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10 *Interim Lead Counsel for the*  
11 *Direct Purchaser Plaintiffs*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 IN RE: CRT ANTITRUST LITIGATION

Master File No. CV-07-5944-SC  
MDL No. 1917

16 This Document Relates to:

**CLASS ACTION**

17 ALL DIRECT PURCHASER CLASS  
18 ACTIONS

**DECLARATION OF ANTHONY D.  
SHAPIRO IN SUPPORT OF MOTION  
FOR ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
INCENTIVE AWARDS**

1 I, Anthony D. Shapiro, declare and state as follows:

2 1. I am a member of the law firm of Hagens Berman Sobol Shapiro LLP (“HBSS”). I  
3 submit this declaration in support of Direct Purchaser Plaintiffs (“DPP”) joint application for an  
4 award of attorney fees in connection with the services rendered in this litigation. I make this  
5 Declaration based on my personal knowledge and if called as a witness, I could and would  
6 competently testify to the matters stated herein.

7 2. My firm has served as counsel to Carroll Cut Rate Furniture and as counsel for the  
8 class throughout the course of this litigation. The background and experience of the firm and its  
9 attorneys are summarized in the *curriculum vitae* attached hereto as Exhibit 1.

10 3. HBSS has prosecuted this litigation solely on a contingent-fee basis, and has been  
11 at risk that it would not receive any compensation for prosecuting claims against the defendants.  
12 While HBSS devoted its time and resources to this matter, it has foregone other legal work for  
13 which it would have been compensated.

14 4. During the pendency of the litigation, HBSS performed the following work:  
15 HBSS had primary responsibility for litigating the case against the Samsung Defendants,  
16 Samsung SDI (“SDI”) and Samsung Electronics Co. (“SEC”) (collectively “Samsung”). My firm  
17 consistently participated in meet and confers with defense counsel for Samsung, negotiating terms  
18 of production, search terms, custodians, discovery responses, and deposition scheduling. Until  
19 DPPs settled, my firm had primary responsibility for preparing for and taking all Samsung  
20 depositions (including travel to Seoul, Korea for a key witness). Due to the large number of  
21 foreign language documents, preparation was time-consuming and complicated as most  
22 documents required certified translations, and most depositions occurred with the help of an  
23 interpreter.  
24

25 In addition to litigation tasks against Samsung in particular, my firm also managed and  
26 organized document review and evidence collection for the case overall. My firm’s work included  
27  
28

1 the supervision and training of English and foreign language reviewers, preparation of search  
2 terms and organization of folders and assignments for reviewers, overall management of the  
3 document database, exhibits, and transcripts, overall management of the evidence for the case, and  
4 overall responsibility for collecting and putting together the “story of the case.” My firm was  
5 often called on to support and assist with deposition preparation for other defendant teams, and to  
6 advise other firms on correct versions of exhibits. My firm also was primarily responsible for  
7 managing the translation process and translation objection process on behalf of DPPs, including  
8 the supervision of translations by reviewers, working with the other plaintiff groups and  
9 translation vendors regarding the selection and processing of certified translations, and working to  
10 respond to the many translation objections lodged by defendants.  
11

12 HBSS also played an integral role in providing overall strategy guidance for the case, and  
13 in briefing the case, including drafting and editing oppositions to motions to dismiss, and class  
14 certification briefing. In addition, HBSS participated in drafting mediation papers for mediation  
15 with SDI, and participated in the mediation process.  
16

17 5. Attached hereto as Exhibit 2 is my firm’s total hours and lodestar, computed at  
18 historical rates, from May 9, 2008 through July 31, 2014. This period reflects the time spent after  
19 the appointment of Lead Counsel in the litigation. The total number of hours spent by HBSS  
20 during this period of time was 9,948.5 with a corresponding lodestar of \$3,592,541.50. This  
21 summary was prepared from contemporaneous, daily time records regularly prepared and  
22 maintained by my firm. The lodestar amount reflected in Exhibit 2 is for work assigned by Lead  
23 Class Counsel, and was performed by professional staff at my law firm for the benefit of the DPP  
24 Class.  
25

26 6. The hourly rates for the attorneys and professional support staff in my firm  
27 included in Exhibit 2 are the usual and customary hourly rates charged by HBSS.  
28

  
ANTHONY D. SHAPIRO

# **EXHIBIT 1**



Hagens Berman is a national leader in class-action litigation driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

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## The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group of people. The firm initially focused on class action and other types of complex, multi-party litigation always representing plaintiffs/victims. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest, and now represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

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*We are one of the nation's leading class action law firms, and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.*

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**OUR FOCUS.** Our main focus is to represent plaintiffs/victims in securities and investment fraud, product liability, tort, antitrust, consumer fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy in order to place maximum pressure on the defendant.

**WE WIN.** We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

**WHAT MAKES US DIFFERENT.** We achieve results—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client, Hagens Berman finds ways to return real value.

**A NATIONWIDE REACH.** The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Boston, Chicago, Colorado Springs, Los Angeles, New York, Phoenix, San Francisco, and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona, Illinois, and Idaho.



## Locations



### SEATTLE

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Seattle, WA 98101  
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### CHICAGO

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### COLORADO SPRINGS

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### LOS ANGELES

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### NEW YORK

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### WASHINGTON, D.C.

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“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

“Class counsel has **consistently demonstrated extraordinary skill and effort.**”

— U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

“Berman is considered **one of the nation’s top class-action lawyers.**”

— Associated Press

## The Plaintiffs’ Hot List: The Year’s Hottest Firms, 2006, 2007, 2009, 2010, 2011, 2012 and 2013.

— The National Law Journal

“**Landmark consumer cases are business as usual** for Steve Berman.”

— The National Law Journal, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“[A] **clear choice** emerges. That choice is the Hagens Berman firm.”

— United States District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...** You did an exceptionally good job at organizing and managing the case...”

— United States District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

## VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

## MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

## STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206B**.

## DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

## AVERAGE WHOLESAL PRICE DRUG LITIGATION

Hagens Berman is co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

## ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

## LUPRON CONSUMER LITIGATION

A **\$150 million** settlement on behalf of patients using Lupron for prostate cancer.

## CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

## EXPEDIA HOTEL TAXES AND FEES LITIGATION

Hagens Berman obtained summary judgment in this class action to recover deceptive service fees and settled the case for **\$123.4 million**.

## Practice Areas

**PRACTICE AREAS**

## Investor Fraud - Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

› **Charles Schwab Securities Litigation**

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

**RESULT:** \$235 million class settlement for investors.

› **Oppenheimer**

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

**RESULT:** \$100 million for the classes.

› **Tremont**

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Maddoff.

**RESULT:** \$100 million settlement between investors, Tremont and its affiliates.

› **Enron**

Co-lead counsel in ERISA litigation.

**RESULT:** More than \$250 million, the largest ERISA settlement in history.

› **Boeing**

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

**RESULT:** Record-breaking settlement of more than \$92.5 million.

› **J.P. Morgan – Madoff**

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

**RESULT:** \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

**PRACTICE AREAS****Investor Fraud - Individual and Class Action Litigation****> Morrison Knudsen**

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

**RESULT:** More than \$63 million for investors.

**> Raytheon/Washington Group**

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

**RESULT:** \$39 million settlement.

**> U.S. West**

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

**RESULT:** The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

Some of our current cases include:

**> Life Partners Holdings**

Lead counsel representing investors who purchased Life Partners stock. The case alleges that Life Partners artificially inflated revenue while knowingly underestimating the life expectancies of people whose policies its customers invest in.

**> China MediaExpress**

Represents investors in this case alleging that the owner of an advertising network on buses in China misled investors regarding the scope of its operations in a classic "pump and dump" scheme.

**WHISTLEBLOWERS**

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the "Wall Street Tip-Off Law."

The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

**PRACTICE AREAS**

## Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

**PORTFOLIO MONITORING.** Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

**TRACKING.** Alerts clients of any significant portfolio losses due to suspected fraud.

**ANALYSIS.** Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

**REPORTING.** Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

**PRACTICE AREAS****ERISA/Retirement Plan Protection**

Hagens Berman has long been a leader in protecting the rights of working men, women and their families through its ERISA and retirement plan protection practice and has represented some of the largest cases in the history of ERISA law.

The federal Employee Retirement Income Security Act of 1974 (ERISA) spells out the duties that plan administrators, trustees and other fiduciaries owe to participants and beneficiaries in retirement programs including Employee Stock Ownership Plans (ESOPs), 401(k) plans, healthcare and pension plans.

Our firm has substantial experience in recovering retirement funds lost by employees as the result of imprudent and disloyal conduct by plan fiduciaries, and in otherwise safeguarding the rights of ERISA plan participants.

Courts have recognized our aptitude in handling large ERISA cases and appointed our firm as co-lead counsel in a number of such cases, including the groundbreaking Enron ERISA litigation. Enron produced \$220 million in settlements for the benefit of former Enron employees, making it the largest ERISA settlement to date.

Hagens Berman served as co-lead in the GM ERISA litigation, which resulted in a proposed settlement for \$37.5 million and substantial injunctive relief for the benefit of a class of 401(k) plan participants. The firm was counsel to former Washington Mutual employees who lost hundreds of millions of dollars in retirement savings invested in company stock and the Washington Mutual 401(k) plan, resulting in a \$49 million settlement. Hagens Berman represented participants in the Sterling Bank 401(k) Plan for losses in their retirement savings account, for which the court approved a \$3,025,000 settlement in 2013. We also served in ERISA cases on behalf of employees of IPALCO, the Montana Power Company and United Airlines.

In addition to using ERISA to protect retirement plans, the firm's ERISA practice also seeks to protect other employee benefit plans such as health insurance. Hagens Berman pioneered the discovery of fraud in "discounts" provided to employee health plans, and led a case that broke new ground in the coverage of contraceptives.



**PRACTICE AREAS****Antitrust**

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive, anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

**> Visa/MasterCard**

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard, that challenged charges imposed in connection with debit cards.

**RESULT:** \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

**> DRAM**

Claiming DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics including personal computers, cellular telephones, digital cameras and many other devices, which artificially raised prices. The class included equipment manufacturers, franchise distributors and smaller-volume purchasers.

**RESULT:** \$375 million settlement.

**> EA Madden**

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

**RESULT:** \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

**> AC Nielsen**

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

**RESULT:** \$55 million settlement.

**PRACTICE AREAS**

## Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive, and fraudulent practices.

We realize that often-voiceless consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- › False, deceptive advertising of consumer products and services
- › False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- › Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- › Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

› **Expedia Hotel Taxes and Service Fees Litigation**

Led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act and its contractual

commitment to charge as service fees only "costs incurred in servicing" a given reservation.

**RESULT:** Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

› **Blue Rhino**

Lead counsel in this case alleging that Ferrellgas, wanting to avoid a price increase, reduced the amount of propane in its tanks from 17 to 15 pounds without informing consumers.

**RESULT:** \$25 million settlement.

› **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

**RESULT:** Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

**PRACTICE AREAS**

## Consumer Protection - General Class Litigation

**› Carrier IQ**

This privacy case stemmed from a video blog posted by software engineer Trevor Eckhart. In the video, Trevor claimed that software developed by Carrier IQ and used on a number of smartphones, intercepts incoming text messages and captures keystrokes in emails and outgoing text messages, as well as information sent to secure websites. Hagens Berman has filed suit under the Federal Wiretap Act on behalf of smartphone owners whose private information may have been compromised. A recent court decision allowed class members to continue the case, denying arbitration.

**› Hyundai Kia**

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses. The result was a lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150% of cash award) or new car discount (200% of cash award) options.

**› Consumer Insurance Litigation**

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.

**PRACTICE AREAS**

## Consumer Protection - Defective Product Litigation

When a product fails to meet accepted or advertised standards, the results can be costly, hazardous or even deadly. In such cases, consumers deserve relief. Hagens Berman is nationally recognized for successful prosecution of lawsuits involving a wide range of such defective products, from faulty building and home products to defective cars, computers, software, electronics, and toys.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Select firm successes representing consumers in defective product class litigation include:

› **Toyota Sudden, Unintended Acceleration**

Co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect causes their vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic losses from the plummeted value of Toyota vehicles following media coverage of the alleged defect.

**RESULT:** Settlement package valued at up to \$1.6 billion.

› **Louisiana-Pacific Siding Litigation**

Served as co-lead counsel in a nationwide case involving defective siding installed on 800,000 homes that soaked up moisture, resulting in swelling and cracking.

**RESULT:** More than 130,000 claims have been paid exceeding \$500 million in total.

› **Polybutylene Pipe Litigation**

This litigation charged Shell Oil Company, E. I. du Pont de Nemours and Hoescht Celanese with manufacturing and marketing defective polybutylene pipes and plumbing systems.

Hagens Berman served as co-lead counsel for the class.

**RESULT:** A settlement providing a minimum of \$950 million, which, at the time, was the largest class-action settlement of its kind.

› **Nissan Quest Accelerator Litigation**

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

**RESULT:** Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

› **Hyundai Horsepower Litigation**

Co-lead counsel in a class-action lawsuit against Hyundai that claimed the company overstated the horsepower of 1.3 million vehicles and inflated the value of certain Hyundai models.

**RESULT:** Owners of each vehicle will receive up to \$225 in cash or up to \$325 in credit with Hyundai dealers. The cost of the settlement to Hyundai ranges from \$76 million to \$127 million.

The firm's current cases involving product defects include:

› **General Motors**

Hagens Berman has filed suit on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to 12 fatalities and more than 300 crashes. The suit alleges that GM did not take appropriate measures to prevent the defect, despite having prior knowledge.

**PRACTICE AREAS**

## Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, brand-name prescription drug makers have been among the most profitable companies in America. While pharma companies become richer, consumers, health plans and insurers pay higher costs for prescription drugs. We shine a light of public scrutiny on this industry's practices and represent individuals, third-party payors and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. The firm's attorneys have argued suits against dozens of major drug companies. Hagens Berman's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

**RECENT ANTITRUST RESOLUTIONS**

Recently, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

**> Flonase Antitrust Litigation**

Represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase. The suit claimed GlaxoSmithKline did this to enable it to overcharge consumers for the drug, which would have been priced lower had a generic competitor been allowed to come to market.

