

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**IN RE: LUMBER LIQUIDATORS )  
CHINESE-MANUFACTURER FLOORING )  
PRODUCTS MARKETING, SALES ) MDL No. 1:15-md-2627 (AJT/TRJ)  
PRACTICES AND PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )**

**This Document Relates to All Cases.**

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**NOTICE OF WILLIAMS PLAINTIFFS GROUP APPLICATION  
FOR APPOINTMENT TO PLAINTIFFS’ STEERING COMMITTEE**

COME NOW the *Williams Plaintiffs Group*<sup>1</sup> and, pursuant to Fed. R. Civ. P. 23(g) and *Pretrial Order No. 1*, entered by this Court on July 2, 2015, [Dkt. No. 10], move for an order of the Court for an order appointing Carin Marcussen of FEDERMAN & SHERWOOD (Oklahoma City, Oklahoma) and Cullin O’Brien of CULLIN O’BRIEN LAW, P.A., (Ft. Lauderdale, Florida), (hereafter, collectively, “Movants”), to Plaintiffs’ Steering Committee. (C.V.s are attached as Exhibits “1” and “2” respectively).

**1. WORK**

Before filing their respective complaints, FEDERMAN & SHERWOOD and CULLIN O’BRIEN LAW, P.A., investigated the underlying conduct and the potential legal claims. Movants vetted their clients and conducted their own independent testing of prospective plaintiffs’ flooring to ascertain whether it contained formaldehyde and whether it affected the indoor air quality of the home. Each named plaintiff in actions filed by Movants exceeded acceptable limits.

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<sup>1</sup> “The *Williams Plaintiffs Group*” refers to plaintiffs in the following actions, which have been transferred to this Court pursuant to the Judicial Panel on Multidistrict Litigation’s June 12, 2015 Transfer Order: *Todd Williams v. Lumber Liquidators*, Case No. 1:15-cv-21432, filed 04/16/2015, USDC, S.D. Fla.; *John Williams v. Lumber Liquidators*, Case No. 2:15-cv-14142, filed 04/20/2015/2015, USDC, S.D. Fla.; *Jacqueline Crawford v. Lumber Liquidators*, Case No. 2:15-cv-60891, filed 04/27/2015, USDC, S.D. Fla.; and *Dianne McGreevy v. Lumber Liquidators*, Case No. 4:15-cv-01110, filed 04/28/2015, USDC, S.D. Tex.

## 2. EXPERIENCE

### a. FEDERMAN & SHERWOOD

FEDERMAN & SHERWOOD maintains offices in Oklahoma City, Oklahoma and Dallas, Texas. The firm has a national practice that emphasizes consumer class actions, securities, business, product liability actions and other complex litigation. The firm has had leadership roles in several national MDLs and has been appointed lead counsel or co-lead counsel in over 60 class actions (consumer and financial matters) and shareholder derivative actions, working with diverse law firms in nearly every case. (See Exhibit “1” hereto). The firm also has experience trying complex cases. Additionally, just in the last year, the firm, as lead counsel for the plaintiffs, briefed and argued cases before the Fifth and Tenth Circuit and secured rulings favorable to the class. See *Spitzberg v. Houston American Energy Corp.*, 758 F.3d 676 (5<sup>th</sup> Cir. 2014); and *Nakkhumpun v. Taylor*, 782 F.3d 1142 (10<sup>th</sup> Cir. 2015).

William B. Federman has practiced law for over thirty-three (33) years and has extensive experience litigating and trying complex cases and class actions. Mr. Federman has received the Martindale-Hubbell peer review rating of AV Preeminent for both ethical standards and legal ability and has received a top rating by A.M. Best. He has served on the Oklahoma County Bar Ethics Committee and has been honored as a featured speaker at many bar events, including the American Bar Association, the Houston Bar Association, and the Oklahoma Bar Association. Mr. Federman has served as Lead or Co-Lead for Plaintiffs and/or on the Plaintiffs’ Steering/Executive Committee for many consumer class actions.

