*, have years of experience. Their collective experiences include representing various third-party payors, including Taft-Hartley plans, self-funded employer plans, smaller regional health plans and large national health. The group includes the thought leaders in the field over the last twenty five years.

#### **Co-Lead Counsel**

**James Dugan, The Dugan Law Firm:** James R. Dugan, II, is the founding partner of The Dugan Law Firm, APLC. Mr. Dugan began his career working with the late Wendell H. Gauthier and the Law Firm of Gauthier, Downing, LaBarre, Beiser & Dean in the areas of class action, mass tort, and complex litigation, beginning with the seminal class action lawsuit filed against the tobacco industry on the basis of nicotine addiction, *Castano v. American Tobacco, et al.* which resulted in a multi-billion settlement. After Mr. Gauthier's untimely death in December of 2001, Mr. Dugan formed the Dugan & Browne Law Firm, the predecessor to The Dugan Law Firm and he continues to specialize in class action and mass tort litigation.

Over the years, Mr. Dugan has specialized in the area of complex litigation representing numerous consumers and third party-payors, including Blue Cross of Louisiana and other health insurers in cases against the manufacturers of Synthroid, Fen-Phen, Rezulin, Neurontin, Vioxx, Zyprexa, Bextra/Celebrex, Oxycontin, Ketek, Effexor, Prograf, Skelaxin, Nexium, and

<sup>11</sup>See *In re Cardinal Health, Inc. ERISA Litig.*, 225 F.R.D. 552, 555 (S.D. Ohio 2005) (internal citations omitted).

Suboxone. Mr. Dugan also represented the Louisiana Attorney General in the Synthroid, Baycol, Rezulin, Vioxx, and Ketek litigations to recoup medical costs the state Medicaid program expended over these drugs.

As a result of his demonstrated skill and experience in class action and mass tort practice, Mr. Dugan has been appointed by the court to serve in key leadership positions in a number of large national federal court class actions, a list of which is included in Mr. Dugan's curriculum vitae.<sup>12</sup>

**Gerald Lawrence, Lowey Dannenberg, P.C.:** since the 1960s, Lowey Dannenberg ("Lowey") has represented sophisticated clients in complex litigation involving healthcare cost recovery actions, antitrust violations, commodities, securities, and shareholder and board actions. Lowey Dannenberg has recovered hundreds of millions of dollars for these clients, which include Fortune 100 companies such as nationwide health insures Aetna, Inc., Anthem, Inc., Cigna, and Humana. Lowey Dannenberg is prosecuting or has successfully prosecuted, as court appointed lead or co-lead class counsel or individual plaintiff's counsel, numerous complex actions involving healthcare and prescription drug overcharge litigation, a list of which is include in the firm curriculum vitae attached. Besides Lowey Dannenberg's extensive experience and success in actions involving healthcare and prescription drug overcharge litigation Lowey has also been appointed co-lead or lead class counsel in cases involving manipulation and restraints of trade of commodity and commodity futures markets. Lowey Dannenberg has 40 years of experience in prosecuting and funding complex class action litigation, and a staff of over forty attorneys prepared to vigorously and efficiently litigate this case on behalf of the Plaintiffs and the class. The firm has advanced millions of dollars on behalf of the classes they have represented, is well-

<sup>12</sup> Ex. 2, James Dugan curriculum vitae.

capitalized, and is prepared to advance similar substantial sums in the prosecution.<sup>13</sup>

Mr. Lawrence is the Chief Operating Officer of the Firm. Mr. Lawrence has been seven times recognized as one of the "Top 100 Lawyers in Pennsylvania" or as one of the "Top 100 Lawyers in Philadelphia" in a survey of lawyers and judges published in *Philadelphia Magazine*, and previously published in the *Philadelphia Inquirer*. In 2016, he was also again selected by *American Lawyer Media* as "one of New York's Top Rated Lawyers" as published in the *New York Law Journal* and *New York Magazine*. In addition, he has been recognized as a "Pennsylvania Super Lawyer" every year since 2005.

**John R. Climaco, Climaco, Wilcox, Peca & Garofoli, L.P.A.:** John R. Climaco, a 1967 graduate of Case Western Reserve University Law School, began his career as a sole practitioner which eventually evolved into a 65-member law firm with offices in Cleveland and Columbus, Ohio, Washington, D.C. and Louisiana. Climaco, Wilcox, Peca & Garofoli Co., L.P.A. John served as General Counsel of the International Brotherhood of Teamsters ("IBT") from 1984 until 1988.

**As General Counsel to the IBT, among other significant matters, John:**

- Negotiated the re-affiliation of the IBT with the AFL-CIO.
- Developed a truce with Cesar Chavez, co-founder of the United Farm Workers, and the IBT over migrant farm workers in California.
- Represented the IBT and its elected officials before Congressional Committees, in particular the U.S. Senate's Labor, Judiciary and Permanent Subcommittee on Investigations.
- Represented the IBT and its elected officials before the President's Commission on Organized Crime.
- Represented the IBT in the early stages of the Civil Rico government takeover action and was counsel in the IBT's only victory.
- Developed and successfully litigated the first Civil Rico case filed by a Labor Union against an employer -- Central Transport.
- Represented the Central Conference of Teamsters Pension and Health and Welfare Funds.

<sup>13</sup> Ex. 3, Lowey Dannenberg curriculum vitae.

John also served as General Counsel to a newly chartered statewide Ohio Teamster Public Employee Union. As a result, at the personal request of then Ohio Governor John G. Gilligan, he quelled a statewide “wildcat strike” by an Ohio Prison Guards’ Union, which led to the enactment of Ohio’s Public Employment Collective Bargaining Laws.

John has served in Leadership roles in MDL’s before the Honorable Dan Aaron Polster. January 27, 2010 Dannon Activia - \$45 Million national class settlement including injunctive relief removing “scientifically proven” “clinically proven” and “immunity” language from all packaging, labeling and advertising. John was Co-Lead Counsel and one of five Class Counsel. *Gemelas v. The Dannon Co., Inc., et al.*, U.S.D.C. N.D. Ohio, Case No. 1:08-cv-236 alleging violations of the consumer protection laws on behalf of a national class of consumers arising from Dannon’s contention that its DanActive yogurt is “scientifically and clinically proven” to aid digestion.

July, 2010 Fleet Oral Sodium Phosphate \$100+ Million Dollar Mass Tort (443 cases) Confidential Settlement, John was appointed National Liaison Counsel by The Honorable Ann Aldrich and subsequently by the Honorable Dan Aaron Polster, *In re: Oral Sodium Phosphate Solution-Based Products Liability Action*, Case No. 1:09-sp-80000, (MDL Docket No. 2066), United States District Court, Northern District Of Ohio, Eastern Division<sup>14</sup>.

#### **Liaison Counsel**

**John R. Climaco, Climaco, Wilcox, Peca & Garofoli Co., L.P.A.: (SEE ABOVE)**

#### **Executive Committee**

**Frank Schirripa, Hach Rose Schirripa & Cheverie LLP:** Frank Schirripa focuses his practice on representing institutional investors – predominantly Taft-Hartley pension and benefit

<sup>14</sup> Ex. 1- John R. Climaco curriculum vitae.

funds – that have been damaged as the result of securities fraud or corporate malfeasance. Throughout his career, Mr. Schirripa has specialized in handling highly complex multi-party litigation in federal and state courts throughout the United States and has served in a lead, co-lead or representative capacity across a full spectrum of industries (cellular and landline telecommunications, financial services, healthcare, insurance, manufacturing, pharmaceuticals, retail, stock broker and exchange, technology, and utilities) and practices (antitrust, consumer and investor fraud and protection, employment, and shareholder derivative actions) that encompass HRSC’s complex litigation practice. Mr. Schirripa has represented the rights of consumers, shareholders and investors in high profile and precedent-setting class action litigation involving such companies as BNY Mellon, Bombardier, Inc., Consolidated Rail Company, Darden Restaurants, Inc., Dynex Capital, Inc., Facebook, Inc., Leap Wireless, Inc., Nicor Corp., The Rawlings Company, SPX Corp., Tidel Technologies, Inc., Volkswagen AG, Westar Energy, Inc., and Williams Companies, Inc. Prior to founding the Firm, Mr. Schirripa practiced securities and consumer class action law at two prominent New York class action law firms.

Mr. Schirripa’s skills and expertise as a class action litigator have been recognized by colleagues, courts and private institutions. Mr. Schirripa’s skill, perseverance and diligent advocacy was acknowledged by the Courts. Most recently, in *In re BNY Mellon FOREX Transaction Litigation*, MDL No. 2335 (S.D.N.Y. Sept. 24, 2015), Judge Kaplan noted:

This really was an extraordinary case in which plaintiffs’ counsel performed, at no small risk, an extraordinary service, .... They did a wonderful job in this case, and I’ve seen a lot of wonderful lawyers over the years. This was a great performance. This was an outrageous wrong committed by the Bank of New York Mellon, and plaintiffs’ counsel deserve a world of credit for taking it on, for running the risk, for financing it and doing a great job.

In *In re SPX Corp. Securities Litigation*, 3:04-CV-99 (W.D.N.C.), the Court commended class counsel for its “skill perseverance[,] ... diligent advocacy” and “aggressive representation”

of the class in achieving “from a financial standpoint. A very fair settlement” aggregating \$10 million, or approximately 22 percent of the maximum recoverable damages, noting that class counsel is among the “leading attorneys in the country in the area of class actions” and is “extremely competent” and “very experienced.”<sup>15</sup>

**Pamela B. Slate & Mark M. Sandmann, Hill, Hill, Carter, Franco, Cole & Black, P.C.:** Hill Hill Carter’s health care recovery practice is operated out of Montgomery, Alabama, and Louisville, Kentucky. The firm was established in 1924 in Montgomery, but now has offices in four locations with 25 lawyers, and is a WBE-certified woman-owned business and a member of the National Association of Minority and Women-Owned Law Firms. For decades the firm has provided representation to a great variety of clients in complex litigation, including health insurers and other TPPs in both class and individual litigation. Ms. Slate and Mr. Sandmann have each provided health care recovery representation to dozens of TPP clients over the past 20 years, in both antitrust and healthcare fraud litigation and in mass tort subrogation. Their clients include Blue Cross plans, large national insurers, and regional and local health plans.

Ms. Slate, who heads the practice from the Alabama offices, is a recognized expert in complex and class action litigation. She holds degrees from Birmingham-Southern College (mathematics), the University of Alabama at Birmingham (mechanical engineering), and Cumberland School of Law. She began practicing in the area of products liability, expanded her practice to include health care and environmental law, and has represented a variety of clients in complex litigation over the years, from the State of Alabama and large health insurers and healthcare providers, to whistleblowers and members of ERISA retirement funds. She was the managing partner of Slate Carter Comer for over 10 years and merged her practice into Hill Hill Carter in 2012, where she serves as a member of the firm’s management committee. She was co-

<sup>15</sup> Ex. 4, Frank Schirripa curriculum vitae.

lead counsel with James Dugan's firm for a class of TPPs in *In re Synthroid Marketing Litigation*, MDL 1182 (N.D. Ill.), where they successfully sought class certification for the first TPP class in the country. She also served as co-lead counsel in *In re Terazosin Hydrochloride Antitrust Litigation*, MDL 1317 (S.D. Fla.), in other leadership positions in multiple similar actions, and as appointed TPP allocation counsel in other matters.<sup>16</sup>

Mr. Sandmann heads the Kentucky office's health care recovery efforts, and joined the firm in 2015. He holds a B.S from the University of Missouri and a J.D. from Syracuse University College of Law. He has served as counsel for TPPs individually or as class counsel in many antitrust actions, including those related to Flonase, Hytrin, Skelaxin and Tricor, and currently serves as counsel to Medical Mutual of Ohio in *In re Effexor XR Antitrust Litigation*, 3:11-cv-05479 (PGS/LHG) (D.N.J.). He has recovered hundreds of millions of dollars for individual TPPs and classes of TPPs and consumers in pharmaceutical antitrust and marketing cases, and has recovered hundreds of millions more for his clients in mass tort subrogation.<sup>17</sup>

**Adam Pessin, Fine, Kaplan & Black, R.P.C.**: Fine, Kaplan and Black is a nationally recognized firm located in Philadelphia, Pennsylvania, which devotes its practice entirely to litigation, with particular emphasis on antitrust, class actions, complex commercial litigation, consumer protection and white collar criminal defense. Since its formation in 1975, the Firm has been involved in many of the most significant antitrust and class action cases in federal and state courts.<sup>18</sup>

Mr. Pessin has served on the leadership team for class plaintiffs in multiple cases, including *In re Aftermarket Filters Antitrust Litig.*, MDL No. (N.D. Ill.) (resolved for settlements totaling approximately \$20 million) and *Standard Iron Works v. ArcelorMittal*, No. 08-5124

<sup>16</sup> <http://www.hillhillcarter.com/attorneys/pamela-b-slate/>

<sup>17</sup> <http://www.hillhillcarter.com/attorneys/mark-m-sandmann/>

<sup>18</sup> Ex. 5, Fine, Kaplan and Black, R.P.C. curriculum vitae.

(N.D. Ill.) (resolved for settlements totaling approximately \$200 million), and is currently part of the leadership team for end-payor plaintiffs (including third-party payers) in *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.). Mr. Pessin's roles in these and other class action cases have included overseeing and managing all aspects of complex litigation, including discovery, class certification and dispositive motions.

Adam J. Pessin is a partner at Fine Kaplan and Black in Philadelphia, where he focuses his practice on class actions, antitrust and complex commercial litigation. He is a graduate of Yale University, the University of Oxford (England) and the University of Pennsylvania Law School, magna cum laude, where he was an editor of the Law Review. Thereafter, he served as a law clerk for the Honorable Maryanne Trump Barry on the United States Court of Appeals for the Third Circuit. A list of representative cases is included in his curriculum vitae attached.<sup>19</sup>

**Eric Young and Jayne Goldstein, Shepherd Finkelman Miller & Shah LLP:**

Shepherd, Finkelman, Miller & Shah, LLP is a results driven law firm that is focused on delivering the highest level of service possible to our clients throughout the globe. SFMS believes that approaching the representation of our clients with considered judgment and candor, as well as the highest degree of courtesy, professionalism and zeal possible, provides the best opportunity for our clients to achieve and exceed their goals in any given matter. Having begun over ten years ago as a litigation boutique, SFMS has grown into a full-service firm that is able to meet its clients' needs in virtually any matter. The Firm maintains a number of offices in the United States that are strategically located to serve our clients. In addition, through a highly respected, global network of independent law, fiduciary trust and accounting firms, as well as affiliate offices, SFMS is able to effectively meet the needs of its clients throughout the world. Although our practice has grown in terms of geographic scope to meet client needs, SFMS

<sup>19</sup> Ex. 6. Adam Pessin curriculum vitae.

maintains the culture of a boutique law firm with attorneys and staff working in an interdisciplinary, team-based manner across and between different offices.<sup>20</sup>

Ms. Goldstein, one of the principal SFMS attorneys litigating this matter, has thirty-one years' legal experience and has recovered billions of dollars for classes. She has extensive antitrust experience, with robust experience in representing Third Party Payer Plaintiffs ("TPPs") in pharmaceutical class actions. Ms. Goldstein was a registered nurse before pursuing law, and currently maintains an active nursing license. Prior to 2000, she had a wide-ranging practice in Philadelphia, Pennsylvania and tried numerous complex civil actions. Since 2000, she focused on serving as plaintiffs' lead or co-lead counsel in antitrust, consumer, and securities class actions. In leading classes, Ms. Goldstein has gone to trial and in countless instances negotiated with defendants, fielded hearings, authored and argued dispositive motions, led discovery, corralled plaintiffs' firms' efforts, and presented these efforts to courts.

Ms. Goldstein spearheaded the charge challenging pharmaceutical companies' harmful anticompetitive conduct, including pay-for-delay agreements that artificially inflate prescription-drug prices by keeping generic versions off the market. Her active role in pioneering these antitrust cases began in the early 2000s, when generic-suppression cases had their genesis. Equipped with a background as a registered nurse and extensive experience litigating pharmaceutical antitrust class actions, Ms. Goldstein has enhanced ability to work seamlessly with medical experts, mobilize her comprehensive knowledge of the pharmaceuticals at issue, and understand the health-care system complexities. This exceptional experience arms Ms. Goldstein with knowledge tailor-made for this action. She is fluent in the intricacies of the payment system by which TPPs interact with their pharmacy-benefit-manager conduits for prescription-drug-benefit payments. Also, she has facility with various documents that plaintiffs

<sup>20</sup> Ex. 7, Shepherd, Finkelman, Miller & Shah, LLP curriculum vitae.

must produce, including formularies, pharmacy-benefit-manager agreements, and summary plan documents, resulting in her often being called upon to lead or assist TPPs' document productions. Moreover, moving for class certification on behalf of TPPs demands knowledge about the prescription-drug-process participants, key experts to be retained, and potential pitfalls to avoid.<sup>21</sup>

Attorney Eric L. Young, based in Philadelphia, has served as an advocate for the rights of labor organizations and employees for most of his legal career. He has represented union pension and health and welfare funds in a wide array of class actions involving corporate fraud and misconduct during the course of his 18-year legal career. Capitalizing on this experience, Attorney Young has become one of the nation's leading whistleblower attorneys. Attorney Young represents individuals filing qui tam lawsuits under the False Claims Act as well as those submitting tips to the Securities and Exchange Commission, Commodity Futures Trading Commission, and Internal Revenue Service. Attorney Young has also represented union benefit funds in numerous class action cases involving areas including, but are not limited to, securities fraud, anti-trust, and health care fraud. Prior to entering private practice, Attorney Young served as General Counsel of the United Food and Commercial Workers, Local 1776. UFCW Local 1776 is one of the largest local unions in the country.<sup>22</sup>

**James Ferraro, The Ferraro Law Firm:** Since 1985, the trial attorneys at The Ferraro Law Firm have been vigorously and successfully fighting for the rights of individuals injured due to the negligence or wrongful acts of others. With offices in Miami, Florida, Washington, D.C., and an affiliated office, Kelley & Ferraro, located in Cleveland, Ohio, as well as a significant presence nationwide, the Firm has earned its place as one of the top five law firms in the United

<sup>21</sup> Ex. 8, Jayne Goldstein curriculum vitae.

<sup>22</sup> Ex. 9, Eric Young curriculum vitae.

State in the areas of product liability, asbestos and environmental toxic tort lawsuits. Additionally, the Firm's attorneys have consistently and successfully represented victims of serious personal injuries, medical malpractice and defective drugs throughout Florida and the nation. Under the direction of founder James L. Ferraro, The Ferraro Law Firm concentrates on resolving the most serious injury cases, such as cancers caused by defective drugs, asbestos, work place diseases, catastrophic accidents, medical malpractice, product liability, environmental toxins, automobile defects and wrongful death. The Firm also has experience with over twenty (20) asbestos trusts for which Mr. Ferraro sits on the creditors' committees. The Ferraro Law Firm has the highest rating (AV) from Martindale-Hubbell, the leading rating service for law firms. As a leading plaintiff firm for mass torts and serious injury cases, The Ferraro Law Firm has the resources and expertise to argue and win even the most challenging cases. Through skillfully negotiated settlements and numerous jury trials, The Ferraro Law Firm has secured over \$1 billion for its clients in product liability matters.<sup>23</sup>

As demonstrated above, the proposed counsel is a capable and successful when acting as lead counsel or interim lead counsel in class actions.

## I. CONCLUSION

The Third-Party Payor and Union Plaintiffs agree with the suggestion that the appointment of PSCs is advisable to represent many of the diverse interests and wide range of categories of clients that are part of this litigation, and respectfully request this Honorable Court Appoint the TPP PSC as set forth herein.

Dated December 21, 2017

Signatures on following page.

<sup>23</sup> Ex. 10, The Ferraro Law Firm curriculum vitae.

Respectfully submitted:

*/s James Dugan* \_\_\_\_\_  
James R. Dugan, II (LSBA# 24785)  
Douglas R. Plymale (LSBA# 28409)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of December 2017, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through the Court CM/ECF Systems.

*/s/ John R. Climaco*  
John R. Climaco (0011456)

**JOHN R. CLIMACO  
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John R. Climaco, a 1967 graduate of Case Western Reserve University Law School, began his career as a sole practitioner which eventually evolved into a 65-member law firm with offices in Cleveland and Columbus, Ohio, Washington, D.C. and Louisiana. Climaco, Wilcox, Peca & Garofoli Co., L.P.A., currently a 9-member law firm.

John is licensed to practice in the State of Ohio, as well as United States District Courts for the Northern and Southern Districts of Ohio; Eastern and Western District of Louisiana; Eastern District of New York; Central District of California; Eastern District of Michigan; Eastern District of Texas; Southern District of Illinois; U.S. Courts of Appeals, Second and Sixth Circuits; U.S. Tax Court; U.S. Supreme Court.

Martindale Hubbell's highest rating, AV-pre-eminent, for legal ability and ethical standards.

National Law Journal named John one of the 100 most powerful lawyers in the United States.

Ohio Super Lawyer 2000 to present.

The National Trial Lawyers named John one of the Round Table 100 Most Influential Trial Lawyers in the country.

John devotes his comprehensive practice to General and Complex Litigation, including Class Actions, Securities ERISA, Mass Torts, Environmental, Toxic Tort, White Collar, Criminal Civil RICO, Labor Unions and Public Law matters.

Throughout his career, John has provided individuals, labor unions, private corporations and government excellent, diligent, efficient counsel including:

- The State of Ohio; City of Cleveland; Cleveland Board of Education
- Special Counsel, Ohio Attorney General's Office
- Special Counsel, Kent State University
- Special Counsel, Cuyahoga County, Ohio Prosecutor's Office

\* \* \*

- General Counsel, International Brotherhood of Teamsters, 1984 to July 1988
- Sammy Davis, Jr., 1974 until his untimely death in May, 1990.
- Police Officers. Assisted in organizing, drafted the Constitution and By-Laws and served as Counsel to the Cleveland Police Patrolmen's Association (CPPA) and the Ohio Patrolmen's Benevolent Association (OPBA) comprised of 6000 police officers throughout the State of Ohio for over forty (40) years. Currently serves as Civil Counsel to the Cleveland Fraternal Order of Police, Lodge No. 8.

In 1976, Congress revised the U. S. Bankruptcy Code and created the position of Bankruptcy Examiner. In September 1980, Federal Bankruptcy Judge, Mark Schlachet, appointed John the Examiner in the White Motors Chapter 11 Bankruptcy proceedings, which at that time was the largest industrial Chapter 11 Bankruptcy case ever filed under the recently enacted Bankruptcy Code. John's appointment as Examiner was the first appointment of an Examiner following creation of the position.

**U.S. Bankruptcy Judge O'Neil complimented John's role as Examiner:**

"The Examiner's performance was broad in scope, highly productive and most beneficial to results achieved. The Examiner brought to the case a representation of those interests that, in my judgment, would not have existed without that role and a representation that was critical to maintain that balance. Obviously, I believe that the Examiner made significant and substantial contributions to the White Motor reorganization." [Testimony of Wallace B. Askins, Chairman of White Motors] The Court concurs and lauds the Examiner's effort which conferred considerable benefit to the estates. He provided an independent, investigative role at the Court's request. Duties commendably performed included valued analyses and decisions on vital issues which proved significantly beneficial."

Beginning in the mid-1970's, John represented International Brotherhood of Teamsters ("IBT") General President, Jackie Presser, in union-related as well as personal white collar criminal matters.

He served as General Counsel of the IBT from 1984 until 1988 while still developing his Cleveland, Columbus and Washington, D.C. private practice.

**As General Counsel to the IBT, among other significant matters, John:**

- Negotiated the re-affiliation of the IBT with the AFL-CIO.
- Developed a truce with Cesar Chavez, co-founder of the United Farm Workers, and the IBT over migrant farm workers in California.

- Represented the IBT and its elected officials before Congressional Committees, in particular the U.S. Senate's Labor, Judiciary and Permanent Subcommittee on Investigations.
- Represented the IBT and its elected officials before the President's Commission on Organized Crime.
- Represented the IBT in the early stages of the Civil Rico government takeover action and was counsel in the IBT's only victory.
- Developed and successfully litigated the first Civil Rico case filed by a Labor Union against an employer -- Central Transport.
- Represented the Central Conference of Teamsters Pension and Health and Welfare Fund.

John served as General Counsel to a newly chartered statewide Ohio Teamster Public Employee Union. As a result, at the personal request of then Ohio Governor John G. Gilligan, he quelled a statewide "wildcat strike" by an Ohio Prison Guards' Union, which led to the enactment of Ohio's Public Employment Collective Bargaining Laws.

## SIGNIFICANT PRECEDENT DECISIONS

***Herm, et al. v. Stafford, et al.***, 461 F. Supp. 515 (1978), 601 F.2d 588 (6<sup>th</sup> Cir. 1979) established two year statute of limitations in S.E.C. Rule 10b-5 security fraud litigation.

Represented the Ohio Conference of Teamsters Pension and Health and Welfare Fund.

***Dennis J. Kucinich, et al. v. Mercedes Cotner, et al.***, 1978 WL219367 (Ohio App. 8<sup>th</sup> Dist.) Cleveland City Charter reserves to the electors of the City the power to remove from office the Mayor and Members of Council.

***Inland Refuse Transfer Co., et al. v. Browning-Ferris Industries of Ohio, Inc., et al.***, 15 Ohio St.3d 321 (1984) parole evidence is admissible in a contract dispute where the contract is not clear and unambiguous.

***William E. Brock, Secretary of Labor v. Loran W. Robbins, et al.***, 830 F.2d 640 (7<sup>th</sup> Cir. 1987).

***Albrecht v. Treon***, 118 Ohio St. 3d 348 (2008). John served as Special Counsel to the Cuyahoga County, Ohio Prosecutor's Office in a putative plaintiff and defendant class action suit filed in the United States District Court for the Southern District of Ohio against 87 Ohio county coroners and/or medical examiners in the state of Ohio who had removed, retained and disposed of body parts (brain) without prior notice to the next of kin. This was a long-standing practice involving thousands of potential claims and \$100 Million dollars in

damages. During meetings with attorney representatives of Ohio's 87 counties, John advocated an aggressive litigation strategy including seeking certification of a question of state law to the Ohio Supreme Court. While other attorneys objected, John's certified question of state law strategy was pursued. John's strategy prevailed and the Ohio Supreme Court established the precedent that the next of kin of a decedent upon whom an autopsy had been performed do not have a protected right under Ohio law to the decedent's tissues, organs, blood, or other body parts that have been removed and retained for forensic examination and testing. Based on the Ohio Supreme Court's answer to the certified question of state law John proposed; the United States District Court for the Southern District of Ohio dismissed Plaintiffs' putative class action lawsuit saving eighty-seven Ohio counties hundreds of millions of dollars in potential damages. *Albrecht v. Treon, et al.*, 889 N.E. 2d 120.

### **BILLION/MILLION DOLLAR SETTLEMENTS AND JURY VERDICTS**

#### **\$246 Billion Dollar Class Action Settlement Against the Tobacco Industry**

From 1994 to date, John has been a member of the Castano Plaintiff's Legal Committee serving as acting Chairman of the PLC and Co-Chairman of various committees, including the Discovery, Trial and Fee Committees. In 1994, the Castano class action was the first class action filed against the tobacco industry alleging the nicotine addiction theory.

Castano, along with Mississippi, Texas and Florida are recognized as Tobacco Pioneers. The Pioneers' efforts resulted in the historic \$246 Billion settlement with the tobacco industry.

In 2000, CWPT&G and the other 50 Castano law firms received the "Breath of Life Award" from the American Lung Association for their work.

March 22, 1992, John was appointed by Thomas J. Lambros, former Chief Judge of the United States District Court, Northern District of Ohio as a member of the Plaintiffs' Steering Committee and Lead Trial Counsel in a case against USAir arising out of the crash of Flight 405 at LaGuardia Airport in March, 1992, *In Re: Air Disaster at New York LaGuardia Airport on March 22, 1992*, MDL Docket No. 936 (Multi-Million Dollar Individual Plaintiff verdicts).

**1999 Class Counsel in *Brack, et al. vs. General Motors Corporation***, Case No. CV 98 04046, Superior Court of New Mexico, County of Bernalillo (National Product Liability Multi-Million Dollar Settlement).

February 1, 2001, Member of the Plaintiffs' Steering Committee and Co-Chairman of the Discovery and Trial Committees *In Re: Baycol Litigation Products*, MDL 1431, U.S. District Court of Minnesota. (\$1.3 Billion in Settlements).

**July 6, 2001, The Honorable Judge Kathleen O'Malley appointed John as Co-Lead and Class Counsel in *In Re: Inter-Op Hip Prosthesis Liability Litigation*, MDL No. 1401, U.S. District Court, Northern District of Ohio, Eastern Division (\$3.2 Billion Settlement).**

**March 28, 2003, The Honorable Judge Donald C. Nugent appointed John as Co-Lead Counsel *In re: OM Group Securities Litigation*, Case No. 02CV-2163, U.S. District Court, Northern District of Ohio, Eastern Division (\$92.4 Million Settlement)**

**September 16, 2003 – The Honorable Kathleen M. O'Malley appointed John nationwide Liaison Counsel in *In Re: Welding Rod Products Liability Litigation*, MDL No. 1535, U.S. District Court, Northern District of Ohio, Eastern Division. John also serves on the Class Action Certification, Discovery & Trial Committees. (June 1, 2012 – Confidential Settlement).**

**2006, appointed Co-Lead Counsel in the matter *Opperman, et al. v. Cellco Partnership d/b/a Verizon Wireless*, Case No. BC 326764, Superior Court of the State of California for the County of Los Angeles which was a matter alleging consumer fraud claims on behalf of a national class. The Court approved a national class action settlement on behalf of consumers who activated Verizon wireless cellular service for a Motorola V710 telephone on or before January 31, 2005.**

**December 5, 2007 - \$20.5 Million Dollar Jury Verdict**, John was Lead Trial Counsel in *Tamraz v. Lincoln Elec. Co.*, United States District Court, Northern District of Ohio, Eastern Division Case No. 1:04-CV-18948, *In re: Welding Fume Products Liability Litigation*, Case No. 1:03-CV-17000 (MDL Docket No. 1535). The largest of only five Welding Fume Plaintiff verdicts. Reversed on Appeal. (June 1, 2012 Confidential Global Settlement).

