

## **Declaration Attachment 14**

Jonathan Shub, Esquire  
SEEGER WEISS LLP  
1515 Market Street  
Suite 1380  
Philadelphia, PA 19102

*Counsel for Plaintiff(s) Jeffrey Rodgers*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re APPLE iPhone 4 PRODUCTS  
LIABILITY LITIGATION

) Master File No. 5:10-md-02188-RMW

) CLASS ACTION

This Document Relates To:

ALL ACTIONS.

) DECLARATION OF JONATHAN SHUB  
) FILED ON BEHALF OF SEEGER WEISS  
) LLP IN SUPPORT OF AN AWARD OF  
) ATTORNEYS' FEES AND EXPENSES TO  
) NON-LEAD COUNSEL

DATE: n/a  
TIME: n/a  
CTRM: The Honorable Ronald M. Whyte

///

1 I, JONATHAN SHUB, declare as follows:

2 1. I am a member of the firm of Seeger Weiss LLP. I am submitting this declaration  
3 in support of my firm's application for an award of attorneys' fees and expenses in connection  
4 with services rendered in the above-entitled action, pursuant to the Court's order of August 10,  
5 2012.

6 2. The firm is counsel of record for plaintiff Jeffrey Rodgers. Our firm was not  
7 appointed lead counsel in this consolidated MDL. I have not ever been paid or reimbursed any  
8 fees or expenses in this case as of the filing of this document.

9 3. The identification and background of my firm and its partners is attached hereto  
10 as Exhibit A.

11 4. The following information regarding the firm's time and expenses is taken from  
12 time and expense printouts prepared and maintained by my firm in the ordinary course of  
13 business. I am the attorney who oversaw and/or conducted the day-to-day activities in the  
14 litigation and who reviewed these printouts (and backup documentation where necessary or  
15 appropriate). The purpose of these reviews was to confirm both the accuracy of the entries on  
16 the printouts as well as the necessity for and reasonableness of the time and expenses committed  
17 to the litigation. As a result of these reviews, reductions were made to both time and expenses  
18 either in the exercise of billing judgment or to conform to the firm's guidelines and policies  
19 regarding certain expenses such as charges for hotels, meals, and transportation. As a result of  
20 these reviews and adjustments, I believe that the time reflected in the firm's lodestar calculation  
21 and the expenses for which payment is sought are reasonable in amount and were necessary for  
22 the effective and efficient prosecution and resolution of the litigation.

23 5. The total number of hours spent on this litigation by my firm is 40.90. The total  
24 lodestar amount for attorney/paraprofessional time based on the firm's current rates is  
25 \$20,115.50. The hourly rates shown below are the usual and customary rates charged for each  
26 individual. A breakdown of the lodestar is as follows:

27

28

| <i>NAME</i>         |     | <i>HOURS</i> | <i>RATE</i> | <i>LODESTAR</i>           |
|---------------------|-----|--------------|-------------|---------------------------|
| Jonathan Shub       | (A) | 30.30        | 595.00      | 18,028.50                 |
| Andro Torres        | (P) | 9.00         | 195.00      | 1,755.00                  |
| Kristin Wickline    | (P) | .60          | 195.00      | 117.00                    |
| Lauren Griffith     | (P) | 1.00         | 215.00      | 215.00                    |
|                     |     |              |             |                           |
| <b><i>TOTAL</i></b> |     |              |             | <b><i>\$20,115.50</i></b> |

(P) Partner

(A) Associate

6. My firm seeks an award of \$524.16 in expenses which were reasonably and necessarily committed to the prosecution of the litigation. They are broken down as follows:

***EXPENSES***

From Inception to May 21, 2012

| <i>EXPENSE CATEGORY</i>                 | <i>TOTAL</i>           |
|---|------------------------|
| Photocopies (Outside)                   | 474.70                 |
| Postage & Delivery                      | 32.34                  |
| Lexis, Westlaw, Online Library Research | 17.12                  |
|   |                        |
| <b><i>TOTAL</i></b>                     | <b><i>\$524.16</i></b> |

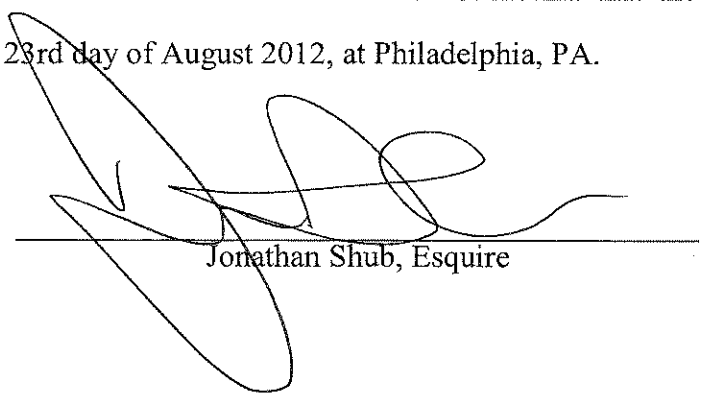
(a) Lexis, Westlaw, Online Library Research: \$17.12. These included vendors such as Westlaw, and Pacer. These databases were used to obtain access to legal research and cite-checking of briefs. The charges for these vendors vary depending upon the type of services requested.

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

8. I submit that the time and expense submission included in this Declaration were incurred in this litigation. I request that the Court award my firm \$20,115.50 in attorneys' fees and \$524.16 in expenses reimbursement for a total of \$20,639.66.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of August 2012, at Philadelphia, PA.



Jonathan Shub, Esquire

# EXHIBIT A



NEW YORK, NY  
77 Water Street  
New York, NY 10004  
(212) 584-0700  
(212) 584-0799 fax

NEWARK, NJ  
550 Broad St  
Newark, NJ 07102  
(973) 639-9100  
(973) 639-9393 fax

PHILADELPHIA, PA  
1515 Market St  
Philadelphia, PA 19102  
(215) 564-2300  
(215) 851-8029 fax

LOS ANGELES, CA  
10960 Wilshire Blvd  
Los Angeles, CA 90024  
(310) 477-2244  
(310) 477-4123 fax

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

---

## Firm Biography

SEEGER WEISS LLP is one of the nation's leading plaintiffs' law firms. The Firm currently numbers approximately 30 attorneys operating out of offices in New York City; Newark, NJ; Philadelphia, PA; and Los Angeles, CA. It focuses on mass tort and class action litigation, with particular emphasis in the areas of products liability, pharmaceutical injury, consumer protection, environmental and toxic tort, securities fraud, antitrust, insurance, ERISA, employment, and *qui tam* litigation. The Firm is made up of experienced litigators, including former state and federal prosecutors. Seeger Weiss's reputation for leadership and innovation has resulted in its appointment to numerous plaintiffs' steering and executive committees in a variety of multidistrict litigations throughout the United States, and it regularly serves as court-appointed Liaison Counsel in New York and New Jersey federal and state courts.

The Firm's manifold accomplishments—including favorable jury verdicts for \$47.5 million in *Humeston v. Merck & Co.* (N.J. Super. Ct. Atlantic County); over \$10.5 million in *Kendall v. Hoffman-La Roche, Inc.* (N.J. Super. Ct. Atlantic County); \$11.05 million in *Owens, et al v. ContiGroup Companies, et al* (Mo. Cir. Ct., Jackson County); and \$25.16 million in *McCarrell v. Hoffman-La Roche, Inc.* (N.J. Super. Ct. Atlantic County)—earned it the distinction of being one of only 8 law firms named by the *National Law Journal* to its exclusive "Plaintiffs' Hot List" the past three years in a row. Reflecting their vast experience and proven leadership, founding partners Christopher A. Seeger and Stephen A. Weiss were appointed Co-General Counsel to the Badge of Honor Memorial Foundation, a national advocacy group for the families of law enforcement officers who are killed in the line of duty.

## Mass Torts and Pharmaceutical Litigation

During the past decade, Seeger Weiss has emerged as one of the premier mass torts firms in the United States, particularly in the area of pharmaceutical torts. The Firm's expertise in this area has been recognized by courts throughout the U.S. which have appointed the Firm to numerous plaintiffs' steering committees in a variety of multidistrict litigations, including, among others:

**Vioxx.** Seeger Weiss has served at the helm of the nationwide Vioxx litigation since its inception, playing highly prominent roles in both the federal and New Jersey state court litigations against Merck & Co, the manufacturers of the prescription arthritis drug now thought to lead to an increased risk of heart attack and stroke. On April 8, 2005, the Honorable Eldon E. Fallon, who presides over the Vioxx multidistrict litigation in New Orleans, Louisiana, appointed firm partner, Christopher A. Seeger, as Co-Lead of the Plaintiffs' Steering Committee. Additionally, partner David R. Buchanan was appointed Co-Liaison counsel in the New Jersey state Vioxx litigation before the Honorable Carol E. Higbee, J.S.C. In a 2005 class certification ruling involving claims brought on behalf of all third-party payors, including health-maintenance organizations, managed-care organizations, employers and unions, challenging Merck's advertising practices and pricing policies, Judge Higbee recognized Seeger Weiss's prominence in Vioxx-litigation in noting that "there is probably no other law firm as knowledgeable about Vioxx."

In 2007, Mr. Seeger served as Lead Co-Counsel in *Humeston v. Merck & Co.* in New Jersey Superior Court, Atlantic County. There, he and other Seeger Weiss partners David R. Buchanan, Moshe Horn and Laurence Nassif obtained a \$47.5 million jury verdict for the plaintiff for injuries caused by Vioxx—as cited in the "Top 20 Personal Injury Awards of the Year (2007)" published by the *New Jersey Law Journal*.

Only months after achieving that verdict, Mr. Seeger, along with co-counsel on the Vioxx Negotiating Committee, concluded a \$4.85 billion global settlement with Merck, covering more than 45,000 personal injury claims for heart attack, sudden cardiac death, and ischemic stroke. It represents the largest "global" settlement of personal injury claims stemming from a pharmaceutical product in U.S. history.

**Zyprexa.** In 2004, Seeger Weiss partner Christopher Seeger was appointed by the Honorable Jack B. Weinstein of the U.S. District Court for the Eastern District of New York to serve as Liaison Counsel in the multidistrict litigation against Eli Lilly & Co. relating to the anti-psychotic drug Zyprexa. On June 7, 2005, Eli Lilly and Mr. Seeger, on behalf of the Plaintiffs' Steering Committee, announced a \$700 million settlement of over 8,000 Zyprexa claims alleging that Zyprexa caused diabetes and diabetes-related injuries. Mr. Seeger was one of the chief architects and leading negotiators of this landmark settlement. He also took a leading role in negotiating a second-round settlement of \$500 million between plaintiffs and Eli Lilly.



**Accutane.** In 2005, Seeger Weiss partners Christopher Seeger and Dave Buchanan were jointly named to serve on the Plaintiffs' Steering Committee in connection with consolidated litigation against New Jersey based Hoffman-LaRoche, Inc., involving the company's acne medication, Accutane. The mass tort litigation, which came before the Honorable Carole E. Higbee in Atlantic County, involved the consolidation of claims throughout the state of New Jersey alleging severe side effects resulting from the use of Accutane, including birth defects; suicidal impulses among young adults; and inflammatory bowel disease ("IBD"), including Crohn's disease and ulcerative colitis, a debilitating and life-altering disease with no known cure.

To date, Mr. Buchanan—who, with Seeger Weiss partner Christopher Seeger, served as liaison counsel for the New Jersey coordinated proceedings in the Accutane litigation—has served as co-trial counsel in the three cases tried in New Jersey that involved Accutane-related injuries, all of which resulted in verdicts for the Plaintiff. One, *McCarrell v. Hoffman-La Roche, Inc.*, in New Jersey Superior Court, Atlantic County, resulted in a \$25.16 million verdict for the Plaintiff, an Alabama resident who suffered IBD from using Accutane. Seeger Weiss partner Michael Rosenberg also served on the trial team in that case. Another, *Kendall v. Hoffman-La Roche, Inc.*, in the same court, resulted in a verdict for the plaintiff, a Utah woman who suffered the same ailment from using Accutane, of nearly \$10.6 million. The third, a consolidated trial for *Mace v. Hoffmann LaRoche Inc.*, *Speisman v. Hoffmann LaRoche Inc.*, and *Sager v. Hoffmann LaRoche Inc.*, garnered a \$12.9 million award from the New Jersey jury in November 2008.

