

**Declaration Attachment 7**

1 Complex Litigation Group LLC  
2 Paul M. Weiss  
3 513 Central Avenue, Suite 300  
4 Highland, Park Illinois 60035  
5 (847) 433-4500

6 *Counsel for Plaintiff(s) Jeffrey Rodgers*

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

10 In re APPLE iPHONE 4 PRODUCTS  
11 LIABILITY LITIGATION

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

) CLASS ACTION

12 This Document Relates To:

13 ALL ACTIONS.

) DECLARATION OF PAUL M. WEISS  
) FILED ON BEHALF OF COMPLEX  
) LITIGATION GROUP LLC IN SUPPORT  
) OF AN AWARD OF ATTORNEYS' FEES  
) AND EXPENSES TO NON-LEAD  
) COUNSEL

14 DATE: n/a

15 TIME: n/a

16 CTRM: The Honorable Ronald M. Whyte

1 I, Paul M. Weiss, declare as follows:

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

6 2. The firm is counsel of record for plaintiffs 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 21.30 hours. The  
24 total lodestar amount for attorney/paraprofessional time based on the firm's current rates is  
25 \$10,714.00. The hourly rates shown below are the usual and customary rates charged for each  
26 individual. A breakdown of the lodestar is as follows:

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<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Paul Weiss	(P)	14.80	\$655	\$9,694.00
Vincent Francone	(PL)	1.50	\$180	\$270.00
Deborah Searls	(PL)	5.0	\$150	\$750.00
<b>TOTAL</b>				<b>\$10,714.00</b>

(P) Partner

(PL) Paralegal

6. My firm is not seeking an award of expenses.

7. I submit that the time submission included in this Declaration was incurred in this litigation. I request that the Court award my firm \$ 10,714.00 in attorneys' fees.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 20<sup>th</sup> day of August, 2012, at Highland Park Illinois.



Paul M. Weiss

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EXHIBIT A



## “On the Cutting Edge of Class Action Law”

513 Central Avenue, Suite 300  
Highland Park, Illinois 60035  
[www.ComplexLitGroup.com](http://www.ComplexLitGroup.com)

### FIRM RESUME

**COMPLEX LITIGATION GROUP LLC**, comprised of the key members of the pioneering class action law firm Freed & Weiss LLC, was founded in Chicago in 1999 and renamed **COMPLEX LITIGATION GROUP (CLG)** in late 2011. The firm is “well known for their consumer class action cases.” *Waudby v. Verizon Wireless Services*, 248 F.R.D. 173, 176 (D.N.J. 2008).

For 13 years, **CLG** has remained at the forefront of plaintiff class action lawsuits and complex litigation with innovative approaches that have both caught the attention of corporate America and driven the course of class action litigation in this country.

With offices in Highland Park, Illinois and St. Louis, Missouri, **CLG** brings a select team of attorneys with decades of experience to the cause of holding large corporations and organizations accountable to individuals and small businesses. **CLG** represents individual

consumers, medical professionals and medical associations, small and large businesses and county and municipal governments in class action and complex/individual lawsuits. On their behalf, CLG has obtained aggregate recoveries of hundreds of millions of dollars in consumer fraud, products liability, breach of contract, and antitrust actions in state and federal courts throughout the United States.

### Notable Cases:

➤ ***Pella “ProLine” Windows Product Defect Litigation.*** In a legal environment where courts are more closely scrutinizing class certification decisions, CLG has secured an important and precedent-setting multistate class certification decision, *Saltzman et al. v. Pella Corporation, et al.*, 257 F.R.D. 471 (N.D. Ill. 2009), and defended and protected that decision through two levels of federal appellate review, *affirmed*, 606 F.3d 391 (7<sup>th</sup> Cir. 2010), including a decision by the United States Supreme Court that the matter did not merit any further legal review. *Pella Corporation, et al. v. Saltzman, et al.*, No. 10-355 (Jan. 18, 2011). The Seventh Circuit’s opinion affirming class certification was, according to the Illinois Construction Law Blog, “the first time the 7<sup>th</sup> Circuit Court of Appeals affirmed the certification in a consumer fraud class action.”

<http://www.illinoisconstructionlawblog.com/2010/08/articles/cases/class-certification-granted-against-pella>.

➤ ***Florida Online Tax Litigation.*** CLG recently obtained an excellent result for one of its county government clients in litigation brought by Monroe County, Florida against Online Travel Companies (Expedia, Orbitz,

Travelocity, and Hotwire) involving unpaid taxes. This Online Travel case was certified as a class action with CLG appointed as one of class counsel representing over 30 Florida municipalities, *The County of Monroe, Florida v. Priceline.Com, Inc., et al.*, 265 F.R.D. 659 (S.D. Fla. 2010). A settlement valued at over \$6 million received final approval on January 6, 2011.

The case alleged that the Online Travel Companies failed to pay the full amount of taxes owed for hotel rooms rented in Monroe County and the other municipalities in Florida. CLG, along with other class counsel, negotiated a settlement with the Online Travel Companies to receive 100% of the taxes owed.