**September 3, 2008 (\$37.5 Million global settlement)** Ohio Attorney General Marc Dann appointed John Co-counsel with Bernstein Litowitz Berger & Grossmann LLP for the Lead Plaintiff the State Teachers Retirement System of Ohio in the matter *In re Scottish Re Group Securities Litigation*, U.S.D.C. S.D. NY, Case No. 06-cv-5853 SAS. (\$37.5 Million Settlement)

**January 27, 2010 Dannon Activia - \$45 Million national class settlement** including injunctive relief removing “scientifically proven” “clinically proven” and “immunity” language from all packaging, labeling and advertising. John was Co-Lead Counsel and one of five Class Counsel. *Gemelas v. The Dannon Co., Inc., et al.*, U.S.D.C. N.D. Ohio, Case No. 1:08-cv-236 alleging violations of the consumer protection laws on behalf of a national class of consumers arising from Dannon’s contention that its DanActive yogurt is “scientifically and clinically proven” to aid digestion.

**July, 2010 Fleet Oral Sodium Phosphate \$100+ Million Dollar Mass Tort (443 cases) Confidential Settlement**, John was appointed National Liaison Counsel by The

Honorable Ann Aldrich and subsequently by the Honorable Dan Aaron Polster, ***In re: Oral Sodium Phosphate Solution-Based Products Liability Action***, Case No. 1:09-sp-80000, (MDL Docket No. 2066), United States District Court, Northern District Of Ohio, Eastern Division.

**August 3, 2011 - *Cathy Pfaff, et al. v. Whole Foods Market Group, Inc., et al.***, United States District Court for the Northern District of Ohio, Eastern Division, Case No. 1:10CV02954. Lead Class Counsel. Settlement included monetary, equitable relief and *cy pres*.

**December 28, 2011 - *Robert Schmidt, et al. v. AT&T***, Cuyahoga County Court of Common Pleas, Case No. CV-09-688788, \$258,477,200.00 Claims Made Settlement including *cy pres* relating to AT&T's DSL speed.

**March, 2013 - *In Re: Imprelis Herbicide Marketing, Sales Practices And Products Liability Litigation*, MDL No. 2284** before the Honorable Judge Gene E.K. Pratter, United States District Court Eastern District of Pennsylvania. Case Settled.

**March, 2013 - *Donald Ellason, et al. v. Gentek Building Products, Inc., Associated Materials, LLC, et al.***, Case No.: 1:10CV2093 PAG, before the Honorable Judge Benita Y. Pearson, United States District Court for the Northern District of Ohio. \$3 Million Settlement and warranty enhancement

**March, 2013 – *School Employees Retirement System of Ohio v. Wachovia Bank, N.A., et al.***, Case No. 2:10-cv-1160 before the Honorable Algenon L. Marbley, United States District Court for the Southern District of Ohio. \$6 Million Settlement.

***In Re: Scottish Re Group Securities Litigation***, Master File No. 06-CV-05853 before the Honorable Shira A. Scheindlin, United States District Court for the Southern District of New York, \$37.5 Million Settlement

John was Co-Lead and Liaison Counsel in the matter ***In Re: Inphonic, Inc. Wireless Phone Rebate Litigation***, MDL Docket No. 1792 (D.D.C.), District of Columbia, Case No. 06-528. Following Inphonic filing for bankruptcy, a settlement was negotiated.

**ADDITIONAL PENDING OR SETTLED CLASS ACTIONS AND MASS TORTS**

The Honorable Donald C. Nugent appointed John Co-Lead and Liaison Counsel *In Re: Kaba Simplex Locks Marketing and Sales Practices Litigation*, MDL No. 2220, United States District Court, Northern District of Ohio, Eastern Division. This case has been settled.

**January 9, 2012** – The Honorable Ed Kinkeade, USDC for the Northern District of Texas appointed John one of the members of Plaintiff's Steering Committee. *In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Liability Litigation*, MDL No. 2244. This case has been settled.

***In Re: Julie Fitzpatrick, et al. v. General Mills, Inc., et al.***, United States District Court Southern District of Florida, Case No. 09-Civ-60412, consumer fraud involving false advertising of Yoplait Yogurt. This case has been settled.

***Melissa Brock, et al. v. General Mills, Inc., et al.***, United States District Court Northern District of Ohio, Case No. 1:10CV00060, consumer fraud involving false advertising for Yoplait Yogurt. This case has been settled.

***In Re: Navistar Diesel Engine Products Liability Litigation*, MDL 2223**, United States District Court for the Northern District of Illinois, Eastern Division. Member - Plaintiffs' Steering Committee. Case Settled.

***In Re: Dial Complete Marketing and Sales Practices Litigation***, USDC for the District of New Hampshire, MDL 2263 before the Honorable Judge Steven J. McAuliffe, Member - Executive Subcommittee.

***In Re: ACTOS (Pioglitazone) Products Liability Litigation*, MDL No. 2299**; Judge Rebecca Doherty, United States District Court, Western District of Louisiana.

***In Re: Colgate-Palmolive Softsoap Antibacterial Hand Soap Marketing and Sales Practices Litigation*, MDL No. 2320**, Before the Honorable Judge Paul J. Barbadoro, United States District Court, District of New Hampshire. This case has been settled.

***In re: MI Windows and Doors, Inc. Products Liability Litigation*, MDL No. 2333**, before the Honorable Judge David C. Norton, United States District Court for the District of South Carolina. This case has been settled.

***In Re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practices Litigation*, MDL No. 2382**, before the Honorable Judge Henry E. Autrey in the United States District Court Eastern District Of Missouri. This case has been settled.

***In Re: Shop-Vac Marketing and Sales Practices Litigation*, MDL 2380**, before the Honorable Chief Judge Yvette Kane in the United States District Court Middle District of Pennsylvania.

***In Re: 5-Hour Energy Marketing and Sales Practices Litigation, MDL No. 2438, Case No. 2:13-md-02438-PSG-PLA*, Central District of California (Western Division – Los Angeles) – Member of the Steering Committee.**

***In Re: Remington Arms Company, LLC, et al., Case No. 4:13-0086-CV-W-ODS***, United States District Court for the Western District of Missouri, Western Division. This case is ongoing.

**On July 23, 2014**, the Honorable Judge Daniel Polster, United States District Court, Northern District of Ohio appointed John liaison counsel in the ***Department of the Treasury, State of New Jersey v. Cliffs Natural Resources, Case No. 14-CV-1031-DAD***. This case settled for \$84 million.

#### **CONTINUING LEGAL EDUCATION**

John has lectured extensively on trial preparation and practice, RICO, ERISA, Mass Torts, Class Actions, MDL Proceedings, white collar criminal defense, labor and employment law throughout the country including the Stetson University College of Law's Annual Conference; New York City Bar Association; Aspen, Colorado Advanced Criminal Law Institute; Case Western Reserve College of Law-CLE Program; Health Care Section Conference of the Cleveland Bar Association; the Columbus Bar Association's Annual Litigation Institute; Institute of Business Law of California State University, Los Angeles and the Ohio CLE Institute. In January and May 2001, he was a panel member at the Mealey's Baycol Seminar in San Diego, California. On October 24, 2003 John was a Keynote Speaker at the Fourth Annual Class Action/Mass Tort Symposium in New Orleans sponsored by the Louisiana State Bar Association. On November 16, 2004, he was a panel member at the American Conference Institute's Welding Rod Litigation Conference in New Orleans. On March 24, 2010 and May 12, 2010, John was a Keynote Speaker at the HarrisMartin Toyota Recall Litigation Conferences on The Tread Act: Criminal Liability for "Lying" to NHTSA About Safety-Related Defects. On December 10, 2010 John spoke on Civil RICO at the 10<sup>th</sup> Annual Louisiana Mass Torts Symposium. On January 14, 2011 John spoke on Manufacturers Civil RICO Liability at the HarrisMartin Darvon and Darvocet Recall Litigation Conference. On January 25, 2012 John spoke on Civil RICO Liability at the Harris Martin Transvaginal Mesh and ACTOS Litigation Conference. In 2013, John spoke at the Annual Class Action/Complex Litigation Symposium.

John has appeared numerous times on local and national radio and television, including *Good Morning America*, *The Today Show*, *Larry King Live*, *Night Line*, *The Greta Van Susteren Show*, *The Phil Donahue Show*, and is regularly quoted in local and national newspapers discussing various legal issues.

### **MEMBERSHIPS AND HONORARIUMS**

**Life Member - Judicial Conference of the United States Court of Appeals for the Sixth Circuit. Charter and Life Member - Judicial Conference of the Eighth Judicial District of Ohio. United States District Court Judge Donald C. Nugent appointed John as a Member of the Advisory Group to the United States District Court for the Northern District of Ohio. In 2009, Steven Dettlebach, United States Attorney for the Northern District of Ohio, appointed John to the U. S. Attorney Advisory Committee.**

**On May 6, 2000 John received the Ellis Island Medal of Honor.**

**Life Member - Justinian Forum, a professional organization for attorneys and judges of Italian heritage in Northern Ohio and also the Northern Ohio Italian-American Association ("NOIA").**

**In 1992 and 1997, the Center for Mental Retardation selected John to receive the Service to the Center Award. In 2003 he received an award for outstanding commitment to individuals with MR/DD. In 2006 he received the Above and Beyond Award from North Coast Community Homes. He currently serves as a member of the Board of Directors of Our Lady of the Wayside.**

**In 2008, Our Lady of the Wayside honored John with the Starlight Guardian Humanitarian Award – celebrating those who embrace the spirit of giving.**

### **PERSONAL**

**John is married to Carolyn. John and Carolyn have two children, John and Nicole and two grandchildren, 13 year old John Nicholas and 7 year old Athena Conlyn. John M. is an attorney. John's daughter, Nicole is 42. Nicole is intellectually challenged, lives independently in a home John and Carolyn built for her and three other challenged adults and works four (4) days per week in John's office.**

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James R. Dugan, II, is the founding partner of The Dugan Law Firm, APLC. Mr. Dugan began his career working with the late Wendell H. Gauthier and the Law Firm of Gauthier, Downing, LaBarre, Beiser & Dean in the areas of class action, mass tort, and complex litigation, beginning with the seminal class action lawsuit filed against the tobacco industry on the basis of nicotine addiction, *Castano v. American Tobacco, et al.* which resulted in a multi-billion settlement. After Mr. Gauthier's untimely death in December of 2001, Mr. Dugan formed the Dugan & Browne Law Firm, the predecessor to The Dugan Law Firm and he continues to specialize in class action and mass tort litigation.

Over the years, Mr. Dugan has specialized in the area of complex litigation representing numerous consumers and third party-payors, including Blue Cross of Louisiana and other health insurers in cases against the manufacturers of Synthroid, Fen-Phen, Rezulin, Neurontin, Vioxx, Zyprexa, Bextra/Celebrex, Oxycontin, Ketek, Effexor, Prograf, Skelaxin, Nexium, and Suboxone. Mr. Dugan also represented the Louisiana Attorney General in the Synthroid, Baycol, Rezulin, Vioxx, and Ketek litigations to recoup medical costs the state Medicaid program expended over these drugs.

As a result of his demonstrated skill and experience in class action and mass tort practice, Mr. Dugan has been appointed by the court to serve in key leadership positions in a number of large national federal court class action cases including:

1. **In Re: Synthroid Marketing Litigation, (MDL No. 1182)** (1997-2004) USDC for the Northern District of Illinois, Eastern Division, Judge Elaine E. Bucklo. Co-Lead Counsel for a class of third party-payors. Settlement: \$45,000,000.00
2. **In Re: Diet Drugs Litigation, (MDL No. 1203)** (1997-2002) USDC for the Eastern District of Pennsylvania, Judge Lewis C. Bechtle. Co-Lead Counsel for a large group of individually represented third-party payors. Settlement: \$35,000,000.00
3. **In Re: Propulsid Litigation, (MDL No. 1355)** (2000-Present) USDC for the Eastern District of Louisiana, Judge Eldon Fallon. Member: Plaintiffs' Steering Committee. Settlement: \$90,000,000.00
4. **In Re: Rezulin Products Liability Litigation, (MDL No. 1348)** (2000-2008) USDC for the Southern District of New York, Judge Lewis A. Kaplan. Mr. Dugan was appointed by the court as Liaison Counsel to a class of Health Benefit Providers. Settlement: \$22,500,000.00
5. **In Re: Industrial Life Insurance Litigation, (MDL No. 1371)** (2000-2007) USDC for the Eastern District of Louisiana, Judge Martin L.C. Feldman, presiding. Member: Plaintiffs' Executive Committee. Settlement: \$50,000,000.00
6. **In Re: Inter-Op Hip Prosthesis Product Liability Litigation, (MDL No. 1401)** (2001-2008) USDC for the Northern District of Ohio, Eastern Division, Judge Kathleen O'Malley. Member: Plaintiffs' Steering Committee. Settlement: \$1,200,000,000.00
7. **In Re: Baycol Products Liability Litigation, (MDL No. 1431)** (2001-2007) USDC for the District of Minnesota, Judge Michael Davis. Member: Plaintiffs' Steering Committee. Settlement: 1,000,000,000.00
8. **In Re: Meridia Products Liability Litigation, (MDL No. 1481)** (2002-2006) USDC for the Northern District of Ohio, Judge James S. Gwin. Member: Plaintiffs' Steering Committee.
9. **In Re: Serzone Products Liability Litigation, (MDL No. 1477)** (2002-2007) USDC for the Southern District of West Virginia, Judge Joseph R. Goodwin. Member: Plaintiffs' Steering Committee. Settlement: \$90,000,000.00
10. **In Re: Neurontin Marketing & Sales Practices Litigation, (MDL No. 1629)** (2004-Present) USDC for the District of Massachusetts, Judge Patti B. Saris. Member: Plaintiffs' Steering Committee. Settlement: \$325,000,000.00
11. **In Re: Vioxx Products Liability Litigation, (MDL No. 1657)** (2005-Present) USDC for the Eastern District of Louisiana, Judge Fallon, Magistrate Judge Knowles. Member: Co-Chair Purchase Claims Committee. Settlement: \$80,000,000.00
12. **In Re: Zyprexa Marketing and Sales Practices Litigation, (MDL No. 1596)** (2005-Present) USDC for the Eastern District of New York, Judge Weinstein and Magistrate Judge Chrein. Member: Co-Lead Counsel for the Purchase Claims. Settlement: \$4,500,000.00

13. **In Re: Bextra and Celebrex Marketing and Sales Practices and Products Liability Litigation, (MDL No. 1699)** (2006-2010) USDC for the Northern District of California, Judge Breyer. Member: Purchase Claims Committee. Settlement: \$89,000,000.00
14. **In Re: Fosamax Product Liability Litigation, (MDL No. 1789)** (2006-Present) USDC for the Southern District of New York, Judge Keenan. Member: Plaintiffs' Steering Committee.
15. **In Re: Oxycontin Marketing and Sales Practices Litigation** (2007-2009) USDC for the Southern District of New York, Judge Koel. Co-lead counsel for third-party payors. Settlement: \$20,000,000.00
16. **In Re: Ketek Marketing and Sales Practices Litigation** (2008-Present) USDC for the Eastern District of New York, Judge Townes. Co-lead Counsel for third-party payors.
17. **In Re: Vytorin Marketing, Sales Practice, and Products Liability, (MDL No. 1938)** (2008-2010) USDC for the District of New Jersey, Judge Dennis M. Cavanaugh. Member: Plaintiffs' Steering Committee. Settlement: \$45,000,000.00
18. **In Re: Actimmune Product Liability Litigation, (08-CV-3797-MHP)** (2009-Present) USDC for the Northern District of California, Judge Marilyn H. Patel. Member: Plaintiffs' Steering Committee.
19. **In re: Light Cigarettes Marketing and Sales Practices Litigation, (MDL No. 2068)** (2009-Present) USDC for the District of Maine, Judge John Woodcock Jr. Member: Plaintiffs' Steering Committee.
20. **In Re: Celexa/Lexapro Product Liability Litigation, (MDL 2067)** (2009-Present) USDC for the District of Massachusetts, Judge Nathaniel M. Gorton. Lead Counsel for the third-party payors.
21. **In Re: Fosamax Femur Litigation, (MDL No. 2243)** (2011-Present) USDC for the District of New Jersey, Judge Joel A. Pisano. Member: Plaintiffs' Steering Committee.
22. **In re: Avandia Marketing and Sales Practices Litigation (MDL No. 1871)** (2009-Present) USDC for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe. Member: Co-Lead Counsel for Plaintiffs' Third-Party Payors.
23. **In Re: Effexor Antitrust Litigation** (11-CV-05590) (2011-Present) USDC for the District of New Jersey, Judge Joel A. Pisano. Member: Executive Committee for Indirect Purchasers.
24. **In Re: Prograf Antitrust Litigation, (MDL No. 2242)** (2011-Present) USDC for District of Massachusetts, Judge Rya W. Zobel. Member: Co-Lead Counsel for Indirect Purchasers. Settlement: \$13,000,000.00

25. **In Re: National Football Players' Concussion Injury, (MDL No. 2323)** (2012–Present), USDC for the Eastern District of Pennsylvania, Judge Anita Brody. Member: Plaintiffs' Steering Committee. Settlement: Uncapped class action settlement pending court approval.
26. **In Re: Skelaxin (Metaxalone) Antitrust Litigation, (MDL No. 2343)** (2012-Present), USDC for the Eastern District of Tennessee, Judge Curtis L. Collier. Member: Plaintiffs' Executive Committee for Indirect Purchasers. Settlement: \$4,000,000.00
27. **In Re: Pradaxa (Dabigatran Etxilate) Products Liability Litigation, (MDL No. 2385)** (2012-Present), USDC for Southern District of Illinois, Judge David R. Herndon. Member: Plaintiffs' Steering Committee. Settlement: \$650,000,000.00
28. **In Re: Nexium (Esomeprazole) Antitrust Litigation, (MDL No. 2409)** (2012–Present), USDC for the District of Massachusetts, Judge William G. Young. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
29. **In Re: Fresenius Granuflo/Naturallte Dialysate Products Liability Litigation, (MDL No. 2428)** (2013-Present) USDC for the District of Massachusetts, Judge Douglas P. Woodlock. Member: Plaintiffs' Steering Committee.
30. **In Re: Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation, (MDL No. 2445)** (2013–Present), USDC for the Eastern District of Pennsylvania, Judge Mitchell S. Goldberg. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
31. **In Re: Niaspan Antitrust Litigation, (MDL No. 2460)** (2013-Present). USDC for the Eastern District of Pennsylvania, Judge Jan E. DuBois. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
32. **In Re: Lidoderm Antitrust Litigation, (MDL No. 2521)** (2014-Present). USDC for the Northern District of California, Judge William H. Orrick. Member: Plaintiffs' Executive Committee for Indirect Purchasers.
33. **In Re: National Collegiate Athletic Association Student-Athlete Concussion Litigation, (MDL No. 2492)** (2014–Present), USDC for the Northern District of Illinois, Judge John Z. Lee. Member: Plaintiffs' Steering Committee. Pending \$75,000,000.00 medical monitoring settlement pending court approval.
34. **In Re: Generic Pharmaceuticals Pricing Antitrust Litigation, (MDL No. 2724)** (2017 – Present), USDC for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe. Member Plaintiffs' Steering Committee.

Mr. Dugan received his B.A. from the University of Southwestern Louisiana in Lafayette, Louisiana and his J.D. from Loyola University Law School in New Orleans, Louisiana. He is a member of the Louisiana Bar and has also been admitted to practice before a number of Federal Courts including the Eastern and Middle District's of Louisiana, Southern District of Alabama, District of Massachusetts, Eastern District of New York, United States 2<sup>nd</sup> Circuit Court of Appeal, United States 1<sup>st</sup> Circuit of Appeal, United States 3<sup>rd</sup> Circuit Court of Appeal and United States 5<sup>th</sup> Circuit Court of Appeal. Mr. Dugan continues to be an active member in a number of well-respected legal organizations, including the Federal Bar Association, the Louisiana Association for Justice, the Orleans Parish Bar Associations and the Louisiana State and American Bar Associations. Mr. Dugan has also been named to the American Association for Justice Top 100 Trial Lawyers for the years of 2007 through 2016, National League of Renowned Attorneys Top One Percent 2016, America's Top 100 Attorneys Lifetime Achievement, American Institute of Personal Injury Attorneys 10 Best Attorneys 2017, and Mass Tort Trial Lawyers Top 25 2016. Mr. Dugan currently serves on the Board of Advocates for Human Rights First. Mr. Dugan is married to Mrs. Heidi Dugan and they have two sons, James III and Jackson.

Lowey Dannenberg P.C., (“Lowey”) was founded in 1968 by Stephen Lowey, who is now Chairman Emeritus of the Firm. Since then, the Firm has represented public pension funds and other institutional investors across a broad range of healthcare, securities, antitrust and contract law matters in both class and non-class cases in federal and state court. Lowey primarily practices in four areas: healthcare and prescription drug overcharge litigation, antitrust litigation, commodities futures litigation, and securities litigation.

Lowey is organized as a professional corporation under New York law and comprises forty-five experienced and highly motivated lawyers, plus paralegals and support personnel. The Firm has nine partners (eight Shareholders and Chairman Emeritus Stephen Lowey). The Firm’s management committee is headed by Barbara Hart (Shareholder, President, C.E.O. and Chair of Securities Litigation Practice), who serves with Richard Cohen (Shareholder, Chairman), Gerald Lawrence (Shareholder, C.O.O. and Head of Pennsylvania Office), and Geoffrey Horn (Shareholder, C.F.O. and Co-Chair Commodity Litigation Practice). The other partners include Peter St. Phillip (Shareholder, and Chair of Antitrust Practice); Vincent Briganti (Shareholder and Co-Chair Commodity Litigation Practice); Thomas Skelton (Shareholder) and David Harrison (Shareholder).

As described more fully on our website [www.lowey.com](http://www.lowey.com), Lowey handles many complex litigation, including:

**Healthcare and Prescription Drug Overcharge Litigation.** Lowey has also become the nation’s premier litigation firm for health insurers to recover overcharges for prescription drug and other medical products and services. Our skills in this area are recognized by the largest payers for pharmaceuticals in the United States, including Aetna, CIGNA, Humana, and Anthem (formerly known as WellPoint), who regularly retain the firm to assert claims against pharmaceutical manufacturers for practices undertaken to inflate medication pricing.

**Antitrust Litigation.** As one of the premier antitrust law practices in the United States, Lowey serves clients including businesses, consumers and benefit providers who pay higher prices because of anticompetitive practices. From conspiracies, to boycotts, to exclusive dealings, we can chart the proper litigious course to fight activities that stop price competition. Our antitrust cases have recovered tens of millions of dollars for clients who were victims of price fixing and bid rigging, output restrictions, group boycotts, price discrimination, secret rebates, tying, attempted monopolies and monopolies. Lowey has the resources necessary to litigate these complex cases in a diverse array of industries.

**Commodities Futures Litigation.** Lowey has been representing clients in commodities futures litigation since the early 1970s, developing an expertise in the commodities markets, representing brokers, dealers and customers in litigation and regulatory proceedings involving global benchmark rates, precious metals, oil, natural gas, potato, copper, and currency contracts. Lowey has successfully prosecuted, as court appointed lead or co-lead counsel or individual plaintiff’s counsel, the most important and complex

commodity manipulation actions since the enactment of the CEA. The Firm handles some of the largest CEA recoveries in history.

**Investor and Securities Litigation.** Our clients' cases often involve financial fraud; 10(b) violations; auction rate securities manipulation; options backdating; Ponzi schemes; challenges to unfair mergers and tender offers; statutory appraisal proceedings; proxy contests and election irregularities; failed corporate governance; stockholder agreement disputes; and customer/brokerage firm arbitration proceedings. Our investor litigation practice group has recovered billions of dollars. But the value of our accomplishments is measured by more than dollars. We have also achieved landmark, long term corporate governance changes at public companies, including reversing results of elections and returning corporate control to the companies' rightful owners, its stockholders.

### **Healthcare and Prescription Drug Overcharge Litigation:**

Lowey's Healthcare and Prescription Overcharge Litigation practice is recognized among the nation's premier litigation firms for government entities and health benefit providers in recovering overcharges. Below is a list of some notable examples:

- In In re Neurontin Marketing and Sales Practices Litig., 04-MDL-1629 (D. Mass.), the Firm represented Aetna in an individual action seeking recovery against Pfizer for its off-label marketing of Neurontin. Lowey was also appointed by the U.S. District Court in Boston to represent private third party payers' interests on the Plaintiffs Steering Committee. In that capacity, we assisted the trial team in securing the first ever verdict in history against a pharmaceutical manufacturer (Pfizer) finding that it engaged in a RICO enterprise by fraudulently marketing its drug, resulting in a \$142 million trebled award. Lowey later argued and won a landmark RICO decision in the United States Court of Appeals for the First Circuit holding drug manufacturers accountable to health insurers for damages attributable to marketing fraud. In re Neurontin Marketing Sales Practices Litig., Inc., 712 F.3d 51 (1st Cir. 2013). The Firm obtained a substantial confidential settlement for Aetna and later negotiated settlements for other third party payer clients as part of a \$325 million settlement of the *Neurontin* class action case.
- The Firm achieved an \$80 million settlement of a class action on behalf of consumers and third party payers against Aventis S.A. and Andrx Corp., charging that they monopolized and unreasonably restrained trade in the United States market for Cardizem CD and its generic bioequivalents. In re Cardizem CD Antitrust Litigation, 218 F.R.D. 508 (E.D. Mich. 2003); appeal dismissed, 391 F.3d 812 (6th Cir. 2004), cert. denied, 125 S. Ct. 2297 (2005). Previously, the United States Court of Appeals for the Sixth Circuit unanimously affirmed a landmark summary judgment of per se liability against defendants. In re Cardizem CD Antitrust Litig., 332 F.3d 896 (6th Cir. 2003), affirming, 105 F. Supp. 2d 682 (E.D. Mich. 2000). As lead counsel, Lowey argued both successful appeals.
- On July 8, 2005, the United States District Court for the Southern District of Florida

approved a \$28,700,000 settlement of a class action on behalf of consumers and third party payers against Abbott Laboratories and Geneva Pharmaceuticals, charging that they monopolized and unreasonably restrained trade in the market for the prescription drug Hytrin and its generic equivalents. The Firm was lead counsel for the class in this six-year litigation. The Court had previously certified a 17-state class of indirect purchasers consisting of consumers and third party payers in In re Terazosin Hydrochloride Antitrust Litig., 2004 U.S. Dist. LEXIS 6176 (S.D. Fla. April 8, 2004). The Court complimented our performance and experience in this hard-fought case.

- The United States District Court for the District of Delaware approved, and the Third Circuit Court of Appeals affirmed, a \$44.5 million class action settlement paid by DuPont Pharmaceuticals to consumers and third party payers nationwide to settle claims of unfair marketing practices in connection with the prescription blood thinner Coumadin. Lowey, which had been appointed by the District Court to the plaintiffs' executive committee as the representative of third party payers, argued the successful appeal. In re Warfarin Sodium Antitrust Litigation, 391 F.3d 516 (3rd Cir. 2004).
- In the Rezulin litigation, Lowey representing a class of endpayers made law that has influenced every third party payer prescription drug case since. Louisiana Health Indemnity Company, d/b/a Louisiana BlueCross Blue Shield ("LABCBS"), sued Warner Lambert and Pfizer for alleged misrepresentations concerning the qualities of their antidiabetic medication, Rezulin, causing financial injury to LABCBS in the form of excessive purchases of the drug. Lowey successfully argued to reverse dismissal of LABCBS' class action in a precedent-setting appeal to the Second Circuit. This case established the direct rights (as contrasted with derivative, and more limited, subrogation rights) of third party payers to sue pharmaceutical manufacturers for drug overcharges for defective drugs. Desiano v. Warner-Lambert Co., 326 F.3d 339 (2d Cir. 2003).
- In In re Wellbutrin XL Antitrust Litig., 08-cv-2433 (E.D. Pa.), we are class counsel in a generic delay case involving GlaxoSmithKline's and Valeant's (f/k/a Biovail) blockbuster drug Wellbutrin XL. In re Wellbutrin XL Antitrust Litig., 286 F.N.D. 126 (E.D. Pa. 2011). In July 2013 the Court approved our \$11.75 settlement with Valeant. In December 2010, the Court granted a motion to amend the complaint allowing us to plead the New York (but not the Illinois) class claims based on the existing plaintiffs' purchases. In re: Wellbutrin XL Antitrust Litigation, 756 F. Supp. 2d 670 (E.D. Pa. 2010). The decision is the most comprehensive court interpretation to date of the United States Supreme Court's March 2010 decision in Shady Grove v. Allstate, 130 S. Ct. 1431 (2010), which held that in diversity actions in federal district courts, FED. R. Civ. P. 23 trumped state class action rules and statutes.
- In In re Nexium (Esomeprazole) Antitrust Litig., 12-md-02409-WGY (D. Mass.), the Firm represents 116 individual third party payer health insurers who have opted out of the certified litigation class in *Nexium* and filed separate actions in Pennsylvania state court. Cariten Insurance Company, et al. v. AstraZeneca AB, et

al., No. 002106 (Pa. Court of Common Pleas); Time Insurance Company, et al. v. AstraZeneca AB, et al., No. 001903 (Pa. Court of Common Pleas). After being removed, our motions for remand were granted by two separate federal courts. Time Ins. Co. v. AstraZeneca AB, 2014 U.S. Dist. LEXIS 140110 (E.D. Pa. Oct. 1, 2014); Cariten Insurance Company et al v. AstraZeneca AB, 1:14-cv-13873-WGY, ECF No. 52 (D. Mass. Nov. 20, 2014). These matters are currently in the early stages of litigation.