**RESULT:** The case settled for \$150 million.

**> Wellbutrin XL Antitrust Litigation**

Represented purchasers with defendant Biovail on behalf of those who bought the antidepressant Wellbutrin XL from defendant GlaxoSmithKline.

**RESULT:** \$37.5 million partial settlement

**FRAUDULENT DRUG PRICING RESOLUTIONS**

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

**> McKesson and First DataBank Drug Litigation**

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

**RESULT:** \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

**PRACTICE AREAS**

## Consumer Protection - Drug and Supplement Litigation

**> Average Wholesale Price Drug Litigation**

Co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

**RESULT:** Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

**FRAUDULENT MARKETING RESOLUTIONS**

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

**> Neurontin Third-Party Payor Litigation**

Co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

**RESULT:** A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million.

**> Vioxx Third-Party Payor Marketing and Sales Practices Litigation**

Lead counsel for third-party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit, the drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

**RESULT:** An \$80 million settlement resulted.

**> Serono Drug Litigation**

Negotiated a settlement to reimburse a class of consumers and third-party payors for part or all of purchases of the AIDS drug Serostim. The suit alleged that global biotechnology company Serono, Inc. schemed to substantially increase Serostim sales by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

**RESULT:** \$24 million settlement.

**PRACTICE AREAS**

## Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, hour and wage issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

› **CB Richard Ellis Sexual Harassment Litigation**

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

**RESULT:** An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

› **Costco Wholesale Corporation Wage & Hour Litigation**

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

**RESULT:** \$15 million cash settlement on behalf of the class.

› **Washington State Ferry Workers Wage Litigation**

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

**RESULT:** Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

› **SunDance Rehabilitation Corporation**

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

**RESULT:** \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

Some of the firm's current cases in this area include:

› **Swift Transportation**

Hagens Berman filed suit against national trucking company Swift Transportation, alleging that it shortchanged its drivers by not paying them on the actual miles traveled when driving.

› **Schneider National Carriers**

The firm filed suit against Schneider National Carriers, claiming that the company failed to pay its workers for all wages due and required long hours with few breaks.

**PRACTICE AREAS**

## Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

**> World Trade Organization Protests**

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

**> Hungarian Gold Train**

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

**> Dole Bananas**

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

**> Chiquita Bananas**

Hagens Berman filed suit against Chiquita Brands International, alleging that it also misled consumers about its environmental record. The complaint alleges that Chiquita purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents.

**> Rio Tinto**

Hagens Berman filed suit against Rio Tinto, a mining company, on behalf of Papua New Guinea. The complaint alleged that Rio Tinto engaged in acts of war and other criminal actions against residents of Papua New Guinea who opposed its massive mining operations in that country.



**PRACTICE AREAS**

## Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the United States Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

**FALSE CLAIMS ACT**

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

**> In U.S. ex rel. Lagow v. Bank of America**

> Represented former manager at Landsafe, Countrywide Financial's appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

**RESULT:** The case was successful, and our client received a substantial reward.

**> In U.S. ex rel. Mackler v. Bank of America**

> Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

**RESULT:** That case was successful, resulting in an award to our client.

**> In U.S. ex rel. Horwitz v. Amgen**

> Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

**RESULT:** \$762 million in criminal and civil penalties levied by the U.S. Department of Justice.

**SECURITIES AND EXCHANGE COMMISSION /  
COMMODITY FUTURES TRADING COMMISSION**

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

**PRACTICE AREAS**

## Whistleblower Litigation

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

**INTERNAL REVENUE SERVICE**

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

**PRACTICE AREAS**

## Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

**> Big Tobacco**

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

**RESULT:** \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

**> McKesson Average Wholesale Price Litigation**

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

**RESULT:** Hagens Berman has started the AWP class action, which resulted in many states filing cases. HB represented several of those states in successful litigation.

**> McKesson Government Litigation**

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

**RESULT:** These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

**> Zyprexa Marketing & Sales Practices Litigation - Connecticut**

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful offlabel promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

**RESULT:** \$25 million settlement.

**PRACTICE AREAS**

## Personal Injury and Abuse

Not all personal injury cases are the same. To successfully litigate personal injury cases, attorneys must have a deep understanding of the medical and legal issues of that particular case. The attorneys at Hagens Berman have extensive knowledge and experience across the spectrum of personal injury practice areas, assuring that our clients will receive the highest level of legal counsel.

Hagens Berman has a long record of accomplishment in personal injury litigation, including catastrophic injury cases involving wrongful death, brain injury, auto accidents, defective products, construction accidents and police and emergency vehicle collisions.

We also have unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society, as profiled below.

**Sexual Abuse Litigation** Hagens Berman has represented a wide spectrum of individuals who have been the victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington.

**Nursing Home Negligence** Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Our attorneys have secured record-breaking settlements in this area of the law and have committed to holding nursing homes accountable.

**Social Work Negligence** Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, developmentally disabled adults and elderly adults, are responsible for critical aspects in the lives of tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not, and the results are often catastrophic. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of

vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

**Pharmaceutical Cases** Cases alleging that drug companies failed to fulfill their duty to warn and protect patients from serious or even deadly side effects. The firm's ongoing cases of this nature include:

**NECC** Following reports that New England Compounding Company (NECC) manufactured and sold tainted steroidal injections, the Centers for Disease Control spotted a wave of meningitis cases across the United States. Hagens Berman filed a number of lawsuits on behalf of victims, alleging that the tainted injections caused serious health problems, including meningitis, and that NECC was negligent in the operation of its facilities, where the drugs were manufactured. The case resulted in a \$100 million settlement for victims.

**Fresenius and DaVita Healthcare** Hagens Berman filed suits against DaVita Healthcare, one of the nation's largest providers of dialysis services, and Fresenius Medical Care North America, a manufacturer of dialysis products. The suits claim that both companies were negligent in failing to prevent two products, NaturaLyte and GranuFlo, from causing serious health conditions in patients.

**Thalidomide** Hagens Berman has filed a number of suits against German drug company Grunenthal and several American drug companies alleging that they misled the American people and government about the extent of Thalidomide use in the United States in the late 1950s and early 1960s. Thalidomide caused an

**PRACTICE AREAS**

## Personal Injury and Abuse

epidemic of birth defects in Europe, but it was previously thought that America was spared from the drug's impact. However, according to the lawsuits, new documentary and medical evidence suggests that more than 2.5 million doses of the drug were distributed in the United States.

**PRACTICE AREAS**

## Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

A number of patent and other intellectual property cases are currently in various phases of litigation. Some examples include:

**> Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering middleware providing object-oriented application to relational database mapping. The Thought patents cover key technologies for accessing and saving data used in enterprise level businesses and the Internet. Thought makes and sells software covered by the patents and is the owner of the asserted patents.

**> Salesforce**

Hagens Berman represents Applications in Internet Time in patent infringement litigation against salesforce.com. The suit alleges that our client's patents cover the core architecture of salesforce's platform for developing, customizing, and updating cloud-based software applications.

**> Nintendo**

The firm represents Japan-based Shinsedai Company in patent infringement litigation against Nintendo. Our client was an early innovator in the development and sale of motion-controlled sports games including tennis, table tennis, baseball, and boxing. The suit alleges that our client's patents are infringed by various sports games for the Nintendo Wii.

**> EA Madden**

Hagens Berman represents the original software developer of the NFL Madden Football video game, who is owed royalties on derivative products, including current EA Madden NFL titles. The firm prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The case is on appeal and if successful will return for a final damages phase.

**> Samsung, LG, Apple**

Hagens Berman represents FlatWorld Interactives in a series of cases against defendants including Samsung, LG and Apple. The cases allege that the defendants' mobile handsets, tablets and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen and other devices. The accused gestures were developed by university professor and co-founder of FlatWorld, Dr. Milekic, more than ten years before those features became ubiquitous in smart phones and tablets.

*Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which often create delays in deciding whether or not to take a case at larger firms.*

## PRACTICE AREAS

# Intellectual Property

### › **Alnylam, MIT, Max Planck Institute**

The firm represents the University of Utah in a suit seeking to correct inventorship to add Dr. Brenda Bass, a University of Utah distinguished professor, to patents covering discoveries in gene therapy that may lead to cures for many genetic diseases. Hagens Berman recently defeated a motion to dismiss the case at the district court, Federal Circuit Court of Appeals, and the Supreme Court.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

Legal Team



**MANAGING PARTNER****Steve W. Berman**

*Served as lead counsel for the largest settlement in world history against Big Tobacco, the largest antitrust settlement, the largest ERISA settlement and, at the time, the largest U.S. securities settlement in U.S. history.*

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**YEARS OF EXPERIENCE**

> 34

**PRACTICE AREAS**

- > Antitrust/Trade Law
- > Consumer Protection
- > Securities/Investment Fraud
- > Whistleblower/*Qui Tam*
- > Patent Litigation

**BAR ADMISSIONS**

- > Washington
- > Illinois

**EDUCATION**

- > University of Chicago Law School, J.D., 1980
- > University of Michigan, B.A., 1976

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Berman's trial experience has earned him significant recognition and led *The National Law Journal* to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country.

Berman co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the most successful class-action attorneys in the nation.

**CURRENT ROLE**

- > Managing Partner, Hagens Berman Sobol Shapiro

**RECENT SUCCESS**

- > Toyota
  - \$1.6 billion settlement with 20 million class members.
- > Big Oil
  - Represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multi-million dollar award)
- > Big Pharma
  - Represented clients against Big Pharma in various actions ranging from price-fixing schemes to antitrust activities (more than \$1 billion in aggregate settlements)
- > Wall Street
  - Class-action securities case against Charles Schwab (\$235 million settlement)
  - Represented Enron employees who had their retirement accounts wiped out by Enron's fraud (largest ERISA settlement in U.S. history)
  - Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world (approved \$218 million settlement)

**RECOGNITION**

- > Voted one of the 100 most influential attorneys in America by *The National Law Journal* three times
- > Voted most powerful lawyer in the state of Washington by *The National Law Journal*
- > Hagens Berman named one of the top 10 plaintiffs' firms in the country, *The National Law Journal*
- > Selected as a Finalist for *Public Justice's* 2014 Trial Lawyer of the Year

**MANAGING PARTNER**

Steve W. Berman

**NOTABLE CASES**› *State Tobacco Litigation*

Lead counsel for 13 states in cases that led to the largest settlement in world history.

› *WPPSS Securities Litigation*

Member of trial team that led to the then largest securities case settlement.

› *McKesson Drug Litigation*

Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and a \$350 million settlement for third-party payers and insurers.

› *Average Wholesale Price Litigation*

Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for a settlement of \$338 million.

› *McKesson Governmental Entity Litigation*

Steve was lead counsel for a nationwide class of local governments that resulted in an \$82 million settlement for drug price-fixing claims.

› *State and Governmental Drug Litigation*

Steve served as outside counsel for the state of New York for its Vioxx claims, several states for AWP claims and several states for claims against McKesson.

› *E-Books Antitrust Litigation*

Serving as lead counsel in a challenge to Apple and publishers alleged price-fixing of e-books.

› *Optical-Disc Price Fixing Litigation*

Lead counsel in action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.

› *Electronic Arts Video Games Litigation*

Nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners, such as the NFL, in order to lock up the market, brought on behalf of a national class of consumers who purchased the football video games. A \$27 million settlement in the case has been agreed to by the parties, but awaits approval by the court.

› *Bank of America Home Affordable Modification Program (HAMP) Contract Litigation*

Berman served as lead counsel in action on behalf of homeowners to whom the defendant allegedly promised mortgage modifications as part of a federal program but failed to provide.

**MANAGING PARTNER****Steve W. Berman***> Toyota Unintended Acceleration Litigation*

Lead counsel in the largest automobile defect case in U.S. history, returning \$1.6 billion to Toyota drivers after a spate of unintended acceleration cases were reported by drivers across the country.

*> Boeing Securities Litigation*

Berman served as lead counsel in a \$92 million settlement of a securities action concerning Boeing's merger with McDonald Douglas.

*> Charles Schwab Securities Litigation*

Lead counsel in securities case resulting in \$235 million settlement and 45 percent and 82 percent recoveries for the class, high percentages for securities cases.

*> Enron Pension Protection Litigation*

Lead counsel for Enron employees whose retirement accounts were wiped out by Enron's fraud. Settlement was the largest ERISA settlement in U.S. history.

*> Thalidomide Litigation*

Steve is leading the case for U.S. based thalidomide victims who have recently discovered that their injuries were caused by their mother's exposure to thalidomide and the role of certain drug companies in the distribution of thalidomide in the U.S.

*> NCAA Concussions*

Steve is lead counsel in a class action seeking to protect NCAA student athletes in all sports.

*> NCAA Grant-In-Aid Litigation*

Steve is lead counsel in a case challenging the NCAA's collusion in refusing to allow student athletes to receive the full cost of attending school.

*> Orange County and Santa Clara County Opioid Litigation*

Opioid abuse is one of our nation's leading health disasters. Steve is leading the first litigation seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

*> General Motors*

Steve is actively involved in seeking to obtain compensation from the millions of GM car owners whose cars have diminished in value.