**Rezulin.** Seeger Weiss plays a major role in products liability actions against Pfizer and Warner Lambert involving Rezulin, a prescription drug used to treat Type II diabetes. The Firm is a court-appointed member of the Executive Committee in the federal suits coordinated by the Judicial Panel on Multidistrict Litigation ("JPML") before Judge Lewis A. Kaplan in the U.S. District Court for the Southern District of New York. The Firm is also a member of the New Jersey Rezulin Steering Committee in *In re: Rezulin Litigation*, currently pending before the Superior Court of New Jersey, Middlesex County. The Firm also successfully represented numerous individuals who commenced personal injury damage actions in various courts throughout the country, all of which claims have been resolved through confidential settlement.

Notably, in March 2003, following a six-week jury trial, the Firm achieved a \$2 million verdict against Pfizer on behalf of Concepcion Morgado, a Brooklyn resident who sustained liver injury and was hospitalized for 10 days following her Rezulin use. The case was the first and only Rezulin matter to be tried in New York and represented a watershed result in the nationwide Rezulin litigation.

**Vytorin and Zetia.** Seeger Weiss has taken the lead in Zetia and Vytorin litigation, negotiating a \$41.5 million settlement with Merck & Co., Inc and Schering-Plough Corporation, which resolved nationwide fraud claims that arose from the sale and marketing of the companies' co-ventured prescription drugs. Plaintiffs contend that Merck conspired with

Schering-Plough in 2003 to combine Zocor—an enormously popular statin cholesterol drug, with Zetia—another widely used non-statin cholesterol drug, under the new name Vytorin. The two companies began marketing Vytorin as more effective in reducing cholesterol than Zetia and Zocor alone, as well as being effective in blocking arterial plaque that can cause heart attack and stroke. The lawsuits allege that the companies have known since 2006 that Vytorin was no more effective than the generic version of Zocor in blocking plaque, despite being effective in lowering LDL, or “bad” cholesterol. In failing to disclose these facts, Merck and Schering-Plough were allegedly able to cause consumers and third-party purchasers to pay significantly higher prices than the cost of equally effective alternatives available on the market.

Founding partners Christopher A. Seeger and Stephen A. Weiss served as Co-Liaison Counsel for the Plaintiffs’ Executive Committee for *In Re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, the coordinated group of 140 actions against the two pharmaceutical companies, located in Newark before the Honorable Dennis M. Cavanaugh of the United States District Court of New Jersey. Seeger acted as the principal negotiator for the Plaintiffs’ Executive Committee, aided by Weiss and Seeger Weiss partner Diogenes P. Kekatos.

*Noteworthy Current Pharmaceutical Mass Tort Prosecutions*

**Gadolinium.** The Firm is at the forefront of litigation against multiple defendant manufacturers of Gadolinium-based contrast agents (“GBCAs”) used in certain diagnostic imaging procedures. In December 2006 the U. S. Food and Drug Administration (“FDA”) issued a second and stronger Public Health Advisory concerning a link between GBCAs used during Magnetic Resonance Imaging (“MRI”) and Magnetic Resonance Angiography (“MRA”) procedures, and a debilitating and potentially fatal skin disorder known as Nephrogenic Systemic Fibrosis or Nephrogenic Fibrosing Dermopathy (“NSF/NFD”). Since it released its first Public Health Advisory in June 2006, the FDA has been further investigating the apparent relationship between contrast agents containing gadolinium and NSF/NFD. As of December 2006, the FDA had received reports of 90 patients that developed NSF/NFD within 2 days to 18 months after exposure to such contrast agents.

In February 2008, the Judicial Panel on Multidistrict Litigation ordered all federal actions involving personal injuries stemming from Gadolinium-based contrast dyes centralized in the U.S. District Court for the Northern District of Ohio, before the Honorable Dan Aaron Polster, who has appointed Seeger Weiss partner Christopher Seeger to serve on the Plaintiffs’ Steering Committee and Executive Committee in the multidistrict litigation against multiple defendant manufacturers of GBCAs used in MRI and MRA diagnostic imaging procedures. Partner Dave Buchanan serves as court-appointed Federal-State Liaison Counsel for the litigation. Also in 2008, Seeger Weiss partners Christopher Seeger and Dave Buchanan were appointed Liaison Counsel in connection with the consolidated mass tort litigation against manufacturers of GBCAs in New Jersey, before the Honorable Jamie D. Happas of the Superior Court of New Jersey, Middlesex County.

**Fosamax.** In August 2006, the JPML ordered all federal litigation involving Merck & Co.'s prescription medication Fosamax—used in the treatment of osteoporosis but found to have caused a number of adverse effects, in particular, osteonecrosis (death of bone tissue)—centralized in the U.S. District Court for Southern District of New York (Manhattan), before the Honorable John F. Keenan. Seeger Weiss partner Christopher A. Seeger has been appointed Plaintiffs' Liaison Counsel, and also served on the Executive Committee of the Plaintiffs' Steering Committee in the multidistrict litigation.

**Yaz, Yasmin, and Ocella.** In November 2009, Seeger Weiss partner Christopher A. Seeger was named to the Plaintiff's Steering Committee in the *Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL No. 2100) by Judge David R. Herndon, United States District Court, Southern District of Illinois. More than a hundred lawsuits have been filed against Bayer Healthcare, the pharmaceutical giant that produces Yaz and Yasmin. This litigation, which is expected to include hundreds of women asserting severe health complications resulting from taking these birth control pills, was centralized in the Southern District of Illinois in October 2009 by order of the United States Judicial Panel on Multidistrict Litigation.

**Actos.** In November 2012, founding partner Christopher A. Seeger was appointed to the Multidistrict Litigation (MDL) Actos Product Liability Plaintiffs' Steering Committee. In June 2011, a European study found that among a group of 155,000 patients, one fifth of those who developed bladder cancer had been taking the drug Actos. However, the health warnings that accompany the prescription fail to alert users of this risk. The governments of France and Germany have now banned the type-2 diabetes medication, and the FDA has issued warnings to American doctors who prescribe the drug. Takeda Pharmaceutical Co., the makers of Actos and Asia's largest pharmaceutical company, may face up to as many as 10,000 claims.

*Other Pharmaceutical and Medical Device Prosecutions*

**Depuy Orthopaedics, Inc ASR Hip Implant Products.** Seeger Weiss partner Christopher A. Seeger was named to the Plaintiffs' Executive Committee in the *In Re: Depuy Orthopaedics, Inc ASR Hip Implant Products* (MDL No. 2197) by Judge David A. Katz, United States District Court, Northern District of Ohio in January 2011. More than a hundred lawsuits have been filed against Johnson & Johnson, the pharmaceutical giant that is also the parent company of Depuy Orthopaedics, Inc. In August 2010, Johnson & Johnson and its medical device subsidiary, DePuy Orthopaedics, recalled two acetyabular cups hip replacement systems because of their high rate of failures, after a study from the National Joint Registry of England and Wales showed that 1 out of every 8 patients (12%-13%) who had the devices had to undergo revision surgery within five years of receiving it. By the time of the recall, more

than 93,000 patients worldwide were fitted with an ASR hip implant. Roughly a third of those were patients in the United States. This litigation was centralized in the North District of Ohio in December 2010 by order of the United States Judicial Panel on Multidistrict Litigation.

**PPA.** Seeger Weiss remains actively involved in litigation against numerous manufacturers of pharmaceutical products containing PPA (phenylpropanolamine), until 2000 an ingredient in virtually every over-the-counter cold medication and many appetite suppressant products. The Firm serves on the Plaintiffs' Steering Committee in the federal suits consolidated by the JPML in the U.S. District Court for the Western District of Washington, and as the court-appointed Liaison Counsel in the New York PPA actions coordinated before Judge Helen Freedman. In 2003, the Firm was one of the lead negotiators of a nationwide settlement agreement with the manufacturers of Dexatrim, a leading over-the-counter appetite suppressant that until 2000 contained PPA. The settlement covers the claims of all individuals who suffered stroke-related injuries resulting from the ingestion of PPA-containing Dexatrim.

**Propulsid.** Seeger Weiss held national leadership positions in pharmaceutical products liability litigation against Johnson & Johnson and Janssen Pharmaceutica, Inc., the manufacturers of Propulsid—a prescription drug used to treat nocturnal heartburn. Seeger Weiss LLP was a member of the court-appointed Plaintiffs' Steering Committees in both the federal litigation, which have been consolidated by the JPML in the Eastern District of Louisiana, and in the statewide consolidated actions in Middlesex County, New Jersey. The Firm served as counsel to numerous individuals who have commenced personal injury damage actions in various courts throughout the country.

**Guidant and Medtronic Heart Device Litigations.** Seeger Weiss served as a court-appointed member of the Plaintiffs' Steering Committee in multidistrict litigation in the U.S. District Court for the District of Minnesota against Medtronic and Guidant involving defective heart defibrillators and pacemakers. The heart devices at issue are surgically implanted in persons who have a type of heart disease that creates the risk of a life-threatening heart arrhythmia (abnormal rhythm). Both Medtronic and Guidant had disclosed defects in certain of their defibrillators that caused the devices to fail without warning. The Firm filed one of the first actions in the U.S. against Guidant on behalf of patients.

**Other Pharmaceutical Products.** In addition to aforementioned pharmaceutical, the Firm serves or has served as counsel in numerous lawsuits in state and federal courts throughout the country brought by individuals who have suffered personal injury or death resulting from the use of various pharmaceutical or medical device products, including **Baycol**, **Celebrex**, **Elidel**, **Ephedra**, **Fen-Phen**, **Kugel Mesh** hernia patches, **Lamisil**, **Neurontin**,

**OxyContin, Ortho Evra** birth control patches, **Protopic, Serevent, Serzone**, and **Sporanox**.

## Consumer Litigation

Seeger Weiss LLP has achieved notable recoveries and currently holds leadership roles in many major consumer class action litigations throughout the country. Among the consumer class action litigations in which Seeger Weiss LLP plays or has played a major role are, in alphabetical order:

***In re AOL Version 5.0 Software Litigation***: Pending in the United States District Court for the Southern District of Florida pursuant to a JPML consolidation order. Plaintiffs seek to recover damages for violations of federal antitrust laws, as well as for damage inflicted on their computers as a result of installing the software. Seeger Weiss LLP is a member of the proposed Plaintiffs' Steering Committee.

***In re Armstrong World Industries, Inc.***: \$7 million settlement achieved in the United States Bankruptcy Court for the District of Delaware after transfer. The Firm represented the State of Connecticut, one of numerous property damage claimants which sought injunctive relief and monetary damages resulting from the presence of Armstrong-manufactured asbestos-containing resilient floor tile and sheet vinyl in residences and buildings throughout the United States.

***In re Bridgestone/Firestone, Inc. ATX, ATX II and Wilderness Tires Products Liability Litigation***: Seeger Weiss represented Firestone tire owners and purchasers of Ford Explorers equipped with certain models of Firestone tires. Plaintiffs sought damages flowing from design defects that resulted in severe, life-threatening accidents. Specifically, the consumer class sought a tire recall, recovery for the cost of tire replacement, and recovery for the diminution in the value of Ford Explorer vehicles resulting from the subject design defects. Following the filing of a number of federal class actions, the litigations were transferred for pre-trial proceedings to the Federal court in Indianapolis. In those coordinated actions, which the JPML had centralized before the Honorable Sarah Evans Barker of the U.S. District Court for the Southern District of Indiana (Indianapolis), Seeger Weiss served as a member of the Plaintiffs' Law Committee. Following extensive discovery and motion practice, Plaintiffs achieved a favorable nationwide settlement of their class claims.