- In Humana Inc. v. Boehringer Ingelheim Pharma GmbH & Co. KG, et al., No. 3:14-cv-00572 (D. Conn.), Lowey represents Humana Inc. in a generic delay antitrust case against defendant Boehringer Ingelheim Pharmaceuticals, Inc., the Aggrenox brand manufacturer, and generic manufacturer Barr Pharmaceuticals Inc. (later acquired by Teva Pharmaceuticals), before Judge Underhill in the District of Connecticut, (SRU). Class actions on behalf of direct and indirect purchaser plaintiffs are pending in the same multidistrict litigation. In re Aggrenox Antitrust Litigation, MDL No. 2516 (D. Conn.). The litigation asserts claims under state antitrust law, claiming a \$100 million co-promotion agreement was disguised pay-for-delay, and as a result, Humana has overpaid and continues to overpay for Aggrenox. On March 23, 2015, the Court sustained all but two of Humana's state law antitrust claims. In re Aggrenox Antitrust Litig., 2015 U.S. Dist. LEXIS 35634 (D. Conn. Mar. 23, 2015).
- In Government Employees Health Association v. Endo Pharmaceuticals, Inc., et al., No. 3:14-cv-02180-WHO (N.D. Cal.), Lowey represents Government Employees Health Association ("GEHA") in a generic delay antitrust case pending before Judge Orrick in the Northern District of California, concerning Lidoderm, the brand name for a prescription pain patch for the treatment of after-shingles pain, sold by Endo Pharmaceuticals, Inc., Teikoku Pharma USA, and Teikoku Seiyaku Co., Ltd. Class actions on behalf of direct and indirect purchaser plaintiffs are pending in the same multidistrict litigation. In re Lidoderm Antitrust Litigation, MDL No. 2521 (N.D. Cal.). On May 5, 2015, Judge Orrick granted in part and denied in part defendants' motion to dismiss GEHA's Second Amended Complaint, sustaining GEHA's claims under the laws of 32 states. In re Lidoderm Antitrust Litig., 2015 U.S. Dist. LEXIS 58979 (N.D. Cal. May 5, 2015).

### **Commodities Class Action Litigation:**

Lowey's Commodities Litigation Team is also an industry leader:

- In re London Silver Fixing Ltd., Antitrust Litig., Case No. 14-md-2573 (S.D.N.Y.) (VEC). Lowey Dannenberg serves as co-lead counsel in a proposed class action alleging the manipulation of the London Silver Fix, a global benchmark that impacts the value of more than \$30 billion in silver and silver financial instruments traded each year, by large financial institutions, including Deutsche Bank, HSBC, and UBS. Lowey Dannenberg reached a settlement agreement with defendant Deutsche Bank for \$38 million in September 2016. Judge Valerie E. Caproni sustained Sherman Act and CEA claims against HSBC and UBS in October 2016.

- Sonterra Capital Master Fund Ltd. v Credit Suisse Group AG et al., Case No. 15-cv-871 (S.D.N.Y.) (SHS). Lowey Dannenberg serves as lead Counsel in a proposed class action alleging the manipulation of the Swiss Franc LIBOR and Swiss Franc LIBOR-based derivatives prices and pricing by, among others, Deutsche Bank, JP Morgan, RBS, and UBS. Defendant JP Morgan has agreed to settle the claims against it for \$22 million, and Judge Sidney H. Stein preliminary approved this settlement on August 16, 2017. Judge Stein issued a decision on defendants' motions to dismiss on September 25, 2017, finding personal jurisdiction over all of the bank defendants and granted leave to amend the complaint.
- Sonterra Capital Master Fund Ltd. v Barclays Bank plc et al., Case No. 15-cv-3538 (S.D.N.Y.) (VSB). Lowey Dannenberg is leading the prosecution of a proposed class action alleging the manipulation of LIBOR for the Pound Sterling ("Sterling LIBOR") and Sterling LIBOR-based derivatives prices and pricing by institutions including Barclays, Deutsche Bank, Lloyds, RBS and UBS.
- Yen-LIBOR/Euroyen TIBOR. Lowey Dannenberg is court-appointed Lead Class Counsel in two related proposed class actions against the numerous financial institutions responsible for the setting of the London Interbank Offered Rate ("LIBOR") for the Japanese Yen and the Euroyen Tokyo Interbank Offered Rate ("TIBOR"). The lawsuits allege that the Defendants manipulated these global benchmark rates in an artificial direction that financially benefitted their Yen-LIBOR and Euroyen-based derivatives positions. Defendants named in the lawsuits have already pled guilty to criminal charges of price fixing and paid billions in fines to regulators. Further, Defendant UBS AG has been granted conditional leniency from the U.S. Department of Justice ("DOJ") pursuant to the Antitrust Criminal Penalty Enhancement and Reform Act ("ACPERA") for alleged anticompetitive conduct relating to the Euroyen market. Lowey Dannenberg has already recovered \$206 million for investors in these cases after resolving claims against defendants JPMorgan, Citigroup, Deutsche Bank, and HSBC. Laydon v. Mizuho Bank, Ltd. et al., Case No. 12-cv-3419 (S.D.N.Y.) (GBD); Sonterra Capital Master Fund Ltd. et al. v. UBS AG et al, Case No. 15-cv-05844 (S.D.N.Y.) (GBD).
- Euribor. On February 12, 2013, Lowey Dannenberg filed a proposed class action against numerous global financial institutions responsible for the setting of the Euro Interbank Offered Rate ("Euribor"), a global reference rate used to benchmark and price settle over \$200 trillion of financial products, including Euribor futures contracts traded on the NYSE LIFFE exchange. Defendants named in the lawsuit have already settled with global regulators, paid billions in fines, and have sought and been granted ACPERA conditional leniency from the DOJ for alleged anticompetitive conduct in the Euribor market. Lowey Dannenberg has secured agreements from three of the defendants—Barclays, Deutsche Bank, and HSBC—to settle the claims against them for a collective \$309 million. Sullivan v. Barclays PLC et al., Case No. 13-cv-2811 (S.D.N.Y.) (PKC).

- Australian Bank Bill Swap Reference Rate (BBSW). Lowey Dannenberg filed a proposed class action in August 2016 alleging that financial institutions responsible for setting the Bank Bill Swap Reference Rate (“BBSW”), the primary interest rate benchmark used to price and settle Australian dollar-denominated derivatives, manipulated the benchmark rate in an artificial direction that financially benefitted their related derivatives positions. Australia and New Zealand Banking Group, Limited and National Australia Bank have settled with the Australian Securities and Investments Commission, agreeing to pay \$100 million AUD in fines and admitting to wrongdoing. This case is currently pending before Judge Lewis A. Kaplan. Dennis, et al. v. JPMorgan Chase & Co., et al., Case No. 16-cv-06496 (S.D.N.Y.) (LAK).
- SIBOR and SOR. Lowey Dannenberg filed a proposed class action in July 2015 alleging that the 20 global financial institutions responsible for setting the Singapore Interbank Offered Rate (“SIBOR”) and the Singapore Swap Offer Rate (“SOR”) manipulated these benchmark rates to artificial levels that financially benefitted their own derivatives positions at the expense of U.S. investors. The Monetary Authority of Singapore found these financial institutions had manipulated SIBOR and SOR and imposed fines and other remedial measures. In August 2017, Judge Alvin K. Hellerstein sustained plaintiffs’ Sherman Act claims against defendants Bank of America, Citibank, JPMorgan, and granted leave to amend the Complaint. *FrontPoint Asian Event Driven Fund, L.P. v. Citibank, N.A., et al.*, 16-cv-5263 (S.D.N.Y.).
- FX Manipulation. Lowey Dannenberg represents United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund in a proposed class action against numerous global financial institutions and leading FX market dealers. 15 of the defendants have collectively agreed to settle this case for \$2.3 billion, which would represent the largest recovery in the history of the CEA. *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, Case No. 13-cv-7789 (S.D.N.Y.).
- Lowey served as Co-Lead Counsel in In re: Amaranth Natural Gas Commodity Litigation, Case No. 07 Civ. 6377 (SAS) (S.D.N.Y.), a certified class action involving the manipulation of NYMEX natural gas futures and options contract prices by Amaranth Advisors LLC, one of the largest natural gas hedge funds prior to its widely-publicized collapse in September 2006. After more than five years of litigation, the Honorable Shira A. Scheindlin, approved a \$77.1 million settlement. The settlement Lowey achieved is remarkable because it is more than ten times greater than the \$7.5 million joint settlement achieved by the Federal Energy Regulatory Commission ("FERC") and the Commodity Futures Trading Commission ("CFTC") against Amaranth Advisors LLC and represented the then fourth-largest class action recovery in the 85-plus year history of the Commodity Exchange Act. A key component to Lowey’s successful result was obtaining a pre-judgment attachment award in the amount of \$72.4 million against the assets of Defendant Amaranth LLC, the “Master Fund” in the Amaranth hedge fund family. In re: Amaranth Natural Gas Commodity Litig., 711 F. Supp.2d 301 (S.D.N.Y. 2010).

- In re Natural Gas, Master File No. 03 CV 6186 (S.D.N.Y.) (Marrero, J.). Lowey Dannenberg served as co-lead counsel in this certified CEA class action alleging false reporting of physical natural gas price and volume information by more than twenty large energy companies. Lovell Stewart and Lowey Dannenberg achieved recoveries in excess of \$101 million on behalf of a certified class of New York Mercantile Exchange (“NYMEX”) natural gas futures and options traders. This was at the time the third-largest commodity manipulation class action recovery in the history of the Commodity Exchange Act.

### **Other Class Action Successes:**

Lowey has also had significant success in other class actions:

- As lead counsel Lowey successfully represented a class of renters of mold-infested apartments in a \$6.3 million settlement of a complex landlord-tenant class action in In Re Archstone Westbury Tenant Litigation, Index No. 21135/07 (N.Y. Sup. Ct. Nassau County) in which we successfully moved for remand based on a hotly contested exemption under the Class Action Fairness Act of 2005 (“CAFA”). Sorrentino v. ASN Roosevelt Center, LLC, 588 F. Supp.2d 350 (E.D.N.Y. 2008).
- After more than seven years of active litigation, Lowey secured a \$13,000,000 recovery for residential home borrowers from the bankruptcy estate of Washington Mutual, Inc. The hard-fought case generated eight reported and unreported decisions, many of which were issues of first impression. See, e.g., Cassese v. Washington Mut., Inc., 255 F.R.D. 89 (E.D.N.Y. 2008); Cassese v. Washington Mut., Inc., 262 F.R.D. 179 (E.D.N.Y. 2009); Cassese v. Washington Mut., Inc., 711 F. Supp. 2d 261 (E.D.N.Y. 2010); Cassese v. Washington Mut., Inc., 743 F. Supp. 2d 148 (E.D.N.Y. 2010).
- The Supreme Court of the State of New York, County of New York, approved a \$22.8 million settlement on behalf of a class of current and former holders of credit cards issued by MBNA bank who took cash advances in response to an MBNA promotion. The Court noted that Lowey is an “able law firm having long-standing experience in commercial class action litigation.” Broder v. MBNA Corp., No. 605153/98 (Sup. Ct., N.Y. County, April 11, 2003).

### **Lowey’s Recognized Expertise:**

The attorneys of Lowey have been repeatedly recognized by the courts as expert practitioners in the field of complex litigation. In 2013, the Honorable Colleen McMahon granted final approval to the \$219.9 million Madoff Feeder Fund Settlement in In re Beacon Associates Litigation, 09 Civ. 0777 (LBS) (AJP) (S.D.N.Y.), In re Jeanneret Associates

Litigation, 09-cv-3907 (CM). Judge McMahon commended Ms. Hart (Lead and Liaison Counsel) on the “unprecedented global settlement” and recognized that Ms. Hart “carried the laboring oar.” The extraordinary recovery represents 70% of class members’ net losses suffered as a result of Madoff’s Ponzi scheme. No class member objected to the Settlement, and 100% of eligible Class Members filed Proofs of Claim. Distinct from most settlements where it can take years for investors to see a penny, nearly all of all victims’ checks were in their hands within weeks of the Settlement becoming final. As Judge McMahon reflected:

[T]he fact that there was no objection to [the Settlement] reflects the hard work that all of you put into trying to get a global resolution of all of these cases, whether class actions or private actions where ever they were pending, whether arbitrations or in court to get a global resolution of these disputes relating principally to Ivy achieved so that we can get them all behind us. You worked very hard. The settlement process really was quite extraordinary.

In the Juniper Networks, Inc. Securities Litigation, the Court, in approving the settlement, acknowledged that “[t]he successful prosecution of the complex claims in this case required the participation of highly skilled and specialized attorneys.” In re Juniper Networks, Inc., C06-04327, Order dated August 31, 2010 (N.D. Cal.).

In the WorldCom Securities Litigation, the Court repeatedly praised the contributions and efforts of the firm: “I want to thank Mr. Selinger again publicly. I have done it many a time during the course of this litigation. He has performed a marvelous service.” In re WorldCom, Inc. Securities Litigation, 02 Civ. 3288 (DLC), hearing transcript of November 5, 2004 at 76. Similarly, on November 10, 2004, the Court found that “the Lowey Firm . . . has worked tirelessly to promote harmony and efficiency in this sprawling litigation. . . . [The Lowey firm] has done a superb job in its role as Liaison Counsel, conducting itself with professionalism and efficiency. . . .” In re WorldCom, Inc. Securities Litigation, 2004 WL 2549682 (S.D.N.Y. Nov. 10, 2004).

In the In re Bayer AG Securities Litigation, 03 Civ. 1546 (S.D.N.Y. Dec. 15, 2008), Judge William H. Pauley III, in his order approving a settlement of \$18.5 million for the class of plaintiffs, noted that the attorneys from the firm are “nationally recognized complex class action litigators, particularly in the fields of securities and shareholder representation,” that “provided high-quality representation.” In re Bayer AG Securities Litigation, 2008 WL 5336691, at \*5 (S.D.N.Y. Dec. 15, 2008).

In the In re Luminent Mortgage Capital, Inc. Securities Litigation, No. C07-4073 (N.D. Cal.), Judge Phyllis J. Hamilton noted in the hearing for final approval of settlement and award of attorneys’ fees that “[t]he \$8 million settlement...is excellent, in light of the circumstance.” Judge Hamilton went on to say that “most importantly, the reaction of the class has been exceptional with only two opt-outs and no objections at all received.” In re Luminent Mortgage Capital, Inc. Securities Litigation, No. C07-4073-PJH, Hearing on Plaintiff’s Motion for Final Approval of Settlement/Plan of Allocation and for an Award of Attorneys’ Fees and Reimbursement of Expenses, April 29, 2009.

In the Oracle Securities Litigation, Judge Vaughn Walker repeatedly praised the performance of the firm. See In re Oracle Securities Litigation, 852 F. Supp. 1437, 1454, 1459 (N.D. Cal. 1994) [“The Lowey firm’s high caliber representation of the class against the Oracle defendants served as tangible evidence of its ability to represent the class against Andersen.... Class counsel’s able, persistent and patient performance in achieving the present recovery has not gone unnoticed”]. See also related opinions 829 F. Supp. 1176 (N.D. Cal. 1993); and 136 F.R.D. 639, 649 n.23 (N.D. Cal. 1991) [“The Lowey firm’s papers have been thoughtful and to the point....”].

The Court in Winston v. Mezzanine Investments, L.P., Index No. 28657/91 (Sup. Ct. N.Y. Co. Dec. 22, 1997), following victory at trial and an \$8,000,000 recovery for a class of investors, expressed the view that the attorneys of Lowey “are highly experienced specialists” whose work is “of very high quality.” The Court in In re Seagate Technology, Inc. Shareholders Litigation, CA No. 17932 (Del. Ch. Apr. 9, 2001), in approving a \$200 million settlement in an action in which the Firm served as co-lead counsel, stated that the attorneys of Lowey “did highly skilled work against highly skilled opposition. I read the opening brief carefully ... it was very well done and a piece of work ... there was some high-wall lawyering done here.” Snyder v. Nationwide Insurance Company, Index No. 97/0633 (Sup. Ct. Onondaga Co. December 17, 1998) (finding that the attorneys of Lowey are “great attorneys” who did a “very, very good job” for the class, and that Lowey makes “attorneys look good”); In re MobileMedia Securities Litigation, Civil No. 96-5723 (D.N.J. February 7, 2000) (describing the firm as “expeditious,” “efficient,” and “professional”).

### **Earlier Recoveries**

Other examples of the Firm’s successful efforts include:

- A recovery by settlement of approximately \$100 million in policy refunds or adjustments, discounted premiums, and discounted products for a national class of purchasers of life insurance policies issued by Nationwide Mutual Insurance. Snyder v. Nationwide Insurance Company, Index No. 97/0633 (Sup. Ct. Onondaga Co. 1998). Firm acted as co-lead counsel.
- A recovery by settlement of approximately \$110,000,000 for a class of purchasers of various taxable municipal bonds. In re Taxable Municipal Bond Securities Litigation, Master File No. MDL 863 (E.D. La. 1995). Firm acted as member of the executive committee of plaintiffs’ counsel.
- The recovery by settlement of approximately \$618,000,000 for the public shareholders of Standard Oil Company in connection with the acquisition by its controlling stockholder, British Petroleum Acquisition p.l.c. In re The Standard Oil Company/British Petroleum Litigation, Consolidated Case No. 126760 (Court of Common Pleas, Cuyahoga County, Ohio 1987). Firm acted as co-lead counsel.

- A recovery by settlement of more than \$180,000,000 for public shareholders of Shell Oil Company after a successful motion for a preliminary injunction against a tender offer by the Royal Dutch/Shell group of companies, the majority shareholder. See Joseph v. Shell Oil Co., 501 A.2d 409 (Del. Sup. 1985). Firm acted as co-lead counsel.
- A recovery by settlement of more than \$149,000,000, one of the largest recoveries ever in a commodities manipulation case, for investors in Comex copper futures contracts. See In re Sumitomo Copper Litigation Sumitomo ("Sumitomo"), Master File No. 96 CV 4854 (S.D.N.Y.) (MP). Lowey served as one of the three executive committee members in charge of prosecuting the case.
- A recovery by settlement of approximately \$75,000,000 for former public shareholders of Triangle Industries, Inc. See In re Triangle Industries, Inc. Shareholders Litigation, Delaware Chancery Court, Consolidated Action No. 10466. Firm acted as co-lead counsel.
- A recovery by settlement of \$72,500,000 for sellers of the stock of RJR Nabisco, Inc. In re RJR Nabisco, Inc. Securities Litigation, M.D.L. Docket No. 818 (MBM) (S.D.N.Y. 1992). Firm acted as lead counsel.
- A recovery by settlement of more than \$44 million in policy refunds or adjustments or additional paid-up life insurance policies for a national class of purchasers of life insurance policies issued by the Country Life Insurance Company. Duckworth v. Country Life Insurance Company, 98 CH 01046 (Cir. Ct., Cook Co., Ill. 2000).
- A recovery by settlement of approximately \$35,500,000 for public bondholders of Burlington Northern Railroad Co. Rievman v. Burlington Northern Railroad Co., 118 F.R.D. 29 (S.D.N.Y. 1987). During the course of the action, the Firm obtained a preliminary injunction against a tender offer and defeasance plan by Burlington Northern Railroad Co. relating to certain railroad bonds. 618 F. Supp. 592 and 644 F. Supp. 168 (S.D.N.Y.). Firm was lead counsel.
- Recoveries by settlement exceeding \$30,000,000 for classes of third-party payers and patients for alleged overcharges for clinical laboratory testing. In re SmithKline Beecham Clinical Laboratories, Inc. Laboratory Test Billing Practices Litigation, 3:97-CV-1795 (AVC) (D. Ct. 2001); May v. SmithKline Beecham Clinical Laboratories, Inc., C.A. No. 97-L-1230 (Cir. Ct., Madison Co., Ill. 2001). Firm acted as co-lead counsel.
- A recovery by settlement exceeding \$27,000,000 for a class of purchasers of securities of MobileMedia, Inc. In re MobileMedia Securities Litigation, Civil No. 96-5723 (D.N.J. 2000). Firm acted as co-lead counsel.
- A recovery by settlement of \$25,300,000 for a class of third-party payers settling claims for overcharges for the generic versions of the prescription drugs lorazepam and clorazepate. In re Lorazepam and Clorazepate Antitrust Litigation, MDL No. 99-

1290 (TFH) (D.D.C. 2002). Firm acted as lead counsel.

- A recovery by settlement of \$25,000,000 for a class of purchasers of securities of Oracle Systems Corporation. In re Oracle Securities Litigation, Master File C-90-0931 (VRW) (N.D. Cal. 1994). Firm acted as lead counsel.
- A recovery by settlement of \$25,000,000 for a class of sellers of shares of Columbia Pictures Entertainment, Inc. The Firm acted as lead counsel in the case, which was prosecuted for more than five years and involved, among many other hurdles, a motion to dismiss (In re Columbia Securities Litigation, 747 F. Supp. 237 (S.D.N.Y. 1990)), a motion for summary judgment (155 F.R.D. 466 (S.D.N.Y. 1994)) and considerable discovery in and from Japan.
- A recovery by settlement of \$24,000,000 for a class of purchasers of securities of Arakis Energy Corporation. In re Arakis Energy Corp. Securities Litigation, Fed. Sec. L. Rep. (CCH) ¶ 91,646 (E.D.N.Y. August 17, 2001). Firm acted as co-lead counsel.
- A recovery by settlement of \$21,100,000 for holders of rights to purchase the common stock of Crown Zellerbach Corporation, in connection with the acquisition of Crown Zellerbach assets. In re Crown Zellerbach Corporation Rights Plan, No. 85-C-3286 (N.D. Ill. 1986). Firm acted as co-lead counsel.
- A recovery by settlement of more than \$20,000,000 for a class of purchasers of securities of Pepsi Cola Puerto Rico Bottling Co. Turabo Medical Center v. Beach, No. 96-2250 (DRD) (D.P.R. 1997). Firm acted as co-lead counsel.
- A recovery by settlement of \$19,500,000 for a class of purchasers of securities of Raychem Corporation. Cytryn v. Cook, 89-20801-RFP (N.D. Cal. 1992). Firm acted as co-lead counsel.
- A recovery by settlement of \$19,000,000 for a class of purchasers of shares of General Electric Company. Lowey acted as sole lead counsel in the case, which was prosecuted for more than six years and involved, among many obstacles to recovery, motions to dismiss (In re Kidder Peabody Securities Litigation, Fed. Sec. L. Rep. (CCH) ¶ 99,030 (S.D.N.Y. 1995)), motions for summary judgment (10 F. Supp. 2d 398 (S.D.N.Y. 1998)), and a leading decision compelling production by defendants' counsel of witness interview notes (168 F.R.D. 459 (S.D.N.Y. 1996)).
- A recovery by settlement of \$17,600,000 for former preferred shareholders of Genesco Inc. after successful trial and appeal. See Denco v. Genesco, 427 N.Y.S.2d 434 (1st Dep't 1980). Firm was lead counsel.
- A recovery after trial of approximately \$13,000,000 for 115 residents of Mexico and Latin America, whose status as depositors of the insolvent American Bank and Trust Co. had been challenged by the Federal Deposit Insurance Corporation. In the Matter of American Bank & Trust Co., Index No. 18649/76 (Sup. Ct., N.Y. Co. 1979). Firm

acted as lead counsel.

## ATTORNEY RESUMÉS

### ***Gerald Lawrence – Chief Operating Officer; Heads Pennsylvania Office***

Mr. Lawrence is the Chief Operating Officer of the Firm. Mr. Lawrence has been seven times recognized as one of the "Top 100 Lawyers in Pennsylvania" or as one of the "Top 100 Lawyers in Philadelphia" in a survey of lawyers and judges published in *Philadelphia Magazine*, and previously published in the *Philadelphia Inquirer*. In 2016, he was also again selected by *American Lawyer Media* as "one of New York's Top Rated Lawyers" as published in the *New York Law Journal* and *New York Magazine*. In addition, he has been recognized as a "Pennsylvania Super Lawyer" every year since 2005.

In February, 2016, Governor Tom Wolf appointed Mr. Lawrence as one of 12 members of the Pennsylvania Judicial Selection Commission. Mr. Lawrence had previously served the Governor as a member of his transition team.

In 2014, the Supreme Court of Pennsylvania appointed Mr. Lawrence to the Board of Law Examiners, and, on April 1, 2016, as Vice-Chairman. The seven member Board of lawyers and judges determines whether applicants meet the requirements for admission to the bar. In addition, he served two terms, including as the Vice-Chairman, on the Disciplinary Board of the Supreme Court of Pennsylvania which regulates the conduct of Pennsylvania's 75,000 licensed attorneys. Mr. Lawrence serves as Commissioner of Elections and Commissioner of Voter Registration of Delaware County, Pennsylvania, and previously served as an appointed Member of the Pennsylvania Securities Commission's Attorney Advisory Committee, and on the Investment Advisory Board of the Pennsylvania Supreme Court.

He has enjoyed success in a wide variety of cases. Mr. Lawrence has represented health benefits plan providers and recovered hundreds of millions of dollars on their behalf, including in *In re: Skelaxin (Metaxalone) Antitrust Litigation*, Case No. 12-md-02343, MDL No. 2343 (D. Tenn.) (Third Part Payor allocation counsel), *Blue Cross and Blue Shield Association, et al. v. SmithKlineBeecham Corp.*, Phila. C.C.P., August Term 2012, No. 997 (Flonase opt-out settlement), *New England Carpenters Health Benefit Fund, et al. v. First DataBank, Inc. and McKesson Corp.*, No. 05-cv- 11148 (D. Ma.) (TPP allocation counsel for \$285 million TPP share of \$350 million settlement), *Medical Mutual of Ohio v. Merck & Co., Inc.*, N.J. Superior Ct. (Atlantic County), Docket No. ATL-L-07319-06-MT, Case No. 619 (\$65 million Vioxx settlement), *In re Actiq Sales and Marketing Practices Litig.*, 790 F. Supp. 2d 313 (E.D. Pa. 2011), *In re Pharmaceutical Industry Average Wholesale Price Litig.*, Case No. 01-CV-12257, MDL No.1456 (D. Mass.) (ISHP counsel for opt-out TPPs), *Humana, Inc., et al. v. GlaxoSmithKline*, Phila. C.C.P., December Term 2004, No. 3140 (Augmentin opt-out settlement), *In re: Cardizem CD Antitrust Litig.*, 218 F.R.D. 508 (E.D. Mich. 2003) (\$80 million settlement). He represented Aetna in the recently resolved *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 51 (1st Cir. 2013) (holding drug manufacturers accountable to health insurers for damages attributable to marketing fraud), and as the representative of a certified class, in *In re Wellbutrin XL Antitrust Litig.*, 282 F.R.D. 126 (E.D. Pa. 2011) and *In re*

*Wellbutrin XL Antitrust Litig.*, 756 F. Supp. 2d 670 (E.D. Pa. 2010) (the first decision to allow class action prosecution of antitrust claims under New York law).

Mr. Lawrence heads the firm's mass tort lien recovery practice and prosecuted these matters: *In re Avandia Marketing Sales Practices and Products Liability Litigation*, 685 F.3d 353 (3d Cir. 2012), *cert. denied*, 12-690, 2013 WL 1500235 (U.S. Apr. 15, 2013) and *UnitedHealth Group, Inc. v. GlaxoSmithKline, LLC*, Phila. C.C.P., Dec. Term, 2010, No. 2871 (Avandia state court proceeding), *Avmed v. BrownGreer PLC*, Case No. 08-30802 (E.D. La.) (Vioxx lien recovery litigation), *Yaz Products Liability Litigation*, including litigation in the United States District Court for the Southern District of Illinois (MDL 2100), the Philadelphia Court of Common Pleas, the N. J. Superior Court (Bergen County) and the Superior Court for the State of California, and the *In re Hormone Therapy Products Liability Litig.*

Mr. Lawrence also represented defendants in winning dismissals of these class action litigations: *Roche v. Aetna, Inc.*, 165 F. Supp. 3d 180 (D.N.J. 2016); *Mattson v. Aetna Life Ins. Co.*, 124 F. Supp. 3d 381 (D.N.J. 2015), *aff'd* 2016 U.S. App. LEXIS 11428 (3d Cir. N.J., June 23, 2016); *Meek-Horton v. Trover Solutions*, 910 F. Supp. 2d 690 (2013); *Potts v. Rawlings Co., LLC*, 897 F. Supp. 2d 185 (2012); *Kesselman v. The Rawlings Company, LLC*, 668 F. Supp. 2d 604 (S.D.N.Y. 2009); *Elliot Plaza Pharmacy v. Aetna U.S. Healthcare*, 2009 WL 702837 (N.D. Okla. March 16, 2009); *Main Drug, Inc. v. Aetna U.S. Healthcare*, 475 F.3d 1228 (11th Cir. 2007) ((dismissing appeals from *Main Drug, Inc. v. Aetna U.S. Healthcare*, 455 F. Supp. 2d 1323 (M.D. Ala. 2006) and 455 F. Supp. 2d 1317 (M.D. Ala. 2005)); and defends Aetna in the class action case: *Minerley v. Aetna, Inc., et al.*, Civ. 13-1377 (D.N.J.).