CLG also represents Rosemont, Illinois and Goodlettsville, Tennessee in pending Online Tax cases. *The City of Goodlettsville Tennessee v. Priceline.com, et al.*, 08-cv-561 (M.D. Tenn.) and *The Village of Rosemont, Illinois v. Priceline.com, et al.*, 09-cv-4438 (N.D. Ill.)

➤ ***Cingular / AT&T Early Termination Fee Litigation.*** CLG Co-Lead counsel in case in which Illinois Supreme Court unanimously ruled that arbitration clause in Cingular's cell phone contract violated public policy, and was thus unenforceable. *Kinkel v. Cingular Wireless*, 223 Ill.2d 1 (Ill. 2006). Case ultimately settled for over \$18 million as part of consolidated settlement of Early Termination Fee ("ETF") litigation against AT&T Corp. and Cingular Wireless.

➤ ***AOL Unauthorized Charges Litigation.*** CLG Co-Lead Class Counsel in lawsuit that challenged AOL's imposition of unauthorized charges on AOL account holders. The case settled for over \$50 million consisting of cash and direct account

credits. *O'Leary et al v. America Online, Inc., et al.*, No. 03 L 491 (Illinois Circuit Court, 20<sup>th</sup> Judicial District).

➤ ***Sirius / XM Radio Inc. Merger Litigation.*** CLG was class counsel in action that challenged the legality of Sirius' merger with competitor XM. *Blessing, et al., v. Sirius XM Radio, Inc.*, No. 09-cv-10035-HB (S.D.N.Y.) In August 2011, the Court granted final approval to a settlement valued at over \$180 million.

➤ ***STi Calling Card Litigation.*** CLG Co-Lead Class counsel in case that challenged the methods used to bill time and charge fees on calling cards sold by STi and its affiliates. *Ramirez v. STi Prepaid LLC et al.*, 08-cv-01089-SDW (D.N.J. 2008). The New Jersey Federal Court previously denied STi's motion to dismiss various claims, in a published opinion at 664 F.Supp.2d 496 (D.N.J. 2009). The parties obtained final settlement approval in January 2011 with a settlement valued at over \$7 million.

➤ ***LG Energy Star Litigation.*** CLG was Rule 23(g) Co-Lead Class counsel in case that challenged LG's alleged fraudulent labeling of its high-end French Door style refrigerators as being in compliance with federal "Energy Star" ratings when in fact the refrigerators consumer far more energy. *Walsh, et al. v. LG USA*, No. 10-cv-4499-DMC-JAD (D.N.J.) In 2011, the New Jersey federal district court granted final approval to a settlement valued at over \$30 million.

➤ ***In re NationsRent Rental Fee/Loss Damage Waiver Litigation.*** CLG Co-Lead Rule 23(g) Class counsel in case that challenged improper "environmental" fees assessed by rental company. *In re: NationsRent Rental Fee Litigation*, No. 06-60924-CIV-Brown (S.D. FL.) The District

Court certified a national “unjust enrichment” class, *see* 2009 WL 636188 (S.D. Fla. Feb. 24, 2009), and this order was denied review by the United States Appellate Court for the Eleventh Circuit. *In re: Nationsrent, Inc.* Petitioner, No. 09-90008-H (11th Cir. Apr. 24, 2009). Settlement granted final approval in 2010.

➤ ***Nationwide Ins. Co. Medical Payments Litigation.*** CLG Co-Lead class counsel in lawsuit that challenged Nationwide Insurance Company’s use of allegedly biased claims valuation software to reduce payment of medical claims. The settlement was granted final approval in March 2008, and provides benefits to the class in excess of \$60 million. *Cashman v. Allied Insurance, et al.*, No. CV 05-415-TUC-RCC (D. AZ) and *Garza v. Nationwide Ins. Co., et al.*, No. 02-06322 (148<sup>th</sup> Judicial District, Texas).

➤ ***T-Mobile Early Termination Fee Litigation.*** CLG Rule 23(g) Co-Lead Class Counsel in \$14 million settlement that challenged T-Mobile’s imposition of Early Termination Fees in cell phone contracts. The settlement has been granted final approval by the United States District Court, District of New Jersey. *Millron, et al. v. T-Mobile USA, Inc.*, No. 08-cv-4149-JLL (D.N.J.) and is currently on appeal to the United States Court of Appeals for the Third Circuit.

➤ ***CorVel Silent PPO Insurance Litigation.*** CLG Lead Counsel in case that challenged CorVel Corporation’s Preferred Provider Organization (“PPO”) network and discounts taken by CorVel and its insurance company/payor clients. The case settled in January 2011 for \$2.1 million, with checks being mailed directly to medical provider / class members. *Kathleen Roche, D.C. v.*

*CorVel Corp.*, No. 05 L 101 (Illinois Circuit Court, 20<sup>th</sup> Judicial Circuit).