***Ecker v. Ford***: In 2008, the Superior Court of California granted final approval to the class action settlement in this litigation. The settlement provides full cash reimbursement for qualifying parts and labor for all California owners and lessees of Ford Focus vehicles who

experienced premature front brake wear, including reimbursement for brake pads and rotors. The court had earlier appointed the Firm to act as co-lead counsel in the litigation. Seeger Weiss partner Christopher Seeger and associate Scott Alan George were primarily responsible for the litigation.

***IBM Deskstar 75GXP Litigation:*** The Firm represents statewide classes of purchasers of an IBM manufactured hard disk drive, known as the Deskstar 75GXP, in 9 different state and federal courts throughout the country. The actions include claims for violations of consumer protection statutes and breach of warranty resulting from IBM's commercial practices in the marketing and sale of hard disk drives that it knew were inherently unreliable and that it knew would fail at epidemically high rates. In August 2003, Judge Ronald Sabraw issued a tentative ruling certifying a California statewide class of purchasers of the 75GXP in *Michael Granito v. IBM*, pending in California Superior Court in Alameda County. In addition to California, cases are also pending in New Jersey, New York, Florida, Illinois, Connecticut, Ohio, Michigan, and Pennsylvania. The Firm serves as co-lead counsel in these cases.

***In re Industrial Life Insurance Litigation:*** The Firm represents purchasers of industrial life insurance policies who were charged race-based and discriminatory rates. The Firm serves on the Plaintiffs' Steering Committee in connection with the several cases that have been sent to the Eastern District of Louisiana by the JPML.

***Lester v. Percudani:*** Pending in the U.S. District Court for the Middle District of Pennsylvania. The Firm represents over 170 first-time homeowners who purchased homes at inflated valuations based upon fraudulent appraisals and in violation of federal mortgage lending guidelines. The action includes federal civil RICO and state consumer fraud claims against a group of RICO co-conspirators. In 2008, the district court denied motions for partial summary judgment that had been filed by two of the Defendants (Chase Home Finance LLC and one of its officers), and later denied their motion for reconsideration of that ruling. Following those rulings, the parties entered court-approved mediation, which recently resulted in a settlement that will provide millions of dollars' worth of relief to the aggrieved homeowners, including substantial mortgage rate reductions.

***In re MCI Non-Subscriber Telephone Rates Litigation:*** \$88 million class settlement completed in the United States District Court for the Southern District of Illinois following a transfer to that district by the JPML. Final approval of the class settlement was entered in March 2001 resolving claims brought by class members to recover overcharges arising from MCI's improper imposition of non-subscriber rates and surcharges on certain of its customers. Seeger Weiss LLP was a member of the Plaintiffs' Steering Committee and served as Chair of the Discovery Committee.



***Sims v. Allstate and Dorries v. State Farm:*** Pending in Illinois state court. The Firm serves as co-counsel in these separate class actions, representing automobile policyholders seeking to recover payment for the diminution in value of their vehicles following accidents in which certain types of body damage was sustained. These cases were certified as class actions in December 2000.

***Sternberg v. Apple Computer, Inc. and Gordon v. Apple Computer, Inc.:*** Nationwide settlement completed in California state court. Plaintiffs recovered class-wide damages resulting from Apple's deceptive advertisements for its iMac and G4 brand computers—specifically the functionality of the DVD playback feature. Seeger Weiss LLP served as co-lead counsel for the classes.

***Truth-in-Lending Act Litigation:*** The Firm serves as co-counsel in several dozen proposed nationwide class actions that were filed in 2007 and 2008 in the various federal courts in California against banks and other mortgage lenders, asserting claims under the federal Truth-in-Lending Act (“TILA”), and California consumer fraud statutes and common law. These actions seek to recover damages as well as equitable relief, including rescission, in connection with highly-deceptive so-called Option Adjustable Rate Mortgage (“ARM”) loans. The loan documents given to Option ARM borrowers failed to adequately disclose to borrowers that the initial “teaser” interest rate of 1%-3% would last only 30 days and that, after that time, the minimum payment specified in the payment schedule would be insufficient to cover even monthly interest charges, let alone loan principal. As a result, borrowers who secured these deceptive loans have lost equity in their homes and are no longer able to secure the refinancing necessary to get out from under these loans.

***In re Vonage Marketing and Sales Practice Litigation:*** Nationwide settlement proposed in the U.S. District Court for the District of New Jersey. The lawsuit involves Vonage's promotional “one month free” and “money back guarantee” offers and application of certain charges (disconnection, cancellation and termination fees, and subscription fees despite requests for cancellation), which allegedly violated certain laws. Vonage has agreed to pay \$4.75 million to fund the settlement, which offers eligible class members reimbursements for certain payments made by Vonage subscribers. Seeger Weiss partner Jonathan Shub serves as co-lead counsel in the litigation.

***Workers' Compensation Litigation:*** The Firm served as co-counsel in proposed class actions brought in thirteen different states against most of the country's largest workers' compensation insurance carriers. The actions sought to recover damages on behalf of numerous corporate entities resulting from the inappropriate imposition of “residual market loads.” In 2006, these cases settled for an aggregate amount of \$25 million.

***In re Zynga Privacy Litigation:*** Pending in the U.S. District Court for the Northern District of California. The suit accuses Zynga, a Facebook partner and game developer, of deliberately sharing personal data of Facebook users. Zynga breached their own privacy policy, as well as industry standards, which that it "does not provide any Personally Identifiable Information to third-party advertising companies." Partner Jonathan Shub was named Interim Co-Lead Class Counsel in December 2010 by Judge James Ware, United States District Court, Northern District of California.

## Securities Litigation

Seeger Weiss has emerged as a leading innovator in the realm of securities litigation, with special emphasis on IPO litigation, auction rate securities, securities fraud class action, and, recently, the Bernard Madoff Ponzi scheme. The Firm brought action against some of the largest financial entities in the world, including Goldman Sachs, Morgan Stanley, Credit Suisse, JPMorgan Chase, Bank of America and Merrill Lynch.

### *IPO Litigation*

***In re Initial Public Offering Securities Litigation*** is one of the largest and most significant coordinated securities fraud prosecutions in United States history. In this coordinated action, Seeger Weiss serves on the Plaintiffs' Steering Committee and as Co-Chair of the Plaintiffs' Legal Committee. The litigation consists of 310 class actions involving IPOs marketed between 1998 and 2000. The defendants include 310 individual companies and 55 investment bank underwriters, which includes Wall Street's largest and most well-known investment houses, including Goldman Sachs, Morgan Stanley, and Credit Suisse. The class actions allege that the IPOs were manipulated by the issuers and investment banks to artificially inflate the market price of the securities of those companies by inducing customers to engage in aftermarket "tie-in" agreements in exchange for IPO allocations. The cases further allege that the investment banks extracted significant undisclosed compensation from their customers in exchange for giving them the IPO allocations. The actions are coordinated before Judge Shira A. Scheindlin in the U.S. District Court for the Southern District of New York (Manhattan).

In connection with these actions, the Firm was instrumental in defeating a recusal motion brought by certain of the underwriter-defendants in 2001, and was the principal author of the electronic data preservation protocol that was entered by Judge Scheindlin in the litigation. The Firm has been extensively involved in all phases of the litigation, which recently entered a new phase of class certification proceedings following the U.S. Court of Appeals' 2007 reversal of Judge Scheindlin's certification of six test classes.



### *Auction Rate Securities*

Seeger Weiss is part of a consortium of law firms that have taken a leading role in bringing actions against the broker-dealers involved in the auction rate securities market's collapse. Seeger Weiss has sued UBS, DeutscheBank, Merrill Lynch, Wachovia, TD Ameritrade, Morgan Stanley, JPMorgan Chase, E\*Trade, Raymond James, Wells Fargo, Oppenheimer, Bank of America and Royal Bank of Canada, alleging that they knew, but failed to disclose material facts about the auction rates market and the securities they sold to their investors, including that the securities were not cash alternatives, like money market funds but, rather, were complex, long-term financial instruments with 30-year or longer maturity dates; and that they were only liquid at the time of sale because the broker-dealers were artificially supporting and manipulating the auction market to maintain the appearance of liquidity and stability. Indeed, the broker-dealers simultaneously withdrew their support of the auction rate securities market on the same day in February 2008, resulting in its collapse. One *New York Times* reporter has referred to the collapse of the auction rates market as a "hostage crisis," in which thousands of investors, including senior citizens, have hundreds of billions of dollars in investments that they cannot access despite having been told that they were liquid investments that were as good as cash.

The Honorable Shira A. Scheindlin of the U.S. District Court for the Southern District of New York (Manhattan) has appointed Seeger Weiss to serve as Liaison Counsel in *Waldman v. Wachovia*, No. 08 Civ. 2913 (SAS) (S.D.N.Y.). Seeger Weiss also was appointed as Liaison Counsel in *Chandler v. UBS AG*, No. 08 Civ. 2697 (SAS) (LMM) (S.D.N.Y.); *Humphrys v. TD Ameritrade*, No. 08 Civ. 2912 (PAC) (S.D.N.Y.); and *Ciplet v. JPMorgan Chase & Co.*, 08 Civ. 4580 (RMB) (S.D.N.Y.). Additionally, counsel with whom Seeger Weiss is working have been appointed Lead Counsel in these and several other cases against the broker-dealers.

### *Securities Fraud Class Actions*

The Firm holds leadership roles in a variety of national securities class action litigations. For example, Seeger Weiss LLP served as lead counsel in an action against *ATEC Group, Inc.*, in which the Firm recovered \$1.7 million for the class in the United States District Court for the Eastern District of New York. Additionally, Seeger Weiss LLP serves as lead counsel in an action against *The Miix Group*, a medical malpractice insurance carrier based in New Jersey, and several of its former and current directors and officers which is pending in the District of New Jersey, and chaired the Executive Committee in a derivative action against *Legato Systems, Inc.* in California.

The Firm also represents or has represented shareholders in a variety of securities litigations, including those against *ATEC Group* (E.D.N.Y.); *Axonix* (S.D.N.Y.); *Bell South* (N.D. Ga.); *Bradley Pharmaceutical* (D.N.J.); *Broadcom Corp.* (C.D. Ca.); *Buca, Inc.* (D. Minn.); *Cryo-Cell International, Inc.* (M.D. Fl.); *eConnect, Inc.* (C.D. Ca.); *FirstEnergy Corp.* (N.D. Ohio); *Friedman, Billings, Ramsey Group* (S.D.N.Y.); *Gander Mountain* (D. Minn.); *Genta* (D.N.J.); officers and

directors of *Global Crossing* (C.D. Ca.); *Grand Court Lifestyles, Inc.* (D.N.J.); *Impath* (S.D.N.Y.); *IT Group Securities* (W.D. Pa.); *Mattel, Inc.* (C.D. Ca.); *Matrixx Initiatives* (D. Ariz.); *MBNA* (D. Del.); *MHIX Group* (D.N.J.); *Molson Coors Brewing Company* (D. Del.); *Mutual Benefits Corp.* (S.D. Fla.); *New Era of Networks, Inc.* (M.D.N.C.); *Nuance Communications* (N.D. Ca.); *NVE Corporation* (D. Minn.); *Omnivision Technologies, Inc.* (N.D. Ca.); *Par Pharmaceuticals* (D.N.J.); *Pixelplus, Co.* (S.D.N.Y.); *Procter & Gamble Co.* (S.D. Ohio); *Priceline.com* (D. Conn.); *Purchase Pro* (S.D.N.Y.); *Quintiles Transnational* (D. Colo.); *Read Rite Corporation* (N.D. Ca.); *Sagent Technology* (N.D. Ca.); *Sina Corporation* (S.D.N.Y.); *The Singing Machine, Inc.* (S.D. Fl.); *Terayon, Inc.* (C.D. Ca.); and *Tesoro Petroleum Corp.* (E.D. Tex); *Viisage Technology, Inc.* (D. Mass.), among others.