Mr. Lawrence's *pro bono* work includes significant and important cases. He sought to overturn the Pennsylvania Defense of Marriage Act while representing a public official before the Pennsylvania Supreme Court appealing an order enjoining him from issuing marriage licenses to same sex couples. *Pennsylvania v. Hanes*, 77 MAP 2013 (Pa. Supreme Court).

Mr. Lawrence was given an AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar. Mr. Lawrence is a graduate of Georgetown University (B.S., B.A. 1990) and the Villanova University School of Law (J.D. 1993). He is admitted to practice in Pennsylvania and New York; and in the U.S. Courts of Appeals for the 1st, 2nd and 3rd Circuits and the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania and the Eastern and Southern Districts of New York.

### ***Barbara J. Hart – President and CEO***

Ms. Hart is the President and Chief Executive Officer of Lowey and Chair of the securities litigation practice. She has over 20 years of experience representing a broad range of clients in complex class action litigation, with a particular emphasis on securities and antitrust litigation. Ms. Hart is AV preeminent rated by Martindale-Hubbell; a multi-year Super Lawyer, and Top Female Lawyers; and was the 2014 Chair of the New York State Bar Association's Antitrust Committee, and is a member of the National Association of Public Pension Attorneys.

Ms. Hart's vast experience in diverse complex matters showcases her array of abilities. She has led complex trials; argued motions; opened; closed; examined witnesses and cross-examined and presented expert witnesses at trial, evidentiary hearings and depositions. In 2015, Ms. Hart settled a whistleblower representation for a Relator alleging Medicaid fraud recovering \$22.4 million in one of New York State's largest single state recoveries. The prior year, she successfully tried a case for a limited partner in a real estate investment to a full recovery of damages. *Lassiter v. 1400 5th Commercial, LLC, et al.*, Index No. 652867/2013.

In 2013, the Honorable Colleen McMahon granted final approval to the \$219.9 million Madoff Feeder Fund Settlement in *In re Beacon Associates Litigation*, 09 Civ. 0777 (LBS) (AJP) (S.D.N.Y.), and *In re Jeanneret Associates Litigation*, 09-cv-3907 (CM). Judge McMahon commended Ms. Hart (Lead and Liaison Counsel) on the "unprecedented global settlement" and recognized that Ms. Hart "carried the laboring oar" in the extraordinary recovery of 70% of class members' net losses from Madoff's Ponzi scheme.

Ms. Hart also led the prosecution in *In re Juniper Networks, Inc. Securities Litigation*, recovering \$169.5 million. *In re Juniper Networks, Inc.*, C06-04327, 2010 (N.D. Cal.). On August 30, 2010, in approving a \$169.5 million settlement, the court acknowledged the "excellent result". The recovery is the third largest of any of the dozens of litigations involving options backdating.

Ms. Hart served as Counsel to the Office of the Treasurer of the State of Connecticut in the *In re Waste Management Securities Litigation*, which settled for \$457 million and was then the third-largest securities class action settlement in history. Ms. Hart also achieved a \$285 million class action settlement in *In re El Paso Corp. Securities Litig.*, Civ. No. H-02-2717 (S.D. Tex.) where she was retained to prosecute as Co-Lead Counsel allegations that defendants inflated the prices of El Paso securities by making materially false and misleading SEC filings and public statements which overstated El Paso's proved oil and natural gas reserves by 40%, causing a material overstatement of its income, and falsely attributed its success to legitimate business practices when El Paso manipulated the California Energy market. The Court commended the efficiency with which the case had been prosecuted, particularly because of the complexity of the allegations and the legal issues.

Ms. Hart has authored and co-authored numerous articles, including "Depositions as a Means of Building Your Trial Narrative," Fundamentals of Taking and Defending Depositions 2015 Course Handbook, 2015. Also, Ms. Hart co-authored "Conduct Within the Scope Cannot Be Beyond the Reach," New York Law Journal NYSBA Annual Meeting Special Report, January, 26, 2015; "Another Alarm Blasts as the Second Circuit Rejects Class Action Tolling of the Statutes of Repose" NAPPA article, August 2013 Volume 27, Number 3. Ms. Hart co-authored "Don't Bend 'American Pipe,'" New York Law Journal, November 7, 2012, and numerous other articles identified on our website.

Ms. Hart is a graduate of Vanderbilt University (B.A. 1982), the University of North Carolina (M.A. 1987), and the Fordham University School of Law (J.D. 1992), where she was a member of the Law Review and on the Dean's List. Ms. Hart is admitted to practice in New York and Connecticut, and is a member of the bars of the U.S. Supreme Court; the U.S. Courts

of Appeals for the 2nd, 3rd, and 7th Circuits; and the U.S. District Courts for the Southern and Eastern Districts of New York.

***Richard W. Cohen – Chairman***

Mr. Cohen defended and won dismissals for large health insurers of these class actions: *Wurtz v. Rawlings Co., LLC*, No. 12-cv-1182-JMA-AKT, 2016 WL 7174674 (E.D.N.Y. Nov. 17, 2016); *Roche v. Aetna, Inc.*, 165 F. Supp. 3d 180 (D.N.J. 2016); *Mattson v. Aetna Life Ins. Co.*, 124 F. Supp. 3d 381 (D.N.J. 2015), *aff’d* 2016 U.S. App. LEXIS 11428 (3d Cir. N.J., June 23, 2016); *Meek-Horton v. Trover Solutions*, 910 F. Supp. 2d 690 (S.D.N.Y. 2013); *Potts v. Rawlings Co.*, 897 F. Supp. 2d 185, 2012 (S.D.N.Y. 2012); *Kesselman v. The Rawlings Company, LLC*, 668 F. Supp. 2d 604 (S.D.N.Y. 2009); *Elliot Plaza Pharmacy v. Aetna U.S. Healthcare*, 2009 WL 702837 (N.D. Okla. March 16, 2009); *Main Drug, Inc. v. Aetna U.S. Healthcare*, 475 F.3d 1228 (11th Cir. 2007) (dismissing appeals from *Main Drug, Inc. v. Aetna U.S. Healthcare*, 455 F. Supp. 2d 1323 (M.D. Ala. 2006) and 455 F. Supp. 2d 1317 (M.D. Ala. 2005)); and *Medfusion Rx, LLC v. Humana Health Plan, Inc.*, Case No. CV-08-PWG-0451-S (N.D. Ala.). Mr. Cohen is defending the class action *Roche, et al. v. Aetna, Inc., et al.*, Civ. 13-1377 (JHR) (D.N.J.).

Mr. Cohen has lectured at several public pension fund conferences on the circumstances which a public pension fund should weigh in considering whether to serve as a lead plaintiff, an opt-out plaintiff or a passive class member in cases involving the Private Securities Litigation Reform Act (“PSLRA”).

Mr. Cohen also represents health insurers in actions to recover amounts overpaid for prescription drugs, medical devices and medical services. Mr. Cohen argued successfully before the United States Court of Appeals for the Second Circuit to reverse the district court’s dismissal of a class action case to recover monies paid by health insurers for a recalled diabetes drug, resulting in a landmark decision protecting the rights of health insurers to sue drug companies to recover overcharges for drugs prescribed to their insureds. *Desiano v. Warner-Lambert*, 326 F.3d 339 (2d Cir. 2003). Mr. Cohen prosecuted and argued the Cardizem CD prescription drug class action cases which established that long-standing practices used by drug companies to delay generic competition violate antitrust law. *In re Cardizem CD Antitrust Litigation*, 332 F.3d 896 (6th Cir. 2003) (settlement of \$80 million). Mr. Cohen argued successfully before the U.S. Court of Appeals for the Third Circuit to affirm the allocation to third party payers of the \$44.5 million settlement he helped negotiate as class counsel in *In re Warfarin Sodium Antitrust Litigation*, 391 F.3d 516 (3d Cir. 2004).

Mr. Cohen has often been a speaker at legal education conferences, including The American Bar Association’s Section of Litigation’s “Current Issues in Pharmaceutical Litigation Policy” (2008); Blue Cross Blue Shield Association’s Annual Lawyers’ Conference (2010); The American Conference Institute’s “Advanced Forum on Managed Care Disputes and Litigation” (2011, 2012, 2013); and Dealflow Media’s “Activist Investor Conference” (2013). Mr. Cohen was a contributor to the American Bar Association’s “State Antitrust Enforcement Handbook.”

Mr. Cohen graduated from Georgetown University (A.B. 1977) and the New York University School of Law (J.D. 1980). Mr. Cohen is admitted to practice in New York and

Pennsylvania, and is a member of the bars of the U.S. Courts of Appeals for the 1st, 2nd, 3rd, 6th and 11th Circuits; and the U.S. District Courts for the Southern and Eastern Districts of New York, the Eastern District of Michigan and the Eastern District of Pennsylvania.

***Peter St. Phillip - Chair of Antitrust Practice***

Peter St. Phillip is a partner in the firm and co-head of the firm's antitrust department. He regularly represents institutional clients in large-scale cost recovery litigation. His primary clients include large health insurers, such as CIGNA and Horizon, and hedge funds and other investment companies.

Mr. St. Phillip has extensive appellate experience, stemming from his clerkship with the United States Court of Appeals for the Third Circuit. He has lectured on appellate advocacy and routinely briefs and argues appeals in the federal circuit courts.

Mr. St. Phillip successfully argued Aetna's appeal before the United States Court of Appeals for the First Circuit in *In re Neurontin Mktg. & Sales Practices Litigation*, 712 F.3d 51 (1st Cir. 2013), a landmark civil RICO decision holding drug manufacturers accountable to health insurers for damages attributable to marketing fraud. He appeared prominently in the April 4, 2013 National Law Journal with his quote concerning the decision, "Pfizer Suffers Big Setback in Trio of Appellate Rulings," National Law Journal (Apr. 4, 2013).

Through his appellate practice, Mr. St. Phillip has also helped to secure decisions invalidating agency regulations, *Roussos v. Menifee*, 122 F.3d 159 (3d Cir. 1997), upholding summary judgment, *In re Cardizem CD Antitrust Litig.*, 332 F.3d 896 (6th Cir. 2003), affirming settlements, *In re Cardizem CD Antitrust Litig.*, 391 F.3d 812 (6th Cir. 2004) and reversing dismissals, *In re: Avandia Mktg., Sales Prac. & Prods. Liab. Litig.*, 685 F.3d 353 (3d Cir. 2012), *cert. denied*, 12-690, 2013 WL 1500235 (U.S. Apr. 15, 2013); *Desiano v. Warner-Lambert Co.*, 326 F.3d 339 (2d Cir. 2003).

Mr. St. Phillip has prosecuted many antitrust and cost recovery matters during his career, including trying cases to verdict. He has developed and defended expert economic testimony for successful prosecutions of commodity manipulation and securities claims, prescription drug cases and antitrust matters. He handles day-to-day litigation efforts in several antitrust and pharmaceutical and healthcare engagements. Mr. St. Phillip has extensive expertise in complex litigation concerning medical and pharmaceutical cost recovery claims and pharmacy benefits management. Mr. St. Phillip is a contributing editor to the American Bar Association's Antitrust Class Actions Handbook, and often publishes and speaks on antitrust issues.

Mr. St. Phillip has taken an active role in litigating antitrust issues relative to collusive interbank rate-setting conduct in the financial industry. He served as a panelist discussing these issues during the 2014 New York City Bar Association Financial Services forum and has been published on the topic: Competition Policy Cartel International's Cartel Column "No Antitrust Injury in Rate-Setting—What Happened to Effects?" (May 30, 2013).

Mr. St. Phillip has represented hedge funds in insurance coverage and securities litigation. He also regularly represents a publicly-traded bank in defense of claims involving state

and federal lending disclosure and trade practices laws. Mr. St. Phillip graduated with honors from Seton Hall University School of Law (J.D., *cum laude*, 1993) and received a Bachelor of Arts from Trinity College (1990). He is admitted to practice in New York, New Jersey and Pennsylvania, and is a member of the bars of the U.S. Courts of Appeals for the 1st, 2nd, 3rd, 5th, 6th, 8th and 9th Circuits; and the U.S. District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, the Eastern District of Pennsylvania and the District of Connecticut.

***Uriel Rabinovitz***

Mr. Rabinovitz, an associate at the firm since 2010, regularly represents health insurers in complex litigation, focusing on prosecution of antitrust violations and pharmaceutical overcharges and defense of class actions.

Mr. Rabinovitz briefed Aetna's appeal before the United States Court of Appeals for the First Circuit in *In re Neurontin Mktg. & Sales Practices Litigation*, 712 F.3d 51 (1st Cir. 2013), decision holding drug manufacturers accountable to health insurers for damages attributable to off-label marketing fraud, and *In re Avandia Marketing Sales Practices and Products Liability Litigation*, 685 F.3d 353 (3d Cir. 2012), *cert. denied*, 12-690, 2013 WL 1500235 (U.S. Apr. 15, 2013), a landmark federal appellate decision establishing Medicare Advantage health insurers' private right of action under the Medicare Secondary Payer Act.

Mr. Rabinovitz is prosecuting "pay-for-delay" antitrust claims on behalf of Humana (*In re: Aggrenox Antitrust Litig.*, 14-md-2516 (D. Conn)), Aetna (*In re Wellbutrin XL Antitrust Litig.*, 08-cv-2433 (E.D. Pa.)), and Government Employees Health Association (*In re: Lidoderm Antitrust Litig.*, 14-md-2524 (N.D. Cal.)). In the *In re Nexium* "pay-for-delay" litigation, Mr. Rabinovitz was part of the Lowey team that won remand on behalf of more than a dozen health insurers in the first District Court decision to consider remand of state antitrust claims following the Supreme Court's landmark decision in *FTC v. Actavis, Inc.*, 133 S. Ct. 2223 (2013). *Time Ins. Co. v. AstraZeneca AB*, 52 F.Supp. 3d 705 (E.D. Pa. 2014).

Mr. Rabinovitz has also defended and won dismissal of several class action lawsuits against health insurance clients that sought to void health insurance plans' subrogation and reimbursement rights under state's anti-subrogation laws. *Wurtz v. Rawlings Co., LLC*, No. 12-cv-1182-JMA-AKT, 2016 WL 7174674 (E.D.N.Y. Nov. 17, 2016); *Roche v. Aetna, Inc.*, 165 F. Supp. 3d 180 (D.N.J. 2016); *Mattson v. Aetna Life Ins. Co.*, 124 F. Supp. 3d 381 (D.N.J. 2015), *aff'd* 2016 U.S. App. LEXIS 11428 (3d Cir. N.J., June 23, 2016); *Meek-Horton v. Trover Solutions*, 910 F. Supp. 2d 690 (S.D.N.Y. 2013); *Potts v. Rawlings Co., LLC*, 897 F. Supp. 2d 185, 2012 (S.D.N.Y. 2012).

Mr. Rabinovitz's practice is not limited to health care matters; it covers a wide range of commercial litigation in federal and state courts, including defense of a major regional bakery in an antitrust suit brought by a competitor, defense of a financial investment firm in an age discrimination claim, defense of hedge fund for violation of securities laws, and SEC Whistleblower action, and representation of one of the largest mutual funds in the United States to recover losses related to mortgage-backed securities.

Mr. Rabinovitz has published in the Fordham Law Review: *Toward Effective Implementation of 11 U.S.C. § 522(d)(11)(E): Invigorating A Powerful Bankruptcy Exemption*, 78 Fordham L. Rev. 1521 (2009).

Mr. Rabinovitz is a graduate Yeshiva University (B.A. 2005) and Fordham University School of Law (J.D. 2010), where he served as an Associate Editor of the Fordham Law Review. Prior to joining the firm, Mr. Rabinovitz served as a Judicial Intern to the Honorable Novalyn L. Winfield, U.S. Bankruptcy Judge for the District of New Jersey. Mr. Rabinovitz is admitted in New York, New Jersey, the United States Courts of Appeal for the Second and Third Circuits, the U.S. District Courts for the Southern and Eastern Districts of New York, and the District of New Jersey.

***Noelle Ruggiero***

Ms. Ruggiero's practice covers a wide variety of litigation matters in federal and state courts, and focuses on litigation involving securities fraud. On March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the \$219 million settlement of Madoff feeder-fund litigation encompassing the In re Beacon Assoc. Litig., 09 Civ. 0777 (LBS)(AJP) (S.D.N.Y.) and In re J.P. Jeanneret Assoc. Inc., 09 Civ. 3907 (CM) (AJP) (S.D.N.Y.), in which she assisted in the prosecution. The settlement covers several additional lawsuits in federal and New York state courts against the Settling Defendants, including suits brought by the United States Secretary of Labor and the New York Attorney General. Plaintiffs in these cases asserted claims under the federal securities laws, ERISA and state laws arising out of hundreds of millions of investment losses sustained by unions and other investors in Bernard Madoff feeder funds.

Several notable decisions were reached during the course of these litigations, including the March 14, 2012 decision by Judge Sand granting class certification notwithstanding that the Madoff-related feeder funds were not traded in an efficient market and thus were not entitled to a presumption of reliance under the fraud on the market theory. In re Beacon Associates Litig., 282 F.R.D. 315, 322 (S.D.N.Y. 2012). This ruling is significant because it bolsters investor protections, most notably in endorsing a line of cases holding that the statute of repose on 10b-5 claims does not begin to run until the last misrepresentation is made by a defendant as part of a continuing fraud. Thus, this decision held that all plaintiffs' claims, including those claims that go back more than five years, were timely filed.

Ms. Ruggiero graduated the University of Miami (B.B.A. *cum laude* 2007), and St. John's University School of Law (J.D. *magna cum laude* 2010) where she served as a senior staff member on the St. John's Law Review. Ms. Ruggiero is admitted to practice in New York, and in the U.S. District Court for the Southern District of New York. She is a member of the Westchester Women's Bar Association.

***Laura Mummert***

Ms. Mummert has focused her practice in prosecuting complex securities, antitrust, fiduciary and consumer protection class actions.

Ms. Mummert served as part of the teams that prosecuted a number of securities fraud class actions, including *In re General Motors Corp. Securities Litigation*, which settled for \$300 million, *In re Oppenheimer Champion Fund Securities Litigation* and *In re Oppenheimer Core Bond Fund Securities Litigation*, both of which settled for a combined \$100 million after successfully opposing Defendants' request for dismissal, and *In re Take-Two Interactive Securities Litigation* where investors achieved a \$20.1 million settlement. Ms. Mummert also played a significant role in the prosecution of *In re Amgen Inc. Securities Litigation*, which settled for \$95 million and resulted in the landmark U.S. Supreme Court decision, *Amgen Inc. v. Conn. Ret. Plans & Tr. Funds*, 568 U.S. 455 (2013).

In protecting consumers' rights, Ms. Mummert has litigated a variety of cases, including those involving pharmaceutical and nutritional supplement products, rental-car fees, food and beverages, and diesel engines. For instance, Ms. Mummert served as one of the lead attorneys who obtained class certification of a nationwide class against Avis Rent-A-Car Systems, LLC and Budget Rent-A-Car Systems, Inc., for allegedly charging customers a deceptive fee for earning frequent flyer miles in connection with their car rentals, a case which resulted in a \$13.7 million recovery for the class. Ms. Mummert also served as lead counsel in a breach of fiduciary duty action against the Board of Pensions for one of the largest Christian denominations in the United States and obtained a full recovery for each of the plaintiffs.

Ms. Mummert also served on the litigation team that prosecuted the data breach action against Target after hackers stole the personal and financial information of up to 110 million Target customers during the height of the 2013 holiday season, and the team that brought the concussive injury case against the National Hockey League for its failure to disclose to its players the long-term risk of neurodegenerative disorders and diseases involved with repeated head traumas that have become inherent to the League.

Ms. Mummert served as co-lead counsel in *In re Aftermarket Automotive Sheet Metal Indirect Purchaser Litigation*, which led to a \$9.85 million recovery, and participated on the litigation teams prosecuting several other antitrust class actions, including *In re Disposable Contact Lens Antitrust Litigation*, and *In re Dental Supplies Antitrust Litigation*.

Ms. Mummert received her B.S. in Environmental Resource Management from Penn State University in 1992. She received her J.D. from Penn State Dickinson Law School in 2000. While at Dickinson, Ms. Mummert served as an articles editor for the *Dickinson Law Review*; her student law review note, "Concerned or Just Plain Nosy - The Consequences of Parental Wiretapping under the Federal Wiretap Act in Light of *Pollock v. Pollock*," was published in the December 2000 Law Review.

Ms. Mummert is admitted to practice in Pennsylvania and before the U.S. District Courts for the Eastern District of Pennsylvania, the District of Colorado, and the Eastern District of Wisconsin.

*Jennifer Risener*

Ms. Risener received her LL.M. in European Union Law from Université Paris II Panthéon-Assas (2015). She received her J.D. from Fordham University, School of Law (2015) where she served on the International Law Journal. Ms. Risener received her B.A., cum laude in History and Political Science from Muhlenberg College (2011).

Prior to joining the firm Ms. Risener served as a Judicial Intern to the Honorable Joseph F. Bianco, U.S. District Court Judge for the Eastern District of New York. Ms. Risener has also interned at the Coalition for the International Criminal Court.

Ms. Risener is admitted to practice in New York.

***ABOUT THE FIRM***

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#### **ROBERTA D. LIEBENBERG**

Roberta D. Liebenberg, a member, is a graduate of the University of Michigan and the Catholic University Columbus School of Law, *magna cum laude*, where she was the Notes Editor of the Law Review. Thereafter, she served as a law clerk for the United States Court of Appeals for the Fourth Circuit.

Ms. Liebenberg was one of four trial counsel for the plaintiff class in In re Urethane (Polyether Polyols) Antitrust Litigation, MDL No. 1616 (D.Kan.), a price-fixing case which, after a four week jury trial, resulted in a record-setting judgment against The Dow Chemical Company in excess of \$400 million, prior to trebling. The Court entered a final judgment for the class in the amount of \$1.06 billion, that was later unanimously affirmed by the Tenth Circuit. Dow recently agreed to a settlement for \$835 million, one of the largest settlements ever recovered in a price-fixing case from a single defendant.

In addition, Ms. Liebenberg has served in leadership roles in a number of other antitrust and consumer class actions: In re Aftermarket Filters Antitrust Litigation, MDL No. 1957 (N.D. Ill.) (Co-Lead Counsel for direct purchasers) (\$18 million settlement); In re Providian Financial Corp. Credit Card Terms Litigation, MDL No. 1301 (E.D. Pa.) (Co-Lead Counsel) (\$105 million settlement); In re Linerboard Antitrust Litigation, MDL No. 1261 (E.D. Pa.) (Executive Committee) (\$202.5 million settlement); In re Capacitors Antitrust Litigation, MDL No. 2574 (N.D. Cal.) (Expert Committee); In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.) (Expert Committee) (approximately \$325 million settlement); In re MSG Antitrust Litigation, MDL No. 1328 (D. Minn.) (Co-Chair, Expert Committee) (\$123 million settlement); In re Automotive Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.) (Executive Committee) (\$105.75 million settlement); Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fibers), No. CV-99-07796 (C.D. Cal.) (Expert Committee) (\$68 million settlement); In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.) (Co-Chair, Expert Committee) (approximately \$50 million settlement); In re Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah) (Co-Chair, Discovery Committee) (\$71 million settlement); United States v. Stolt-Nielsen, 524 F. Supp. 2d 586, 609 (E.D. Pa. 2007);

and Love Terminal Partners, L.P. v. City of Dallas, Texas, 527 F. Supp. 2d 538 (N.D. Tex. 2007).

In recognition of Ms. Liebenberg's legal skills and accomplishments, she has received a number of awards and honors. For example, she is to be awarded the American Bar Association's Margaret Brent Women Lawyers of Achievement Award in August, 2016. She is the recipient of the 2008 Sandra Day O'Connor Award by The Philadelphia Bar Association. Ms. Liebenberg has been named several times as one of the "Top Ten Super Lawyers" in Pennsylvania by *Philadelphia Magazine*, the only woman ever to receive that honor. In 2015, the *National Law Journal* named Ms. Liebenberg as one of the country's 75 most "Outstanding Women Lawyers." Previously, in 2007, the *National Law Journal* listed her as one of the "50 Most Influential Women Lawyers in America." Every year since 2004, Ms. Liebenberg has been recognized by *Philadelphia Magazine* as one of the "Top 50 Female Super Lawyers in Pennsylvania" and one of the "Top 100 Super Lawyers in Pennsylvania." She is listed in the highest band-level as one of the leading antitrust lawyers in Pennsylvania by the *Chambers USA Client Guide: America's Leading Business Lawyers*. The *Chambers Guide* states that she "always impresses with her deep knowledge, experience and vital understanding of the economic aspects of a case." Since 2006, she has been listed in *Best Lawyers in America* in the field of Antitrust, and serves as a member of the Best Lawyers Advisory Board.

#### **DONALD L. PERELMAN**

Donald L. Perelman, a member, is a graduate of the University of Michigan Law School (J.D. *magna cum laude*, 1980), and has extensive experience in the conduct of antitrust, class action and other complex litigation. Mr. Perelman is a senior member of the co-lead counsel team in the In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.).

He served as a member of the Plaintiffs' Executive Committee in the In re Linerboard Antitrust Litigation, 321 F. Supp. 2d 619 (E.D. Pa. 2004), and 2004 WL 1221350 (E.D. Pa. June 2, 2004). He was part of the core team that litigated this case until a settlement was reached in late 2003 resulting in a recovery for the class in excess of \$202 million. In the In re OSB Antitrust Litigation, Master File No. 06-826 (E.D. Pa.), which was settled shortly before trial for more than \$125 million, Mr. Perelman served as a member of the Plaintiffs' Executive Committee and played an integral role in the factual and theoretical development of this complex conspiracy case. In the In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.), he was a key member of the team that defeated defendants' summary judgment and Daubert motions. Mr. Perelman is currently a member of the Executive Committee in the In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation, MDL No. 1720 (E.D.N.Y.). He also served as Co-Discovery Chair in the Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah), and he was principally responsible for the management of the discovery programs in Lawrence v. Phillip Morris, Civ. 94-1494 (E.D.N.Y.) and Transamerican v. Dravo, Civ. H-88-789 (S.D.N.Y.).

#### **JEFFREY S. ISTVAN**

Jeffrey S. Istvan, a member, received his law degree from the University of Virginia School of Law in 1992, where he was a Hardy Cross Dillard Scholar. He received his undergraduate education at the University of Rochester, from which he graduated *summa cum laude* and was elected to Phi Beta Kappa. He clerked for The Honorable Robert S. Gawthrop, III, United States District Court for the Eastern District of Pennsylvania (1992-93), before joining Fine, Kaplan and Black, R.P.C. in October 1993.

Mr. Istvan has had wide-ranging experience in many complex cases, including antitrust, securities fraud, RICO, legal malpractice, corporate mismanagement, consumer protection, commercial and civil rights cases. Mr. Istvan has been named a Pennsylvania Super Lawyer by *Philadelphia Magazine*.

In recent years, Mr. Istvan has served as lead or co-lead counsel in several class actions resulting in excellent – and sometimes unprecedented – recoveries for the class. He was Lead Counsel in Parsky v. First Union Corp., No. 771, Feb. Term 2001 (C.C.P. Phila. Cty.), which in the fall of 2003 resulted in a recovery of more than \$23 million for a class of trust customers of a bank. He was Co-Lead counsel in In re Remeron Antitrust Litigation, No. 02-cv-2007 (D.N.J.), in which a \$36 million dollar settlement for end users of a prescription drug was approved by the court in the fall of 2005. He was counsel for the plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate in In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.), which settled for \$65.7 million. He was co-lead counsel for the plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

Mr. Istvan was one of the principal counsel to a group of large purchasers of copper in In re Copper Antitrust Litigation, 436 F.3d 782 (7<sup>th</sup> Cir. Feb. 6, 2006), in which the Seventh Circuit reversed the district court's entry of summary judgment, and following intense discovery, defendant JP Morgan Chase settled on confidential terms that were very favorable to Mr. Istvan's clients. He was co-lead counsel in Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007) in which a panel of AAA arbitrators approved a \$24.75 million dollar settlement in favor of a class of independent contractors who were allegedly underpaid by defendant DHL. That settlement is believed to be the largest class action

settlement in AAA arbitration. Mr. Istvan presently is an active member of the co-lead counsel team in Standard Iron Works v. ArcelorMittal, 2009 WL 1657449 (N.D. Ill. June 12, 2009).

### **GERARD A. DEVER**

Gerard A. Dever, a member of Fine, Kaplan and Black, R.P.C., received his law degree from Temple University School of Law in 2000, from which he graduated *magna cum laude*. He received his undergraduate education at American University from which he graduated *cum laude*. Prior to joining Fine Kaplan in January 2002, he was an associate at Pepper Hamilton LLP. Mr. Dever has been named a “Super Lawyer” by *Philadelphia Magazine*. Mr. Dever is also ranked in *The Chambers USA Client Guide*, which described him as “a strong attorney with excellent analytical abilities.”

Mr. Dever has represented both plaintiffs and defendants in antitrust matters, including class actions, criminal matters and merger reviews. In addition, Mr. Dever has litigated a variety of other cases in both federal and state courts, including contract disputes, legal malpractice matters and consumer class actions. Mr. Dever served as trial counsel in United States v. Stolt-Nielsen, S.A., et al., a complex criminal matter in which the firm successfully represented an executive charged with criminal antitrust violations. The charges were dismissed after a three-week bench trial. Mr. Dever also serves as part of the co-lead counsel team for the plaintiff class in In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.). After a four week jury trial, the class obtained a judgment in excess of \$1 billion in that case. While the case was on appeal to the United States Supreme Court, the parties reached an agreement to settle the case against Dow for \$835 million.

Mr. Dever also has been part of the trial team in cases that settled just before trial. See In re Cathode Ray Tube (CRT) Antitrust Litigation, No. CV-07-5944 (N.D. Cal.) (an indirect

purchaser antitrust class action); Gratz College v. Synergis Education, Inc., No. 14-6966 (E.D. Pa.) (a breach of contract case).