➤ ***Sprint Early Termination Fee Litigation.*** CLG Rule 23(g) Co-lead Class Counsel in \$17.5 million settlement that has been granted final approved by the United States District Court, District of New Jersey. *Larson, et al. v. Sprint Nextel, et al.*, No. 07-cv-05325-JLL (D.N.J.) and is currently on appeal to the United States Court of Appeals for the Third Circuit.

➤ ***Carey v. Kerr McGee Chemical Corp., et al.*** CLG Co-Lead counsel in case of first impression in Illinois that recognized claim for “medical monitoring.” *Carey v. Kerr McGee Chemical Corp.*, 60 F.Supp.2d 800 (N.D. Ill. 1999). Case settled for \$5 million on behalf of class of minor children who resided in West Chicago, Illinois. *Carey v. Kerr McGee Chemical Corp.*, No. 96 C 8583 (N.D. Ill.)

➤ ***Ford Paint Litigation.*** FW Co-Lead Counsel in case of “first impression” under Class Action Fairness Act (“CAFA”), holding that post-CAFA amendments adding named plaintiffs to putative class action complaint did not constitute “commencement” of new action. *Phillips v. Ford Motor Co.*, 435 F.3d 785 (7<sup>th</sup> Cir. 2006).

➤ ***Automobile Total Loss Litigation.*** CLG Co-Lead Class Counsel in lawsuit that challenged several insurance companies’ use of allegedly biased claims valuation software to pay “total loss” claims. The case settled for \$50 million. *In re Total Loss Class Action Litigation*, Nos. 01 L 157, No. 01 L 149, 01 L 158, 03 L 1267, et al. (Illinois Circuit Court, 3<sup>rd</sup> Judicial District)



➤ **Old Kent Bank “Improper Collection” Practice.** CLG lead counsel in lawsuit challenging Old Kent’s debt collection practices. The case settled for direct payment to class members that represented 100% recovery. *Ibrahim v. Old Kent Bank*, No. 99 C 999 (N.D. Ill.)

➤ **USAA Medical Payments Litigation.** CLG Co-Lead Class Counsel in lawsuit challenging USAA Insurance Company’s payment of medical bills and use of allegedly biased claims valuation software. The case settled for \$35 million. *Bemis v. United Services Automobile Association, et al.*, No. 00 L 224 (Illinois Circuit Court, 3<sup>rd</sup> Judicial District).

➤ **AT&T / Cingular Early Termination Fee Litigation.** CLG Rule 23(g) Class Counsel in putative national class action challenging cell phone companies’ “Early Termination Fees” on cell phone users. *Larson v. AT&T Mobility, et al.*, 07-05325-JLL (D.N.J. 2008). The case settled, as part of consolidated action in District of New Jersey, for over \$18 million.

➤ **Trilegiant / Cendant Unauthorized Charge Litigation.** CLG Co-Lead Class Counsel in lawsuit challenging imposition of unauthorized charges on consumer credit cards who purportedly signed up for various “memberships” offered by Trilegiant and its marketing partners. The case settled for \$25 million cash, plus injunctive relief. *Pederson v. Trilegiant Corp. f/k/a Cendant Membership Services, Inc.*, No. 01 L 1126 (Illinois Circuit Court, 3<sup>rd</sup> Judicial District)

➤ **Horace Mann Medical Payments Litigation.** CLG Co-Lead Class counsel in lawsuit challenging Horace Mann’s use of allegedly biased claims valuation software to pay medical claims.

The case settled for \$1.5 million. *Aleman v. Horace Mann Ins. Co.*, No. DC-03-176 (District Court, 229<sup>th</sup> Judicial District, Texas)

➤ **Homecomings Junk Fee Litigation.** CLG Co-Lead Counsel in case that challenged imposition of third party fees on mortgages. The case settled for \$15 million. *Knight v. Homecomings Financial Network*, No. 03 L 1923 (Illinois Circuit Court, 3<sup>rd</sup> Judicial District).

➤ **Valvoline Motor Oil Litigation.** CLG lead counsel in lawsuit that challenged misrepresentations in the sale of Valvoline motor oil. The case settled for \$3 million. *Blackwell v. Ashland, Inc. d/b/a The Valvoline Company*, No. 99 CI 00129 (Greenup County, Kentucky)

➤ **Travelers Medical Payments Litigation.** CLG co-lead class counsel in lawsuit that challenged Travelers Insurance Company’s use of allegedly biased claims valuation software to adjust and pay insured persons’ and medical providers’ claims. The case settled for \$15 million. *Ragan v. Travelers Property Casualty Company*, No. 00 L 224 (Illinois Circuit Court, 3<sup>rd</sup> Judicial District).

➤ **Chase Disposition Fee Litigation.** CLG lead class counsel in lawsuit that challenged Chase Manhattan’s imposition of “Disposition Fees” on lease holders at scheduled lease termination. The case settled for \$10 million. *Hall v. Chase Manhattan Automotive Finance Corp. d/b/a Chase Auto*, No. 99 CH 360 (Illinois Circuit Court, Cook County, Illinois).