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

# Thomas M. Sobol

*Voted Massachusetts Ten Leading Litigators  
—The National Law Journal*

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**YEARS OF EXPERIENCE**

> 31

**PRACTICE AREAS**

- > Pharmaceutical Fraud
- > Consumer Protection
- > Antitrust Litigation

**BAR ADMISSIONS**

- > Commonwealth of Massachusetts
- > Rhode Island
- > First Circuit Court of Appeals
- > Second Circuit Court of Appeals
- > Supreme Court of the United States

**EDUCATION**

- > Boston University School of Law, J.D., Cum Laude, 1983
- > Clark University, B.A., Summa Cum Laude, Phi Beta Kappa, 1980

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Boston office.
- > Leader in drug pricing litigation efforts against numerous pharmaceutical and medical device companies.
- > Lead negotiator in court-approved settlements totaling over two billion dollars
- > Currently court-appointed lead counsel for *In re Skelaxin Antitrust Litigation*, *In re Nexium Antitrust Litigation*, *In re Lipitor Antitrust Litigation*, *In re Effexor Antitrust Litigation*, and *In re Wellbutrin XL Antitrust Litigation*
- > Appointed lead counsel in MDL No. 2149: *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced by NECC
- > Lead counsel to the *Prescription Access Litigation (PAL)* project, the largest coalition of health care advocacy groups that fight illegal, loophole-based overpricing by pharmaceutical companies

**RECENT SUCCESS**

- > *Neurontin class action marketing settlement* (\$325 million)
- > *Flonase direct purchaser litigation settlement* (\$150 million)
- > *Wellbutrin XL direct purchaser litigation* (\$37.5 million)
- > *First Databank litigation* (4% price reduction of most retail drugs)
- > *McKesson litigation* (\$350 million)
- > *Zyprexa litigation on behalf of the State of Connecticut* (\$25 million)
- > *Vioxx third party payor litigation* (\$80 million)
- > *Paxil direct purchaser litigation* (\$150 million)
- > *Co-lead trial counsel in the Neurontin MDL* (\$142 million RICO jury verdict)

**RECOGNITION**

- > Massachusetts Ten Leading Litigators, *The National Law Journal*

**EXPERIENCE**

- > Seventeen years in large Boston firm handling large complex civil litigation
- > Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island
- > Private counsel for Massachusetts and New Hampshire in ground breaking litigation against tobacco industry (Significant injunctive relief and recovery of more than \$10 billion)
- > Judicial clerk for Chief Justice Allan M. Hale, Massachusetts Appeals Court, 1983-1984
- > Board Chairman, New England Shelter for Homeless Veterans, 1995-2002

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

Thomas M. Sobol

**NOTABLE CASES****› \$142 Million Civil RICO Jury Verdict in Massachusetts Over Neurontin**

On March 25, 2010, following a four-and-a-half week trial and two days of deliberations, a jury in the United States District Court for Massachusetts returned a \$142 million RICO verdict against Pfizer, Warner Lambert and Parke Davis in a suit related to Pfizer's fraudulent and unlawful promotion of the drug Neurontin. The jury also found, in an advisory capacity, that Defendants violated the California Unfair Competition Law. HBSS served as co-lead trial counsel for Plaintiffs Kaiser Foundation Health Plans and Kaiser Foundation Hospitals. HBSS attorneys played a pivotal role in preparing the case for trial. Thomas Sobol, managing partner of the HBSS Boston office, examined seven economic and scientific experts and presented the evidence of Defendants' decade-long campaign of fraudulent and deceptive actions in his closing argument that resulted in the RICO verdict. Post-trial briefing is underway and a final judgment has not yet been entered.

*Kaiser Foundation Health Plan, et al v. Pfizer, Inc., et al, D.Mass., Civil Action No. 04-cv-10739 (PBS).*

**› \$150 Million Settlement for Consumers and TPPs for Purchases of Lupron**

In late 2004, HBSS announced a proposed resolution on behalf of consumers and third-party payors of Lupron in the amount of \$150 million. The litigation alleged widespread fraudulent marketing and sales practices against TAP Pharmaceuticals, a joint venture between Abbott Laboratories and Takeda Pharmaceuticals, Inc., and followed TAP's agreement to pay \$875 million in combined criminal and civil penalties regarding marketing and sales practices for the prostate cancer drug Lupron. HBSS served as court-appointed Co-Lead and Liaison Counsel.

*In re Lupron Marketing and Sales Practices Litigation, D.Mass., MDL No. 1430.*

**› \$150 Million Resolution on Behalf of Direct Purchasers of Paxil**

HBSS announced a \$150 million resolution of claims in 2004 in litigation on behalf of direct purchasers of the "blockbuster" selective serotonin reuptake inhibitor Paxil, manufactured by GlaxoSmithKline Corporation. The suit alleged that GSK engaged in sham litigation with respect to certain patents, all in an effort to delay competition from the entry of a generic form of the drug. HBSS served as court-appointed Co-Lead Counsel.

*In re Paxil Direct Purchaser Litigation, E.D.Pa., Civil Action No. 03-4578.*

**› The Major First Databank Price Rollback**

The First Circuit Court of Appeals recently affirmed the approval of a settlement reached between plaintiff health benefit plans and consumers in a class action against defendants First DataBank, Inc. and Medi-Span, two leading drug pricing publishers. The settlement resulted in a rollback of benchmark prices of some of the most common prescription medications and which could save consumers and other purchasers hundreds of millions of dollars. The settlement stems from a 2005 class-action lawsuit brought on behalf of health benefit plans and consumers against First DataBank ("FDB") and McKesson Corporation, a large pharmaceutical wholesaler. Plaintiffs claimed that beginning in 2001, FDB and McKesson secretly agreed to raise the markup between the Wholesale Acquisition Cost ("WAC") and the Average Wholesale Price ("AWP") from 20 to 25 percent for more than 400 drugs, resulting in higher profits for retail pharmacies at the expense of consumers and payors.

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Thomas M. Sobol**

On June 6, 2007, Judge Patti B. Saris of the District of Massachusetts preliminarily approved a settlement between the parties whereby FDB agreed to roll back pricing by five basis points, from 1.25 to 1.20, on the drugs included in the lawsuit as well as hundreds of other drugs, which should create cost-savings on a much broader range of prescription medications. An alphabet soup of associations representing pharmacies and pharmacy benefit managers fought the proposed rollback before federal trial and appellate courts, claiming either that small pharmacies would be put out of business through implementation of the rollback or that the savings to health plans and consumers would not be enough to justify the settlement. The courts rejected these claims and in a ruling on Sept. 4, 2009, the First Circuit Court of Appeals affirmed the approval of the settlement.

*New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp., D.Mass., Civil Action No. 05-cv-11148-PBS; District Council 37 Health and Security Plan et al v. Medi-Span, D.Mass., Civil Action No. 07-cv-10988-PBS.*

➤ **\$75 Million Resolution Against GSK and Its Predecessors for Relafen**

HBSS was court-appointed liaison counsel and the firm has helped spearhead this litigation against GlaxoSmithKline Corporation and its predecessors, alleging that GSK fraudulently obtained a patent to prevent a generic version of Relafen, a frequently prescribed brand name pharmaceutical, from coming to market. Litigated for 12 to 18 months, HBSS announced a proposed \$75 million resolution of end-payor claims in 2004.

*In re Relafen Antitrust Litigation, D.Mass., Master File No. 01-12239-WGY.*

➤ **\$25 Million for the State of Connecticut for Zyprexa Fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, United States District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in State of Connecticut v. Eli Lilly and Co., approving the \$25 million settlement reached by the parties to conclude the State's Zyprexa litigation. HBSS served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

*State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.*

➤ **\$65.7 Million Recovery in Antitrust Action Concerning Tricor**

On Oct. 29, 2009, Chief Judge Sue Robinson of the District of Delaware approved a \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor. Plaintiffs alleged Abbott and Fournier manipulated the statutory framework regulating the market for pharmaceuticals by instituting baseless patent litigation against generic manufacturers, and manipulative switching of dosage strengths and forms, which resulted in delayed entry of generics and thus lower prices into the market. HBSS served as Co-Lead Class Counsel in the case.

*In re Tricor Indirect Purchaser Antitrust Litigation, D.Del., Civil Action No. 05-cv-360.*

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Anthony D. Shapiro**

*Mr. Shapiro has handled hundreds of personal injury matters securing results in excess of one million dollars for his clients numerous times.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 32

**PRACTICE AREAS**

> Antitrust Litigation  
> Personal Injury Litigation

**BAR ADMISSIONS**

> Washington State Bar

**EDUCATION**

> Georgetown University Law  
Center, J.D., 1982  
> Colgate University, B.A.,  
History, 1979

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro
- > Leads Personal Injury Group including wrongful death, brain injury, and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence
- > Prominent role in many of the firm's notable antitrust class actions

**RECENT SUCCESS**

- > Lead counsel in *In re DRAM Antitrust Litigation* (more than \$400 million)
- > Plaintiffs' executive committee in a number of prominent antitrust class actions including *In re LCD Antitrust Litigation* (\$500 million)

**RECOGNITION**

- > Earned AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar
- > Washington Super Lawyer, 2000-2014

**EXPERIENCE**

- > King County, Washington Prosecuting Attorney's Office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most high-profile cases
- > Founding Partner, Rohan Goldfarb & Shapiro
- > Schweppe Krug & Tausend

**LEGAL ACTIVITIES**

- > Instructor, National Institute of Trial Advocacy
- > Adjunct Professor, University of Washington Law School

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

Anthony D. Shapiro

**NOTABLE CASES**

- › *Mantria Class Action*
- › *Air Cargo Antitrust Litigation*
- › *Baby Food Antitrust Litigation*
- › *Brand Name Prescription Drug Antitrust Litigation*
- › *Bromine Antitrust Litigation*
- › *Carbon Dioxide Antitrust Litigation*
- › *Carpet Antitrust Litigation*
- › *Commercial Tissue Products Antitrust Litigation*
- › *Compressors Antitrust Litigation*
- › *Concrete Antitrust Litigation*
- › *Containerboard Antitrust Litigation*
- › *CRT Antitrust Litigation*
- › *DRAM Antitrust Litigation*
- › *Exxon Valdez Oil Spill Litigation*
- › *Fasteners Antitrust Litigation*
- › *Flat Glass Antitrust Litigation*
- › *Forced Place Insurance – Wind Antitrust Litigation*
- › *High Fructose Corn Syrup Antitrust Litigation*
- › *Infant Formula Antitrust Litigation*
- › *Lease Oil Antitrust Litigation*
- › *Linerboard Antitrust Litigation*
- › *LCD Antitrust Litigation*
- › *Magazine Paper Antitrust Litigation*
- › *Medical X-Ray Film Antitrust Litigation*
- › *OSB Antitrust Litigation*
- › *Polyurethane Antitrust Litigation*
- › *Scouring Pads Antitrust Litigation*
- › *SRAM Antitrust Litigation*
- › *Steel Antitrust Litigation*
- › *Toilet Nut Product Defect Litigation*
- › *Wire Harness Antitrust Litigation*



**PARTNER, EXECUTIVE COMMITTEE MEMBER****Robert B. Carey**

*Rob added to HB's office a built-in mock courtroom, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries. [download photo](#) »*

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**YEARS OF EXPERIENCE**

> 27

**PRACTICE AREAS**

- > Class-action Litigation
- > Personal Injury Litigation
- > Insurance Bad Faith
- > Breach of Contract Claims

**BAR ADMISSIONS**

- > State of Arizona
- > State of Colorado
- > United States Supreme Court
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Eighth Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > Various federal district courts

**EDUCATION**

- > University of Denver, M.B.A., J.D., 1986
- > Arizona State University, B.S., 1983
- > Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

**CURRENT ROLE**

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Phoenix and Colorado Springs offices
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity, and fraud cases
- > Routinely handles jury trials for high-value cases

**RECENT SUCCESS**

- > Helped start HB's efforts against GM for its ignition system and other recall problems, which is now in the MDL with Hagens Berman leading the litigation
- > Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman's complaints for a case that eventually settled for \$1.6 billion
- > Prevailed in a jury trial in a copyright case about the iconic Madden NFL video game, with two jury verdicts against Electronic Arts. The effort was selected by The Daily Journal, a leading legal publication, as a Top Trial Verdict of 2013
- > Led Hagens Berman's efforts on the \$400 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- > Helped secure a first-ever (\$60M) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This ground-breaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes, even current ones, with cash recoveries for the use of their likenesses without permission.
- > Numerous jury verdicts in trials, including complex matters, phasing of threshold issues, liability and damages, trials with over \$75M at stake, and recoveries of treble and punitive damages
- > While serving as Arizona Chief Deputy Attorney General:
  - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement
  - Helped revise Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits

**RECOGNITION**

- > Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- > U.S. Department of Justice, recognized for Victims' Rights efforts

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

**Robert B. Carey**

- › Listed on Arizona's Finest Lawyers and National Trial Lawyers Top 100 Trial Lawyers, since 2008
- › For his work with the HB Toyota Team, Mr. Carey was selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year

**EXPERIENCE**

- › Arizona Chief Deputy Attorney General
- › Adjunct Professor, Sandra Day O'Connor College of Law
- › Judge Pro Tempore, Maricopa County Superior Court

**LEGAL ACTIVITIES**

- › Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

**PUBLICATIONS**

- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"

**NOTABLE CASES**

- › *Toyota Unintended Acceleration Litigation*
- › *NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Swift Truckers Litigation*
- › *Hyundai Subframe Defect Litigation*
- › *Hyundai Occupant Classification System / Airbag Litigation*
- › *Hyundai Horsepower Litigation*
- › *LifeLock Sales and Marketing Litigation*
- › *Rexall Sundown Cellasene Litigation*
- › Insurance bad faith against major carriers and personal injury cases, including dozens of seven-figure verdicts and settlements

**PARTNER****Leonard W. Aragon**

*Before attending college, Mr. Aragon fulfilled his dream as a scout for the 2/68 Armored Tank Battalion.*

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**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

- > Class Actions
- > Commercial Litigation
- > Mass Tort
- > Appellate Advocacy
- > Personal Injury

**BAR ADMISSIONS**

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

**EDUCATION**

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, Summa Cum Laude, 1998

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on nationwide class actions and other complex litigation
- > Currently counsel for plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation* which alleges that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student athletes. The plaintiffs reached a settlement with EA and the CLC in May for \$40,000,000 and reached a settlement in June with the NCAA for \$20,000,000. The parties are in the process of seeking approval from the Court for the two settlements.