**PAUL COSTA**

Paul Costa, a member, received his undergraduate degree from the University of Pennsylvania, where he graduated *cum laude*. He received his law degree from Georgetown University Law Center, where he graduated *magna cum laude* and was elected to the Order of the Coif. Following law school, he worked as an associate in the Washington, D.C. offices of Akin, Gump, Strauss, Hauer & Feld, L.L.P. Prior to joining Fine, Kaplan and Black, R.P.C. in October 2004, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. Since 2007, Mr. Costa has been named a "Pennsylvania Rising Star" by *Philadelphia Magazine* in an annual listing of the top young lawyers in Pennsylvania.

Mr. Costa has represented plaintiffs and defendants in complex matters in federal and state courts and in arbitration. His practice focuses on antitrust, breach of contract, and consumer class actions. He has extensive experience in all aspects of commercial litigation, including new matter investigations, document discovery, depositions, and, like many of the firm's attorneys, he has authored numerous prevailing briefs during nearly every stage of litigation. Mr. Costa also is one of the principal attorneys representing a plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

## **MATTHEW H. DUNCAN**

Matthew H. Duncan, a member, received his law degree from the University of Pennsylvania Law School in 2003, from which he graduated *cum laude*, and won the Dolores Sloviter Award for best paper in the field of judicial administration. He received his undergraduate degree from Bucknell University in 1996 with a degree in Civil Engineering. Prior to joining Fine, Kaplan and Black, R.P.C., Mr. Duncan served as a law clerk to the Honorable Anthony J. Scirica, Chief Judge of the United States Court of Appeals for the Third Circuit. Mr. Duncan's practice focuses on antitrust and other complex litigation, as well as representing children pro bono in family court proceedings. He is an elected member of the American Law Institute, an adjunct professor of appellate advocacy at the University of Pennsylvania Law School, and in 2014, received the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement by a Young Lawyer for his role in the *Steel Antitrust Litigation*.

## **ADAM J. PESSIN**

Adam J. Pessin, a member, received his law degree from the University of Pennsylvania Law School *magna cum laude* in 2003, where he was research assistant for Professor Stephen Burbank, teaching assistant for Judge Alison Whitmer Tumas, and an editor of the Law Review. He received an undergraduate degree in English from Yale with distinction in 1996, and a diploma in Hebrew and Jewish studies from Oxford University in 1997. Prior to joining Fine, Kaplan and Black in 2007, Adam clerked for The Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit and was an associate at Patterson, Belknap, Webb and Tyler in New York City.

### **MARY L. RUSSELL**

Mary L. Russell, an associate, received her law degree *cum laude* from Georgetown University Law Center, where she was an editor of the American Criminal Law Review. She was a United States Senate staff person before obtaining her law degree. She received her undergraduate education at Kalamazoo College, where she was a Stone Honor Scholarship recipient. She was previously associated with Winthrop, Stimson, Putman & Roberts in New York City and Ballard, Spahr, Andrews & Ingersoll in Philadelphia, and was Of Counsel at Liebenberg & White.

### **RIA C. MOMBLANCO**

Ria C. Momblanco, an associate, received her law degree from the University of Pennsylvania Law School in 2002, where she was a senior editor and the technology editor for the Law Review. She received her undergraduate degree in chemical engineering from the University of California, Los Angeles. She is admitted to practice before the U.S. Patent and Trademark Office as well as in Pennsylvania and California. Prior to joining Fine, Kaplan and Black in 2006, Ms. Momblanco was an associate at Jones Day in Orange County, California where she practiced complex commercial litigation in the fields of health care and consumer credit reporting.

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In addition, Ms. Liebenberg has served in leadership roles in a number of other antitrust and consumer class actions: In re Aftermarket Filters Antitrust Litigation, MDL No. 1957 (N.D. Ill.) (Co-Lead Counsel for direct purchasers) (\$18 million settlement); In re Providian Financial Corp. Credit Card Terms Litigation, MDL No. 1301 (E.D. Pa.) (Co-Lead Counsel) (\$105 million settlement); In re Linerboard Antitrust Litigation, MDL No. 1261 (E.D. Pa.) (Executive Committee) (\$202.5 million settlement); In re Capacitors Antitrust Litigation, MDL No. 2574 (N.D. Cal.) (Expert Committee); In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.) (Expert Committee) (approximately \$325 million settlement); In re MSG Antitrust Litigation, MDL No. 1328 (D. Minn.) (Co-Chair, Expert Committee) (\$123 million settlement); In re Automotive Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.) (Executive Committee) (\$105.75 million settlement); Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fibers), No. CV-99-07796 (C.D. Cal.) (Expert Committee) (\$68 million settlement); In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.) (Co-Chair, Expert Committee) (approximately \$50 million settlement); In re Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah) (Co-Chair, Discovery Committee) (\$71 million settlement); United States v. Stolt-Nielsen, 524 F. Supp. 2d 586, 609 (E.D. Pa. 2007);

and Love Terminal Partners, L.P. v. City of Dallas, Texas, 527 F. Supp. 2d 538 (N.D. Tex. 2007).

In recognition of Ms. Liebenberg's legal skills and accomplishments, she has received a number of awards and honors. For example, she is to be awarded the American Bar Association's Margaret Brent Women Lawyers of Achievement Award in August, 2016. She is the recipient of the 2008 Sandra Day O'Connor Award by The Philadelphia Bar Association. Ms. Liebenberg has been named several times as one of the "Top Ten Super Lawyers" in Pennsylvania by *Philadelphia Magazine*, the only woman ever to receive that honor. In 2015, the *National Law Journal* named Ms. Liebenberg as one of the country's 75 most "Outstanding Women Lawyers." Previously, in 2007, the *National Law Journal* listed her as one of the "50 Most Influential Women Lawyers in America." Every year since 2004, Ms. Liebenberg has been recognized by *Philadelphia Magazine* as one of the "Top 50 Female Super Lawyers in Pennsylvania" and one of the "Top 100 Super Lawyers in Pennsylvania." She is listed in the highest band-level as one of the leading antitrust lawyers in Pennsylvania by the *Chambers USA Client Guide: America's Leading Business Lawyers*. The *Chambers Guide* states that she "always impresses with her deep knowledge, experience and vital understanding of the economic aspects of a case." Since 2006, she has been listed in *Best Lawyers in America* in the field of Antitrust, and serves as a member of the Best Lawyers Advisory Board.

#### **DONALD L. PERELMAN**

Donald L. Perelman, a member, is a graduate of the University of Michigan Law School (J.D. *magna cum laude*, 1980), and has extensive experience in the conduct of antitrust, class action and other complex litigation. Mr. Perelman is a senior member of the co-lead counsel team in the In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.).

He served as a member of the Plaintiffs' Executive Committee in the In re Linerboard Antitrust Litigation, 321 F. Supp. 2d 619 (E.D. Pa. 2004), and 2004 WL 1221350 (E.D. Pa. June 2, 2004). He was part of the core team that litigated this case until a settlement was reached in late 2003 resulting in a recovery for the class in excess of \$202 million. In the In re OSB Antitrust Litigation, Master File No. 06-826 (E.D. Pa.), which was settled shortly before trial for more than \$125 million, Mr. Perelman served as a member of the Plaintiffs' Executive Committee and played an integral role in the factual and theoretical development of this complex conspiracy case. In the In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.), he was a key member of the team that defeated defendants' summary judgment and Daubert motions. Mr. Perelman is currently a member of the Executive Committee in the In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation, MDL No. 1720 (E.D.N.Y.). He also served as Co-Discovery Chair in the Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah), and he was principally responsible for the management of the discovery programs in Lawrence v. Phillip Morris, Civ. 94-1494 (E.D.N.Y.) and Transamerican v. Dravo, Civ. H-88-789 (S.D.N.Y.).

#### **JEFFREY S. ISTVAN**

Jeffrey S. Istvan, a member, received his law degree from the University of Virginia School of Law in 1992, where he was a Hardy Cross Dillard Scholar. He received his undergraduate education at the University of Rochester, from which he graduated *summa cum laude* and was elected to Phi Beta Kappa. He clerked for The Honorable Robert S. Gawthrop, III, United States District Court for the Eastern District of Pennsylvania (1992-93), before joining Fine, Kaplan and Black, R.P.C. in October 1993.

Mr. Istvan has had wide-ranging experience in many complex cases, including antitrust, securities fraud, RICO, legal malpractice, corporate mismanagement, consumer protection, commercial and civil rights cases. Mr. Istvan has been named a Pennsylvania Super Lawyer by *Philadelphia Magazine*.

In recent years, Mr. Istvan has served as lead or co-lead counsel in several class actions resulting in excellent – and sometimes unprecedented – recoveries for the class. He was Lead Counsel in Parsky v. First Union Corp., No. 771, Feb. Term 2001 (C.C.P. Phila. Cty.), which in the fall of 2003 resulted in a recovery of more than \$23 million for a class of trust customers of a bank. He was Co-Lead counsel in In re Remeron Antitrust Litigation, No. 02-cv-2007 (D.N.J.), in which a \$36 million dollar settlement for end users of a prescription drug was approved by the court in the fall of 2005. He was counsel for the plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate in In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.), which settled for \$65.7 million. He was co-lead counsel for the plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

Mr. Istvan was one of the principal counsel to a group of large purchasers of copper in In re Copper Antitrust Litigation, 436 F.3d 782 (7<sup>th</sup> Cir. Feb. 6, 2006), in which the Seventh Circuit reversed the district court's entry of summary judgment, and following intense discovery, defendant JP Morgan Chase settled on confidential terms that were very favorable to Mr. Istvan's clients. He was co-lead counsel in Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007) in which a panel of AAA arbitrators approved a \$24.75 million dollar settlement in favor of a class of independent contractors who were allegedly underpaid by defendant DHL. That settlement is believed to be the largest class action

settlement in AAA arbitration. Mr. Istvan presently is an active member of the co-lead counsel team in Standard Iron Works v. ArcelorMittal, 2009 WL 1657449 (N.D. Ill. June 12, 2009).

### **GERARD A. DEVER**

Gerard A. Dever, a member of Fine, Kaplan and Black, R.P.C., received his law degree from Temple University School of Law in 2000, from which he graduated *magna cum laude*. He received his undergraduate education at American University from which he graduated *cum laude*. Prior to joining Fine Kaplan in January 2002, he was an associate at Pepper Hamilton LLP. Mr. Dever has been named a “Super Lawyer” by *Philadelphia Magazine*. Mr. Dever is also ranked in *The Chambers USA Client Guide*, which described him as “a strong attorney with excellent analytical abilities.”

Mr. Dever has represented both plaintiffs and defendants in antitrust matters, including class actions, criminal matters and merger reviews. In addition, Mr. Dever has litigated a variety of other cases in both federal and state courts, including contract disputes, legal malpractice matters and consumer class actions. Mr. Dever served as trial counsel in United States v. Stolt-Nielsen, S.A., et al., a complex criminal matter in which the firm successfully represented an executive charged with criminal antitrust violations. The charges were dismissed after a three-week bench trial. Mr. Dever also serves as part of the co-lead counsel team for the plaintiff class in In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.). After a four week jury trial, the class obtained a judgment in excess of \$1 billion in that case. While the case was on appeal to the United States Supreme Court, the parties reached an agreement to settle the case against Dow for \$835 million.

Mr. Dever also has been part of the trial team in cases that settled just before trial. See In re Cathode Ray Tube (CRT) Antitrust Litigation, No. CV-07-5944 (N.D. Cal.) (an indirect

purchaser antitrust class action); Gratz College v. Synergis Education, Inc., No. 14-6966 (E.D. Pa.) (a breach of contract case).

**PAUL COSTA**

Paul Costa, a member, received his undergraduate degree from the University of Pennsylvania, where he graduated *cum laude*. He received his law degree from Georgetown University Law Center, where he graduated *magna cum laude* and was elected to the Order of the Coif. Following law school, he worked as an associate in the Washington, D.C. offices of Akin, Gump, Strauss, Hauer & Feld, L.L.P. Prior to joining Fine, Kaplan and Black, R.P.C. in October 2004, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. Since 2007, Mr. Costa has been named a "Pennsylvania Rising Star" by *Philadelphia Magazine* in an annual listing of the top young lawyers in Pennsylvania.

Mr. Costa has represented plaintiffs and defendants in complex matters in federal and state courts and in arbitration. His practice focuses on antitrust, breach of contract, and consumer class actions. He has extensive experience in all aspects of commercial litigation, including new matter investigations, document discovery, depositions, and, like many of the firm's attorneys, he has authored numerous prevailing briefs during nearly every stage of litigation. Mr. Costa also is one of the principal attorneys representing a plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

## **MATTHEW H. DUNCAN**

Matthew H. Duncan, a member, received his law degree from the University of Pennsylvania Law School in 2003, from which he graduated *cum laude*, and won the Dolores Sloviter Award for best paper in the field of judicial administration. He received his undergraduate degree from Bucknell University in 1996 with a degree in Civil Engineering. Prior to joining Fine, Kaplan and Black, R.P.C., Mr. Duncan served as a law clerk to the Honorable Anthony J. Scirica, Chief Judge of the United States Court of Appeals for the Third Circuit. Mr. Duncan's practice focuses on antitrust and other complex litigation, as well as representing children pro bono in family court proceedings. He is an elected member of the American Law Institute, an adjunct professor of appellate advocacy at the University of Pennsylvania Law School, and in 2014, received the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement by a Young Lawyer for his role in the *Steel Antitrust Litigation*.

## **ADAM J. PESSIN**

Adam J. Pessin, a member, received his law degree from the University of Pennsylvania Law School *magna cum laude* in 2003, where he was research assistant for Professor Stephen Burbank, teaching assistant for Judge Alison Whitmer Tumas, and an editor of the Law Review. He received an undergraduate degree in English from Yale with distinction in 1996, and a diploma in Hebrew and Jewish studies from Oxford University in 1997. Prior to joining Fine, Kaplan and Black in 2007, Adam clerked for The Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit and was an associate at Patterson, Belknap, Webb and Tyler in New York City.

### **MARY L. RUSSELL**

Mary L. Russell, an associate, received her law degree *cum laude* from Georgetown University Law Center, where she was an editor of the American Criminal Law Review. She was a United States Senate staff person before obtaining her law degree. She received her undergraduate education at Kalamazoo College, where she was a Stone Honor Scholarship recipient. She was previously associated with Winthrop, Stimson, Putman & Roberts in New York City and Ballard, Spahr, Andrews & Ingersoll in Philadelphia, and was Of Counsel at Liebenberg & White.

### **RIA C. MOMBLANCO**

Ria C. Momblanco, an associate, received her law degree from the University of Pennsylvania Law School in 2002, where she was a senior editor and the technology editor for the Law Review. She received her undergraduate degree in chemical engineering from the University of California, Los Angeles. She is admitted to practice before the U.S. Patent and Trademark Office as well as in Pennsylvania and California. Prior to joining Fine, Kaplan and Black in 2006, Ms. Momblanco was an associate at Jones Day in Orange County, California where she practiced complex commercial litigation in the fields of health care and consumer credit reporting.

We invite you to learn more about Fine, Kaplan and Black on our website ([www.finekaplan.com](http://www.finekaplan.com)) or by contacting us at (215) 567-6565.

## FINE, KAPLAN AND BLACK, R.P.C.

### Adam J. Pessin

Adam J. Pessin is a partner at Fine Kaplan and Black in Philadelphia, where he focuses his practice on class actions, antitrust and complex commercial litigation. He is a graduate of Yale University, the University of Oxford (England) and the University of Pennsylvania Law School, *magna cum laude*, where he was an editor of the Law Review. Thereafter, he served as a law clerk for the Honorable Maryanne Trump Barry on the United States Court of Appeals for the Third Circuit.

### Practice Areas

- Antitrust
- Class Actions
- Complex Commercial Litigation

### Bar Admissions

- Pennsylvania, 2004
- New York, 2005
- U.S. District Court Eastern District of Pennsylvania
- U.S. District Court Southern District of New York
- U.S. District Court Eastern District of New York
- U.S. District Court Northern District of New York
- U.S. Court of Appeals Third Circuit
- U.S. Court of Appeals Second Circuit

### Education

- University of Pennsylvania Law School, Philadelphia, PA, 2003, J.D.  
Honors: *magna cum laude*  
Order of the Coif  
P. Pemberton Morris Award (highest grades in Evidence, Pleading and Practice)  
Editor, *University of Pennsylvania Law Review*
- University of Oxford, Oxford, England, 1997, Diploma
- Yale University, New Haven, CT 1996, B.A.  
Honors: Distinction in the English major  
Herbert M. Atherton Award

### Representative Cases

- *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.)
- *Standard Iron Works v. ArcelorMittal, et al.*, 639 F. Supp. 2d 877 (N.D. Ill. 2009)
- *In re Aftermarket Filters Antitrust Litig.*, 2009 WL 3754041 (N.D. Ill. Nov. 5, 2009)

**SHEPHERD FINKELMAN MILLER & SHAH, LLP**

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



*Serving Our Clients Worldwide*

Shepherd, Finkelman, Miller & Shah, LLP is a results driven law firm that is focused on delivering the highest level of service possible to our clients throughout the globe. SFMS believes that approaching the representation of our clients with considered judgment and candor, as well as the highest degree of courtesy, professionalism and zeal possible, provides the best opportunity for our clients to achieve and exceed their goals in any given matter. Having begun over ten years ago as a litigation boutique, SFMS has grown into a full-service firm that is able to meet its clients' needs in virtually any matter. The Firm maintains a number of offices in the United States that are strategically located to serve our clients. In addition, through a highly respected, global network of independent law, fiduciary trust and accounting firms, as well as affiliate offices, SFMS is able to effectively meet the needs of its clients throughout the world. Although our practice has grown in terms of geographic scope to meet client needs, SFMS maintains the culture of a boutique law firm with attorneys and staff working in an interdisciplinary, team-based manner across and between different offices.

*Focused On Results*

As part of our mission statement, the Firm ensures that every client receives our best judgment and a clear recommendation in every matter. In other words, although we always discuss and fully describe the array of alternatives available to our clients, we understand the importance of advocates being plain spoken, willing to challenge convention and strategic in their thinking. That is why we make certain that, without mincing words, SFMS always provides specific recommendations to each client in clear and straightforward terms regarding the Firm's judgment as to the best way to achieve the goal at hand.

*Motivated by Challenging Issues*

The attorneys, other professionals and staff of SFMS are a diverse and accomplished group of individuals who value the professional rewards and other benefits of working in a collegial, team-oriented environment. The attorneys at SFMS have earned degrees from a variety of highly-respected colleges and law schools, including the University of California at Berkeley, University of Chicago, Cornell University, Duke University, Emory University, Fordham University, George Washington University, Hastings College of Law, the University of Maryland, the University of Oregon, University of Oxford, the University of Pennsylvania, Pennsylvania State University, Temple University, Trinity College, University of Pittsburgh, Villanova University and Yale University. Many graduated with distinction and were members and editors of their respective schools' law reviews, moot courts or honor fraternities. Most have served federal or state judicial clerkships, and others hold graduate degrees in law, tax or other disciplines.



Our professional staff also is highly experienced and accomplished. At SFMS, we believe strongly that the competence and commitment of our non-attorney staff is critical to achieving the excellent client service that we always seek to deliver. We pride ourselves on working collegially together as a Firm while eschewing artificial hierarchy and stilted interactions in favor of a team-oriented environment that fosters creativity and a commitment to excellence.

Comprised of attorneys and staff that are almost exclusively alumni of large firms, SFMS team members have a keen understanding of the benefits of working in a boutique environment in which the opinions and contributions of all attorneys and staff are considered and valued. The Firm's clients also recognize these benefits and regularly comment upon SFMS's responsiveness and the efficiencies achieved in specific engagements, where the attorneys and staff are clearly and unselfishly committed to the simple goal of achieving an excellent result for the client, while enjoying the opportunity to collaborate with peers in a workplace environment that maximizes the potential of all team members and values the contributions of all.

At SFMS, we understand that it is best to approach any case, transaction, trial or other client challenge by obtaining a full understanding of the issues at hand and then engaging in strategic thinking, as well as hard work, to establish, and then meet and exceed, our clients' established goals. At SFMS, we are motivated by, and relish, the opportunity to confront challenging issues. That is why we consider it a privilege to work cooperatively with our clients to meet their goals and overcome the inevitable challenges created by complicated transactions and the disputes that clients regularly confront.

### ***Socially Committed and Responsible***

Although superior client service is our overriding aim, at SFMS, we also are committed to approaching our practice in a socially responsible manner, while making meaningful contributions to support the communities in which we work, the world at large and the social justice system. In our first ten years, although we are proud of the over \$1 billion in recoveries that we have obtained for our clients in litigation and similar matters, the important disputes that we have resolved and the significant transactions that we have completed, we are equally proud of the more than \$100 million in charitable donations for which the Firm has been responsible in the form of *cy pres* and other donations and gifts to assist those in need, as well as supporting the arts, education and other philanthropic causes. The Firm also is actively involved in *pro bono* cases, having successfully assisted clients in a variety of diverse matters, including civil matters for indigent clients, death penalty appeals, immigration asylum matters and court-appointed prisoner rights cases.



### *Areas of Expertise*

Although SFMS is not organized into formal departments or practice areas and, instead, believes that our clients are best served by an interdisciplinary approach ensuring that the best attorneys for a given matter are assigned to meet the client's needs, the following constitute the Firm's more significant practice areas:

- Antitrust, Competition and Trade Regulation
- Business Counseling and Corporate Transactions
- Employee Benefits and Fiduciary Compliance
- Insurance Coverage and Practices
- International Business and Trade
- Private Client Services
- Representative and Collective Litigation
- Arbitration, Mediation and Other ADR Procedures
- Commercial and Other Complex Litigation
- Institutional Investor Services
- Intellectual Property
- Labor and Employment
- Qui Tam, False Claims and Whistleblower Proceedings
- Securities Regulation and Corporate Governance



### *Antitrust, Competition and Trade Regulation*

SFMS has broad experience in dealing with the complex legal and economic issues that antitrust, competition and trade regulation questions can present. We offer clients significant litigation and counseling experience in virtually all aspects of antitrust and trade regulation litigation. Our lawyers have successfully represented plaintiffs and defendants in major civil antitrust matters throughout the United States. SFMS attorneys also have extensive experience representing parties involved in related criminal, administrative and other regulatory proceedings. In such matters, our team members have extensive experience working with the Department of Justice, the Federal Trade Commission and various State Attorneys General, as well as, upon occasion, international regulatory bodies, including the European Union. SFMS also has worked with and represented governmental entities, including the State of Connecticut, in unfair trade practice and related matters. Finally, SFMS has represented a number of clients, both businesses and consumers, in unfair trade practice and consumer protection cases throughout the United States in a wide variety of jurisdictions, including in scores of individual and Multi-District Litigation proceedings, in cases arising under the Consumer Legal Remedies Act, the Lanham Act, the Magnuson-Moss Warranty Act, the Racketeer Influenced and Corrupt Organizations Act and the Unfair Competition Law, as well as similar statutes and state laws in over 35 states and the District of Columbia.

The Firm is actively involved in litigation concerning antitrust and unfair competition issues relating to, among other matters, vertical and horizontal price agreements, market allocations, concerted refusals to deal, monopolization, covenants not to compete, price-fixing and tying arrangements, as well as unfair and deceptive trade practice, false advertising and commercial disparagement. Our attorneys, with extensive experience in antitrust law and economics, as well as knowledge of market realities, have represented businesses and individual consumers in antitrust cases in state and federal courts in the United States, as well as related criminal and regulatory proceedings. The Firm's attorneys have successfully prosecuted and defended antitrust cases, including price discrimination cases under the Robinson-Patman Act and price-fixing and tying cases under federal and state antitrust laws, to successful jury verdict.

In antitrust, competition, consumer protection and trade regulation cases, SFMS has been appointed lead counsel in over 75 cases in the United States, in recognition of its broad range of experience and the excellent results that it has obtained for its clients in previous engagements.



### ***Arbitration, Mediation and Other ADR Proceedings***

SFMS considers the use of arbitration, mediation and other alternative dispute resolution (“ADR”) devices to be an integral part of the practice of law and the advice that we provide to our clients. The Firm’s arbitration and mediation practice, and the other ADR strategies that we employ, enable us to achieve results that promote our clients’ goals, reduce the expense and delay associated with resolving disputes, and avoid the distractions that more protracted proceedings may impose upon clients.

SFMS lawyers have a broad range of ADR experience in the fields of domestic and international arbitration, direct negotiation, mediation and other customized ADR options, including dispute review boards, med-arbs, mini-trials, private judging and summary jury trials in the fields of antitrust, commercial transactions, construction, consumer and financial transactions, corporate and contract law, employment and labor disputes, intellectual property, insurance, and securities and corporate governance. In addition to regularly representing our clients in these ADR proceedings, SFMS attorneys have extensive experience acting as arbitrators, mediators, private judges and settlement counsel.

Members of the SFMS team have acted as advocates and/or neutrals in proceedings before the American Arbitration Association, the Federal Mediation and Conciliation Service, the Financial Industry Regulatory Authority f/k/a as the National Association of Securities Dealers and New York Stock Exchange, the Grain and Feed Trade Association in London, the International Centre for Dispute Resolution, the International Chamber of Commerce, Judicial Arbitration and Mediation Services, Inc., both domestically and internationally, and the London Court of International Arbitration, as well as in a number of quasi-public and private ADR proceedings.

### ***Business Counseling and Corporate Transactions***

SFMS has extensive experience counseling its business clients in a variety of matters. The Firm’s attorneys have experience in significant transactional work, as well as vast experience providing corporate and business counseling to our clients, including in the areas of business formations, capital markers, contract drafting, sales or purchases of businesses, mergers and consolidations, joint ventures, employee and independent contractor agreements, confidentiality agreements, public and private offerings, stock sale, transfer and other arrangements, severance packages, third party agreements and corporate governance matters. On the rare occasions when a corporate or business matter requires even greater expertise from a transactional, taxation or other perspective, we work with our clients to identify the best co-counsel with which to work on that particular matter and with whom we maintain relationships around the world, and then supervise the work of such counsel to ensure that the client’s needs are being met in cost-effective and efficient manner.



SFMS acts as outside general counsel for a number of small- to mid-size businesses, as well as certain subsidiaries of overseas corporations. Since the Firm uses a multi-disciplinary, team-oriented approach to staffing all business counseling and corporate transactional work, SFMS is able to provide high quality, cost-effective representation for the clients that choose to so engage us. In fact, certain clients have apprised us that, based upon the efficient and business-minded manner in which we approach such matters, it often makes sense for them to engage SFMS, even though the Firm may, at times, bill at higher hourly rates than other law firms. Since SFMS approaches every engagement based upon the principles of value billing and seeks to reward productivity and outcomes, as opposed to time spent on an engagement, the Firm consistently is informed by its corporate clients that it provides higher quality and lower cost services than many of its competitors, both large and small, that work exclusively or predominantly in the area of business counseling and corporate transactions.

### ***Commercial and Other Complex Litigation***

SFMS has extensive experience handling a wide variety of commercial litigation matters. The attorneys at SFMS have decades of experience representing large national and international corporations, as well as smaller businesses and other entities in such matters. The broad range of commercial litigation matters that SFMS lawyers have handled include contract disputes, breach of duty claims, abuse of trust cases, business torts, trade disputes, unfair competition claims and related issues, including risk assessment and litigation avoidance. We represent clients in diverse industry sectors, including large publicly traded and international companies, as well as smaller business enterprises in connection with their complex commercial litigation matters. In addition to handling such matters in federal and state courts in the United States, SFMS attorneys also have significant experience handling claims in international arbitration forums and with co-counsel in courts outside of the United States. In representing clients in commercial litigation matters, SFMS attorneys have recovered hundreds of millions of dollars, including recoveries from governments and state trading entities. SFMS attorneys regularly appear in federal and state courts throughout the United States, as well as bankruptcy and appellate courts. In fact, on the appellate front, as a result of our track record of winning many significant and groundbreaking appeals over the last decade, other practitioners regularly approach us and request that we assist them in pursuing or defending appeals in federal and state courts.

The Firm handles commercial litigation pursuant to traditional hourly billing arrangements and, on an increasingly frequent basis, has been retained to handle litigation for corporate plaintiffs on a contingent fee basis. We have found that, while many corporate counsel tend to be reluctant to deviate from tried and true hourly billing procedures, in appropriate circumstances, a contingent fee structure ensures the proper incentives and often works to further the client's interests, while providing desirable incentives to litigate efficiently, maximize recoveries and minimize the length of pretrial proceedings.



### ***Employee Benefits and Fiduciary Compliance***

SFMS handles a variety of employee benefits and fiduciary litigation, as well as compliance issues, for our clients -- most of which arise under the Internal Revenue Code and the Employee Retirement Income Security Act of 1974. SFMS attorneys have represented employee benefit plan fiduciaries, including plan trustees, as plaintiffs and defendants in a wide variety of employee benefits and fiduciary compliance matters. The Firm's attorneys also have experience working with independent fiduciaries in certain cases. The attorneys at SFMS also have represented clients in a number of cases involving Taft-Hartley fund delinquent contributions and similar matters. The Firm has handled a number of novel and ground-breaking ERISA cases, including issues regarding revenue-sharing practices, cash balance and cross-tested plans, common stock declines and stock options with regard to qualified retirement plans, including 401(k), 403(b), 457, profit sharing, money purchase pension, cash balance, annuity, and defined benefit plans.

Most of the employee benefits and fiduciary compliance litigation that SFMS handles involving employee benefits and fiduciary compliance occurs in federal district courts in the United States. In such litigation, SFMS has significant experience working with the U.S. Department of Labor, as well as the Department of Justice. SFMS attorneys also have experience representing the interest of our clients in bankruptcy court and related proceedings in connection with both employee benefits and fiduciary compliance matters.