➤ **Hollywood Video Late Fees Litigation.** CLG co-lead class counsel in lawsuit that challenged Hollywood Video’s imposition of “late fees” on its customers.

The case settled for \$13 million. *DeFrates v. Hollywood Entertainment Corp.*, No. 02 L 707 (Illinois Circuit Court, 20<sup>th</sup> Judicial Circuit).

➤ ***Liberty Fire/Liberty Mutual Medpay Litigation (personal lines) (Oregon)***. \$5.5 million settlement; CLG co-lead class counsel in national settlement of claims challenging Liberty's payment of medical bills, which allegedly exceeded "usual and customary" charges and/or reductions taken pursuant to PPO agreements. *Froeber v. Liberty Mutual Ins. Co.*, No. 00 C 15234 (Circuit Court Marion County, Oregon).

➤ ***Behr Sealant Litigation (Illinois/California)***. CLG class counsel in case that first sought and obtained certification of a national class (excluding Washington state), after which the case settled through prior pending California action for \$100 million. *Caliper v. Masco Corporation, Behr Process Corp., et al.*, No. 01 L 232 (Illinois Circuit Court, 20<sup>th</sup> Judicial Circuit).

➤ ***UPS Excess Insurance Litigation***. CLG co-lead class counsel in lawsuit challenging insurance charges imposed by UPS. The case was settled for \$48 million. *Triad Industries v. United Parcel Service*, No. 00 L 600 (Illinois Circuit Court, 3<sup>rd</sup> Judicial Circuit).

➤ ***Allstate Insurance Company Medical Payments Litigation***. CLG co-lead class counsel in lawsuit challenging Allstate Insurance Company's payment of medical bills and use of allegedly biased ADP Integrated Medical Solution claims valuation software. The case settled for \$35 million. *Strasen, et al. v. Allstate Ins. Co.*, No. 99 L 1040 (Illinois Circuit Court, 3<sup>rd</sup> Judicial District). The case received final

settlement approval in 2010 and provided benefits to the class valued at over \$60 million. This case was one of the very first class actions challenging purported "usual, customary and reasonable" ("UCR") bill reductions against the automobile industry and use of biased computer databases.

#### **Pending Cases include:**

➤ ***Western Union Money Transfers Litigation***. CLG Rule 23(g) Lead Counsel in case challenging Western Union's practice of earning interest, charging fees for up to five years on unclaimed money transfers before notifying senders that they must reclaim unsent funds or money will escheat to state authorities. The District Court denied Western Union's motion to dismiss, *Tennille v. Western Union Co.*, No. 09-cv-00938-JLK, -- F.Supp.2d --, 2010 WL 4609732 (D. Colo. Nov. 8, 2010), and held that Colorado law will apply to the putative class claims.

➤ ***In re: Whirlpool Corp. Front-Loading Washer Products Liability Litigation, MDL No. 2001***. CLG appointed Rule 23(g) Executive Committee Class Counsel in class action alleging that Whirlpool's front load washing machines suffer from inherent design defect that causes mold to buildup in the machine. *In re: Whirlpool Corp. Front-Loading Washer Products Liability Litigation*, MDL No. 2001, 08-wp-65000-JG (N.D. OH 2008). The court certified a bellweather class of Ohio plaintiffs on the negligent design, negligent failure to warn, and tortious breach of warranty claims in 2010.

➤ ***Allstate Insurance Company UCR Litigation***. CLG proposed lead counsel in lawsuit challenging Allstate Insurance Company and outside vendor

Mitchell Medical's auditing of medical bills and use of allegedly biased Mitchell "Decision Point" software to chisel reimbursement payments to medical providers and insured persons. *Widoff D.C. et al. v. Encompass Ins. Company of America, Allstate Ins. Co and Mitchell Int'l, Inc.*, No. 10-cv-8159 (N.D. Ill.)

➤ ***PayPal Holding Money Litigation.*** CLG proposed Rule 23(g) Lead Counsel in putative class action challenging PayPal's practice of "holding", for up to 180 days, funds in the accounts of entities and consumers that have collected payments for product and service sales through PayPal. Plaintiffs claim that these practices constitute a breach of contract, breach of fiduciary duty, violate the California Consumers Legal Remedies Act and California Unfair Competition Law, and that PayPal has been unjustly enriched. *Zepeda v. PayPal, Inc.*, No. 10-cv-02500 (N.D. Cal.).

➤ ***Sprint Picture Mail Litigation.*** CLG Rule 23(g) Co-Lead Class Counsel in putative class action challenging Sprint's practice of charging for picture messaging despite the fact that these customers subscribe to the "Everything Messaging" Plan which is supposed to include unlimited picture, text, and video messaging. Plaintiffs claim that these charges violate the Federal Communications Act, New Jersey Consumer Fraud Act, constitute a breach of contract, and that Sprint has been unjustly enriched. *Eoff v. Sprint Nextel Corp.*, No. 10-cv-01190 (D.N.J.).