Carin L. Marcussen will be working closely with Mr. Federman in this case and at the Court’s discretion would be the point person for the *Williams* Plaintiffs Group. Ms. Marcussen has over twelve (12) years of experience in complex civil litigation on behalf of individuals as

well as plaintiff classes, much of that against the insurance industry. Ms. Marcussen has been recognized by her peers and the judiciary for professional excellence. She has been consistently honored as a “Rising Star” by *Oklahoma Super Lawyers* magazine. She serves on the Oklahoma Bar Association’s Civil Procedure and Evidence Code Committee and the Disaster Relief Committee. Ms. Marcussen has years of experience litigating insurance coverage disputes and her experience will be of particular help to assist the class with the insurance coverage issues that are bound to arise in a case like this.

Mr. Federman and Ms. Marcussen will be supported by additional attorneys and staff at Federman & Sherwood, all of whom have experience and training in complex and class action litigation.

**b. CULLIN O’BRIEN LAW, P.A.**

CULLIN O’BRIEN LAW, P.A., maintains an office in Ft. Lauderdale, Florida. The firm is owned and operated by Cullin O’Brien, who was born in Charlottesville, Virginia. Mr. O’Brien graduated from Harvard Law School in 2002 and has over a decade of trial court and appellate court experience in high stakes class actions, civil litigation, civil rights, and criminal defense. Mr. O’Brien has served as class counsel and has taken leadership roles in many national class actions, effectively cooperating with other law firms. For example, in *Johnson v. General Mills, Inc.*, No.: SACV 10-00061-CJC(ANx), 2013 U.S. Dist. LEXIS 90338, at \*1 (C.D. Cal. June 17, 2013), the Court approved an \$8.5 million settlement regarding the alleged false advertising of yogurt products and specifically commented on Mr. O’Brien’s experience:

Further, experienced class counsel believe that the results achieved by the settlement are fair and reasonable. Mr. O’Brien . . . believes the settlement is an excellent result, which provides Settlement claimants with greater than full compensation for their purchases with little to no burden, has symbolic value, and serves the general goals of the false advertising statutes. Mr. O’Brien [is] experienced in consumer class action litigation and he is well-equipped to evaluate the settlement.

*Id.* at \*1. Likewise, Mr. O'Brien is currently serving as co-appellate counsel for an objector to the NFL Concussion Settlement. *In re: NFL Players Concussion*, 15-2290, *et al* (3d Cir.). Mr. O'Brien has been involved in and has achieved important victories. See Exhibit 2.

### **3. KNOWLEDGE**

The third 23(g) factor supports appointment of Movants as well. Movants have earned a national reputation for excellence and success in complex consumer litigation. Movants have developed a thorough understanding of products liability, deceptive trade practices and consumer protection law and class action procedure through their litigation and leadership of a number of complex class action cases. As a result, Movants have the requisite knowledge of the applicable substantive law, and are well suited to navigate the procedural challenges that will arise.

### **4. RESOURCES**

The Movants have the resources to devote to this litigation. The Movants have sufficient numbers of attorneys and trained professionals to staff this case, and they have successfully managed complex, resource-intensive cases in the past. The Movants have invested in the technology support necessary to handle complex matters, and each has designated a primary team of attorneys who will bring their unique skills and experience to representing the proposed class. The firms routinely advance the costs of litigation and have demonstrated an ability and willingness to dedicate substantial resources to vigorously prosecute class claims.

### **CONCLUSION**

WHEREFORE, for the reasons set forth herein, the *Williams* Plaintiffs Group moves for an order of the Court for an order appointing FEDERMAN & SHERWOOD and CULLIN O'BRIEN LAW, P.A., to Plaintiffs' Steering Committee. Movants will bring experience, knowledge and much needed diversity to the leadership of the case.

Respectfully submitted,

/s/ Roxanne F. Rosado

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/s/ Carin L. Marcussen

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Dated: July 27, 2015

*Counsel for The Williams Plaintiffs Group*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of July, 2015, a true and correct copy of the foregoing Notice of *Williams* Plaintiffs Group Application for Appointment to Plaintiffs' Steering Committee was filed electronically with the clerk of this Court using the CM/ECF system, and in accordance with Local Rules and the procedures adopted in the Initial Order and Pretrial Order No. 1A.

/s/

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