### *Madoff Investment Securities Litigation*

Seeger Weiss LLP has moved to the forefront of litigation against Bernard L. Madoff Investment Securities, the engine of Madoff's \$50 billion Ponzi scheme, and has been retained to represent more than \$500 million in claims from defrauded shareholders around the world. Madoff's brand of deception, though similar to a pyramid scheme, proved far more insidious because it relied Madoff's good standing and the fundamental trust the trading community placed in his abilities. Investors were lead to believe that their investments would be handled competently by Madoff and that their returns would be produced through sound investments. Thousands of investors and institutions have been defrauded by Madoff and his firm.

Seeger Weiss, along with co-counsel from Milberg LLP, filed a petition in April 2009 that, if granted, could make Madoff's personal assets available for investors to recover a portion of their investments. The petition was filed soon after Judge Louis Stanton reversed an earlier decision that blocked that option. The SEC and the prosecution maintained that nearly all of Madoff's personal assets were linked to his financial crimes, and personal bankruptcy could delay recovery by victims of his Ponzi scheme, but Judge Stanton disagreed, and reversed the prior holding.

## **General Complex Class Action Litigation**

Seeger Weiss has long excelled at general complex class action litigation, having achieved major victories in the past and working on several important class action cases in the present, against large agricultural and pharmaceutical corporations.

***Bayer CropScience Rice Contamination MDL.*** The Firm represents five proposed statewide classes of rice growers (covering the five leading rice-growing states of Arkansas, Louisiana, Mississippi, Missouri, and Texas) who are seeking to recover damages against Bayer CropScience and numerous parents and affiliates to the value of their rice crops resulting from contamination by LLRICE 601 and LLRICE 604, varieties of long-grain rice that have been genetically modified to produce rice crops resistant to glufosinate—the active ingredient in

Liberty® Herbicide, another Bayer product. This “glufosinate-tolerant” trait allows growers to spray Liberty® herbicide over the entire crop, killing all weeds without risking any damage to the rice crop. Following revelations in August 2006 and again in March 2007 that U.S. rice crops had been found to be contaminated with these varieties (which, at the time, had not been approved for commercial use), the world’s leading importers of American rice, including the European Union, Japan, and South Korea, quickly announced embargoes of U.S. rice, triggering sharp declines in the market price of U.S. rice. The JPML has centralized these actions, and others similar, before the Honorable Catherine D. Perry of the U.S. District Court for the Eastern District of Missouri (St. Louis). Following the district court’s denial of class certification, in which Seeger extensively participated in the briefing and hearing preparations, the cases have proceeded to completion of discovery and trial. The first two bellwether trials before Judge Perry both resulted in significant victories for the Plaintiffs, with verdicts awarding damages totaling approximately \$3.5 million.

***In re “StarLink” Corn Products Litigation.*** Similar to the rice contamination litigation against the Bayer companies, this litigation was centralized by the JPML in the U.S. District Court for the Northern District of Illinois, Eastern Division (Chicago). The U.S. Environmental Protection Agency had licensed “StarLink” brand corn—which had been genetically-modified to create its own insecticidal protein, making it resistant to various corn pests—only for the growing of corn used for animal feed and industrial purposes (such as the growing of corn for manufacturing ethanol), was found to have entered the U.S. food chain. The news swiftly led to Japan and other major overseas buyers of U.S. corn placing embargoes on American corn, and the resulting collapse of the export market for U.S. corn and a sharp decline in the market price of U.S. corn. The Firm was one of four court-appointed co-lead counsel for a class of corn farmers in various corn-belt states against Aventis CropScience USA—the developer of StarLink corn seed (which was later purchased by Bayer AG and became Bayer CropScience, the developer of the genetically-modified rice seeds that are the sources of the rice contamination litigation in which the Firm is currently involved)—and Garst Seed Company, the principal licensee and distributor of the corn seed. In the actions, the corn growers sought damages representing the loss in value of their corn crops due to the improper marketing, handling, and distribution of StarLink corn. In April 2003, following much discovery and the denial of the Defendants’ motion to dismiss the Plaintiffs’ claims, U.S. District Judge James B. Moran gave final approval to a \$110 million nationwide settlement of the class claims.

***OxyContin Third-Party Payor Litigation.*** Seeger Weiss has been appointed co-lead counsel in a proposed class action pending in the U.S. District Court for the Southern District of New York (Manhattan) before the Honorable John G. Koeltl. The litigation against the drug’s maker, Purdue Pharma LLP, involves the marketing and promotion of OxyContin. In 2007, Purdue pled guilty to federal violations of misbranding of OxyContin, for which it was fined over \$600 million in criminal and civil penalties. The Firm represents insurance providers

and other “third-party payors,” including self-funded health plans, which have purchased, reimbursed, or otherwise paid for OxyContin for their plan members or participants. The Plaintiffs assert violations of federal RICO and state consumer fraud statutes. Specifically, they allege that, as a result of Defendants’ fraudulent over-promotion and off-label promotion of OxyContin, members of the class paid a much higher price, for many more prescriptions, than they would have absent Defendants’ fraudulent over-promotion. After discovery, spirited negotiations, and briefing and argument on Purdue’s motion to dismiss the complaint, Seeger Weiss secured a \$20 million settlement, which received preliminary approval from the district court in December 2008. A final approval (fairness) hearing is scheduled for May 15, 2009.

### **Environmental and Toxic Tort Litigation**

Seeger Weiss has brought several environmental and toxic tort cases on behalf of homeowners, small landowners and farmers who have suffered from environmental damage and degradation.

***Factory Hog and Poultry Farm Environmental Litigation.*** The Firm is involved in the prosecution of various environmental and common law claims against several of the nation’s largest industrial hog and poultry farm operators. These cases, pending in several jurisdictions throughout the country, were brought on behalf of public citizens, riparian property owners and other residents in the vicinity of factory hog and poultry farms who have suffered from environmental and atmospheric degradation caused by the illegal discharge of harmful toxins and other pollutants contained in the enormous quantities of hog and poultry feces and other wastes produced by the industrial farmer defendants. The Firm serves as co-lead counsel in several of these actions. For example, the Firm serves as court-appointed co-lead counsel in an action pending in the state District Court of Mayes County, Oklahoma pertaining to environmental damages to the Grand Lake O’Cherokees caused by the disposal of massive quantities of chicken litter by the operations of various major poultry integrators and their contract growers. In that action, the Firm achieved the certification of two classes of owners of property around the 44,000-acre lake after a three-day hearing by the District Court, and that ruling was only narrowly overturned by the Oklahoma appellate courts during nearly two and one-half years of appeals. The Firm continues to aggressively pursue these claims.

In September 2006, following a three-week trial in which Firm partner, Stephen A. Weiss, served as co-lead trial counsel, a state court jury sitting in Jackson County, Missouri returned a \$4.5 million combined verdict against industrial hog producers Premium Standard Farms, Inc. and ContiGroup Companies, Inc. in favor of six neighbors of the Defendants’ vast farm operations in northern Missouri. In March 2010, a group of fifteen neighbors brought Premium Standard Farms before the state court again, alleging that the overpowering hog odors had not abated since the original trial. A Jackson County jury awarded the plaintiffs an \$11.05 million

verdict. This verdict is the largest monetary award against a hog farm in an odor nuisance case. The Firm continues to represent over 250 remaining claimants against these Defendants.

***Lead Poisoning Litigation.*** The Firm represents families and property owners living within Tar Creek, one of the nation's most notorious hazardous waste sites, situated within the former Picher Mining Field in Northeast Oklahoma. The site has ranked consistently near the top of EPA's National Priorities List for over a decade. Seeger Weiss is pursuing two types of cases on behalf of the residents: claims on behalf of seven minor children who have irreversible brain damage as a result of exposure to the lead left behind by the mining companies; and a prospective class of residents whose properties have been devalued and who have been exposed to this toxic mining waste.

***Chinese-Manufactured Drywall.*** Seeger Weiss is currently pursuing action against Chinese manufacturers of contaminated drywall, which is reported to contain high levels of hydrogen sulfides, compounds that when exposed to prolonged heat or humidity, release sulfur gasses resulting in terrible odors, metal corrosion, and physical injuries. Christopher A. Seeger was named to the Plaintiff's Steering Committee in the Chinese-Manufactured Drywall Products Liability Litigation (MDL No. 2047) by Judge Eldon E. Fallon, United States District Court, Eastern District of Louisiana. This litigation, which includes thousands of claimants asserting property damage and personal injury claims, was centralized in the Eastern District of Louisiana in June 2009 by order of the United States Judicial Panel on Multidistrict Litigation.

Mr. Seeger tried the first defective Chinese-manufactured drywall case in the country, resulting in a \$2.6 million verdict for seven Virginia families. Mr. Seeger also tried the second bellwether case, which determined whether manufacturers were responsible for damages the drywall's toxic fumes cause to plumbing, electronics, and appliances, securing a \$164,049.64 judgment for the Hernandez family.

In October, Mr. Seeger was a part of a negotiating team that obtained a breakthrough settlement to remediate homes affected by Chinese drywall. The agreement was reached with several key defendants including Knauf Plasterboard Tianjin (KPT), builders, drywall suppliers and their insurers, and other Knauf entities. Knauf in partnership with builders, suppliers and insurers, will fund a demonstration remediation program, which will facilitate the removal of KPT drywall from up to 300 homes in Alabama, Mississippi, Louisiana and Florida. If successful, it is expected that this pilot program will be expanded to remediate thousands of homes with KPT drywall. Mr. Seeger chairs a second committee of national trial teams pursuing Chinese-manufactured drywall cases.

***BP Gulf Oil Spill.*** It will take years to fully assess the devastation caused by the BP oil spill in the Gulf of Mexico. Yet even as the extent of the damage is being calculated, Seeger Weiss is leading the way on securing recoveries for victims of the spill. Christopher Seeger has spearheaded efforts to help thousands of Gulf Coast fishermen, local businesses, and property



owners receive fair compensation for the enormous damage the BP disaster has caused to their livelihoods and homes. Seeger has been among a small group of leading plaintiffs' lawyers who have met with the administrators of BP's \$20 billion remediation fund, and is certain to be a key plaintiffs' counsel as BP-related cases proceed to trial. The firm was one of the first to file cases in connection with the Gulf Spill. It currently represents a broad array of hundreds of Gulf Coast claimants whose livelihoods or property have been threatened or destroyed by the millions of gallons of spilled oil. Those plaintiffs include oystermen and shrimpers, business owners and Gulf Coast property owners. While the courts are still organizing a formal structure for dealing with the vast number of Gulf claims, Seeger Weiss has already been recognized as a leader in the litigation. Indeed, it was one of a handful of plaintiffs firms recently consulted by Gulf Coast claims administrators for the BP's oil spill compensation fund.

### **Asbestos Litigation**

Seeger Weiss handles numerous lawsuits seeking compensation for victims of asbestos and mesothelioma and has recovered millions of dollars for mesothelioma victims nationwide. These cases include a \$3.1 million settlement on behalf of an auto mechanic and Navy veteran who was diagnosed with mesothelioma at age 61, and a \$2 million settlement on behalf of an 80-year-old California man who was diagnosed with mesothelioma after having worked on shipyards in California and across the country.

### **Fair Labor Standards Act Litigation**

Seeger Weiss LLP is engaged in a wide variety of Fair Labor Standards Act ("FLSA") litigation matters representing aggrieved employees in courts throughout the country. The following are examples of such FLSA actions in which the Firm is involved:

Seeger Weiss serves as lead counsel in an action—titled *Schaefer-LaRose v. Eli Lilly & Co.*, which was filed in November 2006 and is pending in the U.S. District Court for the Southern District of Indiana—charging that Eli Lilly & Co. has a common practice of refusing to pay overtime compensation to its pharmaceutical representatives—including Sales Representatives, Senior Sales Representatives, Executive Sales Representatives, Senior Executive Sales Representatives, and those with similar job descriptions and duties—in violation of the federal FLSA. The plaintiffs, Lilly employees who promoted or detailed pharmaceutical products to medical professionals, allege that Lilly unlawfully characterizes its employees as exempt in order to deprive them of overtime pay. In February 2008, the court approved Plaintiffs' motion to conditionally certify the case as a collective action—the FLSA equivalent of a class action. The class consists of approximately 400 current and former pharmaceutical representatives employed by Lilly across America.