➤ ***Nationwide Insurance Company UCR Litigation.*** CLG proposed lead counsel in lawsuit challenging Nationwide Insurance Company and outside vendor Mitchell Medical's auditing of

medical bills and use of allegedly biased Mitchell "Decision Point" software to chisel reimbursement payments to medical providers and insured persons. *K. Roche, D.C. v. Nationwide Ins. Co.*, No. 11-cv-894 (N.D. Ohio)

➤ ***HERC Loss Damage Waiver Litigation.*** CLG Rule 23(g) Co-Lead Class Counsel in certified, national class action challenging HERC's Loss Damage Waiver ("LDW") and Environmental Recovery Fee ("ERF") charges. Plaintiffs claim that these charges violate New Jersey's Consumer Fraud Act because they are unconscionable as they do not provide damage protection to class members nor is the ERF applied to offset HERC's true environmental expenses, but rather are alleged to be secret profit centers disguised as legitimate line item charges. The District Court certified a national class, applying HERC's New Jersey choice of law clause, and the Third Circuit Court of Appeals denied HERC's request for Rule 23(f) interlocutory review, No. 08-8063 (United States Court of Appeals, Third Circuit, Jan. 13, 2009).

➤ ***Genocide Victims of Krajina, L3/MPRI Litigation:*** CLG is proposed Co-Lead counsel in actions against L-3 Communications Corp. and its wholly owned private military contractor Military Professional Resources, Inc. for its role in facilitating and aiding and abetting the massacre of tens of thousands of civilians in the Krajina region of Croatia in 1994. No. 10-5197 (N.D. Ill. 2010). In August 2011, Northern District of Illinois federal judge Ruben Castillo denied L3's motion to transfer venue.

➤ ***Internet Hotel Tax Litigation.*** CLG represents Goodlettsville, Tennessee and Rosemont, Illinois, among others, in lawsuits challenging Internet

Travel Companies' calculation and payment of taxes. *The City of Goodlettsville, Tennessee v. Priceline.com, Inc.*, et al, 08-cv-00561 (M.D. Tenn.) and Village of Rosemont, Illinois vs. Priceline.com Inc., et al, 09-cv-4438 (N.D.Ill.) On October 14, 2011, District Judge Guzman granted summary judgment in favor of Rosemont, Illinois. 2011 WL 4913262 (N.D. Ill., Oct. 14, 2011).

➤ ***LG Front Load Washing Machine Litigation.*** CLG Rule 23(g) Co-Lead Class Counsel in putative class action alleging that LG's front load washing machines suffer from inherent design defect that causes mold to buildup in the machine. *In re: LG Front Load Washing Machine Class Action Litigation*, 08-cv-51-FSH (D.N.J. 2008). The court previously denied LG's motion to dismiss the action in a published opinion, *Harper v. LG Electronics USA, Inc.*, 595 F.Supp.2d 486 (D.N.J. 2009).

➤ ***Group Health Out-of-Network UCR Litigation:*** CLG has long been at the forefront of litigation against the insurance industry's use of flawed and fraudulent computerized fee programs such as Ingenix. Many group health insurers use these allegedly biased programs to calculate "usual and customary" (UCR) reimbursement deductions for out-of-network treatment, and to cheat patients and medical providers out of money. CLG is currently involved in UCR Group Health cases against Aetna, Wellpoint and Cigna, among others. *E.g.*, *In re: Aetna UCR Litigation*, MDL No. 2020, 07-cv-3541-FSH (D.N.J.); *In re Wellpoint Inc. Out-of-Network "UCR" Rates Litigation*, MDL 2074, 09-ml-2074-PSG (C.D. C.A.).

➤ ***Hungarian "Holocaust" Litigation:*** CLG is proposed Co-Lead Counsel in actions against various

Hungarian Banks and the national railroad of Hungary on behalf of Jewish victims and survivors of the Holocaust. The action against the Hungarian banks alleges that the defendants breached their fiduciary duty to their Jewish depositors and aided and abetted in depriving the Jewish community of their assets. The Plaintiffs seek a full accounting, disclosure, disgorgement and restitution by the banks. *Holocaust Victims of Bank Theft v. Magyar Nemzeti Bank et al.*, No. 10-cv-01884 (N.D. Ill.) ("Hungarian Banks"). The action against the Hungarian Railroad alleges that the defendant aided and abetted the Nazi genocide of 1944 and looted Jewish passengers of their possessions. The Plaintiffs seek compensation, restitution, reparations and damages. *Victims of the Hungarian Holocaust v. The Hungarian State Railways (MAV)*, No. 10-cv-00868 (N.D. Ill.) ("Hungarian Railways").

In May, July and August 2011, the Court denied, respectively, the Hungarian Bank defendants' motions to dismiss, the Hungarian Railroad's motion to dismiss and the Banks' motion to reconsider. The case is currently pending before the United States Court of Appeals for the Seventh Circuit on interlocutory appeal filed by the Hungarian defendants, which heard oral argument in January 2012.