### ***Institutional Investor Services***

SFMS provides a variety of compliance, litigation, monitoring, regulatory and transactional services to institutional investors, including educational and endowment based funds, hedge funds, public and private pension funds and private equity firms. Among the other services that it provides to institutional clients, the Firm performs corporate governance and securities investment monitoring for virtually all of its institutional clients pursuant to which it advises clients when they should consider legal action to protect their rights as shareholders in a corporation. In connection with its SFMS Tracker<sup>SM</sup> service, SFMS offers the following portfolio services to institutional investor clients: (a) the development of guidelines and policy statements regarding securities and other shareholder litigation, as well as other corporate governance initiatives, to meet fiduciary obligations; (b) the monitoring of securities and related litigation that affects the client's investments; (c) the investigation and evaluation of potential and pending litigation to evaluate the appropriate role, if any, for the client; (d) the preparation of presentations for institutional clients regarding the status of potential and pending litigation and other corporate governance initiatives; (e) provision of updates regarding the settlement or other resolution of litigation, disputes and other initiatives; (f) assistance to clients in completing appropriate claim forms and other documentation to maximize recoveries; and (g) coordination of the holding of certain securities in custodial accounts with a financial institution pursuant to a specialized agreement that SFMS was instrumental in crafting to protect client interests in appropriate circumstances.



### ***Insurance Coverage and Practices***

SFMS has significant experience in handling legal issues related to insurance coverage and practices. SFMS attorneys have experience negotiating and litigating with many major U.S. insurance companies, as well as Lloyd's, the London Market and other international insurers. The Firm has achieved outstanding results for our clients across a wide variety of issues and forums. SFMS attorneys have handled insurance coverage matters related to business interruption, defamation, health insurance, privacy, advertising, personal injury claims, Directors' and Officers' liability, employment practices liability, environmental cleanup and 'toxic tort' liability, fidelity bonds and crime policies, financial insurance, intellectual property (copyright, trademark and patent infringement), product liability, professional errors and omissions (malpractice) liability, property and valuable articles coverage, 'self-insurance' and workers' compensation insurance. In such matters, SFMS attorneys have experience with all principal coverage issues that arise under standard liability and first-party property policies, as well as many specialty coverages, have addressed many of the procedural aspects of insurance coverage litigation, including choice of law, forum non conveniens, party joinder and case management issues, duty-to-defend disputes, and independent counsel and fee-rate limitation issues. The Firm also has extensive experience in handling claims regarding insurance marketing, settlement and payment practices, as well as insurance practices regarding the calculation of benefits. SFMS attorneys have played a substantial role in litigating major insurance practice-related claims with respect to automobile insurance loss adjustment practices, burial insurance, health insurance and continuation of benefits issues, title insurance charges and vanishing premium insurance policies.

### ***Intellectual Property***

SFMS has significant experience providing an array of legal services in the areas of patent, copyright, trademark, trade secret, outsourcing, software, technology, restrictive covenants and franchise law. These services include obtaining protection, registrations, amendments and renewals with respect to patents, copyrights, trade secrets, service marks and trademarks. SFMS also counsels its clients on licensing, marketing, distribution and other commercial transactions regarding products, services and technologies protectable under international, federal, state or local intellectual property laws. SFMS attorneys also have litigated and provided advice about disputes involving the protection and enforcement of rights in patents, trademarks, copyrights, confidential information and trade secrets, technology, covenants not to compete, and other intellectual property. SFMS has significant experience in prosecuting and defending copyright, trademark and patent infringement cases, unfair competition actions, Internet and technology disputes (including those involving software and computer technology), franchise disputes, false advertising claims, litigation concerning trade secrets and restrictive covenants, and other claims relating to intellectual property. SFMS attorneys also are well-versed not only on the substance of intellectual property law, but also on federal and state court procedural issues, including obtaining and defending against temporary restraining orders and preliminary injunctions that



often are sought in intellectual property actions. Finally, SFMS attorneys are proficient in resolving intellectual property disputes through alternative dispute resolution mechanisms, such as arbitration and mediation.

### ***International Business and Trade***

SFMS represents companies and other business entities based in the United States and overseas in a variety of international business and trade matters. The Firm's attorneys have assisted our foreign and United States clients with organizing foreign subsidiaries, joint ventures, mergers, acquisitions and recapitalizations, manufacturing agreements, sales, leasing and supply agreements, international distribution of goods and services, cross-border technology licensing, licensing agreements and registration of U.S. and foreign trademarks, copyrights and patents, privacy and data protection, as well as Foreign Corrupt Practices Act compliance. SFMS attorneys also assist our clients in addressing immigration matters, international estate planning, and real estate acquisition issues to the extent that those needs arise. In addition, the Firm regularly represents a number of clients based overseas in arbitration, mediation, other ADR proceedings and litigation matters.

SFMS's International Business and Trade practice works with local counsel in many countries to help clients understand and manage risks posed by different legal systems. As an active member of IAG International (Integrated Advisory Group), <http://www.iaginternational.org>, a consortium of independent law, fiduciary trust and accounting firms in Asia, Canada, Central America, Europe, the Middle East, South America and the United States, SFMS is able to effectively meet the needs of its clients on a global basis. As part of its growing international practice, SFMS actively encourages its more junior lawyers to actively participate in AIJA (the International Association of Young Lawyers), <http://www.aija.org>, since we understand that, by building and maintaining professional relationships throughout the globe, SFMS is able to provide a service level in international matters that is infrequently matched by other boutique firms.

We have attorneys fluent or proficient in Cantonese Chinese, Mandarin Chinese, Japanese, French, Italian and Spanish, and many have spent substantial time working outside the United States. We are experienced working internationally and counsel our clients on the cultural and legal norms of doing business in various foreign jurisdictions. We also assist our clients to achieve their goals with our team approach and a thorough understanding of their international business needs. We have experience in many areas throughout the world, including Argentina, Australia, Bermuda, Brazil, British Virgin Islands, Canada, Chile, China, Denmark, Dominican Republic, Dubai, France, Germany, Hong Kong, India, Israel, Italy, Japan, Korea, Kuwait, Mexico, the Netherlands, Russia, Singapore, Spain, Switzerland, Taiwan, Turkey, the United Kingdom and Yemen.



### ***Labor and Employment***

SFMS has a significant and eclectic practice in the field of labor and employment matters. The Firm has represented individuals, companies, governmental entities and other employers, as well as labor organizations, in a wide range of employment and labor litigation, as well as other matters. SFMS attorneys have extensive experience counseling and representing their clients in litigation, as well as other disputes and challenges, regarding ERISA and employment benefits, federal and state wage and hour laws, questions regarding H1N1 (swine) flu workforce resources, immigration, international employment, labor-management relations, noncompetition agreements and trade secrets, occupational safety and health, equal employment and affirmative action matters, workplace safety, changes, reductions-in-force and training.

The Firm's attorneys have negotiated collective bargaining agreements, appeared before the National Labor Relations Board, the Equal Employment Opportunity Commission and other fair employment practice agencies, as well as before various mediation and arbitration panels that specialize in employment and labor issues. SFMS has vast experience working on a diverse array of employment and labor cases, including cases involving age, defamation, gender, gender dysphoria, race and sexual orientation discrimination, ERISA and benefits matters, breach of contract claims, and wage/hour claims. SFMS and its attorneys also have served as lead counsel in a number of wage/hour class actions, as well as discrimination and other employment class actions. In those cases in which the Firm has represented plaintiffs, it has recovered millions of dollars for its clients. Finally, the Firm serves as national labor counsel for several select employers and also is pleased to count a number of local and international labor organizations among its clients.

### ***Private Client Services***

SFMS also provides private client services to existing and select clients with respect to domestic and international estate planning, charitable planned giving, trust and estate administration, family law matters, executive compensation, real estate and federal and state tax issues. In addition, upon occasion, the Firm will represent existing clients in personal litigation. In these areas, SFMS has a broad range of expertise, having assisted clients in the United States and overseas with significant estate planning issues, having negotiated executive compensation packages, as well as severance packages, for senior executives at U.S. and international concerns, and having assisted existing clients in custody, divorce, guardianship and separation matters arising from family crises or disputes. The Firm also has experience assisting our clients in negotiating and closing real estate transactions, both in the commercial and non-commercial fields. SFMS regularly works with accountants and auditors to address federal, state and local tax issues for its clients and has significant experience handling offers in compromise and defending tax proceedings initiated by government entities, including the Internal Revenue Service and the Department of Justice. SFMS believes strongly that, when the need arises, its attorneys and other professionals must and should be prepared to assist our clients in these important private matters.



### ***Qui Tam, False Claims and Whistleblower Proceedings***

SFMS has broad experience in handling legal issues related to false claims, whistleblower and qui tam cases under the federal False Claims Act and similar state laws, as well as assisting clients in internal investigations. The federal False Claims Act has proven to be an effective, powerful and, sometimes, frightening tool in fighting Medicare and Medicaid fraud, defense contractor fraud and other types of fraud perpetrated against federal and state governments. The ‘qui tam’ provisions, which allow whistleblowers to file False Claims Act lawsuits against companies and individuals that allegedly defraud the government with the opportunity to obtain a “bounty,” have been a key ingredient in the False Claims Act’s success, as the federal government has recovered more than \$15 billion as a result of qui tam lawsuits since 1986, with whistleblowers’ rewards totaling more than \$2.5 billion. SFMS attorneys have represented clients in a number of significant cases under the False Claims Act. In addition, the Firm has significant experience representing clients in qui tam cases brought under similar state laws against companies and individuals accused of defrauding state and local government agencies. The Firm currently is representing clients in a number of qui tam actions under the False Claims Act and state law, many of which, including several large prosecutions, are ‘under seal’ and, therefore, cannot be publicly disclosed. SFMS similarly has significant experience handling qui tam, false claims and whistleblower cases under the Dodd-Frank Act for alleged securities fraud and related misconduct, as well as the Foreign Corrupt Practices Act, related to alleged bribery of foreign officials and others to secure business preferences overseas. Finally, the Firm has represented clients performing internal investigations arising from whistleblower complaints and has developed effective, methodological tools to address such matters.

### ***Representative and Collective Litigation***

SFMS has a broad range of experience in representing clients in class action and other representative/collective litigation. The attorneys at SFMS have been appointed lead counsel in scores of class action and similar cases, and the courts that have appointed SFMS in such litigation have consistently recognized the excellent representation provided by SFMS in such engagements. SFMS attorneys have extensive experience representing the interests of their clients in antitrust, consumer protection, employment discrimination/civil rights, employee benefits, ERISA, fiduciary compliance, housing practices, insurance coverage/practices, securities fraud/breach of fiduciary duty, and wage and hour class action litigation.

In such litigation, SFMS has represented a variety of private and public plaintiffs, including institutional and other significant investors, private companies, officers and directors, other fiduciaries and labor organizations. In such litigation, SFMS has been successful in recovering hundreds of millions of dollars for our clients and, in addition, has procured tens of millions of dollars in charitable cy pres donations to worthy organizations as a result of the outcomes that we have achieved. Unlike certain lawyers who exclusively handle class action litigation, we know how to prosecute cases to trial and have extensive experience trying cases. In federal and



state courts, as well as arbitral forums, SFMS attorneys have tried such cases for both plaintiffs and defendants to successful jury verdict, judgment and award.

***Securities Regulation and Corporate Governance***

SFMS has significant experience in the fields of securities regulation and corporate governance. In such matters, SFMS has represented a variety of private and public entities, including institutional and other investors, investment managers, hedge funds, public and private pension funds, as well as private companies, officers and directors, and labor organizations. In addition to counseling our clients on matters related to securities regulation and corporate governance, SFMS attorneys have litigated complex securities and directors' and officers' liability cases in federal and state courts across the country. Our securities litigation practice is one of the largest and strongest practice areas of the Firm. We have significant trial and appellate experience in the following areas: shareholder class actions; significant shareholder opt-out cases; derivative/director and officer cases and investigations; corporate control contests; regulatory enforcement and criminal prosecution matters. Our attorneys have worked with and against the SEC, Department of Justice and various self-regulatory organizations, including FINRA, in representing our clients. SFMS attorneys also have experience with a variety of securities registration and regulation issues under federal and state law and have worked with clients with respect to Blue Sky and other compliance issues. Finally, the Firm has served as lead counsel in a number of securities class action and other corporate governance matters and, in such representations, SFMS has recovered tens of millions of dollars for our clients, while achieving important corporate governance reforms.



***Representative Clients***

At SFMS, we place our clients' interests first. We strive to provide our clients with thoughtful, comprehensive and high quality legal services at all times. Our diverse client base includes:

- Start-up and other smaller companies
- Multi-national corporations
- Biotechnology and life science concerns
- Construction companies
- Educational institutions
- Healthcare and manufacturing concerns
- Hospitality and leisure businesses
- Individuals, including significant shareholders, highly compensated employees, consumers, small business owners and professionals
- Labor organizations, including local and international labor unions
- Private pension funds
- Public pension funds
- Multi-employer and Taft-Hartley pension funds
- Large and mid-size financial institutions
- Hedge funds and money managers
- International and other significant investors
- State and local governmental entities
- Technology companies and entrepreneurs



***Consistent Achievements: Accolades From Clients and Courts Alike***

“[SFMS] took the case, acted promptly in crafting a strategy and then was innovative in creating a fee structure based upon shared risk that made it possible for us to proceed with the matter. Our prior counsel who reviewed the matter did none of these things. [SFMS] then proceeded to obtain a result that exceeded our expectations. That is why [SFMS] is our new go to firm in the United States.” Chief Financial Officer, Multinational Corporation based in Europe

“[SFMS] helped us achieve a remarkable result in high stakes litigation against one of the biggest corporations in the world. I recommend them without qualification.” President, Architectural and Design Firm based in California

“When I decided that I would be opening a new business, my first meeting was with my lawyer at [SFMS]. Despite very big challenges from a regulatory perspective, the firm handled the matter seamlessly and in a cost effective manner. I have worked with attorneys at [SFMS] for over ten years in the context of litigation, regulatory proceedings and transactions and would never consider using another law firm.” President and Owner, For Profit Educational Institution based in Connecticut

“I have referred SFMS a number of transactional and litigation matters over the years, and they never have disappointed me. Efficient, cost-effective and creative. That is how I would describe the firm.” Accountant and CFO of Multinational Corporation based in Florida

“I only refer my clients with legal needs to the lawyers at SFMS. In addition to having represented me in a variety of cases, the firm always has performed at a very high level for my clients in an efficient and responsive manner. The fact that my clients receive personal attention and that [SFMS] is able to handle work across the United States and throughout the world is a significant advantage.” Accountant for U.S. Companies and Foreign Subsidiaries based in New Jersey

“The lawyers at [SFMS] are truly amazing. They take a multi-disciplinary approach that provides great efficiency and insight to legal projects. In addition to providing services for my firm, they also have provided me with great legal services on a personal level upon occasion.” Managing Partner, Private Equity Firm based in New York

“I first was represented by the lawyers at [SFMS] in a litigation matter and since have used them to negotiate employment contracts, joint venture agreements and provide general legal advice. Their work has always been top notch and I always have enjoyed working with them.” President of Technology Consulting Company based in Pennsylvania



“I was skeptical of lawyers until I had the pleasure of working with the team at [SFMS]. They were hard working, honest and truly committed to helping us achieve a great result. I now call on the firm anytime that I have a problem, even sometimes when it has nothing to do with the law.” President and Owner, Telecommunications Company based in Wisconsin

“The lawyers at [SFMS] have grown from being trusted advisors to true friends. Our business would not have survived and achieved the success it has over the last decade without the hard work and dedication of the firm, including both the attorneys and staff. When they take on an assignment, whether it’s negotiating a contract or litigating a dispute, you know you have a partner in your corner who will stand with you through thick and thin.” Vice President and Owner, Construction Company based in Illinois

“It was my distinct honor and privilege to be represented by the lawyers at SFMS. I have never seen lawyers work with such diligence and care in presenting a case at trial.” Chief Executive Officer, Restaurant Group based in Wisconsin

“This is the best settlement of a class action that I have seen in my years on the bench. You [SFMS] should be proud of the work that you have done in this case.” The Honorable Jack Komar, Superior Court of California

In approving the resolution of a case involving the Comprehensive Omnibus Reconciliation Act of 1985 (“COBRA”) involving health insurance gap coverage, SFMS was commended for handling a “tremendously important lawsuit” and for the “outstanding job” done. The Honorable Daniel T. K. Hurley of the United States District Court for the Southern District of Florida

“You [SFMS] have achieved a very significant result in this case. Counsel on both sides are to be complimented on their professionalism and the fine work that they have done in this case.” The Honorable Alfred Covello, United States District Court for the District of Connecticut

“Let me say this. This case has been superbly tried on both sides. I’m honored to have so well prepared, professional and courteous advocates, and I’m particularly grateful to the District of Connecticut for the opportunity to sit on this case. And I thank counsel. Now, some of them have representative clients here, but all the clients should understand that the attorneys [including the trial team of SFMS] here have been absolutely first rate.... And, again, with my most sincere thanks.” The Honorable William G. Young, United States District Court for the District of Massachusetts



### ***Pro Bono, Community Service and Charitable Work***

SFMS believes that our attorneys should provide *pro bono* and public interest legal services, as a matter of professional responsibility and in recognition of both the overwhelming need for, and positive outcomes arising from, the provision of such services. SFMS attorneys regularly accept unpopular and challenging cases, participating in *pro bono* activities that range from political asylum and death penalty litigation to civil rights, housing, constitutional and mortgage foreclosure class actions to individual civil and criminal matters for low income, disabled and other people who are disadvantaged and in need. SFMS also has represented certain non-profit organizations in *pro bono* assignments.

SFMS has contributed thousands of hours of professional time to *pro bono* matters. We believe that our work benefits the clients we serve, the public at large, and our attorneys who develop additional skills and enjoy the great professional fulfillment derived from performing such public service. The Firm actively encourages partners and associates to accept *pro bono* legal assignments and to treat such assignments as matters of the highest priority. In addition to being committed to *pro bono* work, SFMS attorneys and staff are highly committed to community services. SFMS representatives regularly and actively work on behalf of a number of community organizations, including the Special Olympics, and serve on boards and commissions, including in elected roles, to support the communities in which we work and live. SFMS also is committed to charitable work and regularly provides financial support to a number of community and charitable organizations, including YMCA camps and organizations supporting the underprivileged, arts, education and culture. In addition, the Firm is actively engaged in working to promote the donation of cy pres funds from representative proceedings and other litigation. As a direct result of the efforts of SFMS attorneys in such matters, more than \$100 million has been donated to charities, public schools, colleges and other educational institutions, and non-profit institutions promoting the social justice system and other good works. The Firm also actively supports the credit internship program of the Cornell University School of Industrial and Labor Relations. At any given time, SFMS typically employs one or more full-time interns from the Cornell ILR School to provide these students with practical experience in the workplace related to their chosen field of study. Finally, the Firm actively encourages its attorneys to contribute to the profession through professional writings, service on American Bar Association and state bar committees and support for the bar organizations that assist indigent and other clients obtain access to the justice system.

If you have a question about the Firm's *pro bono*, community service or charitable work or would like us to consider a specific *pro bono* assignment or a community service/charitable work or donation request, please send us an email or other correspondence regarding the same at [probono@sfmslaw.com](mailto:probono@sfmslaw.com). If you would like to make arrangements for a cy pres donation with the assistance of SFMS or would like to be considered for a cy pres award, please send us an email or other correspondence regarding the same at [cypres@sfmslaw.com](mailto:cypres@sfmslaw.com). The appropriate SFMS representative will respond to your inquiry as promptly as possible.

***The Members of our Firm***

As described above, the members of our Firm are an accomplished and diverse group of individuals. On the pages that follow, we have provided individual biographical pages for the members of the SFMS team that we anticipate being most significantly devoted to this engagement. If you have any questions or require additional information, please contact us at [info@sfmslaw.com](mailto:info@sfmslaw.com).

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Scott R. Shepherd founded what is now known as SFMS in 2000. He is admitted to practice law in the States of Florida and Illinois, as well as in the Commonwealth of Pennsylvania and the United States District Courts for the Southern and Middle Districts of Florida, the Northern District of Illinois, the Eastern District of Pennsylvania, the United States Courts of Appeal for the Third, Fourth, Seventh and Eleventh Circuits, and the United States Supreme Court. In addition to these courts and jurisdictions, Scott has worked on cases with local and co-counsel throughout the country and worldwide.

Scott's practice is concentrated on representing clients in whistleblower, securities, consumer and False Claims Act cases. Scott also is experienced in handling a variety of antitrust, employment and other complex commercial matters. Finally, Scott has substantial experience representing clients in employee benefit, health and life insurance cases and other matters. In addition to his regular private practice, Scott also has handled a number of significant pro bono matters. He has represented clients in a number of political rights cases, including political asylum and voting rights actions. He has also handled numerous criminal appeals, including death penalty cases.

Scott earned his undergraduate degree summa cum laude from Westminster College in New Wilmington, Pennsylvania and his law degree from the University of Chicago Law School. Scott began his law practice in 1985 in Chicago, representing defendants in class action, securities and products liability litigation with one of the largest law firms in the country. Returning to Pennsylvania in 1989, Scott worked with a large Philadelphia corporate and defense law firm. He subsequently became a partner at Greenfield & Rifkin LLP, a well-known firm that handled significant class actions, before starting a predecessor firm in 1998.

Scott is a member of the American Association for Justice, the National Association of Securities and Consumer Attorneys, the American Health Lawyers Association, and the Palm Beach County and Delaware County Bar Associations. Scott is active in community, as well as political and charitable activities, and divides his time between the Firm's Pennsylvania and Florida offices.

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Natalie Finkelman Bennett joined SFMS in 2000. She is admitted to practice law in the State of New Jersey, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the United States District Courts for the District of New Jersey and Eastern District of Pennsylvania, and in the United States Courts of Appeal for the Third and Ninth Circuit. In addition to these courts and jurisdictions, Natalie has worked on cases with local and co-counsel across the country and worldwide.

Natalie concentrates her practice on antitrust, consumer and insurance litigation, as well as complex commercial matters. She also has significant experience representing clients in a wide variety of corporate governance, securities, employment benefit, wage/hour and unfair trade practices cases. In addition, Natalie represents clients in “whistleblower” cases brought under the United States False Claims Act. Finally, Natalie has significant experience representing physicians and physician groups in a wide variety of matters.

Natalie earned her undergraduate degree magna cum laude from the Pennsylvania State University in 1986 and was elected a member of Phi Beta Kappa Honor Society. Natalie earned her law degree magna cum laude from the Temple University School of Law in 1989. She served as the Managing Editor of the Temple Law Review. After clerking for former Chief Judge Farnan of the United States District Court for the District of Delaware, Natalie began working in private practice at Schnader Harrison Segal & Lewis in 1990. At Schnader, she practiced in many areas of complex commercial litigation, including product liability, insurance coverage and defense, antitrust, contract and commercial lease matters. In 1996, Natalie became an associate at the law firm of Mager Liebenberg & White, a well-known firm that specialized in class actions, where her practice was concentrated in antitrust and consumer protection class action litigation. In 1998, Natalie became a Partner in the law firm of Liebenberg & White.

Natalie is a member of the American Bar Association, Pennsylvania Bar Association, Philadelphia Bar Association and the National Association of Consumer Advocates. She also is a former member of the Pennsylvania Bar Association Commission on Women in the Profession and the Temple American Inn of Court. She resides in Wallingford, Pennsylvania with her family and is active in community affairs and charitable activities.

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James E. Miller joined SFMS in 2002. He is admitted to practice law in the States of California, Connecticut and New Jersey, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the Southern District of California, District of Connecticut, Eastern District of Pennsylvania, District of New Jersey, Eastern District of Wisconsin, the United States Court of Appeals for the Third Circuit and Ninth Circuit and the United States Supreme Court. In addition to these courts and jurisdictions, Jim has worked on cases with local and co-counsel nationwide and internationally.

Jim concentrates his practice on whistleblower and securities and corporate governance litigation, as well as significant employment, ERISA, employment benefits, defamation and wage/hour cases. He also has significant experience representing clients in a wide variety of consumer and antitrust class actions and other complex commercial litigation, as well as unsuitable trading, churning and trade disputes in FINRA arbitrations/mediations and before international tribunals. Finally, having begun his career working for the labor movement after majoring in Industrial and Labor Relations at Cornell, Jim serves as labor counsel for certain select clients of the Firm.

Jim earned his undergraduate degree from Cornell University (B.S. 1988) and his law degree from the University of Pennsylvania School of Law (J.D. 1991). While at Penn Law School, he was awarded the Edwin R. Keedy Cup and was Editor of the Comparative Labor Law Journal. Following graduation, he served as Law Clerk to the Honorable Daniel H. Huyett, 3rd, United States District Judge for the Eastern District of Pennsylvania.

Jim began his law practice in 1992 in Philadelphia, Pennsylvania, where his practice concentrated on labor and employment litigation, as well as other complex commercial litigation. In 2000, he relocated with his family to Connecticut where he served in a lead role in several consumer and securities class actions, while also representing both institutional and individual investors in major unsuitable trading and churning cases. In 2002, Jim joined the Firm to open its office in Connecticut. Jim is a member of the National Association of Securities and Consumer Attorneys, National Employment Lawyers Association, the American Bar Association, the Connecticut Bar Association, the New Jersey Bar Association and the Pennsylvania Bar Association. He resides with his family in Chester, Connecticut, where he holds elected office, and is active in community, political and charitable activities.

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James C. Shah joined SFMS in 2000. He is admitted to practice law in the States of California, New Jersey, New York, Wisconsin, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the Southern District of California, Eastern District of Pennsylvania, District of New Jersey, Eastern District of Wisconsin and the United States Court of Appeals for the Ninth Circuit. In addition to these courts and jurisdictions, Jim has worked on cases with local and co-counsel nationwide and internationally.

Jim concentrates his practice on antitrust, consumer and insurance litigation, as well as complex commercial and employment matters. He also has significant experience representing clients in a wide variety of corporate governance, securities, construction defect, employment and wage/hour cases. Finally, Jim has represented clients in a number of FINRA arbitrations and other proceedings, as well as in a variety of United States and international arbitral and other alternative dispute resolution forums.

Jim earned his undergraduate degree in Political Science from the University of Oregon and his law degree from Temple University School of Law. Jim was a member of Temple's nationally acclaimed Trial Team and also participated on Moot Court. Before joining the Firm, Jim practiced as a litigator in Philadelphia with Pelino & Lentz, P.C., where he concentrated his practice on employment and labor law, securities disputes and general commercial litigation. In 2000, Jim joined forces with Scott Shepherd at which time the Firm was created and, since that time, has been involved in all aspects of the Firm's practice.

Jim is a member of the New Jersey and Pennsylvania Bar Associations, as well as the American Association for Justice, the National Association of Securities and Consumer Attorneys. He resides with his family in Collingswood, New Jersey and is active in community, political and charitable activities.

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Nathan C. Zipperian joined SFMS in 2005. He is admitted to practice law in the States of Arizona, Florida, New Jersey and Oregon, as well as in the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the Southern and Middle Districts of Florida, the District of Arizona and the United States Court of Appeal for the Second Circuit. In addition to these courts and jurisdictions, Nathan has worked on cases with local and co-counsel throughout the country and worldwide.

Nathan concentrates his practice on antitrust, consumer and insurance litigation, as well as complex commercial and employment matters. He also has significant experience representing clients in a wide variety of corporate governance, securities, construction defect, employment and wage/hour cases. Finally, Nathan has represented clients in a variety of personal injury and medical malpractice litigation.

Nathan earned his undergraduate degree in Political Science from the University of Oregon and his law degree from the Temple University School of Law. While at Temple, Nathan was an Editor of the Environmental Law and Technology Journal. Before joining Shepherd, Finkelman, Miller & Shah, LLP, Nathan was a litigator in Oregon at Bailey Pinney and Associates, where his practice focused on employee rights, and in Arizona with Martin Hart & Fullerton, where he litigated a wide variety of cases including personal injury, medical malpractice and product liability cases.

Nathan is a member of the American Bar Association, Oregon Bar Association, and Arizona Bar Association. He resides with his family in Weston, Florida and is active in the South Florida community.

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Laurie Rubinow joined SFMS in 2005. She is admitted to practice law in the State of Connecticut, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for District of Connecticut and the United States Court of Appeals for the First Circuit. In addition to these courts and jurisdictions, Laurie has worked on cases with local and co-counsel nationwide and internationally.

Laurie focuses her practice on representing the Firm's clients in whistleblower cases, as well as antitrust, consumer, complex commercial and insurance litigation. Laurie also has significant experience handling employment, intellectual property and real estate matters. Finally, Laurie is active in the Firm's pro bono work and has represented a number of pro bono clients in federal and state matters.

Laurie earned her undergraduate degree from the University of California at Berkeley, where she was Phi Beta Kappa, graduated summa cum laude, and earned her law degree from Temple University School of Law. She also completed certain of her undergraduate studies at McGill University and, while at Temple Law School, she served as a legal intern with the United States Attorney's Office, the Public Defender's Office, the Pennsylvania Attorney General's Office and for United States Magistrate Judge Powers. In addition, Laurie has received a Certificate in Negotiation, Mediation and Conflict Resolution from the Seton Hall University School of Law. Laurie has a diverse legal background, having worked in private practice as an Associate at a law firm and as a solo practitioner for approximately five years before beginning a career as an in-house attorney at a nationally recognized insurance company, where she worked for approximately eleven years, rising to the position of National Manager. In that position, she was responsible for the management of five regional field offices responsible for defending complex insurance related litigation, including toxic tort and environmental actions. She also has served as an Adjunct Professor in the Department of Sociology at Central Connecticut State University. Laurie joined the Firm's Connecticut office in 2005, where she represents clients in a variety of antitrust, consumer, securities and insurance litigation. Laurie also was actively involved in the Firm's representation of the State of Connecticut in complex litigation against six different pharmaceutical manufacturers.