Seeger Weiss is also co-counsel in a similar federal collective action lawsuit charging that Pfizer Inc. has adopted a common practice of refusing to pay overtime compensation to its pharmaceutical representatives—including Professional Healthcare Representatives, Therapeutic Specialty Representatives, Institutional Healthcare Representatives, Specialty Healthcare Representatives, Specialty Representative, and Sales Representatives—in violation of the FLSA. That action, *Coultrip v. Pfizer Inc.*, was filed in October 2006, and is pending in the U.S. District Court for Southern District of New York. In August 2008, that court granted Plaintiffs’ motion to certify the case as a FLSA collective action.

### **Pension and ERISA Litigation**

Seeger Weiss has represented thousands of clients whose employers recklessly tampered with their retirement benefits.

#### ***Schol et al. v. Bakery and Confectionary Union and Industry Int’l Pension Fund.***

Seeger Weiss represents eight former union employees of the Entemann’s Bakery in Bay Shore, New York, in a class action lawsuit filed against the Bakery and Confectionery Union and Industry International Pension Fund. Many of these and other Entemann’s union workers accepted “buy-out” offers from the company as it downsized its personnel in recent years or accepted management positions, based on the understanding and expectation that they would qualify for a full pension under an alternative formula known as Plan G, or more commonly the “Golden 80” option. But as of July 1, 2010, Pension Plan participants not already eligible for their full pension under the Golden 80 formula had their benefits cut by 60%. The plaintiffs insist that the Pension Plan has violated the ERISA by unilaterally reducing workers’ vested and accrued pension benefits. They argue that the pension they had been promised *is* a benefit, and cannot be reduced merely because they had not already reached the required number of 80 total credits of age plus years of service before last July 1st. The case was filed in the U.S. District Court, Eastern District of New York, in February 2011 and is assigned to Judge Joanna Seybert of that District’s Central Islip Courthouse.

***In re Delta Air Lines Inc.*** Seeger Weiss served as Lead Counsel in a nationwide ERISA multidistrict litigation centralized by the JPML in the federal court in Atlanta, Georgia before the Honorable Julie E. Carnes. The Firm represented active and retired Delta Air Lines pilots challenging various company pension plan amendments and practices that had caused them to forfeit accrued and vested pension benefits. Plaintiffs challenged, among other things, the methodology employed by Delta in calculating and paying lump sums of pension benefits to pilots, the company’s retroactive freeze of a benefit formula previously pegged to increases in investment performance, and automatic reductions of pension benefits of married retirees hired before 1972. In September 2005, the federal court in Atlanta granted final approval to a class action settlement providing for payment of \$16 million in cash to certain retired Delta pilots

hired before 1972 or their spouses or beneficiaries and 1 million stock purchase warrants to lump sum pension benefits recipients. The settlement represented a significant recovery in light of Delta Air Lines' rapidly-deteriorating financial plight, with the court's final approval coming only days before Delta filed for bankruptcy protection. Seeger Weiss continued to represent Plaintiffs and class members through a number of twists and turns in the bankruptcy proceedings and beyond, and vigorously fought for and, in 2008, secured the complete and final distribution of all settlement proceeds to the class members.

***In re BellSouth Corp. ERISA Litigation.*** Seeger Weiss represented tens of thousands of aggrieved BellSouth management employees in a class action suit against the company and the administrators of the employees' 401K plan, in connection with "Enron-like" breaches of fiduciary duty. These claims stemmed from Defendants' failures to advise employees of investment diversification options and their having created a falsely optimistic outlook in Defendant BellSouth's stock as a prudent investment for the plan. Defendants encouraged employees to invest their earnings in company stock at a time when the company was noting positive operating results, artificially-optimistic revenue growth, and other financial indicators that were found to be materially false, including revelations of accounting irregularities and losses from the company's risky venture into the highly-speculative Latin American wireless phone market. In 2006, after considerable motion practice and discovery in the litigation, the federal court in Atlanta, Georgia, which oversaw the litigation, granted final approval to a class action settlement that provides for, among other things, BellSouth to make matching 401K plan contributions to employees for a three-year period in cash rather than company stock; for employees during that period to have the same investment options for the company's matching contributions as they have for their own contributions; the availability of certain additional investment choices; and during that period a guaranteed minimum percentage for one of the components in the formula used to determine the company's matching contributions.

## **Insurance Litigation**

For over a decade, the Firm has played a pivotal role in many notable insurance market practices class actions brought against members of the life insurance industry. These nationwide suits resulted from alleged misrepresentations made in connection with the sale of certain life insurance products, including "vanishing premium" policies which, due to market-sensitive dividend projections, required customers to pay premiums on a more prolonged basis than originally expected. The Firm has also reviewed annuity claims in the Claims Review Process.

In 2009, the firm was appointed Lead Counsel in the *WellPoint, Inc. Out-of-Network "UCR" Rates Litigation* (MDL No. 2074) by Judge Philip S. Gutierrez, United States District Court, Central District of California. This litigation, originally four antitrust cases, was centralized on August 27, 2009 by order of the U.S. Judicial Panel on Multidistrict Litigation.



The plaintiffs allege that several large insurance companies, including WellPoint Inc., Anthem Inc., and Blue Cross of California colluded to lower reimbursement rates for out-of-network health care services. The insurers were reported to have knowingly created and used flawed data to produce reimbursements far below the usual, customary and reasonable rates. The plaintiffs' claim that the insurance companies used a rigged database created by Ingenix, a subsidiary of UnitedHealth Group Inc., which was once the largest provider of health care billing information in the country. The briefing of Defendants' motion to dismiss the consolidated class action complaint in that litigation was recently completed, and the court is to hear oral argument on that motion shortly.

The firm serves on the Plaintiffs' Executive Committee in the analogous *Aetna UCR Litigation* (MDL No. 2010), pending before Judge Faith S. Hochberg in the United District Court, District of New Jersey. That litigation raises similar ERISA, civil RICO, federal antitrust, and other claims against Aetna, Ingenix, and UnitedHealth Group pertaining to reimbursement rates for out-of-network health care services. That court currently has Defendants' motion to dismiss the consolidated class action complaint under advisement, and Plaintiffs are scheduled to file their motion for class certification shortly.

In 1995, the firm was appointed as the national Policyowner Representative in *Wilson v. New York Life Insurance Company* sales practices litigation, the first settlement of a nationwide class action relating to the vanishing premium insurance product. *Wilson* involved claims brought by a class of approximately 3.2 million New York Life policyowners who suffered damages as the result of allegedly improper sales practices by the company and its agents, including the alleged failure to properly disclose the market-sensitivity of the company's premium payment projections. As Policyowner Representative, the firm served as the principal advocate on behalf of members of the class who elected to pursue individual claim relief before independent appeal boards.

Following its appointment in the *New York Life* litigation, the firm served as the Attorney Representative in the *In re Prudential Life Insurance Sales Practices Litigation*. In that role, the firm, and others serving under its auspices, represented individual class members in connection with over 53,000 separate claim arbitrations.

In addition to the *New York Life* and *Prudential* matters, the firm has served as the Policyowner Representative, Attorney Representative, or Claim Evaluator in the following insurance and annuity sales practices class actions: *Ace Seat Cover Company v. The Pacific Life Insurance Co.*; *Benacquisto v. American Express Financial Corporation*; *Duhaime v. John Hancock Mutual Life Ins. Co.*; *Garst v. The Franklin Life Insurance Co.*; *In re General American Life Insurance Co. Sales Practices Litigation*, *In re Great Southern Life Insurance Co. Sales Practices Litigation*; *Grove, et al. v. Principal Mutual Life Insurance Co.*; *Joseph F. Kreidler, et al. v. Western-Southern Life Assurance Co.*; *Lee v. US Life Corp.*; *In re Lutheran Brotherhood Variable Products Co. Sales Practices Litigation*; *Manners and Philip A. Levin v. American General Life Insurance Co.*; *In re Manufacturers Life Insurance Co. Premium Litigation*; *In re Metropolitan Life Insurance Co. Sales Practices Litig.*; *Moody v. American General Life and Accident Insurance Co.*; *In re New England Mutual Life Insurance Company Sales Practices Litigation*; *Roy v. Independent Order of Foresters*; *Murray v.*

*Indianapolis Life Insurance Co.; Snell v. Allianz Life Insurance Company of North America; In re Sun Life Assurance Company of Canada Insurance Litigation; Varacallo, et al. v. Massachusetts Mutual Life Insurance Co.; and Wemer v. The Ohio National Life Insurance Co.*

## **Nursing Home Litigation**

Seeger Weiss LLP has served as counsel in over two dozen personal injury and wrongful death actions on behalf of victims of severe nursing home abuses and neglect. These cases, both pending and settled, were litigated in various state courts throughout the country and have earned the Firm a national reputation in the area of nursing home litigation.

## **Personal Injury Litigation**

The Firm maintains a highly-selective docket of matters involving serious personal injury or wrongful death. Unlike many personal injury practices in which attorneys may handle hundreds of slip-and-fall matters at a time, the Firm's philosophy is to allow its attorneys to concentrate on a smaller number of "high-end" catastrophic injury cases, thereby permitting the highest quality of attention and service available in the field.

Most recently, in December 2011, under the representation of co-lead counsel Christopher Seeger, 11 former professional football players filed a lawsuit alleging that the National Football League failed to take the necessary precautions to protect its players from long-term brain injuries. Specifically, the lawsuit draws attention to the widespread use of the drug Toradol, which can mask symptoms of serious head injury while inducing dangerous cerebral bleeding. Since the lawsuit was announced, it has gained significant media attention, and several other former players have filed similar actions.

In June, 2009, Seeger Weiss was lauded for its staunch representation of 11 victims and their families in the Wildcats Bus Accident Case, after the defendants' agreed during trial to accept 100% of the responsibility for the tragic crash. The horrific accident, which resulted in four fatalities and countless other serious injuries, occurred when a Coach Canada bus carrying an "under 21" Canadian female hockey team named the Wildcats veered off of Interstate 390 near Rochester, New York and struck a parked tractor-trailer on the shoulder of the roadway. Led by Christopher Seeger, Moshe Horn and Marc Albert, the Seeger Weiss team took more than 20 depositions, reviewed thousands of pages of documents and retained multiple experts in preparation for the trial in the Supreme Court, Livingston County. Seeger Weiss represents a total of eleven victims of the accident and their families. In March 2010, a jury awarded \$2.25 million to three of the victims and their families, who were represented by partners Moshe

Horn and Marc Albert. The damages trials for the remaining eight plaintiffs, during which juries will be asked to determine fair compensation for the catastrophic and in some cases fatal injuries suffered by each of the individual victims, will occur in the coming months.

Partner Christopher A. Seeger represented a six-year-old boy and his family in a medical malpractice action against a hospital for failing to timely diagnose meningitis, which resulted in severe brain damage to the boy. The case settled for \$3.25 million in the Supreme Court of Kings County.

The Firm represented the wife and two minor children of a 41-year-old successful technologist who was tragically killed when a boat upon which he was a passenger collided with the Greenport Breakwater, a 1000 foot long structure constructed of large boulders in Greenport, Long Island. The victim was thrown from the boat upon impact and ultimately drowned. This case was settled for \$2.9 million.