**RECENT SUCCESS**

- > Multi-million dollar jury verdict believed to be the largest in Columbiana County, Ohio history
- > Multi-million dollar class action settlement on behalf of a nationwide class of student-athletes whose images were used on a website affiliated with CBS Interactive without their permission or compensation
- > Obtained two jury verdicts in favor of the original developer of the Madden Football videogame franchise in phased trial over unpaid royalties.

**LEGAL ACTIVITIES**

- > Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- > State Bar of Arizona Bar Leadership Institute Class I
- > Super Lawyers, Rising Star: Class Action/Mass Tort
- > Pro bono work in insurance, immigration, family and contract law

**NOTABLE CASES**

- > *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- > *Keller v. Electronic Arts Inc.*
- > *Antonick v. Electronic Arts Inc.*
- > *In re Swift Transportation Co., Inc.*
- > *Hunter v. Hyundai Motor America*
- > *Jim Brown v. NCAA; Liebich v. Maricopa County Community College District*

**PARTNER**

## Lauren Guth Barnes

*Ms. Barnes was recently honored with a 2013 Excellence in the Law Up & Coming Lawyer award by the Massachusetts Bar Association and Mass Lawyers Weekly.*

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**YEARS OF EXPERIENCE**

> 9

**PRACTICE AREAS**

- > Antitrust Litigation
- > Class Actions
- > Consumer Protection
- > Mass Torts
- > Medical Devices
- > Pharmaceuticals/Health Care Fraud

**BAR ADMISSIONS**

- > Commonwealth of Massachusetts
- > U.S. District Court, District of Massachusetts
- > United States Court of Appeals, Second Circuit, Eleventh Circuit
- > Supreme Court of the United States

**EDUCATION**

- > Boston College Law School, J.D., Cum Laude, Articles Editor, Boston College Law Review, 2005
- > Williams College, B.A., International Relations, Cum Laude, 1998

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on antitrust, consumer protection, and fraud litigation against drug and medical device manufacturers, in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers, and state governments
- > Co-lead class counsel for direct purchasers in *In re Niaspan Antitrust Litigation*
- > Liaison counsel for *In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*
- > Represents direct purchasers in numerous other matters, including the *Skelaxin*, *Suboxone*, and *Solodyn* MDLs
- > Represents health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos, and Granuflo and medical devices including pelvic mesh

**RECOGNITION**

- > Massachusetts Academy of Trial Attorneys President's Award, 2014
- > Massachusetts Bar Association Up & Coming Lawyer Award, 2013
- > AAJ Wiedemann & Wysocki Award, 2012, 2013
- > AAJ New Lawyers Division Above and Beyond Award, 2012
- > AAJ New Lawyers Division Excellence Award, 2010, 2011

**EXPERIENCE**

- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on this issue on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare
- > Conflict Management Group where she worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies and contributed to *Imagine Coexistence*, a book developed out of the collaboration

**PARTNER****Lauren Guth Barnes****LEGAL ACTIVITIES**

- > American Association for Justice (AAJ)
  - Board of Governors, Member (2012-2013)
  - Women Trial Lawyers Caucus, Chair (2012-2013)
  - Class Action Litigation Group, Former Co-Chair (2011-2012)
  - New Lawyers Division, Board of Governors (2009 to present)
  - Committees (various), Member
  - AAJ Forward and AAJ Trial Lawyers Care Task Forces, Member (2012-2013)
- > Massachusetts Academy of Trial Attorneys
  - Executive Committee, Member (2012-2013)
  - Board of Governors, Member (2011-2013)
  - Women's Caucus, Co-Chair (2008 to present)
- > Public Justice
  - Member, Class Action Preservation Project

**NOTABLE CASES****> Skelaxin Antitrust**

Although metaxalone, a prescription muscle relaxant, has been sold under the brand name Skelaxin since 1962, the original compound patent for it expired in 1979, and other manufacturers began applying to market generic metaxalone in 2002, generic competitors remained foreclosed from marketing generic metaxalone until 2010. HBSS serves as lead counsel for direct purchasers in litigation alleging Skelaxin's manufacturer colluded with one of the would-be generic competitors and fraudulently delayed generic competition, leading to higher prices paid by consumers and third party payors.

*In re Skelaxin (Metaxalone) Antitrust Litigation, E.D.TN., Civil Action No. 1:12-md-2343*

**> Health care coverage for 40,000 legal immigrants in Massachusetts**

On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. HBSS served as pro bono counsel in this successful challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal health care program.

*Finch v. Commonwealth Health Insurance Connector Authority, Mass., Civil Action No. SJC-11025*

**> \$25 million for the State of Connecticut for Zyprexa fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, United States District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in *State of Connecticut v. Eli Lilly and Co.*, approving the \$25 million settlement reached by the parties to conclude the State's *Zyprexa litigation*. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

*State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW*

**PARTNER****Peter Borkon**

*Providing institutional investors practical advice and solutions.*

**CONTACT**

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peterb@hbsslaw.com

**YEARS OF EXPERIENCE**

> 18

**PRACTICE AREAS**

- > Complex Class-action Litigation
- > Securities Litigation
- > Antitrust Litigation

**BAR ADMISSIONS**

- > Supreme Court of the United States
- > District of Colorado
- > Eastern District of Wisconsin
- > Northern District of California
- > State Bar of Illinois
- > State Bar of California
- > Northern District of Illinois
- > Central District of California
- > U.S. Court of Appeals, Ninth Circuit
- > Western District of Wisconsin

**EDUCATION**

- > Southern Illinois University at Carbondale, J.D., 1996
- > DePauw University, B.A., 1992

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice is focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits

**RECENT SUCCESS**

- > Key team member in *In re Homestore Securities Litigation* (more than \$100 million settlement)
- > Team member in several securities class actions including:
  - *In re Northwest Biotherapeutics Securities Litigation* (\$1 million settlement)
  - *In re BigBand Networks Securities Litigation* (\$11 million settlement)
  - *In re Charles Schwab Corp. Securities Litigation* (\$235 million settlement)
  - *In re Reserve YieldPlus Fund Securities Litigation* (currently in mediation)
  - *In re JP Morgan Madoff Litigation* (\$218 million settlement)
  - *In re Oppenheimer Core v. Champion Bond Funds* (\$100 million settlement)

**RECOGNITION**

- > Northern California Rising Star, *Super Lawyers Magazine*, 2010 and 2011
- > Super Lawyer, *Super Lawyers Magazine*, 2012
- > Steinberg Leadership Fellow with the Anti-Defamation League

**EXPERIENCE**

- > Clerk, Chief Judge of the Southern District of Illinois
- > Staff Attorney, Ninth Circuit Court of Appeals

**LEGAL ACTIVITIES**

- > Member, Council of Institutional Investors (CII)
- > Member and Speaker, Michigan Association of Public Employee Retirement Systems (MAPERS)
- > Member, State Association of County Retirement Systems (SACRS)
- > Member, California Association of Public Retirement Systems (CALAPRS)
- > Member, Illinois Public Pension Fund Association (IPPPA)
- > Member, Georgia Association of Public Pension Trustees (GAPPT)
- > Member, Alternative Investments and SEC working groups, National Association of Public Pension Attorneys (NAPPA)
- > Member and Speaker, International Foundation of Employee Benefit Plans (IFEBP)
- > Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
- > Co-Chair of the Board of Directors of the AIDS Legal Referral Panel
- > Co-Chair of the Bay Area Lawyers for Individual Freedom's Judiciary Committee

**PARTNER****Peter Borkon**

- › Trained to serve as a Judge Pro Tem in San Mateo County
- › Member, Federal Bar Association, Northern District of California Chapter

**PRESENTATIONS**

- › "Securities Litigation: A Panel Discussion," MAPERS 2014 Spring Conference, May 2014
- › "Who Wants To Be A Fiduciary?," NCPERS, Trustee Educational Seminar, April 2014
- › Annual Securities Litigation & Enforcement 2014 Update Panel Discussion, April 2014
- › "A Different Kind of Income Pick-Up Strategy," CFA Society of New Mexico, December 2013
- › "SEC Announces Its 'Top Priorities' Include Enforcement Against States Issuing Municipal Bonds; Are County Issuers Next?," CACTTC, Annual Conference, June 2013
- › "Avoiding a Front Page Scandal at Your Pension Fund: Learning by Example," NCPERS, Annual Conference, May 2013
- › Board Ethics Training at the Ohio Police and Fire Pension Fund, April 2013
- › "International Investment after Morrison," GAPPT, Annual Conference, September 2012
- › Legal Round Table, MAPERS, Spring Conference, May 2012
- › "Opportunities to Recover Fund Assets Using Securities Litigation," IPPFA, Spring Conference, May 2012
- › "The Good, the Bad and the Ugly –The Safety Pension Edition," NCPERS, TEDS Conference, May 2012
- › "Occupy Wall Street through Reform of the Securities Law," NCPERS, Legislative Conference, February 2012
- › "The Good, the Bad and the Ugly – The Safety Pension Edition," NCPERS, Public Safety Employee Pension & Benefit Conference, October 2011
- › "Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors," NCPERS, Annual Conference, May 2011
- › "The Immediate Need for Congress to Act on Investor Friendly Legislation," NCPERS, Annual Conference, May 2010

**PUBLICATIONS**

- › "SEC's Message: Bond Issuers Must Provide Full, Accurate and Timely Information About Their Financial Condition or Face Prosecution," Hagens Berman, HBSS Securities News, November 2013
- › "Court Limits SEC's Foreign Reach," Hagens Berman, HBSS Securities News, May 2013
- › "Say-On-Pay – More Bark Than Bite?," Hagens Berman, HBSS Securities News, November 2012
- › "Citizens United and the Assault on Public Pensions," NCPERS, PERSist Article, Summer 2012, Volume 25, Number 3, August 2012
- › "Citizens United and The Assault on Public Pensions, Marin County Association of Retired Employees / A member of CRCEA-California Retired County Employees Association, Keeping in Touch Letter", June 2012
- › "Citizens United and the Assault on Public Pensions, Hagens Berman, HBSS Securities News, May 2012
- › "Investors Need Private Enforcement of Securities Law," Hagens Berman, HBSS Securities News, November 2011
- › "Balancing Sensible Governance Against Failed Principles: Is this the End to the Wild West of Investing?," NAPPA, The NAPPA Report, October 2008

**PARTNER**

## Jeniphr A.E. Breckenridge

*Ms. Breckenridge has practiced with the firm since its founding in 1993.*

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**YEARS OF EXPERIENCE**

> 25

**PRACTICE AREAS**

- > Securities / Investor Fraud
- > Consumer Protection
- > Products Liability

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > USDC, Western District of Washington
- > U.S. Court of Appeals, Third Circuit

**EDUCATION**

- > University of Maryland Law School, J.D., Notes and Comments Editor, Maryland Law Review
- > Georgetown University, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro, where she has practiced since the firm's founding.
- > Practice concentrates on class actions, including consumer, automobile defects, securities litigation fraud, and wage and hour claims

**NOTABLE CASES**

- > *Metropolitan Securities Litigation*
- > *Boeing Securities Litigation*
- > *Raytheon Securities Litigation*
- > *Average Wholesale Price Litigation*
- > *In re Pet Food Products Liability Litigation*
- > *Toyota Unintended Acceleration Litigation*
- > State Tobacco cases



**PARTNER****Elaine T. Byszewski**

*Involved in firm's representation of the City of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 12

**PRACTICE AREAS**

- > Consumer Protection
- > *Qui Tam*
- > Antitrust Litigation
- > Appellate

**BAR ADMISSIONS**

- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California
- > United States Court of Appeals, Ninth Circuit

**EDUCATION**

- > Harvard Law School, J.D., Cum Laude, 2002
- > University of Southern California, B.S., Public Policy, Summa Cum Laude, 1999

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Litigated a number of complex class actions including Toyota, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes
- > Involved in multi-state deceptive sales practices cases against Ford and EquiTrust Life Insurance Company; a multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk; and a false advertising case against SunRun, Inc.
- > Involved in firm's representation of the City of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers

**RECENT SUCCESS**

- > Part of the *Toyota Unintended Acceleration Litigation* team (\$1.6 billion settlement)

**EXPERIENCE**

- > Labor & Employment Associate, Jones Day, 2002-2004
- > Summer Associate, Jones Day, 2001
- > Trial Division Law Clerk, Attorney General's Office of Massachusetts, Spring and Fall 2001
- > Law Clerk, Legal Services Program For Pasadena, Summer 2000

**PUBLICATIONS**

- > "Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship," *Animal Law Review*, 2003
- > "What's in the Wine? A History of FDA's Role," *Food and Drug Law Journal*, 2002
- > "ERISA and RICO: New Tools for HMO Litigators," *Journal of Law, Medicine & Ethics*, 2000

**NOTABLE CASES**

- > *LA Lending Discrimination Litigation*
- > *Miami Lending Discrimination Litigation*
- > *Dairy Cooperatives Antitrust Litigation*
- > *Toyota Unintended Acceleration*
- > *EquiTrust Litigation*
- > *SunRun, Inc. Advertising Litigation*
- > *AstraZeneca Pharmaceuticals (Nexium) Litigation*
- > *Merck (Vioxx) Litigation*
- > *Berkeley Nutraceuticals (Enzyte) Litigation*
- > *Solvay Pharmaceuticals (Estratest) Litigation*
- > *Apple iPod Litigation*
- > *Costco Wage and Hour Litigation*

**PARTNER****Ari Brown**

*In the course of litigating cases involving predatory lending, Mr. Brown has aided in establishing significant legal precedent that has helped inform the law regarding consumer rights used throughout the country.*

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**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

- > Class-action Litigation
- > Consumer Protection
- > Environmental Litigation
- > Civil RICO

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > U.S. District Court, Eastern District of Washington
- > U.S. District Court, Western District of Washington
- > United States Court of Appeals, Ninth Circuit