➤ ***In re Effexor XR Antitrust Litigation, MDL 2093.*** Richard Burke and CLG (formerly Freed & Weiss) were recently appointed by United States District Judge Pisano, District of New Jersey, to the Executive Committee for indirect purchasers in the Effexor Antitrust Lawsuit: *In re Effexor XR Antitrust Litigation*, No. 11-cv-5590-JAP (D.N.J.). The Effexor suit challenges the way Effexor's manufacturer Wyeth used patents to attempt to delay the entry of generic competition.

➤ ***In re: Dairy Farmers of America, Inc. Cheese Antitrust Litigation, MDL 2031.*** CLG is an active participant in the current class action against the world's largest dairy cooperative, the Dairy Farmers of America (DFA), challenging DFA's manipulation of commodities price to drive up the price it would receive for selling raw milk. This complex litigation is proceeding under the federal antitrust and racketeering laws.

➤ ***DirecTV Early Termination Fee Litigation, MDL 2093.*** CLG is Rule 23(g) Executive Committee Counsel in this case challenging DirecTV's imposition of early termination fees. These fees, which plaintiffs' allege are nothing more than illegal penalties, prevent customers from switching premium cable service by charging customers exorbitant termination fees whenever a customer attempts to switch or stop service prior to the contract's expiration (even if due to poor service). *In re: DirecTV Early Cancellation Fee Marketing and Sales Litig.*, MDL 2093, No. 09-ml-2093AG (C.D. Calif. 2009).

## **ATTORNEY BIOGRAPHIES**

### **COMPLEX LITIGATION GROUP LLC**

is comprised of the following attorneys:

**RICHARD J. BURKE** is resident Partner of the St. Louis, Missouri office. Rich has worked on over 150 class action cases throughout the country. In his 30 years of practice, Rich has tried over 100 cases to verdict including medical malpractice, federal and state criminal cases,

products liability and complex commercial litigation. Richard specializes in complex litigation including consumer and insurance class actions, telecommunications, and appellate practice in the state and federal courts. He has briefed and argued significant cases before the Supreme Courts of Illinois and Missouri, the United States Courts of Appeal for the Seventh and Eighth Circuits, and intermediate state appellate courts. Rich is also a member of the bar of the Supreme Court of the United States.

Rich has been appointed class counsel in numerous high profile class action law suits, including cases against AOL, Behr Process Corporation, Hilton Hotels, Hollywood Entertainment Corporation, Homecomings, Sprint, Travelers Property Casualty Company, United Parcel Service, and United Services Automobile Association.

Rich graduated with a B.A. from Knox College in 1975, and received his J.D. from Washington University School of Law in 1978.

**GRANT Y. LEE** is an associate at CLG and a member of the Illinois bar. Grant is also admitted to practice before the Third and Seventh Circuit Court of Appeals. Prior to joining CLG, Grant



worked as an associate attorney for a multinational Pittsburgh-based law firm where he was involved in complex commercial litigation, class action defense, and product liability matters in state and federal court. Grant also has experience in e-Discovery and regulatory compliance matters and has handled various cases in mediation and arbitration.

Grant is a 2006 *cum laude* graduate of the University of Notre Dame Law School where he was awarded the Dean's Award in Deposition Skills and also worked at the Legal Aid Clinic. Grant earned a B.A., *summa cum laude*, from the University of Notre Dame in 2000 with a double major in Government and Computer Applications & Programming. Prior to law school, Grant worked as a Technology Risk Consultant for a former Big 5 accounting firm where he was involved in internal audits and regulatory compliance matters.

**JEFFREY A. LEON** is a Partner at CLG and heads its antitrust and RICO practice.

Jeff has a broad and deep understanding of the antitrust laws gained from his eighteen years of practicing antitrust law first as associate at Kirkland and Ellis (1991-1996), associate (1996-

2000) then partner at Winston & Strawn (2000-2007) and partner at Ungaretti & Harris (2007-2008). From a trial perspective, Jeff is one of the most experienced antitrust lawyers in the country. Unlike most antitrust lawyers, Jeff has actually tried cases. Jeff has:

- defended ITW Corporation in a two and one-half month jury trial against claims it had engaged in a conspiracy to fix the prices of high pressure laminate, gaining a complete defense verdict in favor of his client. The class in that case was seeking \$1.3 billion in damages;

- defended Chicago Bridge & Iron in a three-month bench trial at the Federal Trade Commission against a challenge to its acquisition of Pitt-Des Moines, Inc.;

- defended Yukon Fuel in a contested consent decree proceeding and temporary restraining order hearing concerning its merger with its largest competitor, defeating challenges to the merger in both proceedings.

Jeff has also represented some of the largest corporations in the country against antitrust challenges including Ameritech Corporation (now SBC), Bell Atlantic (now Verizon), Abbott Laboratories, and American Home Products. In addition, he has made numerous representations of Fortune 500 companies against consumer fraud lawsuits.

Jeff now uses his unique perspective as an experienced trial lawyer and defense lawyer to vindicate the interests of those aggrieved by anticompetitive conduct including price fixing, monopolization, and unlawful mergers and acquisitions. Jeff understands keenly how lawyers for these large companies will defend their clients, because he used to be one of those lawyers. He also understands how to prepare a case for trial, and is not afraid to see a case end up in a trial if a trial benefits his clients.