Seeger Weiss secured a \$1.4 million verdict for client Debbie D'Amore in her case against Met Life and American Building Maintenance for serious injuries which she suffered as a result of a fall on July 13, 2004 at the Met Life Building in New York City. Ms. D'Amore was vigorously represented by Christopher Seeger and Marc Albert of Seeger Weiss LLP over the course of the week-long trial held before the Honorable Judge Michael Stallman of the Supreme Court, New York County. The jury deliberated over a two day period and returned with a \$1.4 million verdict, \$1 million of which was awarded for Ms. D'Amore's past pain and suffering, with \$400,000 awarded for future pain and suffering. The jury found defendants Met Life and its cleaning contractor, American Building Maintenance responsible for the fall and the serious injuries which Ms. D'Amore sustained as a result. Ms. D'Amore suffered a tri-malleolar ankle fracture in the fall which required multiple surgeries, including ultimately, an ankle fusion.

Seeger Weiss's continuing fight for rape victim Maria B., who was brutally assaulted inside a New York City subway station while two Transit employees watched and failed to take appropriate action received national attention in April, 2009. In the course of discovery on the case, we exposed the Transit Authority for its complete and utter disregard for safety, failing to equip their stations with such basic safety devices as a public address system or alarm. Seeger Weiss's efforts to change longstanding New York law which granted municipalities such as the NYC Transit Authority immunity from suits like Maria B's, including our recent filing of an Appeal on the issue, was greeted with widespread admiration and shows Seeger Weiss's willingness to take on the type of difficult case most firms routinely turn down.

### **Antitrust Litigation**

Seeger Weiss LLP has been involved in nationally-prominent antitrust litigation, where it has recently expanded its presence.

*Compact Disc Litigation.* Seeger Weiss was involved in this consumer antitrust litigation, which sought damages against the wholesale sellers of pre-recorded music sold in the form of compact discs. The Plaintiffs alleged that the Defendants had conspired to artificially inflate the retail prices of compact discs in violation of the Sherman Act. The litigation was settled favorably in the United States District Court for the District of Maine, where the litigation had been centralized for coordinated pretrial proceedings by the JPML.

*McDonough v. Toys “R” Us, Inc.* Seeger Weiss represents a proposed class of consumers and smaller retailers of baby and juvenile products against Babies “R” Us (an affiliate of the Toys “R” Us chain) and several manufacturers of baby products, including strollers, bedding, car seats, and other items, in consolidated actions pending in the U.S. District Court for the Eastern District of Pennsylvania (Philadelphia) before the Honorable Anita B. Brody. The Plaintiffs allege that Babies “R” Us conspired with the manufacturers of baby products in a scheme whereby the manufacturers required other retailers to sell their products at prices above those being charged by Babies “R” Us. As a result, Babies “R” Us was able to monopolize the retail market, resulting in consumers being forced to pay more for baby products. The district court denied the Defendants’ motion to dismiss the consolidated complaints. Briefing of Plaintiffs’ motion for class certification has been completed, and a decision from the court is expected shortly.

*Monsanto Genetically-Modified Soybean and Corn Seed Litigation.* The Firm serves as Co-Lead Counsel in *Schoenbaum v. E.I. DuPont de Nemours and Company*, thirteen consolidated proposed class actions against Monsanto Company, E.I. DuPont de Nemours and Company, and Pioneer Hi-Bred International Inc. currently pending before the Honorable E. Richard Webber in the U.S. District Court for the Eastern District of Missouri (St. Louis). These lawsuits, brought on behalf of farmers who purchased genetically-modified Roundup Ready soybean and YieldGard corn seeds, allege violations of federal and state antitrust, state unfair trade practices statutes, and common law claims for unjust enrichment. The claims stem from the defendants’ conspiracy to fix the price of these seeds through the imposition of “technology fees,” ostensibly for the purpose of allowing Monsanto to recoup its research and development costs of those seed products but which, in reality, capitalized on and exploited Monsanto’s development of those seeds in order to monopolize -the market for those seeds and thereby charge and collect premium prices. After extensive briefing, both pre- and post-argument, and an all-day hearing on the Defendants’ motion to dismiss the Plaintiffs’ Master Consolidated Amended Action Complaint, the district court sustained most of Plaintiffs’ claims. Following spirited motion practice, which included discovery disputes and the Plaintiffs’ motion for leave to file an amended complaint in order to, among other things, assert additional claims against Monsanto for misuse of patent, Plaintiffs reached individual settlements with all of the defendants. The settlements will provide a significant recovery to each of the more than two dozen named Plaintiffs.

*In re Packed Ice Antitrust Litigation.* The Firm represents direct purchasers of packaged ice in a proposed class action brought against the five American and Canadian manufacturers and distributors who possess the dominant share of the \$2.5 billion per year packaged ice industry in North America. The Firm has been appointed Co-Chair of the Class Certification Committee in that litigation. Plaintiffs allege that Defendants have violated the antitrust laws by conspiring to fix prices and allocate market share for packaged ice. The U.S. Justice Department's Antitrust Division commenced an investigation into the packaged ice industry sometime prior to March 2008 and grand jury subpoenas were issued to the Defendants. The cases from around the country have been centralized in the U.S. District Court for the Eastern District of Michigan, and a hearing will be held in March 2009 respecting the selection of Lead Counsel.

*In re Rail Freight Fuel Surcharge Antitrust Litigation.* The Firm represents shipping customers in a proposed class action brought against the country's four major railroads for antitrust violations. The Defendants in this multidistrict litigation, pending in the U.S. District Court for the District of Columbia, are alleged to have conspired to fix the prices of "rail fuel surcharges" above competitive levels, causing the Plaintiffs to pay exorbitant rates for unregulated rail freight transportation services—rates that were unrelated to fuel costs. The district court denied the Defendants' motions to dismiss the direct purchasers' claims and the indirect purchasers' federal antitrust claims. The briefing of Plaintiffs' motion for class certification, on which a hearing will be held in late September 2010, is currently under way. Seeger Weiss serves as Co-Chair of the Law and Briefing Committee.

## **Other Commercial Litigation**

In addition to its diverse complex litigation practice, Seeger Weiss LLP is engaged in a wide variety of commercial litigation matters representing individuals and businesses in state and federal courts throughout the country. The following are examples of such commercial actions in which the Firm is involved:

*Automobile Dealership Warranty Litigation:* The Firm represents dozens of franchised automobile dealerships located throughout New York State in separate actions against the "Big Three" automobile manufacturers — Ford, General Motors, and DaimlerChrysler. These actions are pending in federal court in New York and are based on the manufacturers' failure to comply with the New York State Vehicle & Traffic Law § 465. These actions assert claims that in violation of New York State statute and the franchise agreement that governs the relationship between the dealerships and the factories, the manufacturers have failed to adequately reimburse the dealerships for parts used in performing repairs pursuant to the manufacturers' warranties. In addition to the three federal court actions, the Firm also

represents close to a dozen franchised Chrysler dealerships in arbitrations pending before the American Arbitration Associations asserting the same claims.

*Arzoomanian v. British Telecommunications PLC.* The Firm represented a small businessman who had brokered a multi-million dollar global telecommunications deal between two multi-national corporations, British Telecommunications PLC (“BT”) and Unilever PLC, and then was cut out of the deal by the companies and refused his fee. In 2004, the Firm successfully overcame BT’s motion to dismiss the action on *forum non conveniens* grounds (in which BT argued that the action should not have been brought in the United States). After extensive discovery—both in the United States and overseas—and further motion practice, the case was settled in 2007. This is one of a number of cases that the Firm has handled on behalf of small businesses who have been wronged by behemoth corporations.

*In re ETS Praxis Principles of Learning and Teaching: Grades 7-12 Litigation* is a consolidated national class action on behalf of more than 4,100 prospective teachers as to whom ETS negligently and wrongfully reported failing scores on the Praxis Principles of Learning and Teaching test for grades 7 through 12 (the “PPLT” test) during the period from January 2003 through April 2004. The PPLT is a test that is required in many states in order for teachers to obtain their teaching certification. In December 2004, the various class actions filed around the country were transferred to the Honorable Sarah Vance of the United States District Court for the Eastern District of Louisiana (New Orleans). Judge Vance has since appointed Seeger Weiss LLP to the position of State Court Litigation Liaison Counsel.

*HMO Litigation.* The Firm is counsel to individual doctor-members of the Connecticut State Medical Society (“CSMS”) and the Medical Society of the State of New York (“MSSNY”) in connection with various putative statewide class actions filed in Connecticut and New York state courts, respectively against several national health management organizations (HMOs). The class members are seeking damages resulting from the defendants’ improper, unfair and deceptive practices designed to deny, impede or delay lawful reimbursement to CSMS and MSSNY physicians who rendered necessary healthcare services to members of the HMO managed care plans.

*VOIP, Inc. v. Google, Inc.* The Firm represents VOIP, Inc. in a trade secrets and breach of contract action filed in New York State Supreme Court in February 2011. The suit claims that Google developed its “Click to Call” feature, which allows users to make Internet phone calls by just clicking on a link, using misappropriated VoIP trade secrets.





## Selected Attorney Biographies

### *Partners*

#### **Christopher A. Seeger**

*Position:* Member.

*Admitted:* New Jersey, 1990; New York, 1991;

U.S. District Court for the Southern District of New York and U.S. District Court for the District of New Jersey, 1991; U.S. District Court for the Eastern District of New York, 2000; U.S. District Court for the District of Colorado, 2011.

*Education:* Hunter College of the City University of New York (B.A., *summa cum laude*, 1987); Benjamin N. Cardozo School of Law (J.D., *magna cum laude*, 1990).

*Honors:* Managing Editor, *Cardozo Law Review*.

*Author:* "The Fixed Price Preemptive Right in the Community Land Trust Lease," 11 *Cardozo Law Review* 471, 1990; "Developing Assisted Living Facilities," *New York Real Estate Law Reporter*, Volume XII, Number 10, August 1998.

*Lecturer:* "The Use of ADR in Class Actions and Mass Torts," New York University School of Continuing and Professional Studies, October 13, 2000.

*Director:* American Friends of Rabin Medical Center, Inc.; Benjamin N. Cardozo School of Law, Yeshiva University, 1999-2000.

*Co-Chair:* Cardozo Law School Alumni Annual Fund, 1998-2000.

*Awards:* Best Lawyers in America, 2006, 2012; New York Super Lawyer, 2007-2009; Law Dragon 500, 2007-2008; Hunter College Hall of Fame, 2007; Cardozo Alumnus of the Year, 2009.

*Member:* The Association of the Bar of the City of New York; New Jersey State Bar Association; Board of Advisors, *New York Real Estate Law Reporter*; Annual Fund Committee, 1999-present; American Bar Association; American Association for Justice, Trail Lawyers for Public Justice; Fellow, American Bar Foundation.

*Practice Areas:* Consumer Fraud, Products Liability, Antitrust; Insurance, Class Actions, Mass Torts.

#### **Stephen A. Weiss**

*Position:* Member.

*Admitted:* New York, 1991; U.S. District Courts for the Southern and Eastern Districts of New York, 1991.

*Education:* Brandeis University (B.A., 1986); Benjamin N. Cardozo School of Law (J.D., 1990).  
*Honors:* Business Editor, *Cardozo Law Review*, 1989-1990.  
*Author:* "Environmental Liability Disclosure Under the Federal Securities Law," *Law Education Institute, Inc.*, 1998; "Liability Issues and Recent Case Law Developments Under CERCLA, New Environmental Issues of Liabilities of Government Agencies & Government Contractors," *Federal Publications, Inc.*, Chapter 4, 1995; "New York Proposes Legislation to Restrict Shareholder Derivative Suits," *Insights*, Vol. 8, No. 3, p. 24, 1994; "Suretyship as Adequate Protection Under Section 361 of the Bankruptcy Code," *Cardozo Law Review*, Vol. 12, p. 285, 1990.  
*Director:* Benjamin N. Cardozo School of Law, Yeshiva University, 1999-present.  
*Co-Chair:* Cardozo Law School Alumni Annual Fund, 1998-2000.  
*Awards:* International Humanitarian Achievement Award, Shaare Zedek Medical Center, 2002.  
*Member:* Cardozo Capital Campaign Committee, Strategic Planning Committee, Membership Committee; American Association for Justice; American Bar Association.  
*Practice Areas:* Complex Litigation, including Antitrust, Consumer, Employment, Environmental, Insurance, Products Liability, Pharmaceutical and Securities Litigation.