**EDUCATION**

- > Seattle University School of Law, J.D., Magna Cum Laude, 1999
- > Grinnell College, B.A., History, 1991

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions involving consumer-related claims
- > Represents home mortgage borrowers who have been subjected to predatory practices at the hands of lenders, mortgage brokers, title insurers and escrow companies
- > Pursues claims against banks for manipulating transactions and charging overdraft fees and against credit card companies for deceptive marketing practices
- > Pursues claims on behalf of people harmed by pollution from neighboring power-plants

**EXPERIENCE**

- > Represented people pursuing their rights as consumers and, in particular, as home mortgage borrowers. In the course of litigating cases involving predatory lending, Mr. Brown has helped establish significant legal precedent that has helped inform the law regarding consumer rights used throughout the country.
- > Combat tank gunner in the Israeli Defense Force
- > Coach and social worker with homeless youth in New York

**PUBLICATIONS**

- > "Obscured by Smoke: Medicinal Marijuana and the Need for Representation Reinforcement Review," 22 Seattle University L. Rev. 176 (1999)
- > "What makes Mortgages Predatory and Actionable," Seattle University School of Law, October 2007

**NOTABLE CASES**

- > *In re Bank of America Home Affordable Modification Program (HAMP) Contract Litigation, No. 1:10-md-02193 RWZ (D. Mass.):* an action on behalf of homeowners to whom the defendant allegedly promised mortgage modifications as part of a federal program
- > *In re Checking Account Overdraft Litigation No. 1:09-MD-02036-JLK (S.D. Fla):* an action on behalf of banking customers against whose accounts were allegedly charged repeated overdraft fees based on the way the banks manipulated transactions
- > *Pierce v. Novastar Mortg., Inc. 238 F.R.D. 624, 2006 WL 3422064 (W.D.WA 2006):* Certifying a class on behalf of Washington State borrowers based on a lender's alleged failure to disclose a yield spread premium paid in addition to up-front closing costs

**PARTNER**

**Ari Brown**

- *Brazier v. Security Pacific Mort., Inc.*, 245 F. Supp. 2d 1136 (W.D. WA 2003): establishing for the first time in Washington that a mortgage broker's late disclosure of loan terms, including a yield spread premium, constituted an unfair and deceptive practice for purposes of the Washington Consumer Protection Act
- *Anderson v. Wells Fargo Home Mortg.*, 259 F. Supp. 2d 1143 (W.D. WA 2003): ruling that broker acted unfairly inducing a borrower to sign closing documents immediately following major surgery and cancer treatment and providing inadequate written disclosures of mortgage terms that led to borrower facing foreclosure after mortgage payments nearly tripled
- *Little et. al. v. Louisville Gas & Electric Co. No. 3:13-cv-01214-JHM-JDM* (W.D. KY): an action on behalf of residents living next to a coal fired power plant that has been emitting coal ash and dust containing toxic metals in violation of state regulations and federal law

**PARTNER**

## Jennifer Fountain Connolly

*Successfully litigates complex fraud cases involving all types of industries.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > *Qui Tam*
- > Antitrust Litigation
- > Consumer Protection

**BAR ADMISSIONS**

- > Colorado
- > Illinois
- > District of Columbia

**EDUCATION**

- > University of Denver College of Law, J.D., 1998
- > University of Chicago, B.A., High Honors, Special Honors in English, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Washington D.C. office
- > Practice focuses on pharmaceutical pricing fraud cases, *qui tam* litigation, antitrust class actions and other types of complex litigation
- > Specializes in cases with complex factual or procedural questions, many of which have related proceedings pending in multiple jurisdictions

**RECENT SUCCESS**

- > Significant role in litigation against McKesson Corporation alleging the company engaged in a scheme that raised the prices of more than 400 brand-name prescription drugs (\$350 million settlement)
- > Public payor case for municipalities throughout the United States (\$82 million settlement)
- > Represented numerous state attorneys general in similar claims against McKesson
- > Key member of the Hagens Berman-led team that successfully tried the *Average Wholesale Price litigation* against four pharmaceutical company defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals

**EXPERIENCE**

- > Partner, Wexler Wallace LLP
- > Associate, Netzorg McKeever Koclanes & Bernhardt LLP (now Sherman & Howard, L.L.C.)
- > Assistant Attorney General, Business Regulation Unit, Colorado Attorney General's Office

**NOTABLE CASES**

- > *McKesson Corporation Litigation*
  - Private class action (\$350 million settlement)
  - Municipal class action (\$82 million settlement)
  - Multiple state attorney general actions were successfully resolved
- > *AWP Litigation* representing classes of consumers and third-party payors in ground-breaking pharmaceutical fraud case (\$338 million in settlements)
- > *Nextel Malpractice Litigation*, a putative class action against Nextel (now Sprint) alleging that it bribed law firm Leeds, Morelli & Brown, P.C. to quickly and privately resolve employment discrimination claims
- > Currently working on numerous *qui tam* matters that are under seal in multiple jurisdictions

**PARTNER****Elizabeth A. Fegan**

*"I have found working with you on this case one of the more interesting, challenging and, at some level, uplifting things that I have been able to do..." – Hon. Wayne Andersen (Ret.) at final approval of a nationwide sexual harassment settlement on behalf of 16,000 women.*

**CONTACT**

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beth@hbsslaw.com

**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

- > Antitrust
- > Insurance Fraud
- > Consumer Protection
- > Employment Discrimination
- > Products Liability

**BAR ADMISSIONS**

- > Second, Third, Seventh, Eighth and Ninth Circuit Courts of Appeals
- > U.S. District Court, Northern, Central and Southern Districts of Illinois
- > District of Colorado

**EDUCATION**

- > Loyola University Chicago School of Law, J.D., Editor of Loyola Law Journal

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads Hagens Berman's Chicago office
- > Practice focuses on complex commercial class-action cases in the areas of antitrust, consumer protection and product liability

**RECENT SUCCESS**

- > *American Equity Senior Annuities Fraud* (\$129 million settlement)
- > *Midland Senior Annuities Fraud* (\$79.5 million settlement)
- > *Baby Products Antitrust Settlement* (\$35 million settlement)
- > *Pre-Filled Propane Tank Marketing And Sales Practices* (\$35 million settlement);
- > *Bayer Combination Aspirin Consumer Fraud* (\$15 million settlement);
- > *Aurora Dairy Organic Milk Consumer Fraud* (\$7.5 million settlement);
- > *"Thomas the Tank Engine" Toys Lead Paint Products Liability* (\$30 million settlement of federal and state cases)

**EXPERIENCE**

- > Partner, The Wexler Firm
- > Associate, Shefsky & Froelich Ltd.
  - Appointed Special Assistant Corporation Counsel on behalf of the City of Chicago, the Chicago Park District, and the Public Building Commission of Chicago
  - Appointed to the Special Master teams in *In re Waste Mgmt. Sec. Litig. (N.D. Ill.)* and *Wolens et al. v. American Airlines (Cir. Ct. Cook County, Ill.)*
- > Legal Writing Instructor, Loyola University Chicago School of Law

**PUBLICATIONS**

- > Contributing Editor, 2013 Annual Review of Antitrust Law Developments (ABA 2014) and 2007 Annual Review of Antitrust Law Developments (ABA 2008)
- > Newsletter Editor, Civil Rights Section of the American Trial Lawyers Association (n/k/a American Association for Justice) (2005-06) and received an award for Outstanding Section Newsletter of the Year

**PARTNER**

## Elizabeth A. Fegan

- › “Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights,” 25 Loy. U. Chi. L.J. 577 (1994)
- › Editor, Loyola University Chicago Law Journal (1994-95)

**NOTABLE CASES**

- › *NCAA Student-Athlete Concussion Litigation*
- › *NCAA Student-Athlete Scholarship Cap Antitrust Litigation*
- › Nationwide class action alleging sexual harassment on behalf of 16,000 current and former female employees of a commercial property brokerage firm (Settlement required changes to human resource policies and a streamlined claims process that provided the potential for individual awards up to \$150,000 per class member)
- › Multiple cases against annuities insurers for targeting seniors with deferred annuities that lock seniors’ savings up for their lifetimes
- › *Actiq Off-Label Marketing Fraud*

**PARTNER****Jeff D. Friedman**

*Mr. Friedman is extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars.*

**CONTACT**

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jefff@hbsslaw.com

**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

- > Class-action Litigation
- > Consumer Protection
- > Antitrust Litigation
- > Privacy Rights
- > Securities Litigation

**BAR ADMISSIONS**

- > State of California
- > Central District of California
- > Northern District of California
- > United States Court of Appeals for the Ninth Circuit

**EDUCATION**

- > Santa Clara University School of Law, J.D., Magna Cum Laude, 1994
- > University of Washington, B.A., Political Science, 1991

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Specializing in class actions against some of the largest companies in the United States, Mr. Friedman litigates cases involving securities fraud, consumer protection and antitrust violations including litigation against technology companies and cutting-edge competition policy issues
- > Extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars
- > Licensed to practice law in California and admitted in the Central and Northern Districts of Federal court and the United States Court of Appeals for the Ninth Circuit

**EXPERIENCE**

- > General Counsel, public fiber-optic component company in Silicon Valley
- > Assistant United States Attorney, Criminal Division, Central District of California (Los Angeles)
- > Clerk for the Honorable Manuel L. Real, United States District Court Judge, Central District of California

**NOTABLE CASES**

- > *In re Electronic Books Antitrust Litig., No. 11-md-02293 (DLC) (S.D.N.Y.)*  
A nationwide class of eBook consumers allege five of the largest book publishers in the United States and Apple conspired to raise the prices of eBooks and restrain competition.
- > *In re Optical Disk Drive Prods. Antitrust Litig., No. 3:10-md-2143 RS (N.D. Cal.)*  
An action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.
- > *Pecover et al. v. Electronic Arts Inc., No. 3:08-cv-02820-CW (N.D. Cal.)*  
A nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners, such as the NFL, in order to lock-up the market. A \$27 million settlement in the case has been agreed to by the parties, but awaits approval by the court.
- > *San Francisco Health Plan v. McKesson Corp., No. 1:08-CV-10843-PBS (D. Mass.); State of Utah v. McKesson Corp., No. CV 10-04743 SI (N.D. Cal.); The Commonwealth of Virginia v. McKesson Corp. et al., No. CV-11-02782 SI (N.D. Cal.); State of Oregon v. McKesson Corp., No. CV-11-5384-SI (N.D. Cal.)*
- > *In re eBay Seller Antitrust Litigation*, action on behalf of millions of eBay sellers, claiming eBay monopolized the online auction market and attempted to monopolize the person-to-persons payment systems market (Paypal)
- > *Dell Inc. Bait-And-Switch Sales Litigation*, negotiated multi-million dollar settlement on behalf of nearly one million consumers

**PARTNER****Lee Gordon**

*Mr. Gordon's casework reflects his broad experience in diverse practice areas and his effectiveness playing a lead role in class action litigation.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Employment Law
- > Class-action Litigation
- > Securities Litigation
- > Antitrust Litigation
- > Investor Protection
- > Consumer Protection

**BAR ADMISSIONS**

- > State of California

**EDUCATION**

- > Anderson Graduate School of Management at UCLA, M.B.A., with Honors, 2002
- > Harvard Law School, J.D., with honors, 1994
- > University of California at Los Angeles, B.A., Philosophy, Summa Cum Laude, 1990

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on on complex class actions including securities litigation, unfair competition and deceptive business practice cases against investment companies, antitrust litigation, consumer class actions against product manufacturers and retailers, and employee protection class actions
- > Experience includes litigation in a number of cases on behalf of employees and consumers resulting in multi-million dollar settlements, including cases against Costco Wholesale Corporation, Solvay Pharmaceuticals, Inc., Apple, Inc. and Citibank, N.A.
- > Represents class members who invested in funds managed by Tremont Group Holdings, Inc., funds that were allegedly decimated as a result of the now-infamous Madoff Ponzi scheme. Mr. Gordon also represents investors against TD Ameritrade and The Reserve for various securities violations and breaches of fiduciary duty.