Jeff has written and spoken on antitrust issues. He has lectured on antitrust law at the Kellogg School of Business at Northwestern and he has published several articles on antitrust law including, for example, DISAGGREGATION OF ECONOMIST LIABILITY TESTIMONY IN SECTION ONE LITIGATION, *ABA Section of Antitrust Law Economics Committee Newsletter* and THE EVIDENTIARY ROLE OF ANTITRUST COMPLIANCE POLICIES IN SECTION ONE CIVIL LITIGATION, *ABA Sherman Act Section One Committee Newsletter*.

Jeff is a 1991 *summa cum laude* graduate of the Indiana University School of Law-Bloomington where he was third in his class, an editor of the Indiana Law Journal, champion of the Sherman Minton Moot court competition and a member of Order of

the Coif. Jeff graduated cum laude from the University of Redlands in 1987 with degrees in political science and history. Jeff was a championship debater at Redlands, and was selected as the fifth most outstanding individual speaker at the 1987 National Debate Tournament.

**JULIE D. MILLER** is an associate at CLG and a member of the Illinois, New Jersey and Wisconsin bar. Julie graduated with high distinction from Pennsylvania State University in 2005 with a B.S. in Supply Chain and Information Studies and a minor in Spanish. In 2008, she graduated *cum laude* from Indiana University School of Law – Bloomington. While at IU, Julie was the Senior Production Manager for the INDIANA JOURNAL OF GLOBAL LEGAL STUDIES, after earning Associate of the Year award during her first year on the journal. Julie was a quarterfinalist in the Sherman Minton Moot Court Competition and member of the Moot Court Board. During law school, Julie interned for United States Magistrate Judge Tim A. Baker of the Southern District of Indiana and clerked for Judge Frank M. Nardi for the Owen County Circuit Court. Julie is a member of the Young Professionals Board of Directors for

the Center for Disability and Elder Law in Chicago.

**JAMIE E. S. WEISS** is a founding partner of CLG and its Managing Partner. Jamie is admitted to the Illinois bar, and is also admitted to practice in the Northern District of Illinois. Jamie attended Indiana University, receiving Bachelors of Art in Psychology and Telecommunications, and received her Juris Doctorate from Chicago-Kent College of Law-Illinois Institute of Technology, where she also earned a Certificate in Environmental Law.

Prior to joining CLG, Jamie worked with the Law Offices of Eric D. Freed on antitrust and securities class action cases, and for a boutique plaintiffs' personal injury firm in Chicago that prosecuted and settled over two dozen toxic tort personal injury cases against Kerr McGee (over its West Chicago, Illinois site). Jamie is actively involved in animal rights and in local government, having been a member of Deerfield's caucus nominating committee for several years. In addition to managing CLG, Jamie also manages her two sons.

**PAUL M. WEISS** is a founding member of CLG. Paul is an avid snorkeler, gardener and photographer. See

<http://fineartamerica.com/profiles/paul-weiss.html?tab=artworkgalleries>.

Paul received undergraduate and law degrees from Indiana University-Bloomington, graduating law school *magna cum laude* and ORDER OF THE COIF and was a member of INDIANA LAW JOURNAL. Paul is admitted generally to practice in the State of Illinois, United States District Courts for the Northern and Southern Districts of Illinois, Eastern District of Michigan and is a Member of the Northern District of Illinois Trial Bar.

Paul has litigated over 100 class actions in state and federal courts. Prior to founding CLG, Paul practiced for four years at the Seattle, Washington office of what was then known as Hagens & Berman, focusing exclusively on plaintiff consumer class actions. Paul has been featured in the NATIONAL LAW JOURNAL'S article on Illinois class actions (June 12, 2003 edition) and the CHICAGO LAWYER'S article on "CLASS ACTIONS: THE BATTLE HEATS UP." (April 2003). Paul has guest lectured at Chicago-Kent College of Law and Loyola University of Chicago School of Law on such topics as consumer class action and environmental contamination suits. \* \* \*