### **David R. Buchanan**

*Position:* Member.  
*Admitted:* New Jersey, 1993; New York, 1994; U.S. District Court for the District of New Jersey, 1993; U.S. District Court for the Southern District of New York, 1994; U.S. District Court for the Eastern District of New York, 1999.  
*Education:* University of Delaware (B.S., 1990); Benjamin N. Cardozo Law School (J.D., *magna cum laude*, 1993)  
*Honors:* Samuel Belkin Scholar, 1993; Member, 1991-93, and Administrative Editor, 1992-93, *Cardozo Law Review*.  
*Awards:* Best Lawyers in America, 2007, 2012; New York Super Lawyer, 2007; Legal 500; Law Dragon 3000  
*Member:* American Bar Association (Litigation, Intellectual Property sections).  
*Practice Areas:* Complex and Mass Tort Litigation, including Antitrust, Consumer, Environmental, Insurance, Intellectual Property, Pharmaceutical, Products Liability, and Securities Litigation.

### **Diogenes P. Kekatos**

*Position:* Member.  
*Admitted:* New York, 1984; U.S. District Courts for the Southern and Eastern Districts of New York, 1984; U.S. Courts of Appeals for the Second, Seventh, Eighth, Ninth, and Tenth Circuits, 1985, 2008-11; U.S. Supreme Court, 1987.  
*Education:* Columbia College, Columbia University (B.A., Dean's List all 8 semesters, 1980); Brooklyn Law School (J.D., 1983).



*Honors:* Recipient of letters of commendation from the U.S. Court of Appeals Staff Counsels and from Attorney General Janet Reno for outstanding performance and high level of professionalism in appellate mediation, 1999.

*Experience:* Special Assistant U.S. Attorney, 1986-88, and Assistant U.S. Attorney, 1988-2000; Office of the United States Attorney for the Southern District of New York, and Chief, Financial Litigation Unit, 1988-90; and Immigration Unit, 1990-2000. Has argued some 130 appeals and motions in the U.S. Court of Appeals for the Second Circuit, including a successful *en banc* rehearing, with scores of cases resulting in published opinions; and has handled hundreds of appellate mediations.

*Awards:* Executive Office for U.S. Attorneys Director's Award for Superior Performance as an Assistant U.S. Attorney, 1996; Award from U.S. Attorney Mary Jo White for Exceptional Achievement, 1995; and numerous other award nominations.

*Practice Areas:* Class Action and Complex Litigation, Federal Civil Litigation, Federal Appellate Litigation.

### **Moshe Horn**

*Position:* Member.

*Admitted:* New York and New Jersey, 1994; U.S. District Courts for the Southern and Eastern Districts of New York.

*Education:* George Washington University (B.A., 1989); Benjamin N. Cardozo School of Law (J.D., 1993).

*Honors:* Member of Championship team in a national Securities Law Moot Court competition at Fordham University, 1993; Winner tri-state trial competition, runner up Best Advocate, 1993.

*Experience:* Assistant District Attorney, New York County, 1993-2002 (where he held numerous supervisory positions and tried 50 jury cases); Senior Associate, Kaye Scholer LLP, 2002-2004. Member of the Firm's trial team that achieved a \$47.5 million verdict for Vioxx-related cardiovascular injury in *Humeston v. Merck & Co.* in 2007 in the New Jersey Superior Court, Atlantic County. Member of the Firm's trial team that achieved a \$1.4 million verdict for Currently an Adjunct Professor of Law at Benjamin N. Cardozo School of Law, teaching "Introduction to Trial Advocacy." Has previously taught "Advanced Trial Advocacy" and "Mass Torts," and served as advisor and coach to the law school's Mock Trial Team.

*Member:* American Bar Association, American Association for Justice, New York State Trial Lawyers Association.

*Practice Areas:* Pharmaceutical and Medical Device Litigation, Personal Injury Litigation, Complex Litigation, Asbestos Litigation, Criminal Defense.

### **Laurence V. Nassif**

*Position:* Member.

*Admitted:* New York, 2000; New Jersey 1999.

*Education:* California State University, Northridge (B.A., 1995); Benjamin N. Cardozo School of Law (J.D., 1998).

*Experience:* Has tried several cases to verdict, and was a member of the Firm's trial team that achieved a \$47.5 million verdict for Vioxx-related cardiovascular injury in *Humeston v. Merck & Co.* in 2007 in the New Jersey Superior Court, Atlantic County, and was previously a member of the Firm's trial team that, in 2003, achieved a \$2 million verdict for the Plaintiff in *Morgado v. Pfizer*, in New York State Supreme Court, New York County, for Rezulin-related liver damage.

*Practice Areas:* Toxic and Pharmaceutical Injury Mass Tort Litigation, currently focusing on asbestos-related injury claims (where he heads up the Firm's practice group); General Personal Injury Litigation, including nursing home neglect claims.

### **Michael L. Rosenberg**

*Position:* Member.

*Admitted:* New Jersey, 1989; U.S. District Court, District of New Jersey, 1989; New York, 1990.

*Education:* Rutgers-Camden School of Law (J.D., 1989), University of Delaware (B.A. 1986).

*Experience:* Has been with the Firm since its 1999 inception. Has negotiated individual settlements on behalf of hundreds of clients injured by pharmaceutical products, including over-the-counter medicines containing PPA and the anti-cholesterol drug Baycol. Played an integral role in the settlement of personal injury claims against the manufacturers of Dexatrim, a PPA-containing weight loss product, on behalf of 500 stroke victims who claimed that their strokes were caused by Dexatrim. The settlement is valued at approximately \$200 million. Serves as a member of the Delaco Trust Advisory Committee tasked with overseeing the administration of the settlement. Was a member of the trial team that won a \$2.6 million verdict for the Plaintiff in *McCarrell v. Hoffman-La Roche, Inc.*, in New Jersey Superior Court, Atlantic County.

*Member:* American Bar Association and American Association for Justice.

*Practice Areas:* Complex and Mass Tort Litigation, including Pharmaceutical, Products Liability and Insurance Litigation.

### **Jonathan Shub**

*Position:* Member.

*Admitted:* Supreme Court of Pennsylvania, 1988; District of Columbia, 1989; Eastern District of Pennsylvania, 1995; Eastern District of Michigan, 2002; Supreme Court of California, 2005; Northern District of California, Central District of California, and Southern District of California, 2005; Colorado, 2009; and New York Supreme Court, Appellate Division, Third

Department, 2009.

*Education:* American University (B.A. 1983); Delaware Law School of Widener University (J.D., *cum laude*, 1988).

*Honors:* Articles Editor, Law Review, *Delaware Journal of Corporate Law*, 1987-88; “Best Student Article Award,” 1988; Wolcott Fellow Law Clerk to the Hon. Joseph T. Walsh, Delaware Supreme Court, 1988 Academic Year.

*Author:* “Shareholder Rights Plans—Do They Render Shareholders Defenseless Against Their Own Management,” 12 Del. J. Corp. L. 991, 1997; “Distinguishing Individual from Derivative Claims in the Context of Battles for Corporate Control,” 13 *Del. J. Corp. L.* 579, 1998; co-author with Harvey L. Pitt, “Once Again, the Court Fails to Rein in RICO,” *Legal Times*, April 27, 1992; “Failed One-Share, One Vote Rule Let SEC Intrude in Boardroom,” *National Law Journal*, October 8, 1990.

*Awards:* Pennsylvania SuperLawyer, 2005-2009.

*Member:* American Trial Lawyers Association, American Bar Association, Consumer Attorneys of California.

*Practice Areas:* Complex Litigation, including Antitrust, Consumer, Employment, Environmental, Insurance, Products Liability, Pharmaceutical and Securities Litigation.

### **Eric H. Jaso**

*Position:* Member.

*Admitted:* New York, 1993; New Jersey, 1999; Rhode Island, 2004; United States Supreme Court; United States Courts of Appeals for the Third, Sixth, Seventh and Eighth Circuits; United States District Courts for the Southern and Eastern Districts of New York, District of New Jersey and the Eastern District of Arkansas.

*Education:* University of Chicago (J.D., 1992), Harvard College (A.B. 1989).

*Experience:* Former federal prosecutor and official of the U.S. Departments of Justice and Education. Extensive experience investigating and litigating cases involving complex fraud, including fraud against the government. Has participated in cases that have recovered hundreds of millions of dollars of taxpayer money to the federal and state governments, including successful *qui tam* settlements against McKesson Corp. (\$190 million) and Forest Labs (\$313 million). Experience also includes criminal and appellate cases.

*Member:* American Bar Association, Federalist Society, John C. Lifland American Inn of Court, Historical Society of the U.S. District Court, Hispanic Bar Association of New Jersey, Hispanic National Bar Association, Association of the Federal Bar of the State of New Jersey, and Taxpayers Against Fraud.

*Practice Areas:* False Claims Act (“*qui tam*” cases), Securities, State and Local Whistleblower Provisions, White Collar Crime, Complex Litigation, Appeals.

*Appointments:* Nominated by Gov. Chris Christie and confirmed by the New Jersey Senate as a Public Member of the New Jersey Urban Enterprise Zone Authority (2010-2016); Appointed by the late Assemblyman Alex DeCroce as a Commissioner of the New Jersey Congressional Redistricting Commission (2011).

*Counsel*

**James A. O'Brien III**

*Position:* Counsel.

*Admitted:* New York, 2000; Massachusetts, 1988; U.S. District Court, District of Massachusetts, 1991.

*Education:* University of Massachusetts at Amherst (B.A., 1984); New England School of Law (J.D., 1988).

*Experience:* Attorney Advisor, U.S. Department of Labor, 1988-89; Assistant District Counsel, U.S. Immigration and Naturalization Service, 1990; Special Assistant United States Attorney, 1990-2001, Southern District of New York.

*Practice Areas:* Class Action and Complex Litigation, Federal Civil Litigation, Federal Appellate Litigation.

**Terrienne Benedetto**

*Position:* Counsel.

*Admitted:* Pennsylvania, 1990; New Jersey, 1991; U.S. District Courts for the District of New Jersey, 1991; Eastern District of Pennsylvania, 1991; Western District of Wisconsin, 1993; New York Supreme Court, Appellate Division, Third Department, 2009; and New York Superior Court, 2009.

*Education:* Franklin & Marshall College (B.A., 1986); Villanova University (J.D., 1990).

*Honors:* Member of the *Villanova Law Review*; Law Clerk to the Honorable Jacob Kalish of the Commonwealth Court of Pennsylvania, and the Honorable William W. Vogel of the Montgomery County Court of Common Pleas.

*Author:* "Database Technology: A Valuable Tool for Defeating Class Action Certification," published in *Pennsylvania Law Weekly*, Vol. XX, No. 47, November 24, 1997, and *Mealey's Litigation Report: Lead*, Vol. 7, No. 14, April 24, 1998.

*Experience:* At the beginning of her career as a class action litigator, was co-counsel for defendants in *Reilly v. Gould Inc.*, 965 F. Supp. 588 (M.D. Pa. 1997); *Dombrowski v. Gould Electronics Inc.*, 954 F. Supp. 1006 (M.D. Pa. 1996); and *Ascher v. Pennsylvania Insurance Guaranty Association*, 722 A.2d 1078 (Pa. Super. 1998). Thereafter, joined nationally recognized plaintiffs' firms where she represented individuals, small businesses and the Office of the Attorney General for the Commonwealth of Pennsylvania in numerous antitrust and consumer fraud class actions, many resulting multimillion dollar settlements, including *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.); *In re Graphite Electrodes Antitrust Litigation*, No. 2:97-CV-4182 (E.D. Pa.); *In re Magnetic Audiotape Antitrust Litigation*, No. 99 Civ. 1580 (S.D.N.Y.); *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.); *In re Maltol Antitrust Litigation*, No. 99 Civ. 5931 (S.D.N.Y.); *In re Compact*

*Disc Antitrust Litigation*, MDL No. 1216 (C.D. Cal.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); and *In re Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.).  
*Member*: Pennsylvania Trial Lawyers Association, Philadelphia Bar Association.  
*Practice Areas*: Complex Commercial and Class Action Litigation, including Consumer Protection, Antitrust, Products Liability, and Securities Litigation.