**EXPERIENCE**

- > Prior to joining Hagens Berman in 2005, Mr. Gordon's practice covered a broad spectrum of complex litigation matters. He represented and advised clients in antitrust litigation, employment litigation, class actions, breach of contract and breach of warranty litigation, intellectual property cases, real estate and land use disputes, and matters involving challenges to government regulations.
- > Early work included race discrimination, wrongful termination, disability discrimination and compensation disputes. His class action work included complex securities and unfair business practices litigation involving multi-million dollar claims against major public financial institutions.
- > Associate, Howard Rice Nemerovski Canady Falk & Rabkin
- > Associate, Gibson, Dunn & Crutcher

**NOTABLE CASES**

- > *Tremont Group Holdings, Inc. Litigation*  
Representing investors whose funds were allegedly decimated in the Madoff Ponzi scheme
- > *Solvay Pharmaceuticals, Inc., Litigation*  
Represented consumers against a drug company that allegedly wrongly marketed a hormone drug as "FDA-approved"
- > *Costco Wholesale Corporation Litigation*  
Represented a certified class of California employees who claim they were wrongly denied overtime compensation, breaks, and other benefits
- > *Schneider National Carriers, Inc., Litigation*  
Representing two certified classes of California employees (truck drivers and mechanics) in separate cases seeking to address alleged unfair pay schemes



**PARTNER****Kristen A. Johnson**

*Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for securing a \$142 million verdict against Pfizer for suppressing and manipulating results of scientific studies.*

**CONTACT**

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(617) 482-3003 fax  
kristenjp@hbsslaw.com

**YEARS OF EXPERIENCE**

> 7

**PRACTICE AREAS**

- > Class-action Litigation
- > Consumer Fraud
- > RICO
- > Antitrust

**BAR ADMISSIONS**

- > Commonwealth of Massachusetts
- > U.S. District Court, District of Massachusetts
- > First Circuit Court of Appeals

**EDUCATION**

- > Boston College Law School, J.D.
- > Dartmouth College, Cum Laude, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on suing drug companies for defrauding the public, violating antitrust laws, and injuring patients
- > Personally appointed as alternate lead counsel in the *In re New England Compounding Pharmacy Litigation Multidistrict Litigation (MDL 2419)*. During the nascent stages of the MDL, Ms. Johnson was appointed liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products produced by NECC.
- > Actively involved in *In re Nexium Antitrust Litigation (D. Mass., MDL No. 2409)*; *In re Loestrin Antitrust Litigation (D.R.I., MDL No. 2472)*; *In re Effexor XR Antitrust Litigation (D.N.J., No. 11-cv-5479)*; and *In re Prograf Antitrust Litigation (D. Mass., MDL No. 2242)*

**RECENT SUCCESS**

- > Represents victims who contracted fungal infections from contaminated steroids compounded by New England Compounding Center (\$100+ million settlement)
- > Instrumental in the recent *Flonase* (\$150 million), *Wellbutrin XL* (\$37.5 million partial settlement), and *Wellbutrin SR* (\$21.5 million) antitrust settlements

**RECOGNITION**

- > In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

**LEGAL ACTIVITIES**

- > Public Justice, Class Action Preservation Committee
- > American Association for Justice

**NOTABLE CASES**

- > *Neurontin class action marketing settlement* (\$325 million)
- > *Pfizer Neurontin RICO Litigation* (\$142 million jury verdict)
- > *In re Flonase Antitrust Litigation* (\$150 million settlement)
- > *In re Nexium Antitrust Litigation* (trial October 2014)
- > *In re Prograf Antitrust Litigation* (trial fall 2014)

**PARTNER****Reed R. Kathrein**

*Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 37

**PRACTICE AREAS**

> Securities Litigation  
> Complex Class-action  
Litigation

**BAR ADMISSIONS**

> State of California  
> State of Illinois  
> State of Florida  
> Northern District of California  
> Eastern District of California  
> Southern District of California  
> Northern District of Illinois  
> Southern District of Florida  
> Western District of Michigan  
> District of Minnesota  
> District of Colorado  
> Sixth Circuit Court of Appeals  
> Seventh Circuit Court of  
Appeals  
> Eighth Circuit Court of  
Appeals  
> Ninth Circuit Court of Appeals

**EDUCATION**

> University of Miami, J.D., 1977  
> University of Miami, B.A., 1974

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
> Regular public speaker on securities, class action and consumer law issues.

**EXPERIENCE**

> Litigated over 100 securities fraud class actions  
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act  
> Lawyer Representative, Ninth Circuit Court of Appeals  
> Lawyer Representative, United States District Court for the Northern District of California, 2008-2011  
> Chaired the Magistrate Judge Merit Selection Panel, United States District Court, Northern District of California, 2006-2008  
> Co-chaired the Securities Rules Advisory Committee, United States District Court, Northern District of California, 2004-2006

**LEGAL ACTIVITIES**

> Member, National Association of Public Pension Attorneys (NAPPA)  
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)  
> Member, Council of Institutional Investors (CII)  
> Member, Standing Committee on Professional Conduct, United States District Court, Northern District of California (Term expires 2017)  
> Expedited Trial Rules Committee, United States District Court, Northern District of California, 2010-2012  
> Lawyer Representative to the Ninth Circuit Court of Appeals, United States District Court, Northern District of California, 2008-2011  
> Chair/ Member, Magistrate Judge Merit Selection Panel, United States District Court, Northern District of California, 2006-2008

**PUBLICATIONS**

> "Is Your Fund Prepared for Halliburton?," March 2014  
> "O Securities Fraud, Where Art Thou?, Enter Robocop," Hagens Berman, HBSS Securities News, November 2013

**PARTNER**

## Reed R. Kathrein

- › “Professor Coffee to SEC: Hire Plaintiffs Bar!,” Hagens Berman, HBSS Securities News, May 2013
- › “SEC Action Necessary, But Not Sufficient to Protect Investors,” Hagens Berman, HBSS Securities News, November 2012
- › “Are You Watching Your Private Equity Valuations?” Hagens Berman, HBSS Securities News, May 2012
- › “What Do Trustees Need to Know When Investing In Foreign Equities?,” Hagens Berman, HBSS Securities News, November 2011

**PRESENTATIONS**

- › “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- › “Legal Issues Facing Public Pensions,” Opal, Public Funds Summit, January 2012
- › “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011
- › “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010
- › “Investor Friendly Legislation in Congress,” NCPERS, Legislative Conference, February 2010

**NOTABLE CASES**

- › Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- › Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

**PARTNER****Thomas E. Loeser**

*Mr. Loeser obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

- > Class-Action
- > Consumer Protection
- > False Claims Act/*Qui Tam*
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

**BAR ADMISSIONS**

- > State of Washington
- > State of California
- > U.S. District Court:
  - District of Columbia
  - Northern District of Calif.
  - Southern District of Calif.
  - Central District of Calif.
  - Western District of Wash.
- > Ninth Circuit Court of Appeals

**EDUCATION**

- > Duke University School of Law, J.D., Magna Cum Laude, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- > University of Washington, M.B.A., Cum Laude, Beta Gamma Sigma, 1994
- > Middlebury College, B.A., Physics with Minor in Italian, 1988

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions, False Claims Act (FCA) and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, national banks, home builders, hospitals, medical imaging companies, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against several banks, lenders, loan servicing companies, technology companies, national retailers, payment processors and handling False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government

**EXPERIENCE**

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented over a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant United States Attorney, United States Department of Justice
- > Wilson Sonsini Goodrich & Rosati

**NOTABLE CASES**

- > *New Jersey Medicare Outlier Litigation*
- > *Center for Diagnostic Imaging Qui Tam Litigation*
- > *Countrywide FHA Fraud Qui Tam Litigation*
- > *Chicago Title Insurance Co. Litigation*
- > *KB Homes Captive Escrow Litigation*
- > *Aurora Loan Modification Litigation*
- > *Wells Fargo HAMP Modification Litigation*
- > *JPMorgan Chase Force-Placed Flood Insurance Litigation*
- > *Wells Fargo Force-Placed Insurance Litigation*
- > *Target Data Breach Litigation*
- > *Cornerstone Advisors Derivative Litigation*
- > *Honda Civic Hybrid Litigation*
- > *Hyundai MPG Litigation*

**LANGUAGES**

- > Italian
- > French

**PARTNER****Robert F. Lopez**

*Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.*

**CONTACT**

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(206) 623-0594 fax  
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**YEARS OF EXPERIENCE**

> 24

**PRACTICE AREAS**

- > Complex Commercial Litigation
- > Health Care & Pharmaceuticals Litigation
- > Intellectual Property Litigation
- > Privacy Litigation
- > Antitrust Litigation
- > Securities Litigation
- > Qui Tam Litigation

**BAR ADMISSIONS**

- > State of Washington
- > Western District of Washington
- > Eastern District of Washington
- > U.S. Court of Appeals for the Ninth Circuit

**EDUCATION**

- > Gonzaga University, B.A., English Literature; Arnold Scholar
- > University of Washington School of Law, J.D.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Offers a broad range of legal experience in the fields of:
  - complex commercial litigation
  - health care and pharmaceuticals litigation
  - product defect litigation
  - False Claims Act litigation
  - intellectual property litigation
  - privacy litigation
  - securities litigation
  - antitrust litigation
  - creditor-debtor litigation
- > Member of firm's *In re Carrier IQ, Inc. Consumer Privacy Litigation team*
- > Member of the firm's team representing the plaintiffs and proposed class in *Feitelson v. Google Inc.*, an antitrust case based on allegations that Google uses certain contracts with device manufacturers in the maintenance and furtherance of its monopoly in Internet search
- > Continues practice on *qui tam* matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

**EXPERIENCE**

- > Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright, and Internet-communications law
- > Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid, and other government insurance programs
- > Member of the firm's team that prosecuted *In re Charles Schwab Corp. Securities Litigation*
- > Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- > Founding Member and Partner, Socius Law Group PLLC
- > Partner, Betts, Patterson & Mines, P.S.

**PARTNER**

Robert F. Lopez

**NOTABLE CASES**

- › *In re Pharmaceutical Industry Average Wholesale Price Litigation*
- › *Amgen Inc. Qui Tam Litigation*
- › *In re Metropolitan Securities Litigation*
- › *In re Charles Schwab Corp. Securities Litigation*
- › *In re Carrier IQ, Inc. Consumer Privacy Litigation*

**PARTNER****Barbara Mahoney**

*Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated Magna Cum Laude.*

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**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

- > Civil RICO
- > Consumer protection
- > State false claims

**BAR ADMISSIONS**

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Washington
- > Ninth Circuit Court of Appeals

**EDUCATION**

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, Magna Cum Laude, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Focused primarily on national class actions and pharmaceutical litigation
- > Extensively involved in several lawsuits against McKesson Corporation relating to allegations that the company engaged in a scheme that raised the prices of over 400 brand-name prescription drugs. That litigation has resulted in two separate national class-action settlements for \$350 million and \$82 million and several settlements by individual Medicaid agencies. Ms. Mahoney is currently involved in related litigation on behalf of the Commonwealth of Virginia and the State of Arizona.

**RECOGNITION**

- > Rising Star, Washington Law & Politics, 2005

**EXPERIENCE**

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

**LEGAL ACTIVITIES**

- > Downtown Neighborhood Legal Clinic
- > Q Law
- > Cooperating Attorney with American Civil Liberties Union of Washington

**NOTABLE CASES**

- > *New England Carpenters v. First DataBank* (\$350 million class-action settlement)
- > *Douglas County v. McKesson* (\$82 million class-action settlement)

**LANGUAGES**

- > Fluent in German
- > Reads Swedish and French

**PARTNER****Sean R. Matt**

*Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success.*

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**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

- > Securities Litigation
- > Class-action Litigation
- > Consumer Protection
- > Antitrust Litigation
- > Insurance
- > Products

**BAR ADMISSIONS**

- > Supreme Court of Washington
- > United States District Court, Western District of Washington
- > United States District Court, District of Colorado
- > Ninth Circuit United States Court of Appeals

**EDUCATION**

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the *In re Charles Schwab Securities Litigation*, the *In re Oppenheimer Champion Income Fund Securities Class Actions*, and the *Oppenheimer Core Bond Fund Class Action Litigation*
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including Average Wholesale Price Litigation, the *First Databank/McKesson Pricing Fraud Litigation* and the *Enzyte Litigation*
- > Key member of the firm's automobile defect litigation team

**RECOGNITION**

- > In 2014, Public Justice nominated Mr. Matt and the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for their work in securing a \$1.6 billion settlement of car owners

**PUBLICATIONS**

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

**NOTABLE CASES**

- > *In re Charles Schwab Securities Litigation* (\$235 million settlement)
- > *In re Oppenheimer Champion Income Fund Securities Fraud Class Actions* (\$52.5 million proposed settlement)
- > *Oppenheimer Core Bond Fund Class Action Litigation* (\$47.5 million settlement)
- > *Morrison Knudsen and Costco Wholesale Corp. Securities Litigation*
- > *In re Pharmaceutical Industry Average Wholesale Price Litigation* (\$338 million settlement)
- > *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*
- > *In re Checking Account Overdraft* cases pending against many of the country's largest banks
- > *Washington State Ferry Litigation*, which resulted in one of the most favorable settlements in class litigation in the history of the State of Washington



**PARTNER**

Sean R. Matt

› *Microsoft Consumer Antitrust* cases

› State Attorneys General *Tobacco Litigation*, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

**PARTNER****David P. Moody**

*Mr. Moody has successfully secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.*

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davidm@hbsslaw.com

**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

> Personal Injury Litigation  
> Civil Rights

**BAR ADMISSIONS**

> State of Washington  
> United States Supreme Court  
> U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

> George Washington University  
School of Law, J.D., 1993  
> University of Washington, B.A.,  
1990

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

**NOTABLE CASES**

- > Mr. Moody has secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
  - Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
  - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
  - Largest recovery on behalf of three foster children (\$7.3 million)
  - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
  - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
  - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
  - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
  - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
  - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
  - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
  - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
  - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
  - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
  - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
  - Several additional settlements in excess of \$1 million

**PARTNER****David S. Nalven**

*Extensive experience in prosecution of antitrust, fraudulent marketing, and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers, and consumers in these matters.*

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**YEARS OF EXPERIENCE**

> 29

**PRACTICE AREAS**

- > Pharmaceuticals and Medical Devices
- > Antitrust Litigation
- > Class-action Litigation
- > Consumer Protection
- > Securities Litigation

**BAR ADMISSIONS**

- > Commonwealth of Massachusetts
- > State of New York

**EDUCATION**

- > New York University School of Law, J.D., 1985; Senior Research Editor, Annual Survey of American Law; Recipient, Philip Cohen award for greatest contribution by an editor to Annual Survey of American Law
- > University of Pennsylvania, B.A., English, Magna Cum Laude, 1980

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on prosecution of federal and multi-state class actions involving the pharmaceutical and medical device industries
- > Served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, Doryx, Prograf, Nexium, and others
- > Prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune, and Zyprexa, as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson
- > Worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the State of Connecticut in multiple prescription drug pricing matters

**EXPERIENCE**

- > Chief of Business and Labor Protection Bureau, Massachusetts Attorney General's Office, Commonwealth of Massachusetts, 1999-2004
- > Partner, Prince, Lobel & Tye, LLP, Boston, MA, 1991-1999
- > Private practice representing plaintiffs and defendants in civil and criminal business litigation, New York and Massachusetts, 1986-1991
- > Clerk to John R. Gibson, United States Court of Appeals for the Eighth Circuit, 1985-1986

**NOTABLE CASES**

- > *Average Wholesale Price Litigation*
- > *Tricor Antitrust Litigation*
- > *Wellbutrin XL Antitrust Litigation*
- > *DePuy Spine Artificial Disc Litigation*