Laurie is a member of the Chester Bar Association and the Connecticut Bar Association. She resides in Chester, Connecticut with her family and is active in community affairs. Laurie also holds an elected office as a member of the local school board.

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Jayne Arnold Goldstein joined SFMS in January 2017 in the firm's Ft. Lauderdale, Florida office. She brings to SFMS her expertise in representing individuals, businesses, institutional investors and labor organizations in a variety of complex commercial litigation, including violations of federal and state antitrust and securities laws and unfair and deceptive trade practices. Jayne was lead counsel in *In re Sara Lee Securities Litigation*, and has played a principal role in numerous other securities class actions that resulted in recoveries of over \$100 million.

Jayne began her legal career, in 1986, with a wide-ranging general practice firm in Philadelphia. In 2000, she was a founding shareholder of Mager & White, P.C. and opened its Florida office, where she concentrated her practice on securities, consumer and antitrust litigation. In 2002, the firm became Mager White & Goldstein, LLP. In 2005, Jayne was a founding partner of Mager & Goldstein LLP. Most recently, she was a partner at Pomerantz LLP.

Jayne, a registered nurse, received her law degree from Temple University School of Law in 1986 and her Bachelor of Science (highest honors) from Philadelphia College of Textiles and Science.

Jayne is a member the Florida Public Pension Trustees Association and the Illinois Public Pension Fund Association. Since 2010, Jayne served as co-chair of P.L.I.'s Class Action Litigation Strategies Annual Conference held in New York. In January 2017 Jayne will chair P.L.I.'s new program Women Lawyers in Leadership, a program she developed. Jayne has been a frequent speaker at Public Pension Fund Conferences having recently appeared on Panels at the Florida Public Pension Trustees' Association and Illinois Public Pension Fund Association.

Jayne is admitted to practice law in the Supreme Court of the United States, the State of Florida, as well as in the Commonwealth of Pennsylvania, State of Illinois and numerous federal courts, including the United States District Courts for the Southern, Northern and Middle Districts of Florida, the Eastern District of Pennsylvania, the Northern District of Illinois, the United States Courts of Appeal for the First, Second, Third and Eleventh Circuits. In addition to these courts and jurisdictions, Jayne has worked on cases with local and co-counsel throughout the country and worldwide.

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Scott joined SFMS in 2010. He is admitted to practice law in California and Pennsylvania, as well as numerous federal courts in the United States.

Scott has extensive experience in the field of complex civil litigation. His litigation practice focuses on securities, consumer fraud, antitrust and employment class actions. He also has managed mass tort litigation consisting of pharmaceutical product liability matters before Pennsylvania and federal courts. Scott has established a successful record in state and federal motion practice, winning many disputes concerning discovery and substantive motions, including motions to dismiss, summary judgment, and class certification.

Scott also has a substantial practice focusing on trusts and estates, wills and probate, revocable living trusts, irrevocable trusts, gift and estate tax planning, limited liability companies, family limited partnerships, and asset protection planning. He works closely with financial professionals, including investment advisers, insurance planners, trust officers and accountants, servicing the estate planning needs of clients. Scott works in providing these private client services to find innovative solutions to reduce estate and gift tax liability, while taking into consideration the clients' personal wishes, family needs and philanthropic goals.

Scott is a member of the American Bar Association. Scott lives with his family in Pennsylvania and engages in significant charitable work on behalf of disabled children and their families. He also is active in local and statewide politics.

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Ronald S. Kravitz joined SFMS in 2014. He is admitted to practice law in the States of California and Texas and the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for all Districts of California, the Middle District of Florida, the Northern District of Illinois, the Eastern District of Michigan, the Northern District of Ohio, Eastern District of Pennsylvania, the Northern and Southern Districts of Texas, the United States Court of Appeals for the Fourth Circuit, Fifth Circuit, Ninth Circuit and Eleventh Circuit and the United States Supreme Court. In addition to these courts and jurisdictions, Ron has worked on cases with local and co-counsel nationwide and internationally. Ron began his legal career as an Attorney Advisor for the U.S. Department of Justice.

With more than 25 years of experience as legal counsel in complex business litigation matters, his practice has been focused primarily on ERISA, employment, intellectual property, and securities-related matters since 1992. He has represented numerous fiduciaries, third-party plan administrators, broker-dealers, and registered representatives in connection with plan administration and investment matters. Ron has served as lead or co-lead class counsel in numerous ERISA class actions throughout the country.

Ron is a past Chairman of the Integrated Advisory Group (IAG), current co-chair of IAG's Litigation Specialist Group, a regional board member of the Anti-Defamation League and the co-chair of the ABA Employee Benefits Committee Fiduciary sub-committee. In addition, Ron is a Lifetime Fellow of the American Bar Foundation and is active in the University of San Francisco Inn of Court.

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Kolin C. Tang joined SFMS in 2009. He is admitted to practice law in the State of California with his admission pending in the State of New York.

At SFMS, Kolin concentrates his work on securities and commercial litigation throughout the United States. Kolin plays a key role on the SFMS Tracker<sup>SM</sup> team, a group within the Firm that is dedicated to working with attorneys, computer programmers, investment analysts and other staff members to ensure that clients' investment portfolios are appropriately monitored to identify losses arising from corporate fraud and other misconduct, as well as to recommend the level of participation a given situation requires and recover funds obtained on clients' behalf through appropriate action. In addition to his work in securities and commercial litigation, Kolin also performs significant work in the Firm's growing whistleblower practice, on both cases arising in the United States and overseas.

Kolin received his undergraduate degree in Economics and History with honors from the University of California at Berkeley, and earned his law degree from The George Washington University Law School in 2011, where he was a member of The George Washington International Law Review. As a summer associate with SFMS in 2009 and 2010, Kolin worked on antitrust, consumer fraud, and securities cases. He has also worked as a legal intern at the Federal Trade Commission, where he was involved with antitrust and consumer protection issues. Currently, Kolin's practice is focused on representing clients in securities, complex litigation and whistleblower matters.

Kolin is a member of the American Bar Association and currently resides in New York City.

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Bruce D. Parke joined SFMS in 2008. Bruce is admitted to practice law in Pennsylvania as well as the United States District Court for the Eastern District of Pennsylvania.

Bruce represents clients in complex commercial litigation, including: securities, antitrust, and consumer protection. In addition, he has experience representing clients in employment and ERISA cases. Bruce has participated in some historic class action recoveries including: In re AOL Time Warner, Inc. Securities Litigation (\$2.65 billion), In re McKesson Securities Litigation (\$1.04 billion), In re Broadcom Corporation Securities Litigation (\$150 million), In re Motorola Securities Litigation (\$190 million), In re Raytheon Securities Litigation (\$460 million), and In re Automotive Refinishing Paint Antitrust Litigation (\$105 million).

Bruce earned his undergraduate degree in Administration of Justice from the Pennsylvania State University and his law degree from the Dickinson School of Law of the Pennsylvania State University (J.D. 2002). Prior to joining the firm he was an associate for the law firms of Mager White & Goldstein LLP and Mager & Goldstein LLP where he practiced securities, antitrust, and consumer protection litigation.

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Chiharu Sekino joined SFMS in 2008. At SFMS, she concentrates her work on securities litigation throughout the country and other matters pending in California courts. Chiharu plays a key role on the SFMS Tracker<sup>SM</sup> team, a group within the Firm that is dedicated to working with attorneys, computer programmers, investment analysts and other staff members to ensure that clients' investment portfolios are appropriately monitored to identify losses arising from corporate fraud and other misconduct, as well as to recommend the level of participation a given situation requires and recover funds obtained on clients' behalf through appropriate action. Her work as an Associate focuses primarily on securities litigation, class action cases and other litigation. Chiharu also handles all aspects of discovery, including in conducting surveys, and assists in preparing and filing pleadings. Finally, Chiharu is involved in a variety of whistleblower cases around the world.

Chiharu earned her Bachelor of Arts degree from the University of California at San Diego, where she double-majored in Political Science and Japanese Studies. She also is a graduate of Independence High School (San Jose, CA) and received a Diploma from the Grossman Academy, where she pursued special studies in Japanese to English translations. Chiharu is bilingual (Japanese/English), resides in San Diego and is active in community affairs. She tutors elementary school children and also is a volunteer for CASA (the Court Appointed Special Advocate Program), an organization that advocates for children who have been abused and/or neglected and are under the protection of the court system.

While working for the Firm, she concurrently received her law degree from California Western School of Law, graduating cum laude, and a Masters in Social Work from San Diego State University in 2015. She was a member of The California Western Law Review and served as a Law Clerk for the San Diego Public Defender's Office, Juvenile Division and San Diego Volunteer Lawyer Program. She also provided individual counseling to students as a social work intern at Monroe Clark Middle School.

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Emily Finestone joined SFMS as an associate in 2016. She is admitted to practice law in the State of New York, as well as the Commonwealth of Massachusetts and the Southern District of New York.

Emily concentrates her practice on consumer and securities litigation, as well as complex commercial matters and qui tam actions. Emily earned her undergraduate degree at the University of Virginia in 2012 and her law degree from Boston University in 2015. While at Boston University, Emily was a member of the Review of Banking and Financial Law. Her Student Note, Eliminating the Tax on Embezzled Funds: A Call for Reform, was selected for publication.

Emily began her law practice in New York City, where she focused on complex commercial litigation, qui tam suits, and securities litigation.

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**JAYNE A. GOLDSTEIN**

Ms. Goldstein, one of the principal SFMS attorneys litigating this matter, has thirty-one years' legal experience<sup>1</sup> and has recovered billions of dollars for classes. She has extensive antitrust experience,<sup>2</sup> with robust experience in representing Third Party Payer Plaintiffs ("TPPs") in pharmaceutical class actions. Ms. Goldstein was a registered nurse before pursuing law, and currently maintains an active nursing license. Prior to 2000, she had a wide-ranging practice in Philadelphia, Pennsylvania and tried numerous complex civil actions. Since 2000, she focused on serving as plaintiffs' lead or co-lead counsel in antitrust, consumer, and securities class actions.<sup>3</sup> In leading classes, Ms. Goldstein has gone to trial and in countless instances negotiated with defendants, fielded hearings, authored and argued dispositive motions, led discovery, corralled plaintiffs' firms' efforts, and presented these efforts to courts.

Ms. Goldstein spearheaded the charge challenging pharmaceutical companies' harmful anticompetitive conduct, including pay-for-delay agreements that artificially inflate prescription-drug prices by keeping generic versions off the market. Her active role in pioneering these antitrust cases began in the early 2000s, when generic-suppression cases had their genesis.<sup>4</sup> She was interim co-lead counsel for TPPs in *In re Androgel II Antitrust Litig.* (N.D. Ga.), the companion case to the seminal U.S. Supreme Court pay-for-delay decision in *F.T.C. v. Actavis*,

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<sup>1</sup>Ms. Goldstein graduated from the Temple University School of Law in 1986.

<sup>2</sup>A few examples of her active involvement in antitrust cases representing direct and indirect purchasers follow: *In Re OSB Antitrust Litig.* (E.D. Pa.) (discovery team); *In re Baby Products Antitrust Litig.* (E.D. Pa.) (discovery team and allocation counsel); *In re Dynamic Random Access Memory Antitrust Litig.* (N.D. Cal.) (\$325 million settlement).

<sup>3</sup>An example of Ms. Goldstein's notable victories is her having achieved the largest settlement ever against a food company, \$35 million, in a false-advertising case. *Gemelas v. Dannon Co., Inc.* (N.D. Ohio) (class counsel).

<sup>4</sup>By way of example, Ms. Goldstein was involved in *Ryan-House v. GlaxoSmithKline* (E.D. Va.), *In re Buspirone Antitrust Litig.* (S.D.N.Y.), *In re Plavix Indirect Purchaser Antitrust Litig.* (S.D. Oh.) (executive committee), *In re Remeron Antitrust Litig.* (D.N.J.), *In re Relafen Antitrust Litig.* (D. Mass.), *In re KDur Antitrust Litig.* (D.N.J.), and *In re Androgel II Antitrust Litig.* (N.D. Ga.) (interim co-lead counsel).

*Inc.*, 133 S. Ct. 2223 (2013). Ms. Goldstein served as co-lead counsel and was a member of the trial team in *In re Nexium (Esomeprazole) Antitrust Litig.* (D. Mass.), the first pay-for-delay trial after *Actavis*. She also serves as interim co-lead counsel in *In re Actos End Payor Antitrust Litig.* (S.D.N.Y.) and on the executive committees of *In re Lipitor Antitrust Litig.* (D. N.J.), *In re Loestrin Antitrust Litig.* (D. Conn.), *In re Solodyn Antitrust Litig.* (D. Mass.), and *In re Niaspan Antitrust Litig.* (E.D. Pa.). She is also currently serving on the Indirect Purchaser Plaintiffs' Steering Committee in *In re: Generic Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.), a series of complex cases alleging price fixing of eighteen generic drugs.

Equipped with a background as a registered nurse and extensive experience litigating pharmaceutical antitrust class actions, Ms. Goldstein has enhanced ability to work seamlessly with medical experts, mobilize her comprehensive knowledge of the pharmaceuticals at issue, and understand the health-care system complexities. This exceptional experience arms Ms. Goldstein with knowledge tailor-made for this action. She is fluent in the intricacies of the payment system by which TPPs interact with their pharmacy-benefit-manager conduits for prescription-drug-benefit payments. Also, she has facility with various documents that plaintiffs must produce, including formularies, pharmacy-benefit-manager agreements, and summary plan documents, resulting in her often being called upon to lead or assist TPPs' document productions. Moreover, moving for class certification on behalf of TPPs demands knowledge about the prescription-drug-process participants, key experts to be retained, and potential pitfalls to avoid. Notably, Ms. Goldstein as co-lead counsel in *Nexium* helped certify a litigation class. This is one of few classes, since *Actavis*, certified on behalf of TPPs during litigation and was affirmed by the First Circuit Court of Appeals, a seminal appellate decision in this arena.

Through Ms. Goldstein's experience, she has forged strong working relationships with leading medical experts and trial consultants in the pharmaceutical antitrust arena.

Ms. Goldstein is admitted to practice law in the States of Illinois and Florida as well as Commonwealth of Pennsylvania. She is also admitted to practice law in the Supreme Court of the United States, numerous federal courts, including the United States District Courts for the Northern, Southern and Middle District of Florida; the Eastern District of Pennsylvania; the Northern District of Illinois; and the United States Court of Appeals for the First, Second, Third, Seventh, and Eleventh Circuits.

She is a member of the American Association for Justice, Florida Public Pension Trustees Association and the Illinois Public Pension Fund Association. She is a contributor to a book published by the American Bar Association, The Road to Independence: 101 Women's Journeys to Starting Their Own Law Firms. Since 2010, she has served as co-chair of P.L.I.'s Class Cation Litigation Strategies Annual Conference held in New York. Last year, Ms. Goldstein developed and chaired a new program for P.L.I. entitled Women Lawyers in Leadership which was such a success that the program is now an annual event every January. Last year Ms. Goldstein also served on a panel addressing Generic Drug Litigation. She has been a frequent speaker and recently appeared on panels at the Florida Public Pension Trustees' Association and Illinois Public Pension Fund Association.

## ERIC L. YOUNG, ESQUIRE

Attorney Eric L. Young, based in Philadelphia, has served as an advocate for the rights of labor organizations and employees for most of his legal career. He has represented union pension and health and welfare funds in a wide array of class actions involving corporate fraud and misconduct during the course of his 18-year legal career. Capitalizing on this experience, Attorney Young has become one of the nation's leading whistleblower attorneys. Attorney Young represents individuals filing qui tam lawsuits under the False Claims Act as well as those submitting tips to the Securities and Exchange Commission, Commodity Futures Trading Commission, and Internal Revenue Service.

While representing the interests of union benefit funds and whistleblowers, Attorney Young routinely deals with complex legal issues including, but not limited to, healthcare fraud, tax fraud, securities law, and anti-trust violations.

Attorney Young's legal commentary has been published on the websites of Forbes, The Hill and the Delaware Business Court Insider, among others. He has also been quoted in numerous articles on whistleblower issues, including the Wall Street Journal, Pittsburgh Post-Gazette and Accounting Today.

Attorney Young has been retained as an expert in his field, including in the largest tax whistleblower case to date, where Bradley Birkenfeld was awarded more than \$100 million for reporting UBS, a Swiss bank, for helping Americans evade U.S. taxes overseas.

Attorney Young has spoken to numerous industry organizations about whistleblowing. He participated in a roundtable organized by the International Ethics Standards Board of Accountants in 2014 to discuss upcoming changes to their ethics code for accountants to allow the reporting of suspected fraud. He also presented to members of the Anti-Corruption and FCPA Compliance Committee of the American Chamber of Commerce in India.

Previously, Attorney Young was a named partner at two Philadelphia law firms that specialized in class actions and whistleblower cases.

In 2011, Attorney Young represented the first IRS whistleblower to receive an award under section 7623(b), the mandatory reward program for tax informants passed by Congress. To date, there are only a handful of attorneys who have successfully represented clients through this process. His client, an accountant, remained anonymous and received an award of \$4.5 million for providing information about tax evasion to the Internal Revenue Service.

Attorney Young has also been involved in some of the nation's largest qui tam lawsuits. He served as co-counsel of record in United States ex. rel. *Lucia Paccione v. Cephalon Inc.*, E.D.Pa., Case No. 036268, which led to a civil settlement of \$425 million by Cephalon for off-label marketing. Attorney Young also represented a client in *United States ex. rel. Kruszewski v. Pfizer, Inc.* In September 2009, Pfizer agreed to pay more than \$2 billion in civil and criminal fines to settle allegations that it had defrauded Medicare in the marketing of four drugs. The settlement is still the largest in the United States under the False Claims Act.

Attorney Young has also represented union benefit funds in numerous class action cases involving areas including, but are not limited to, securities fraud, anti-trust, and health care fraud. These cases include, but are not limited to: *In re Diamond Foods, Inc. Shareholder Derivative Litigation*, Ca. Super., San Francisco Cty. No. CGC-11-515895; *Barbara L. McLay Trust, et al. v. Veolia Environment S.A., et al.*, S.D.N.Y. No. 11-CV-9526; *United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund v. Advanced Emissions Solutions, Inc., et al.*, Dist. Colo., 14-CV-01243 (Consolidated with 14-CV-1402); *In re: Treasury Antitrust Securities Action Antitrust Litigation*, S.D.N.Y., 15-CV-2673; and *In re: Avalanche Biotechnologies Securities Litigation*, N.D.C.A. 15-CV-03185.

Most recently, Eric Young represented the whistleblowers in a lawsuit under the False Claims Act alleging kickbacks by Valeant subsidiary Salix Pharmaceuticals. The case was settled by the U.S. Government for \$54 million in 2016.

Prior to entering private practice, Attorney Young served as General Counsel of the United Food and Commercial Workers, Local 1776. UFCW Local 1776 is one of the largest local unions in the country.

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## **FIRM BIOGRAPHY**

Since 1985, the trial attorneys at The Ferraro Law Firm have been vigorously and successfully fighting for the rights of individuals injured due to the negligence or wrongful acts of others. With offices in Miami, Florida, Washington, D.C., and an affiliated office, Kelley & Ferraro, located in Cleveland, Ohio, as well as a significant presence nationwide, the Firm has earned its place as one of the top five law firms in the United States in the areas of product liability, asbestos and environmental toxic tort lawsuits. Additionally, the Firm's attorneys have consistently and successfully represented victims of serious personal injuries, medical malpractice and defective drugs throughout Florida and the nation.

Under the direction of founder James L. Ferraro, The Ferraro Law Firm concentrates on resolving the most serious injury cases, such as cancers caused by defective drugs, asbestos, work place diseases, catastrophic accidents, medical malpractice, product liability, environmental toxins, automobile defects and wrongful death. The Firm also has experience with over twenty (20) asbestos trusts for which Mr. Ferraro sits on the creditors' committees. The Ferraro Law Firm has the highest rating (AV) from Martindale-Hubbell, the leading rating service for law firms. As a leading plaintiff firm for mass torts and serious injury cases, The Ferraro Law Firm has the resources and expertise to argue and win even the most challenging cases. Through skillfully negotiated settlements and numerous jury trials, The Ferraro Law Firm has secured over \$1 billion for its clients in product liability matters.

Aside from product liability, The Ferraro Law Firm has continuously expanded into other fields, some of which involve working alongside the federal government to recover money owed to the U.S. taxpayer. Namely, The Ferraro Law Firm actively pursues Qui Tam and tax whistleblower cases. Nearly a decade ago The Ferraro Law Firm began pursuing tax whistleblower claims via the IRS Whistleblower Program and currently have over \$100 billion in active IRS whistleblower submissions, making The Ferraro Law Firm the largest law firm in this field. For your reference, here are our websites: <http://www.ferrarolaw.com/>, <http://www.tax-whistleblower.com/> and <http://www.kelley-ferraro.com/>.

Clear vision. Comprehensive research. Well-planned, focused legal strategies. Individualized attention. A winning attitude. These are the cornerstones of The Ferraro Law Firm. They are what distinguish the Firm and its attorneys.

## **RECENT JURY VERDICTS AND RESULTS**

The Ferraro Law Firm has over three decades of experience in mass tort litigation representing thousands of clients in asbestos, tobacco, and pharmaceutical/defective drug cases. We also have a strong track record in the Florida District Courts of Appeal and Florida Supreme Court. Over the past five years, our firm has won more Florida verdicts of at least seven figures than any other plaintiff mass tort firm. Some examples include:

- *Font v. Union Carbide Corp.* (Miami-Dade County 2017) - \$6,900,000
- *Moore v. John Crane Inc.* (Broward County 2017) - \$6,785,000
- *Batchelor v. Bechtel* (Miami-Dade County 2016) - \$22,000,000
- *Britt v. Northrup Grumman Systems* (Miami-Dade County 2016) - \$9,000,000
- *Taylor v. Georgia-Pacific LLC* (Miami-Dade County 2015) - \$17,175,000
- *Monroe v. R.J. Reynolds Tobacco Co.* (Gadsden County 2015) - \$11,000,000
- *Hampton v. Pneumo Abex LLC* (Hillsborough County 2014) - \$36,984,800
- *Hubbird v. R.J. Reynolds Tobacco Co.* (Miami-Dade County 2014) - \$28,000,000
- *CuCulino v. R.J. Reynolds Tobacco Co.* (Miami-Dade County 2014) - \$12,500,000
- *Fernandez v. Florida Power & Light Co.* (Miami-Dade County 2014) - \$5,670,000
- *Delisle v. Lorillard Tobacco Co.* (Broward County 2013) - \$8,000,000

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## **THE FIRM'S ATTORNEYS**

### **James L. Ferraro, Shareholder**

Attorney James L. Ferraro was born in Greenwich, Connecticut in 1957. After graduating from Greenwich High School in 1975, Jim moved to South Florida to attend college at the University of Miami. He obtained his Bachelor of Business Administration in 1978, Master of Science in Accounting in 1979, and Juris Doctor in 1983 from the University of Miami School of Law. He became a Certified Public Accountant in 1980.

Following his law school graduation, Jim represented athletes and worked for a civil litigation defense firm. In 1985 he founded The Ferraro Law Firm in Miami, Florida. In 1997, along with his late partner Michael V. Kelley, he founded the law firm of Kelley & Ferraro in Cleveland, Ohio. His law practices are focused in the areas of Mass Tort litigation, Environmental Law, Medical Malpractice, Family Law and Federal Tax Whistleblower claims. The Ferraro Law Firm also has an office in Washington, D.C. The firms now handle nearly 50,000 cases, and are known nationwide for their Mass Tort and Federal Tax Whistleblower practices.

Jim has successfully tried many cases that resulted in multi-million dollar jury verdicts. In 1995, he received the largest compensatory award in the state of Florida for a mesothelioma case. In 1997, he also had the highest compensatory jury verdict ever in the nation for a non-malignant asbestos case. Jim has negotiated settlements in the billions of dollars on behalf of tens of thousands of clients in his years of practice.

In 1996, Jim made American legal history when he successfully tried a case against DuPont in the first case against a chemical company for causing a birth defect. Jim proved that a pregnant woman's exposure to the fungicide Benlate caused her child to be born without eyes and held DuPont accountable in *Castillo vs. E.I. du Pont de Nemours and Company* and *Pine Island Farms*. The trial was broadcast in its entirety on Court TV, garnered worldwide media attention and, ultimately, went to the Florida Supreme Court. Seven years after trial, the Supreme Court of Florida affirmed the trial court verdict. In 1997, because of that case, Jim was named one of ten national finalists for Trial Lawyer of the Year. The *Castillo* case is now featured in Mr. Ferraro's 2017 bestselling book, *Blindsided*.

More recently, in August 2015, Jim tried an asbestos case against Georgia-Pacific with his oldest son, James Ferraro, Jr., resulting in a \$17,175,000 verdict. Because of that case, CVN Florida voted Jim 2015 Plaintiff's Attorney of the Year. In November 2015, Jim was a guest lecturer at Harvard Law School for third year law students.

In 2015, Jim also personally argued *Aubin v. Union Carbide Corp.* before the Florida Supreme Court, which rejected the corporate-friendly Third Restatement of Torts and retained the Second Restatement of Torts. *Aubin* has been acclaimed to be the most important Florida product liability case since *West v. Caterpillar* in 1976. Most recently, Jim personally argued *Schwartz v. Honeywell International, Inc.*, before the Ohio Supreme Court, which was another product liability case dealing with sophisticated issues relating to medical expert testimony. Additionally, in 2018, Mr. Ferraro is set to argue the highly publicized product liability case of *Delisle v. Crane Co.* in front of the Florida Supreme Court, in which the Court will decide whether *Daubert* or *Frye* is the applicable standard for science in the courtroom.

He is a member of the Ohio, New York, Florida, Massachusetts and District of Columbia Bars; the Fellows of the American Bar Foundation; the American Bar Association; the Florida Institute of Certified Public Accountants; the American Association for Justice; the Florida Justice Association; The National Trial Lawyers: Top 100 Trial Lawyers; and the Multi-Million Dollar Advocates Forum. He is a Florida State Coordinator for The Public Justice Foundation.

### **David A. Jagolinzer, Shareholder**

David A. Jagolinzer is a partner of The Ferraro Law Firm and specializes in complex cases that involve mesothelioma victims, product liability, toxic torts, catastrophic personal injury and wrongful death. Mr. Jagolinzer has been successful in obtaining millions of dollars for thousands of the Firm's clients, both in trials and pre-trial settlements. Mr. Jagolinzer's victories earned him membership in the Multi-Million Dollar Advocates Forum, Rising Star status by Florida Super Lawyers 2011 through 2014 and in 2008 and 2014 was selected by the DBR as Finalist for Most Effective Lawyer in Product Liability cases. Some of Mr. Jagolinzer's recent and most notable jury verdicts and trial settlements for victims include the following cases:

\$24.2 million jury verdict - *Guilder v. Honeywell International, Inc.*, April, 2008. Dr. Guilder was a 51 year old Weston doctor suffering from peritoneal mesothelioma. This case is listed in the National Law Journal Top 100 Verdicts of 2008.

Over \$14 million settlement - *Plaintiff v. Union Carbide Corporation, et al.*, August, 2008. A 61 year old Drywall contractor suffering from pleural mesothelioma.

In addition to verdicts and pre-trial settlements at the trial court level, Mr. Jagolinzer has also successfully argued and won major victories for the Firm's clients in appellate courts. Most notably in 2008, Mr. Jagolinzer was integral in the firm's successful argument to declare the Florida Asbestos Statute unconstitutional as it improperly limited Florida asbestos victims right to seek compensation. *Williams v. American Optical Corporation*, 985 So.2d 23 (Fla. 4<sup>th</sup> DCA 2008); *Spiewak, et al., v. American Optical Corporation*, 73 So.3d 120.

Mr. Jagolinzer is admitted to The Florida, Massachusetts, New York and District of Columbia Bars and actively litigates cases in various other states. Mr. Jagolinzer is a member of the American Bar Association, Florida Bar Association, Massachusetts Bar Association, New York Bar Association, American Association for Justice, the National Italian American Bar Association and the Multi-Million Dollar Advocates Forum. Mr. Jagolinzer plays an active role on creditors' committees relating to bankruptcy filings of asbestos companies, serves as an arbitrator for alternative dispute resolution programs, and has fought for victims' rights in front of the Florida Legislature. He is also a frequent lecturer on litigation and trial preparation skills for other attorneys. Mr. Jagolinzer speaks fluent Italian.

**Scott A. Knott, Esq.**

Mr. Knott practices exclusively in the area of tax whistleblower claims. In July of 2007, Mr. Knott co-established the tax group at The Ferraro Law Firm and thereafter filed the first of many tax whistleblower claims that exceed a billion dollars. He has represented many multi-national corporations, high-net worth individuals, foreign governments, and underprivileged taxpayers before the Internal Revenue Service and in litigation in the U.S. Tax Court and federal courts, often involving tax deficiencies and refunds in the hundreds of millions of dollars. Domestic issue tax controversies that Mr. Knott has experience with relate to tax accounting and timing issues, like-kind exchanges of property, corporate reorganizations, payroll taxes, estate and gift taxes, life and property & casualty insurance, the Research & Experimentation tax credit, Investment tax credit, custom tax shelters, and issues relating to transactions with tax-indifferent parties. Mr. Knott has extensive experience with international tax issues including transfer pricing, the application of treaties to income of non-resident aliens and foreign corporations, permanent establishments, hybrid entities, withholding issues, and the Foreign Sales Corporation and Extraterritorial Income Exclusion regimes.