### **Sindhu Susan Daniel**

*Position*: Counsel.  
*Admitted*: New Jersey, Pennsylvania, and Michigan, 1994.  
*Education*: Temple University (B.A., 1991; J.D., 1994).  
*Experience*: Has represented clients injured by the prescription antidepressant Serzone; over-the-counter products containing PPA; and the prescription pain-killer drugs Vioxx, Celebrex, and Bextra.  
*Practice Areas*: Pharmaceutical Injury Litigation.

### *Associates*

### **Parvin K. Aminolroaya**

*Position*: Associate.  
*Admitted*: New Jersey, 2008; New York, 2009; U.S. District Court, District of New Jersey, 2008.  
*Education*: Fordham University (B.A., 2004, with honors); Benjamin N. Cardozo School of Law (J.D., 2008).  
*Honors*: Jacob Burns Medal awarded for outstanding contribution to Moot Court; Benjamin N. Cardozo Writing Award; Editorial Board, Moot Court Honor Society; First Place Oralist Team and First Place Brief, Regional Competition of the New York City Bar Association, National Moot Court Competition, 2007; First Place Brief and Second Place Oralist Team, Fordham Irving Kaufman Securities Moot Court Competition, 2007.  
*Member*: Executive Committee, Benjamin N. Cardozo School of Law Alumni Association.  
*Practice Areas*: Securities Fraud, Investment Fraud, Complex Commercial Litigation.

### **Asim M. Badaruzzaman**

*Position*: Associate.  
*Admitted*: New York, pending; New Jersey, pending.  
*Education*: Rutgers University (B.A., with honors, 2006); Seton Hall University School of Law (J.D., 2009).  
*Honors*: Best Brief Author for Appellate Advocacy, 2008; William Paterson Award, New Jersey Lawyer Chapter of the American Constitution Society.  
*Experience*: Marketing Contractor at Anadigics, Inc., 2006–2007; Research Assistant to Professor Mark P. Denbeaux, 2007; Legal Intern to Professor Meetali Jaine at the Center

for Social Justice at Seton Hall, 2007; Intern at the Civil Litigation Clinic, 2009; Law clerk at Seeger Weiss LLP, 2008; Associate at Seeger Weiss LLP, 2009.

*Member:* American Bar Association, New Jersey State Bar Association.

*Practice Areas:* Pharmaceutical Drug Injury, Medical Device Liability, Mass Tort Litigation.

### **Rick Barreca**

*Position:* Associate.

*Admitted:* New York and New Jersey, 1999; U.S. District Courts for the Eastern and Southern Districts of New York and District of New Jersey; U.S. Court of Appeals for the Second Circuit.

*Education:* Montclair State University (B.A., 1992); Touro College Jacob D. Fuchsberg Law Center (J.D., 1998).

*Practice Areas:* Pharmaceutical; Mass Torts; Securities Fraud; Investment Fraud; Consumer Litigation; Complex Commercial Litigation.

### **Kevin G. Boisvert**

*Position:* Associate.

*Admitted:* Rhode Island and New Jersey; U.S. District Courts for the District of Rhode Island and the District of New Jersey.

*Education:* Roanoke College (B.A., 1992); University of Dayton School of Law (J.D., 1995).

*Experience:* Has worked on the Firm's many notable life insurance class action cases, including *In re Prudential Life Insurance Sales Practices Litigation*; *In re Metropolitan Life Insurance Co. Sales Practices Litigation*; and *Duhaime v. John Hancock Mutual Life Insurance Company*. From 1999 to 2002, he represented hundreds of class members in individual mediations and arbitrations. Has more recently represented numerous clients in connection with the Firm's litigation involving over-the-counter products containing PPA, and currently represents clients in connection with the Firm's Vioxx litigation.

*Practice Areas:* Pharmaceutical Injury Litigation, Consumer Class Action Litigation involving insurance companies.

### **Asa R. Danes**

*Position:* Associate.

*Admitted:* New York State, 2004; United States District Courts for the Eastern and Southern Districts of New York, 2006 and Western District of Tennessee, 2009.

*Education:* Oberlin College (B.A., 1994); Brooklyn Law School (J.D., *cum laude*, 2001).

*Honors:* Notes and Comments Editor, *Brooklyn Journal of International Law*.

*Experience:* Associate at Paul, Hastings, Janofsky & Walker LLP; Law Clerk to the Honorable James T. Trimble, Jr. in the United States District Court for the Western District of Louisiana.



*Practice Areas:* Complex personal injury matters; mass tort, consumer fraud and securities class actions; shareholder derivative and corporate governance disputes and other commercial litigation.

**Dennis M. Geier**

*Position:* Associate.

*Admitted:* New Jersey, 2006; New York, 2007; U.S. District Court for the District of New Jersey, 2006.

*Education:* S.I. Newhouse School of Public Communications, Syracuse University (B.S., 2003); Seton Hall University School of Law (J.D., 2006).

*Experience:* Currently works primarily on cases in the Vioxx federal multidistrict litigation, as well as those filed in New Jersey.

*Practice Areas:* Pharmaceutical Products Liability Litigation.

**Scott Alan George**

*Position:* Associate.

*Admitted:* Pennsylvania and New Jersey, 1998; U.S. District Courts for the Eastern District of Pennsylvania and the District of New Jersey, 1998; U.S. Court of Appeals for the Third Circuit, 1998.

*Education:* Goddard College (B.A., 1989); Temple University School of Law (J.D., *cum laude*, 1998).

*Honors:* Member of the Moot Court Honor Society.

*Practice Areas:* Class Action Litigation.

**James J. Leavy**

*Position:* Associate.

*Admitted:* New Jersey, 2008; U.S. District Court, District of New Jersey, 2008.

*Education:* University of Phoenix (B.A., 2005, with honors 3.89/4.00); Seton Hall University School of Law (J.D., 2008).

*Honors:* Interscholastic Moot Court Board, Member; 2008 Lefkowitz National Moot Court Championships, 3<sup>rd</sup> Place; 2008 Lefkowitz National Moot Court Eastern Regional Champion & Best Brief Award; 2007 BMI Entertainment and Media Law Moot Court Competition, Quarterfinalist.

*Practice Areas:* Mass Torts and Pharmaceutical Product Liability Litigation.

**Perpetua N. MgBada**

*Position:* Associate.

*Admitted:* New York, 1995; Nigeria 1984.

*Education:* University of Maiduguri, Bornu State (LL.B., 1983); University of Nigeria, Enugu State (LL.M., 1998).

*Experience:* Works on various Mass Torts and Pharmaceutical Product Liability cases, including information management, maintaining spreadsheets, case reviews, all intake

related functions, reviewing medical records, preparing settlement enrollment materials, reviewing cases for ineligibility and points, preparing appeals, preparing extraordinary injury claims and uploading relevant documents to the portal, as well as handling client contact.

*Practice Areas:* Mass Torts and Pharmaceutical Product Liability.

### **Mahesh Nair**

*Position:* Associate.

*Admitted:* New York, 2009.

*Education:* New York University (B.A., 2004); Benjamin N. Cardozo School of Law (J.D., 2007).

*Honors:* Coach and Oralist, Moot Court Honor Society.

*Practice Areas:* Pharmaceutical and Medical Device Mass Tort Litigation, False Claims Act/Qui Tam Litigation.

### **Andrea Mercedes Pi-Sunyer**

*Position:* Associate.

*Admitted:* New York, 1996.

*Education:* Oberlin College (B.A., 1987); Northeastern University School of Law (J.D., 1994).

*Experience:* Processes settlements obtained in the firm's pharmaceutical injury practice; Has worked with hundreds of clients in this process and has guided them through complex issues, including helping them decide whether a structured settlement or a Special Needs Trust is most appropriate for their needs; Has significant experience negotiating with Medicare and Medicaid when clients have obtained relief in pharmaceutical injury cases and works extensively with co-counsel in states throughout the country to obtain court approval for certain settlements involving minors, estates, or guardianships; Has more than one hundred hours of training and practicum in both Basic Mediation Training and Divorce Mediation.

*Practice Areas:* Pharmaceutical Injury Litigation, focusing on settlement effectuation matters involving the Firm's clients.

### **Denise K. Stewart**

*Position:* Associate.

*Admitted:* Florida, 1982 (currently inactive); New Jersey, 1990; U.S. District Court for the District of New Jersey, 1990.

*Education:* Monmouth University (B.A., 1972); University of Miami School of Law (J.D., 1982).

*Experience:* Prior to joining the Firm at its inception in 1999, litigated personal injury and professional malpractice cases in Florida. Has been involved in state and federal complex mass tort and multidistrict litigation, including New Jersey litigation against Hoffmann-La Roche relating to gastrointestinal injuries stemming from use of the prescription acne drug Accutane; New Jersey litigation against Ortho-McNeil Pharmaceutical involving strokes, deep vein thromboses, and other thrombotic events related to use of the birth control patch



Ortho Evra; and a nationwide settlement involving individuals who suffered strokes caused by use of over-the-counter products containing PPA.

*Practice Areas:* Pharmaceutical Product Liability Litigation.

### **Joseph Tsai**

*Position:* Associate.

*Admitted:* New York, 2010; New Jersey, 2009.

*Education:* University of California, Berkley (B.A., 2003); Benjamin N. Cardozo School of Law (J.D., 2008).

*Honors:* "Promise in Journalism" Award, *Daily Californian*, 2000; Staff, *Cardozo Journal of Law and Gender*.

*Experience:* Summer Honors Associates at the New York City Housing Authority, 2007; Judicial Extern at the Kings County Family Court; Intern at the Investment Protection Bureau at the New York State Attorney General; Document Analyst at Skadden, Arps, Slate, Meagher & Flom LLP, 2005.

*Member:* New York County Lawyers' Association, Appellate Courts Section; Asian American Bar Association of New York; Asian Pacific American Lawyers Association of New Jersey.

*Practice Areas:* Pharmaceutical Injury and Mass Tort Litigation

### **Christopher Van de Kieft**

*Position:* Associate.

*Admitted:* New York, 2003; U.S. District Courts for the Southern and Eastern Districts of New York, 2005.

*Education:* Johns Hopkins University (B.A., 1990), Benjamin N. Cardozo School of Law (J.D., 2002).

*Honors:* Editor-in-Chief, *Cardozo Law Review*; recipient of Cardozo Law School's prestigious Samuel Belkin Award, awarded each year to one graduating student for "exceptional contribution to the growth and development of the Law School."

*Experience:* Prior to attending law school, served in the U.S. Army from 1990-98, attaining rank of Captain. Prior to joining the Firm was an associate at Fried Frank Harris Shriver & Jacobson.

*Practice Areas:* Pharmaceutical and Medical Device Mass Tort Litigation; Class Action Litigation.

### **Daniel R. Wasp**

*Position:* Associate

*Admitted:* New York, 1999; New Jersey, 2002; U.S. District Court for the District of New Jersey, 2002.

*Education:* New York Institute of Technology (B.S., *magna cum laude*, 1994); St. John's University School of Law (J.D., *cum laude*, 1998).

*Experience:* Prior to attending law school served on active duty in the U.S. Navy from 1985-1991, and in the U.S. Naval reserve from 1991-1994. Prior to joining the Firm, practiced with another plaintiffs' firm for eight years, focusing in the areas of mass torts and toxic torts, particularly asbestos litigation.

*Practice Areas:* Toxic Mass Tort Litigation, particularly Asbestos Litigation; Personal Injury Litigation.