**PARTNER****Ed Notargiacomo**

*Mr. Notargiacomo is involved in a number of large class-action suits against large pharmaceutical manufacturers in both the consumer protection and antitrust areas.*

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**YEARS OF EXPERIENCE**

> 25

**PRACTICE AREAS**

- > Consumer Protection
- > Complex Commercial
- > Antitrust Litigation
- > Class Actions

**BAR ADMISSIONS**

- > State of Massachusetts
- > U.S. District Court, District of Massachusetts

**EDUCATION**

- > Boston University, J.D., with Honors, 1994, served on the Boston University Public Interest Law Review
- > Brown University, B.A., 1989

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on complex consumer, commercial and antitrust litigation

**RECENT SUCCESS**

- > Relafen Antitrust Litigation (\$85 million settlement)
- > *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)
- > *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)
- > *In re Vytarin/Zetia Marketing, Sales Practices, and Products Liability Litigation* (\$80 million settlement)
- > *In re Flonase Antitrust Litigation* (\$150 million settlement)
- > *In re Wellbutrin Antitrust Litigation* (\$21 million settlement)
- > *In re Skelaxin Antitrust Litigation* (settlement pending)

**EXPERIENCE**

- > Served as Special Assistant Attorney General for Massachusetts in its suit against the tobacco industry to recoup funds expended to treat smoking-related illnesses
- > Helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry
- > Represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for violence perpetrated with firearms that they negligently and illegally distributed in cities like Boston
- > Experience also includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers and the firearms industry
- > Loeff, Cabraser, Heimann & Bernstein, LLP, Boston, MA  
Litigation of consumer class actions to redress major corporate misconduct. Co-lead effort on behalf of the City of Boston and the Boston Public Health Commission in suit against major firearms manufacturers in an effort to recover the cost of gun violence to the City of Boston and its citizens. Heavily involved in extended negotiations to settle municipal gun suits on behalf of the City of Boston. Engaged in the litigation of several suits against major pharmaceutical manufacturers for illegal activities that artificially inflate the price of prescription drugs paid by consumers.
- > Law Offices of Edward Notargiacomo, Boston, MA  
Primary focus in civil litigation, including construction and contract claims, employment disputes as well as some personal injury. Represented clients in commercial and residential real estate conveyancing as well as advised clients on land use and zoning issues. Experience with mediation, arbitration and negotiation and settlement of a wide range of disputes. Drafted and negotiated contracts, commercial

**PARTNER****Ed Notargiacomo**

leases and settlement agreements. Provided aggressive representation to clients in construction and contract disputes, copyright actions, zoning and land use matters, and commercial and residential lease disputes.

› Brown, Rudnick, Freed & Gesmer, P.C., Boston, MA

Experience in real estate conveyancing and finance, including representation of international investment funds seeking to acquire investment grade commercial property in the United States. Provided legal representation in a wide range of practice areas including real estate development and complex real estate finance, zoning regulations, and commercial lease negotiation. Two years concentrating in commercial litigation, representing a wide range of business clients in state and federal courts.

**PUBLICATIONS**

› Boston University Public Interest Law Review, 1994

**NOTABLE CASES**

› *In re Relafen Antitrust Litigation* (\$85 million settlement)

› *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)

› *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)

› *State of Connecticut v. Eli Lilly* (\$25 million settlement)

› Pfizer Neurontin Promotions Litigation (jury verdict and judgment for \$142 million)

› *In re Wellbutrin SR Antitrust Litigation*

› *In re Vytorin/Zetio Marketing, Sales Practices and Products Liability Litigation*

› *In re Flonase Antitrust Litigation*

**PARTNER****Christopher A. O'Hara**

*Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs.*

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**YEARS OF EXPERIENCE**

> 27

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Protection
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

**BAR ADMISSIONS**

- > State of Washington
- > State of Arizona
- > U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., Cum Laude, 1993

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

**RECENT SUCCESS**

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in Plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of *In re Charles Schwab Securities Litigation* and the \$1.6 billion settlement of *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*
- > Mr. O'Hara deposed more than a dozen of big tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the State of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona Counties in the aftermath of the state's tobacco litigation

**RECOGNITION**

- > Rising Star, Washington Law and Politics, 2003

**EXPERIENCE**

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

**NOTABLE CASES**

- > *Tobacco Litigation* (\$206 billion multi-state settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Charles Schwab Yieldplus Funds Litigation* (\$235 million settlement)
- > *Toyota Unintended Acceleration Litigation* (\$1.6 billion settlement)
- > *Microsoft Antitrust Litigation*

**LANGUAGES**

- > French

**PARTNER****George W. Sampson**

*Mr. Sampson has either taken or defended the deposition of nearly every leading antitrust economist, whether at the class certification stage or the liability and damages phases of complex antitrust class actions.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 37

**PRACTICE AREAS**

> Antitrust Litigation

**BAR ADMISSIONS**

- > Washington
- > New York
- > U.S. District Court
  - Eastern District of New York
  - Southern District of New York
  - Western District of Washington
  - Northern District of California
- > U.S. Court of Appeals
  - Second Circuit
  - Eighth Circuit
  - Ninth Circuit
  - Eleventh Circuit
- > U.S. Supreme Court

**EDUCATION**

- > New York University School of Law, J.D., 1977
- > Cornell University, B.A., Economics, 1973

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on antitrust class actions, and served as co-lead counsel in the Disposable Contact Lens Litigation and the Visa/MasterCard debit card cases
- > Principal role at the firm is to assist expert witnesses in antitrust cases

**EXPERIENCE**

- > Chief, New York Attorney General's Office, Antitrust Bureau where he oversaw a 22-person staff, served as attorney general liaison to the federal-state Executive Working Group-Antitrust and was involved in a heavy trial practice, primarily in federal courts and often in conjunction with several states
- > Helped develop antitrust claims in the *Tobacco Litigation*
- > As Special Assistant Attorney General for the State of West Virginia, Mr. Sampson won a \$16.2 million settlement against Visa and MasterCard which funded several sales tax holidays for West Virginia consumers

**LEGAL ACTIVITIES**

- > American Bar Association Antitrust Section, Member
- > Washington State Bar, Executive Committee of the Antitrust and Consumer Protection
- > American Antitrust Institute, Advisory Board Member

**NOTABLE CASES**

- > *Visa/MasterCard Debit Litigation* (\$3 billion settlement)
- > *Visa/MasterCard State Litigation* (\$16.2 million settlement)
- > *Disposable Contact Lens Litigation* (\$92 million after seven weeks of trial)
- > *DRAM Antitrust Litigation*
- > *SRAM Antitrust Litigation*
- > *Babies R Us Resale Price Maintenance Litigation*
- > *LCD Antitrust Litigation*
- > *Optical Disk Drive (ODD) Antitrust Litigation*
- > *Highway bid rigging trial* (\$7.8 million jury verdict)
- > *Insurance antitrust litigation*, lead counsel for New York (\$30 million settlement)
- > *Resale price maintenance settlement with Nintendo* (\$15 million return to consumers)

**PARTNER**

Shana E. Scarlett

*Northern California Super Lawyer, 2013***CONTACT**

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**YEARS OF EXPERIENCE**

> 13

**PRACTICE AREAS**

- > Antitrust Litigation
- > Consumer Protection
- > Securities Litigation

**BAR ADMISSIONS**

- > State of California
- > U.S. District Court
  - Northern District of California
  - Southern District of California
  - Eastern District of California
  - Central District of California
- > U.S. Court of Appeals
  - Second Circuit
  - Ninth Circuit
  - Federal Circuit

**EDUCATION**

- > Stanford Law School, J.D.
- > University of British Columbia, B.A.

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition
- > One of the team of litigators representing indirect purchaser plaintiffs in the *In re Optical Disk Drive Antitrust Litigation*, alleging a price-fixing conspiracy to stabilize the prices of optical disk drives throughout the United States, in violation of federal and state antitrust laws
- > One of the team of co-lead counsel representing indirect purchaser plaintiffs in the *In re Lithium Ion Batteries Antitrust Litigation*
- > Represents a class of consumers in the *In re Electronic Books Antitrust Litigation*, pending in the Southern District of New York, where attorneys from Hagens Berman Sobol Shapiro have worked closely with numerous State Attorneys General in representing the rights of consumers

**RECOGNITION**

- > Northern California Super Lawyer, 2013
- > Rising Star Award for Northern California, Super Lawyers, 2009, 2010, 2011

**EXPERIENCE**

- > Extensive experience representing shareholders in securities matters throughout the country
- > Represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (*In re Impax Sec. Litig.*, *In re CV Therapeutics, Inc. Sec. Litig.*, *In re Alkermes Sec. Litig.*), Internet companies (including *In re Verisign, Inc.* and *In re Northpoint Communications Group, Inc. Sec. Litig.*) and other manufactured products (*Ryan v. Flowserve Corp.*)

**LEGAL ACTIVITIES**

- > Serves on executive committee of the Antitrust Section of the Bar Association of San Francisco

**NOTABLE CASES**

- > *In re Optical Disk Drive Antitrust Litigation*, MDL No. 2143
- > *In re Electronic Books Antitrust Litigation*, MDL No. 2293
- > *Pecover v. Electronic Arts, Inc.*, MDL No. 2420



**PARTNER****Craig R. Spiegel**

*After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, now helping in the firm's attempt to obtain justice for thalidomide victims.*

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**YEARS OF EXPERIENCE**

> 35

**PRACTICE AREAS**

> Consumer Protection

**BAR ADMISSIONS**

> California State Bar Association  
> Illinois State Bar Association  
> Washington State Bar Association

**EDUCATION**

> Harvard Law School, J.D., Cum Laude, 1979  
> St. Olaf College, B.A., Summa Cum Laude, 1975

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro  
  
> Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck

**NOTABLE CASES**

> Helped obtain a substantial settlement for the State of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx  
  
> Instrumental in obtaining a settlement for a class of Massachusetts consumers and third party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec  
  
> Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

**PARTNER**

## Ronnie Seidel Spiegel

*Ms. Spiegel has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial.*

**CONTACT**

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ronnie@hbsslaw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

> Antitrust Litigation

**BAR ADMISSIONS**

> State of Washington  
> State of Pennsylvania  
> U.S. District Court, Eastern District of Pennsylvania  
> U.S. District Court, Western District of Washington

**EDUCATION**

> Temple University Beasley School of Law, J.D., Temple Law Review (Research Editor), 1994  
> Boston University, B.A., International Relations, 1990

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Extensive complex litigation experience with a particular focus on antitrust price-fixing cases
- > Specializes in managing large-scale and foreign discovery
- > Member of the American Bar Association's Antitrust Section

**EXPERIENCE**

- > Lead Antitrust Attorney and Manager of firm's North Carolina office, Spector Roseman Kodroff & Willis, Philadelphia, PA, Attorney, 1994-2000
- > Central Piedmont Community College, Charlotte, NC, Business Law Instructor, 2000-2001

**NOTABLE CASES**

- > *In re DRAM Antitrust Litigation*
- > *In re SRAM Antitrust Litigation*
- > *In re Cathode Ray Tube (CRT) Antitrust Litigation*
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation*
- > *In re Lithium Ion Batteries Antitrust Litigation*
- > *In re Brand Name Prescription Drugs Antitrust Litigation*
- > *In re NASDAQ Market-Makers Antitrust Litigation*
- > *In re Vitamins Antitrust Litigation*
- > *In re High Fructose Corn Syrup Antitrust Litigation*
- > *In re Commercial Tissue Paper Antitrust Litigation*
- > *In re Flat Glass Antitrust Litigation*
- > *In re Linerboard Antitrust Litigation*
- > *In re Automotive Parts Antitrust Litigation*
- > *In re Air Cargo Antitrust Litigation*
- > *In re Fasteners Antitrust Litigation*
- > *In re Korean Air Antitrust Litigation*
- > *In re Polyether Polyols Antitrust Litigation*
- > *In re OSB Antitrust Litigation*

**PARTNER**

## Jeffrey T. Sprung

*Mr. Sprung led the fight to pass laws in Washington rewarding whistleblowers for recovering taxpayer money stolen by private companies, resulting in the 2012 enactment of the Washington Medicaid Fraud False Claims Act.*

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**YEARS OF EXPERIENCE**

> 33

**PRACTICE AREAS**

> False Claims Act  
> Antitrust Litigation

**BAR ADMISSIONS**

> State of Washington  
> District of Columbia

**EDUCATION**

> University of Michigan, B.A.,  
Magna Cum Laude, 1981  
> University of Chicago Law  
School, J.D., 1984

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Specializes in government fraud *qui tam* suits brought under the False Claims Act, representing whistleblowers serving as private Attorneys General
- > Key expertise in prosecuting antitrust class actions involving claims of price-fixing
  - \$120 million recovered for purchasers of oriented-strand board
  - \$139 million recovered for purchasers of polyether polyols
- > Key expertise in prosecuting cases against pharmaceutical manufacturers and national health care companies for health care fraud; a major bank for fraud in the securitization of mortgage loans; an ambulance company that resulted in what at the time was the second-largest recovery in the ambulance industry's history; a big-four accounting firm for defrauding the U.S. Department of Justice; contractors for the U.S. Department of Energy concerning accounting fraud at the nuclear clean-up site in Hanford, Washington; and military contractors for procurement fraud

**EXPERIENCE**

- > Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia
  - Specialized in civil fraud matters
  - Won first civil suit for mail, wire and bank fraud brought in the District of Columbia, the first civil suit brought by the government to punish insider trading in the mortgage-backed securities market

**LEGAL ACTIVITIES**

- > Presented on the False Claims Act to various law schools, including the University of Washington School of Law, and at meetings of Seattle and national bar associations
- > Past editor and contributing author of a leading practitioners' guide on civil legal remedies in United States courts for hate crimes
- > Current board vice president of Planned Parenthood Votes Northwest
- > Past president of Seattle non-profit the Kavana Cooperative
- > Member of the Washington Progress Alliance