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**PUBLISHED OPINIONS:**

CLG published opinions include: Saltzman v. Pella Corp., 257 F.R.D. 471 (N.D. Ill. 2009), affirmed 606 F.3d (7<sup>th</sup> Cir. 2010), *certiorari denied*, United States Supreme Court, No. 10-355 (January 18, 2011); Genocide Victims of Krajina v. L-3 Services, Inc., -- F.Supp.2d --, 2011 WL 3625055 (N.D. Ill., Aug. 17, 2011); Holocaust Victims of Bank Theft v. Magyar Nemzeti Bank, et al., -- F.Supp.2d --, 2011 WL 3555661 (N.D. Ill., Aug. 11, 2011); In re DirecTV Early Cancellation Fee Marketing and Sales Practice Litig., -- F.Supp.2d --, 2011 WL 4090774 (C.D. Cal., Sept. 6, 2011); Arlandson et al. v. Hartz Mountain Corp., 2011 WL 3703412 (D.N.J. Aug. 23, 2011); In re Dairy Farmers of America, Inc. Cheese Antitrust Litig., MDL 2031, 767 F.Supp.2d 880 (N.D. Ill. 2011); Tennille v. Western Union Co., 751 F.Supp.2d 1168 (D. Colo. 2010); The County of Monroe, Florida v. Priceline.Com, Inc., et al., 265 F.R.D. 659 (S.D. Fla. 2010); In re Whirlpool Corp. Front-Loading Washer Products Liability Litig., MDL 2001, 684 F.Supp.2d 942 (N.D. Ohio 2009); Harper v. LG Electronics USA, Inc., 595 F.Supp.2d 486 (D.N.J. 2009); Ramirez v. STi Prepaid LLC, 664 F.Supp.2d 496 (D.N.J. 2009); Hoving v. Transnation

Title Ins. Co., 545 F.Supp.2d 662 (E.D. Mich. 2008); Coppolino v. Total Call International, Inc., 588 F.Supp.2d 594 (D.N.J. 2009); Waudby v. Verizon Wireless Services LLC, 248 F.R.D. 173 (D.N.J. 2008); Phillips v. Ford Motor Co., 435 F.3d 785 (7<sup>th</sup> Cir. 2006); Knudsen v. Liberty Mutual Ins. Co., 435 F.3d 755 (7<sup>th</sup> Cir. 2006) (“Knudsen II”); Knudsen v. Liberty Mutual Ins. Co., 411 F.3d 805 (7<sup>th</sup> Cir. 2005) (“Knudsen I”); Hall v. Sprint Spectrum L.P., 376 Ill.App.3d 822 (Ill. App. 2007), *petition leave appeal denied*, Sprint Spectrum, Petitioner, No. 105309 (January 30, 2008, Illinois Supreme Court); Kinkel v. Cingular Wireless, 357 Ill.App.3d 556 (Ill.App. 2005), *affirmed*, 223 Ill.2d 1 (Ill. 2006); Hall v. Sprint Spectrum L.P., 368 Ill.App.3d 820 (Ill. App. 2006); Zobrist v. Verizon Wireless, 354 Ill.App.3d 1139 (Ill. App. 2004); Peach v. CIM Ins. Corp., 352 Ill.App.3d 691, *appeal denied*, 212 Ill.2d 536, *petition for cert. denied*, 126 S.Ct. 1429 (U.S. Ill. Feb. 27, 2006); America’s Moneyline, Inc. v. Coleman, 360 F.3d 782 (7<sup>th</sup> Cir. 2004); Reynolds v. GMAC Financial Services, 344 Ill.App.3d 843 (5<sup>th</sup> Dist., Ill. 2003); American Bankers Life Assur. Co. of Florida v. Evans, 319 F.3d 907 (7<sup>th</sup> Cir. 2003); Hanke v. American Intern. South Ins. Co., 335 Ill.App.3d 1164 (5<sup>th</sup>

Dist., Ill. 2002), *appeal denied*, 203 Ill.2d 546 (Ill. 2003); Travis v. American Mfrs. Mut. Ins. Co., 335 Ill.App.3d 1171 (5<sup>th</sup> Dist., Ill. 2002), *appeal denied*, 203 Ill.2d 571 (Ill. 2003); Cohen v. Blockbuster Entertainment, Inc. 338 Ill.App.3d 171 (1<sup>st</sup> Dist., Ill. 2003); Cohen v. Blockbuster Entertainment Corp., 376 Ill.App.3d 588 (Ill. App. 2007); Best Buy Co. v. Barrera, 248 S.W.3d 160 (Tex. 2007); Harsch v. Illinois, et al., 2002 WL 1433875 (Ill.Ct.Claims March 13, 2002); Garbie v. DaimlerChrysler, 211 F.3d 407 (7<sup>th</sup> Cir. 2000); Lewis v. First American Title Ins. Co., 2007 WL 2815041 (D.Id. Sept. 25, 2007); Power v. GMAC Mortgage Corp., 2007 WL 723509 (N.D. Ill. March 7, 2007); Leon County v. Hotels.com, et al., 2006 WL 3519102 (S.D. Fla. Dec. 6, 2006); Ibrahim v. Old Kent Bank, 2000 WL 263987 (N.D. Ill. 2000); Carey v. Kerr McGee Chemical Corp., 60 F.Supp. 800 (N.D. Ill. 1999) and 999 F.Supp. 1109 (N.D. Ill. 1998); In re. Ticketmaster Corp. Antitrust Litigation, 929 F.Supp. 1272 (E.D. Mo. 1996); Polk v. Cao, 279 Ill.App.3d 101 (1<sup>st</sup> Dist., Ill. 1996); Osario v. Harza Engineering Co., 890 F.Supp. 750 (N.D. Ill. 1995); Carter v. New Trier East High School, 272 Ill.App.3d 551 (1<sup>st</sup> Dist., Ill. 1995).