Mr. Knott's practice before the Internal Revenue Service includes making submissions to the IRS Whistleblower Office, handling communications with the IRS through all phases of a whistleblower claim, and ultimately the filing of appeals of IRS award determinations in the U.S. Tax Court. Mr. Knott previously handled tax disputes from the audit level through the Appeals level on behalf of some of the world's largest companies, including representing taxpayers in Competent Authority and alternative dispute resolution procedures such as the Pre-filing Agreement and Advanced Pricing Agreement programs. Mr. Knott also has experience with matters that involve tax evasion, fraud and other tax crimes, and has dealt with the IRS Criminal Investigation division and Department of Justice on these matters.

Mr. Knott was previously a management committee co-chair of the Tax Controversy Subpractice Group of Baker & McKenzie's North American Tax Practice Group, which was ranked as one of the top five tax litigation practices in the United States by Chambers & Partners USA, 2007 edition, and was also a member of the Baker & McKenzie Washington, D.C. office Business Development and Recruiting committees.

For more information about our tax whistleblower practice and Mr. Knott's experience and qualifications, see <http://www.tax-whistleblower.com/attorneys/scottknott/>.

**Gregory S. Lynam, Esq.**

Gregory Lynam practices exclusively in the area of tax whistleblower claims. Prior to joining The Ferraro Law Firm as a Tax Partner and co-establishing its tax group, Mr. Lynam was Counsel at Miller & Chevalier Chartered, in Washington, D.C., and was an Associate with Baker & McKenzie LLP in the Chicago and San Diego offices. Both firms' tax controversy groups are ranked as one of the top five tax litigation practices in the United States by Chambers & Partners USA. Mr. Lynam's practice before the Internal Revenue Service includes making submissions to the IRS Whistleblower Office and litigating IRS Whistleblower Office award determinations before the U.S. Tax Court. He has filed more than \$82 billion in tax underpayments to the IRS Whistleblower Office to date, representing potential awards for his clients in excess of \$19 billion. Mr. Lynam has extensive experience in controversies and informant submissions involving tax fraud, partnership issues, transfer pricing, interest allocation, R&E credit, information reporting, and tax-advantaged transactions (a.k.a. tax shelters).

Mr. Lynam previously practiced in the areas of federal tax controversy and tax appeals, with a focus on international tax matters. He has represented multi-national corporations and high-net-worth individuals at all levels of a tax controversy before the Internal Revenue Service and in litigation with matters often involving deficiencies and refunds in the hundreds of millions to billions of dollars. Mr. Lynam's pro bono practice has focused primarily on criminal defense including a grant of clemency in a post-conviction death penalty case and a not-guilty verdict in a juvenile murder trial. He has won numerous awards for his pro bono work.

Mr. Lynam is a 2006-2007 John S. Nolan Fellow, awarded by the American Bar Association Section of Taxation. He speaks frequently at the American Bar Association on Tax Whistleblower, TEFRA partnership litigation, managing tax controversies, and new technologies in the courtroom. He is the current chair of the TEFRA subcommittee of the ABA Section of Taxation, Court Procedure & Practice committee and the immediate past chair of the Technology in the Courtroom subcommittee.

**Juan P. Bauta, II, Esq.**

Juan P. Bauta, II is a Board Certified Trial Lawyer who practices in the areas of asbestos litigation, products liability, toxic torts, construction defect, wrongful death, class actions and complex litigation. Mr. Bauta has obtained numerous multi-million dollar verdicts and has successfully argued numerous appellate cases. Mr. Bauta has also argued before the Federal Panel on Multi-district Litigation. Mr. Bauta has been admitted to and has argued before the United States Court of Appeals for the Eleventh, Fifth and Third Circuits, as well as the United States District Courts for the Southern and Middle Districts of Florida.

Mr. Bauta is a member of the Florida Bar and is a Board Certified Civil Trial Lawyer. Mr. Bauta graduated from Florida State College of Law in 1990 and was the editor-in-chief of the Journal of Land Use and Environmental Law. The Daily Business Review selected Mr. Bauta as the Most Effective Lawyer in both 2010 and 2011. Mr. Bauta is fluent in Spanish.

Mr. Bauta has argued and tried cases to verdict in both state and federal courts. Mr. Bauta has tried over twenty-five cases to verdict. Mr. Bauta has several jury verdicts in excess of

\$10,000,000.00. Mr. Bauta's highest jury verdict to date in a single personal injury case was over \$20,000,000.00. Mr. Bauta has litigated six class actions involving employment discrimination, construction defects and vehicle design defects. Mr. Bauta represents both individuals and corporations exclusively on the plaintiff's side. Finally, Mr. Bauta has argued numerous cases before the Florida District Courts of Appeal and has over fourteen reported decisions.

In addition to his numerous multi-million dollar jury verdicts, Mr. Bauta has successfully negotiated settlements in the tens of millions of dollars for his clients. These non-class action settlements range from a low of \$1,000,000.00 to a high of \$29,000,000.00.

### **Erica L. Brady, Esq.**

Erica Brady practices exclusively in the area of tax whistleblower claims. Prior to joining the Ferraro Law Firm, Ms. Brady completed her Masters of Laws in Taxation at Georgetown University Law Center, where she focused primarily on international corporate taxation. Ms. Brady's practice before the Internal Revenue Service includes making submissions to the IRS Whistleblower Office. Ms. Brady regularly handles matters involving consolidated returns; income tax accounting and timing; partnership and pass-through taxation issues; employment taxes; the taxation of financial products, financial derivatives, and debt instruments; insurance company taxation; and the taxation of intellectual property. Ms. Brady also has extensive experience with international issues, such as transfer pricing, the taxation of foreign currency transactions, and tax issues related to offshore entities, including captive insurance companies.

Ms. Brady spoke at the ABA Section of Taxation 2010 May Meeting and the 2011 Midyear Meeting about the representation of whistleblowers in front of the IRS. Additionally, the ABA Section of Taxation's News Quarterly published Ms. Brady's article, "Are Criminal Fines 'Collected Proceeds'?" in the summer 2011 issue. Ms. Brady also had an article published in the February 2012 edition of Taxes – The Tax Magazine, titled Does Tax Crime Pay (Whistleblowers)?

### **Allan B. Kaiser, Esq.**

Allan B. Kaiser has been litigating criminal and civil cases since graduating from Tulane University Law School in 1982. As an Assistant Prosecuting Attorney in St. Louis Missouri, Mr. Kaiser prosecuted major felony cases. Thereafter, for sixteen years as an Assistant United States Attorney for the Southern District of Florida, Mr. Kaiser prosecuted some of the more high profile corruption and fraud cases in the Southern District of Florida. Upon leaving public service for private practice, in 2006, Mr. Kaiser maintained both a criminal defense and civil litigation practice, which included representing individuals charged with health care-related fraud, mortgage fraud, insurance fraud, organized crime and drug and money laundering offenses as well as representing clients in employment related civil matters, including retaliatory termination and race and age discrimination cases.

Since joining the Ferraro Law Firm in 2010, Mr. Kaiser's practice has been devoted to civil litigation, in State and Federal Courts, where he focuses primarily on tobacco litigation, along with medical malpractice and products liability cases. Mr. Kaiser has won several multi-million dollar verdicts for Plaintiffs since 2010, including two verdicts in 2014 against the major tobacco companies totaling 40.5 million dollars. As a result of those verdicts, Mr. Kaiser was a finalist for the 2014 Courtroom View Network Engle awards, honoring excellence in Florida Tobacco

litigation. In addition, the South Florida Daily Business Review named Mr. Kaiser 2014 Most Effective Lawyer in the area of Products Liability.

Mr. Kaiser has tried over 200 criminal and civil jury trials as a Prosecutor and while in private practice. In addition, Mr. Kaiser has written numerous articles on a wide range of topics in both criminal and civil law.

Mr. Kaiser is a member of the Florida and Missouri Bar as well as the Dade County Bar Association and the Federal Bar of the Southern District of Florida.

### **Marc P. Kunen, Esq.**

Marc P. Kunen is an associate with The Ferraro Law Firm and focuses his practice on complex civil litigation, product liability, asbestos litigation, toxic torts, severe personal injury and wrongful death.

Mr. Kunen graduated from the University of Miami School of Law, magna cum laude, and has been admitted to practice law in the State of Florida. While at the University of Miami, he served as a law clerk with the Ferraro Law Firm for two years, was a member of the Charles C. Papy, Jr. Moot Court Board, interned with Florida Legal Services as a member of the Community Economic Development and Design Clinic, was awarded the Priscilla Jewett Schneller Scholarship, and was the recipient of two Dean's Achievement Awards. Mr. Kunen also earned his Bachelor of Science in Management while majoring in Legal Studies in Business at Tulane University in New Orleans, Louisiana. Since joining The Ferraro Law Firm, Mr. Kunen has actively participated in complex civil litigation against large corporations and manufacturers of toxic products.

### **Janpaul Portal, Esq.**

Janpaul Portal specializes in the representation of injured victims and consumers in catastrophic personal injury, wrongful death, medical malpractice, environmental toxic torts, defective drugs and product liability cases in state and federal courts throughout the United States.

Prior to joining The Ferraro Law Firm, Mr. Portal dedicated his practice to the representation of plaintiffs in catastrophic personal injury, medical malpractice and complex commercial litigation matters in state and federal courts. He has successfully litigated medical malpractice, wrongful death, maritime negligence, product liability and general business tort disputes. He began his career at a prominent law firm in Boca Raton, Florida where he represented plaintiffs in medical malpractice and nursing home negligence cases. Mr. Portal also represented business owners in complex commercial disputes. In 2003, he joined a prestigious personal injury law firm in Downtown Miami, where he honed his trial skills while representing plaintiffs in complex medical malpractice cases. Mr. Portal was a founding member of Portal & Associates in Coral Gables, Florida, where he dedicated his practice to the representation of clients in civil, immigration and criminal litigation matters. In 2008, Mr. Portal joined a premier civil trial firm with offices on Brickell Avenue, where he practiced in the areas of medical malpractice, catastrophic personal injury and negligent security.

Mr. Portal is a native of Miami, Florida. He received his B.S. in Microbiology and Immunology in 1998 at the University of Miami. He earned his Juris Doctorate, cum laude, in

2001 from the University of Miami School of Law. He was the recipient of the C.A.L.I. Excellence Award, "Medical Malpractice," 2000.

Mr. Portal has been a member of the Florida Bar since 2002. He is also admitted to practice in the United States District Court for the Northern, Middle and Southern Districts of Florida, and the United States Court of Appeals for the Eleventh Circuit.

Mr. Portal was recently appointed as the President of the Miami Dade Trial Lawyers Association for the 2017 – 2018 term. He has been an active member of the MDTLA since 2003 and was elected to the Board of Directors in 2010. He is also an active member of the Florida Justice Association and Cuban American Bar Association. In addition, he is also a member of the American Association for Justice, where he served on the NLD Board of Governors for Florida from 2005-2006.

Mr. Portal has been named as a "Top Up and Comer" by the South Florida Legal Guide and a "Rising Star" by Florida Super Lawyers in 2009, 2010, 2011, 2012, 2013, 2014, and 2015. Mr. Portal was named as a "Top Lawyer" in 2016 and 2017.

### **James L. Ferraro, Jr., Esq.**

James L. Ferraro, Jr. is an associate with the Ferraro Law Firm and focuses his practice on complex civil litigation, product liability, asbestos litigation, toxic torts, severe personal injury and wrongful death.

Mr. Ferraro graduated from the University of Miami School of Law and has been admitted to practice law in the State of Florida. During his tenure at the University of Miami, he served as a law clerk for United States District Court Judge Robert N. Scola, Jr., was a law clerk for Grossman and Roth, P.A., and was a recipient of a Dean's Achievement Award. Mr. Ferraro also earned his Bachelor of Business Administration while double majoring in finance and managing organizations at Emory University's Goizueta Business School. Since joining The Ferraro Law Firm, Mr. Ferraro has actively participated in complex civil litigation against large corporations and manufacturers of toxic products.

### **Jose L. Becerra, Esq.**

Jose L. Becerra is a Florida trial attorney who handles a broad range of personal injury cases including product liability, wrongful death, and mesothelioma. Mr. Becerra also handles family law cases including dissolutions of marriage, child custody and support, and post-judgement matrimonial matters. In July 2017, in the matter of *Moore v. John Crane, Inc.*, Circuit Court, Broward County, Florida (Case No. 13-011729), he assisted in obtaining a \$6,785,000 verdict in favor of his client.

In law school, Mr. Becerra was a judicial intern for The Honorable Laurel M. Isicoff of the U.S. Bankruptcy Court for the Southern District of Florida and The Honorable Edwin G. Torres of the United States District Court for the Southern District of Florida. He also served as the interschool vice president for the Charles C. Papy Jr. Moot Court Board and successfully competed in numerous appellate advocacy competitions. For example, he was named "Best Oral Advocate" at the C. Clyde Atkins 2011 Fall Moot Court Competition, "Best Oral Advocate Runner Up" at the 2013 Cristol Kahn Paskay Cup, and "Outstanding Oral Advocate" at the 21st Annual Duberstein Bankruptcy Moot Court Competition.

Upon graduation, Mr. Becerra was selected to The Order of Barristers – a United States honor organization that encourages excellence in writing briefs and oral advocacy. Mr. Becerra was also a member of the International and Comparative Law Review and the recipient of the Kapila Family Foundation Scholarship, the Louis Phillips Scholarship, and the Dean's Certificate of Academic Achievement Award in Commercial Law and Tort Law & Policy Seminar.

### **Gabriel S. Saade, Esq.**

Gabriel S. Saade practices in the areas of Product Liability, Environmental Toxic Torts, Mesothelioma & Asbestos, Wrongful Death, Catastrophic Personal Injury, and Defective Drugs. Mr. Saade is admitted to the practice of law in Florida. Mr. Saade earned his law degree from the University Of Miami School Of Law. He obtained a Bachelor of Science with a concentration in Political Science from Duke University. Mr. Saade also obtained a certificate in Markets and Management from Duke University.

During law school, Mr. Saade clerked for The Honorable Leslie B. Rothenberg, where he handled research and production of legal memoranda on a panoply of issues before Judge Rothenberg. Mr. Saade also served as a Certified Legal Intern at the Miami-Dade State Attorney's Office. In addition, Mr. Saade clerked at The Ferraro Law Firm throughout law school.

### **Lora Damiani, Esq.**

Lora Damiani is a personal injury attorney in Miami, Florida with the team at The Ferraro Law Firm. She practices in the areas of toxic torts, products liability, catastrophic personal injury, medical malpractice, and wrongful death with a focus on tobacco litigation. Her past experience in the field of critical care nursing enables her to provide skilled, perceptive counsel to clients facing injury cases, including injuries resulting from tobacco use or exposure.

A native of Worcester, Massachusetts, Ms. Damiani attended Georgetown University in Washington, D.C., and graduated with a B.S. in nursing. After practicing critical care nursing for 10 years, she attended the University of Miami School of Law in Miami, Florida, and earned her J.D. in 1991.

Prior to joining The Ferraro Law Firm, Ms. Damiani spent more than 20 years as an attorney litigating personal injury matters for several prestigious personal injury law firms in Miami.

Over the past 10 years, Ms. Damiani has focused her practice primarily on tobacco litigation in federal and state court in Florida, while continuing to represent victims of medical malpractice and catastrophic personal injury.

Ms. Damiani's experience from her previous critical care nursing affords her a unique ability to evaluate medical and legal issues in her practice and provide her clients with quality representation. 100% of her practice is devoted to litigation.

### **Fernando Ulloa, Esq.**

Fernando Ulloa is an attorney at The Ferraro Law Firm, working hard to ensure that the victims in cases that involve product liability, wrongful death, catastrophic injuries, asbestos-

related diseases, and toxic torts get the justice they deserve. Mr. Ulloa's foreign background and education has prepared him to be an excellent addition to The Ferraro Law Firm.

Prior to joining The Ferraro Law Firm Mr. Ulloa was the chief of the agreements department of the Honduran Health Ministry. Mr. Ulloa handled the contracts for the entire public health sector of Honduras. He was also in charge of elaborating and revising agreements to ensure the proper functioning of the Honduran Ministry. Mr. Ulloa was an active attorney in Honduras where he litigated at the Supreme Justice Court of Honduras and the Civil Justice Center mostly in matters relating to civil, family, wills and trust law. He actively participated in hearings and provided legal advice to clients. Mr. Ulloa's main concern was always to provide the best services in order to protect his client's rights.

### **Dick Maykel Ortega, Esq.**

Dick Maykel Ortega is a trial attorney at The Ferraro Law Firm representing victims in cases involving product liability, wrongful death, catastrophic injuries, asbestos-related diseases, and toxic torts. Prior to joining The Ferraro Law Firm, Mr. Ortega worked in the Washington, D.C. office of a large international law firm counseling international and domestic entities in complex merger and acquisition transactions, finance transactions, market entry strategies, product liability litigation, antitrust litigation, and FCPA matters.

During law school, Mr. Ortega held several positions that prepared him to represent our clients in complex matters. He interned with the Securities and Exchange Commission assisting counsel with the investigation and litigation of industry and issuer practices. He also interned with the FIU Office of the General Counsel developing litigation strategies and regulatory compliance parameters, and a boutique litigation firm working closely with clients to build their case and negotiate advantageous settlements.

Mr. Ortega earned his law degree, *magna cum laude*, from Florida International University College of Law and graduated as the Salutatorian of his class. In addition, Mr. Ortega earned book awards in several courses including International Commercial Arbitration, Investor Advocacy Clinic, Legal Skills and Values III, and Contracts. He successfully competed in prestigious appellate advocacy and arbitration competitions, and received the C.A.M.P. 4 Justice Human Rights Scholarship, Dean's Merit Scholarship, and Broward Hispanic Bar Association Scholarship.

Mr. Ortega co-authored the following publications: "How Far Can the CFPB Cast Its Net for Abusiveness Claims?," *Corporate Counsel* (July 2015), and "CFPB Enforcement of the Abusive Standard," *Corporate Counsel* (July 2015).

### **Ralph R. Longo, Esq.**

Ralph R. Longo IV is an attorney in Miami, Florida working as an associate with the team at The Ferraro Law Firm.

Mr. Longo attended the University of Connecticut, where he graduated with a B.S. in Finance from the UConn School of Business. While at the University of Connecticut, Mr. Longo was a New England Scholar Award winner, as well as a Greenwich Scholarship award recipient. Further, during his undergraduate studies, Mr. Longo honed his research and writing skills while working as a Featured Columnist for a major online sports publication.

After completing his undergraduate studies, Mr. Longo attended the University of Miami School of Law, where he was a Dean's Merit Scholarship award winner. Mr. Longo also successfully completed the University of Miami Litigation Skills Program. Further, Mr. Longo won the 2014 Collegiate Boxing Light Heavyweight National Championship while completing his legal studies.

Throughout his tenure in law school, Mr. Longo spent time as a law clerk with The Ferraro Law Firm. He was admitted to the Florida Bar in 2016 and is a member of the American Bar Association, as well as the Dade County Bar Association.

### **Stephen McCloskey, Jr., Esq.**

Stephen McCloskey Jr. is an attorney at The Ferraro Law Firm who focuses his practice on tax law. Mr. McCloskey joined The Ferraro Law Firm's tax group in 2013 and brings a wide breadth of tax knowledge and experience to the firm's practice. Mr. McCloskey provides clients with sophisticated tax analysis and protection to clients seeking tax whistleblower awards. Mr. McCloskey has represented clients before the IRS, the Department of Justice, and the U.S. Tax Court.

Prior to joining The Ferraro Law Firm, Mr. McCloskey worked for one of the world's largest law firms, as well as one of the Big Four accounting firms. During this time, Mr. McCloskey focused on inbound and outbound international tax planning for corporate multinationals and income tax compliance at both the State and Federal levels. Mr. McCloskey's experience includes advising clients on corporate reorganizations, debt restructurings, and U.S. tax treaty analysis.

Mr. McCloskey earned his law degree, cum laude, from the University of Florida, Levin College of Law where he earned the book award for Mergers & Acquisitions. Mr. McCloskey then went on to earn his Master of Laws (LL.M.) with a certificate in International Taxation from Georgetown University Law Center. Mr. McCloskey is licensed to practice law in Florida, the U.S. Court of Federal Claims, and the United States Tax Court.

### **Matthew D. Gutierrez, Esq.**

Mathew D. Gutierrez is The Ferraro Law Firm's appellate practitioner. In this role, Mr. Gutierrez is responsible for every aspect of the firm's appellate practice, which spans all levels of Florida's state and federal courts. He also provides the firm's trial lawyers with litigation and brief-writing support and advises them on preservation of error issues.

Prior to joining The Ferraro Law Firm, Mr. Gutierrez spent more than four years as a litigator at one of the largest multi-national defense firms in the country (Am Law 50). In that capacity, Mr. Gutierrez represented clients in high-stakes corporate litigation, with a particular emphasis on appeals, contractual and partnership disputes, federal securities law claims, and First Amendment litigation. His clients included Fortune 50 corporations, financial institutions, major political parties and candidates, hospital systems, brokerage firms, developers, and manufacturers. Mr. Gutierrez began his post-law school career as a judicial law clerk to Judge Leslie B. Rothenberg at the Florida Third District Court of Appeal. As an appellate law clerk, Mr. Gutierrez researched and analyzed contested legal issues, presented written and oral case recommendations to judges, and drafted legal memoranda and proposed opinions for publication. During his

clerkship, Mr. Gutierrez also served as Moot Court Coach at the University of Miami School of Law.

Mr. Gutierrez earned his law degree from Emory University School of Law (J.D., with honors, 2011), where he was a research assistant to Dean Robert A. Schapiro. During law school, he also served as an intern at the United States District Court, the United States Attorney's Office, the Fulton County District Attorney's Office, and the Fulton County Superior Court. Mr. Gutierrez received his undergraduate degree in English literature from the University of Miami (B.A., 2008).

Mr. Gutierrez is admitted to practice in Florida and the District of Columbia.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: GENERIC PHARMACEUTICAL  
PRICING ANTITRUST LITIGATION**

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**MDL NO. 2724  
16-MD-2724  
HON. CYNTHIA M. Rufe**

**THIS DOCUMENT RELATES TO:**

***ALL ACTIONS***

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**PRETRIAL ORDER NO. 21  
(PLAINTIFFS' STEERING COMMITTEES)  
(SUPERSEDING PRETRIAL ORDER NOS. 6 AND 9)**

**AND NOW**, this 19th day of May 2017, after hearing from counsel at the conference on May 4, 2016, and upon consideration of the applications of counsel filed of record, and the Court having determined that the expanded MDL is better served through the formation of separate Plaintiffs' Steering Committees ("PSCs") based upon Plaintiff groups, it is hereby **ORDERED** that the Court appoints the attorneys and law firms set forth below to perform the duties set forth in Pretrial Order No. 1 on behalf of three PSCs.

**As members of the Direct Purchaser Plaintiffs PSC:**

<p>Dianne M. Nast, Esquire <i>and the law firm of</i> Nast Law LLC 1101 Market Street, Suite 2801 Philadelphia, PA 19107 (215) 923-9300 <a href="mailto:dnast@nastlaw.com">dnast@nastlaw.com</a> <b>Lead and Liaison Counsel and <i>ex-officio</i> member</b></p>	<p>Robert N. Kaplan, Esquire <i>and the law firm of</i> Kaplan Fox &amp; Kilsheimer LLP 850 Third Avenue, 14th Floor New York, NY 10022 (212) 687-1980 <a href="mailto:rkaplan@kaplanfox.com">rkaplan@kaplanfox.com</a></p>
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<p>Linda P. Nussbaum, Esquire  <i>and the law firm of</i>          Nussbaum Law Group          1211 Avenue of the Americas, 40th Floor          New York, NY 10036          (917) 438-9102          lnussbaum@nussbaumpc.com</p>	<p>Michael L. Roberts, Esquire  <i>and the law firm of</i>          Roberts Law Firm, P.A.          20 Rahling Circle          P.O. Box 241790          Little Rock, AR 72223          (501) 821-5575          mikeroberts@robertslawfirm.us</p>
<p>Thomas M. Sobol, Esquire  <i>and the law firm of</i>          Hagens Berman Sobol Shapiro LLP          55 Cambridge Parkway, Suite 301          Cambridge, MA 02142          (617) 482-3700          tom@hbsslaw.com</p>	<p>David F. Sorensen, Esquire  <i>and the law firm of</i>          Berger &amp; Montague, P.C.          1622 Locust Street          Philadelphia, PA 19103          (215) 875-3000          dsorensen@bm.net</p>

As members of the End-Payer Plaintiffs PSC:

<p>Roberta Liebenberg, Esquire  <i>and the law firm of</i>          Fine, Kaplan and Black, R.P.C.          One South Broad Street, 23rd Floor          Philadelphia, PA 19107          (215) 567-6565          rliebenberg@finekaplan.com  <b>Lead and Liaison Counsel and <i>ex-officio</i> member</b></p>	<p>Gregory S. Asciolla, Esquire  <i>and the law firm of</i>          Labaton Sucharow LLP          140 Broadway          New York, NY 10005          (212) 907-0700          gasciolla@labaton.com</p>
<p>Michael M. Buchman, Esquire  <i>and the law firm of</i>          Motley Rice LLC          600 Third Avenue, Suite 2101          New York, NY 10016          (212) 577-0040          mbuchman@motleyrice.com</p>	<p>Elizabeth J. Cabraser, Esquire  <i>and the law firm of</i>          Lieff Cabraser Heimann &amp; Bernstein LLP          275 Battery Street, 29th Floor          San Francisco, CA 94111-3339          (415) 956-1000          ecabraser@lchb.com</p>

<p>James R. Dugan, II, Esquire  <i>and the law firm of</i>  The Dugan Law Firm, APLC  365 Canal Street, Suite 1000  New Orleans, LA 70130  (504) 648-0180  jdugan@dugan-lawfirm.com</p>	<p>Jayne A. Goldstein, Esquire  <i>and the law firm of</i>  Shepherd Finkelman Miller &amp; Shah, LLP  1625 N. Commerce Pkwy Suite 320  Fort Lauderdale, FL 33326  (886) 849-7545  jgoldstein@sfmslaw.com</p>
<p>Mindee J. Reuben, Esquire  <i>and the law firm of</i>  Lite DePalma Greenberg, LLC  1835 Market Street, 27th Floor  Philadelphia, PA 19103  (267) 314-7980  mreuben@litedepalma.com</p>	<p>Joseph R. Saveri, Esquire  <i>and the law firm of</i>  Joseph Saveri Law Firm, Inc.  555 Montgomery Street, Suite 1210  San Francisco, CA 94111  (415) 500- 68000  jsaveri@saverilawfirm.com</p>
<p>Dena C. Sharp, Esquire  <i>and the law firm of</i>  Girard Gibbs LLP  601 California Street, Suite 1400  San Francisco, CA 94108  (415) 981-4800  chc@girardgibbs.com</p>	<p>Heidi M. Silton, Esquire  <i>and the law firm of</i>  Lockridge Grindal Nauen P.L.L.P.  100 Washington Avenue South  Suite 2200  Minneapolis, MN 55401  (612) 339-6900  hmsilton@locklaw.com</p>
<p>Bonny E. Sweeney, Esquire  <i>and the law firm of</i>  Hausfeld LLP  600 Montgomery St., Suite 3200  San Francisco, CA 94111  (415) 633-1908  bsweeney@hausfeld.com</p>	<p>Steven N. Williams, Esquire  <i>and the law firm of</i>  Cotchett, Pitre &amp; McCarthy, LLP  840 Malcolm Road, Suite 200  Burlingame, CA 94010  (650) 697-6000  swilliams@cpmlegal.com</p>

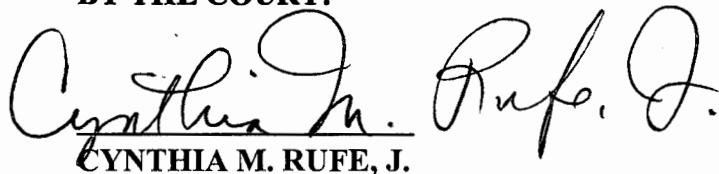
## As members of the Indirect Resellers PSC:

<p>Jonathan W. Cuneo, Esquire  <i>and the law firm of</i>          Cuneo Gilbert &amp; LaDuka, LLP          4725 Wisconsin Ave., NW Suite 200          Washington, DC 20016          (202) 789-3960          jnc@cuneolaw.com  <b>Lead Counsel and <i>ex-officio</i> member</b></p>	<p>Don Barrett, Esquire  <i>and the law firm of</i>          Barrett Law Group, P.A.          P.O. Box 927          404 Court Square North          Lexington, MS 39095          (662) 834-2488          dbarrett@barrettlawgroup.com</p>
<p>Daniel S. Mason, Esquire  <i>and the law firm of</i>          Furth Salem Mason &amp; Li, LLP          101 California Street, Suite 2710          San Francisco, CA 2710          (415) 365-9685          damson@fsmlaw.com</p>	<p>Francis O. Scarpulla, Esquire  <i>and the law firm of</i>          Law Offices of Francis O. Scarpulla          456 Montgomery Street, 17th Floor          San Francisco, CA 94104          (415) 788-7210          fos@scarpullalaw.com</p>
<p>Elizabeth Tipping, Esquire  <i>and the law firm of</i>          Neal &amp; Harwell, PLC          1201 Demonbreun Street, Suite 1000          Nashville, TN 37203          (615) 244-1713          etipping@nealharwell.com</p>	

The Court may adjust the size of the PSCs if necessary as the litigation proceeds. The appointments to the PSCs are of both the attorneys and the law firms. The Court expects that the leadership will provide opportunities for attorneys not named to the PSC, particularly less-senior attorneys, to participate meaningfully and efficiently in the MDL, including through participation in any committees within the PSC and in determining which counsel will argue any motions before the Court.

It is so ORDERED.

BY THE COURT:



CYNTHIA M. RUFÉ, J.