**PRESENTATIONS**

- > "How To Represent Whistleblowers Under Washington's New *Qui Tam* Law," Washington State Association for Justice, May 2012
- > Testimony before the Judiciary Committee of the Washington State House of Representatives on House Bill 2246, Proposed Washington State Medicaid Fraud False Claims Act, January 2012
- > Testimony before the Health and Long Term Care Committee of the Washington State Senate on Senate Bill 5978, Proposed Washington State Medicaid Fraud False Claims Act, December 2012

**PARTNER****Jeffrey T. Sprung**

- › Testimony before the Judiciary Committee of the Washington State House of Representatives on Proposed Washington State Medicaid Fraud False Claims Act, December 2012
- › "What To Say If A Whistleblower Calls," WSAJ Roundtable, November 2011

**PUBLICATIONS**

- › "State could recoup millions under Fraud False Claims Act," The Olympian, March 2012  
[download »](#)
- › "'Obamacare' is constitutional. But will the Supreme Court care?," Crosscut.com, September 2011)  
[download »](#)
- › Striking Back At Bigotry: Remedies Under Federal and State Law for Violence Motivated by Racial, Religious, and Ethnic Prejudice," National Institute Against Prejudice & Violence, 1986

**NOTABLE CASES**

- › *Amgen*  
Whistleblower played a key role in uncovering an alleged illegal scheme organized by pharmaceutical giant Amgen. The whistleblower, a research scientist and medical doctor, alerted authorities that Amgen was manipulating the scientific record regarding two of its blockbuster drugs, triggering prescriptions for off-label uses of the drugs. (\$762 million recovered)
- › *Sound Physicians*  
Brought on behalf of former regional vice president of operations for Sound Physicians, a leading provider of primary care physicians. Whistleblower claimed that Sound senior management was aware of significant upcoding of patient bills, causing Medicare to overpay for services by tens of millions of dollars. (\$14.5 million settlement)
- › *OSB*  
Suit alleged that the manufacturers of oriented strand board (OSB) conspired in violation of federal antitrust law to restrict the supply of OSB structural panel products and raise prices. (\$120.7 millions settlement)
- › *Polyether Polyols*  
Complaint alleged that the defendant manufacturers unlawfully agreed to fix, raise, maintain, or stabilize the prices of, and allocate the customers and markets for, Polyether Polyol Products sold in the United States and its territories between Jan 1, 1999 and Dec 31, 2004, in violation of the federal antitrust laws. The case is ongoing, with settlements to date of \$139.3 million. In May 2013, after trial, Dow Chemical Co. was ordered to pay \$1.2 billion in damages. That order is currently on appeal.

**PARTNER**

## Shayne C. Stevenson

*Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception, and fraud.*

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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Class Action
- > Appellate Litigation
- > Human Rights/Public Interest Law

**BAR ADMISSIONS**

- > State of Washington

**EDUCATION**

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, Summa Cum Laude (first-in-class), 1996

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's whistleblower practice
- > Litigated and argued cases in federal district courts and at the courts of appeal across the country and is handling whistleblower and other matters in several jurisdictions
- > His whistleblower practice includes, among other areas of focus, off-label promotion of drugs and medical devices, illegal kickbacks, Medicare and Medicaid reimbursement and coding abuse, home health care and hospice fraud, financial fraud, various forms of market manipulation, securities and bond market fraud, mortgage fraud, tax fraud, education fraud, defense industry and other government contractor fraud
- > Experienced in handling False Claims Act and other whistleblower cases against some of America's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Currently handling *qui tam* litigation under the False Claims Act in several federal and state courts, while also handling whistleblower actions under the SEC, CFTC and IRS whistleblower programs
- > Litigates select human rights and other public interest matters, including litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 in a suit under the Alien Tort Statute for war crimes and genocide on the island of Bougainville, in Papua New Guinea
- > Litigated and settled class-action cases on behalf of consumers and workers, and was previously a prosecutor who successfully tried several felony cases to juries and argued several cases in trial and appellate courts

**RECENT SUCCESS**

- > Mr. Stevenson handled the settlement of both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud. First, whistleblower client Mr. Kyle Lagow (in *U.S. ex rel. Lagow v. Countrywide Financial Corp.*) received \$14,625,000 million for his help in sparking a Department of Justice investigation of Countrywide and Bank of America's fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in *U.S. ex rel. Mackler v. Bank of America*) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

**PARTNER****Shayne C. Stevenson****EXPERIENCE**

- › King County Prosecuting Attorney's Office, Felony Prosecutor
- › United States Attorney's Office, District of Connecticut, Intern

**PUBLICATIONS**

- › Author, "The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer," Federal Bar Association, November 2012

**PRESENTATIONS**

- › "Human Rights Law After Kiobel," University of Washington School of Law, November 2013
- › "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference, April 2013
- › "Strategy After Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law, 2013
- › "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law, November 2012
- › "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, & the Public Interest. American Whistleblower Tour Presented by the Government Accountability Project, March 2012

**MEDIA INTERVIEWS**

- › With \$2B J&J Deal, FCA Proves It's Still The Anti-Fraud King [view »](#)
- › Reuters: Bank of America Fraud Trial Spotlights Whistleblower Awards [view »](#)
- › Law 360: SEC's 2nd Whistleblower Award Is Tip Of The Iceberg [view »](#)
- › Law 360: 5 Tips for Building Bridges with Whistleblower Clients [view »](#)
- › Wall Street Journal: Exchanges Get Closer Inspection [view »](#)
- › Reuters: Analysis: Complaints rise over complex U.S. stock orders [view »](#)
- › Wall Street Journal: For Superfast Stock Traders, a Way to Jump Ahead in Line [view »](#)
- › ABC News: Bank of America, Countrywide Whistleblower Kept 3-year Secret [view »](#)
- › CNN: UBS Whistleblower Nets \$104 Million Reward [view »](#)
- › Reuters: A BofA Whistleblower Emerges from the Shadows [view »](#)
- › CNN Money: Whistleblowers Win \$46.5 Million in Foreclosure Settlement [view »](#)
- › Houston Chronicle: The Price of Courage [view »](#)
- › Reuters: Bank of America Whistleblower Receives \$14.5 Million in Mortgage Case [view »](#)
- › Wall Street Journal: Lawsuit Hits Marketing by Medtronic [view »](#)

**NOTABLE CASES**

- › *U.S. ex rel. Lagow v. Bank of America, Eastern District of New York* (False Claims Act – FHA fraud)
- › *U.S. ex rel. Mackler v. Bank of America, Eastern District of New York* (False Claims Act – HAMP fraud)
- › *U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts* (False Claims Act – off-label marketing)
- › *U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey* (False Claims Act – Medicare "outlier" fraud)

**PARTNER**

Shayne C. Stevenson

- › *U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York* (False Claims Act – off-label marketing)
- › *Sarei v. Rio Tinto, Central District of California* (Alien Tort Statute – international human rights litigation)
- › *Tittle v. United States Postal Service, Western District of Washington* (Privacy Act – employee class action)
- › *Hutchinson v. British Airways Plc, Eastern District of New York* (Montreal Convention – consumer class action)

**PARTNER**

## Ivy Arai Tabbara

*Ms. Tabbara worked on a multi-million dollar settlement for uninsured individuals against Tenet Healthcare.*

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**YEARS OF EXPERIENCE**

> 12

**PRACTICE AREAS**

- > Antitrust
- > Consumer Protection
- > Environmental Law
- > Employment Law
- > Intellectual Property

**BAR ADMISSIONS**

- > State of Washington

**EDUCATION**

- > Georgetown University Law Center, J.D., Georgetown International Environment Law Review, 2000
- > Princeton University, B.A., History, Certificate African-American Studies, Cum Laude, 1997

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Practice focuses on complex class-action lawsuits in the areas of antitrust, consumer protection, employment, environmental and product liability
- > Also specializes in patent litigation

**EXPERIENCE**

- > Extern to Judge Thomas S. Zilly, U.S. District Court for the Western District of Washington, 1998

**PUBLICATIONS**

- > "The Silent Significant Minority: Japanese-American Women, Evacuation, and Internment During World War II," in *Women and War in the Twentieth Century: Enlisted with or Without Consent*, 1999

**Recent success**

- > Baby Products Antitrust (\$35 million settlement)
- > Bayer Combination Aspirin Consumer Fraud (\$15 million settlement)
- > "Thomas the Tank Engine" Toys Lead Paint Products Liability (\$30 million settlement of federal and state cases)
- > Tenet Healthcare Cases II for uninsured patients nationwide (recovered multi-millions and significant non-monetary relief including discounted rates, financial counseling, reasonable payment schedules and uniform collection policies)

**LEGAL ACTIVITIES**

- > Member, Federal Bar Association of the Western District of Washington and Civil Rights Legal Clinic, 2009-present; Trustee, 2009-2010

**NOTABLE CASES**

- > *Domestic Drywall Antitrust Litigation* representing indirect and direct purchasers of wallboard in the United States
- > *Checking Account Overdraft Litigation* representing banking customers whose accounts were allegedly charged repeated overdraft fees
- > Patent litigation representing inventors in *Shinsedai v. Nintendo* (patent involving sports-themed motion control games in several Nintendo Wii games) and *Flatworld v. Apple* (patent involving the swipe function of all Apple products)
- > *Optical Disk Drive Antitrust Litigation*
- > *DRAM Antitrust Litigation*



**PARTNER****Andrew M. Volk**

*Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington State history.*

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**YEARS OF EXPERIENCE**

> 23

**PRACTICE AREAS**

- > Patent Litigation
- > ERISA Litigation
- > Hotel Tax Litigation

**BAR ADMISSIONS**

- > State of New York
- > State of Oregon
- > State of Washington

**EDUCATION**

- > Cornell Law School, J.D.,  
Cum Laude, Articles Editor  
for Cornell International Law  
Review, 1991
- > Columbia University, B.A.,  
English, 1986

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro.
- > Practice focuses on consumer litigation, including automobile defect litigation against General Motors and Kia
- > Works on hotel tax collection cases against the major online travel companies (OTC). To date, the firm has achieved settlements on behalf of Brevard County, Fla., and the Village of Rosemont, Ill., and a finding against the OTCs in administrative proceedings on behalf of the City of Denver, Colo. that is currently on appeal.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank

**RECENT SUCCESS**

- > Worked on litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in Plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million.

**EXPERIENCE**

- > Mr. Volk was extensively involved in the tobacco litigation in the late 1990s
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

**NOTABLE CASES**

- > *Expedia Litigation* (\$134 million settlement)
- > *Tobacco Litigation* on behalf of States (resolved in \$206 billion settlement)
- > *Enron ERISA Litigation* (\$265 million settlement)
- > *Washington Mutual Bank ERISA Litigation* (\$49 million settlement)
- > *General Motors ERISA Litigation* (\$37.5 million settlement)

**PARTNER****Tyler S. Weaver**

*Tyler has successfully represented clients and classes as far-ranging as securities investors, homeowners, patent holders, business owners, and protestors.*

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**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

- > Consumer Protection
- > Patent Litigation
- > Antitrust Litigation
- > Securities / Investor Fraud

**BAR ADMISSIONS**

- > State of Washington
- > State of Oregon

**EDUCATION**

- > University of California – Berkeley, Boalt Hall School of Law, J.D., 1996
- > University of Oregon, B.A., English, Cum Laude, 1992

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Litigates in a wide variety of practice areas; his cases have varied from litigation over the civil rights of protestors to securities-fraud cases on behalf of investors to consumer-protection litigation to patent litigation
- > Admitted to practice in Washington and Oregon, and has made numerous appearances in United States district courts and appellate courts, as well as the trial and appellate courts of the State of Washington

**EXPERIENCE**

- > Clerk, Honorable Justin L. Quackenbush in the United States District Court for the Eastern District of Washington, 1999-2001

**NOTABLE CASES**

- > *Bank of America Mortgage Modification Litigation* (ongoing litigation)
- > *Metropolitan Securities Litigation* (recovered \$38 million)
- > *Raytheon Securities Litigation* (recovered \$39 million)
- > *Diamond Parking Litigation* (recovered \$2.2 million)
- > *WTO Wrongful Arrest Litigation* (recovered \$1 million and non-monetary relief)

**PARTNER**

## Jason A. Zweig

*Mr. Zweig was a key member in the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery—one of the largest antitrust and securities class actions in history.*

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**YEARS OF EXPERIENCE**

> 16

**PRACTICE AREAS**

- > Complex Litigation
- > Securities Litigation
- > Antitrust Litigation
- > Consumer Protection

**BAR ADMISSIONS**

- > State of New York
- > U.S. District Court
  - Southern District of New York
  - Eastern District of New York
  - Eastern District of Michigan
  - Eastern District of Wisconsin
- > U.S. Court of Appeals
  - Second Circuit
  - Third Circuit

**EDUCATION**

- > Columbia Law School, J.D., Executive Editor for Columbia Journal of Environmental Law, 1998
- > Indiana University, B.S., 1995

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's New York office
- > Extensively experienced in representing plaintiffs in antitrust, securities, consumer and other complex litigation
- > Experience representing large entities in opt-out litigation, as well as plaintiffs in class-action litigation
- > Key member in some of the largest antitrust and securities class actions in history including the *High Fructose Corn Syrup Antitrust Litigation* which resulted in a \$531 million recovery
- > Leads the firm's representation of a number of airlines and other merchants who have opted out of the class in *In re Payment Card Interchange Fee and Merchant Discount Litigation*, MDL No. 1720 (E.D.N.Y.)
- > Leads the firm's efforts in the *New Jersey Tax Sales Certificates Antitrust Litigation*, an antitrust class action in which the firm has been appointed co-interim class counsel (more than \$8 million recovered)
- > Co-led the firm's representation of payphone owners who sued a large national telecommunications carrier, over unpaid dial-around compensation

**EXPERIENCE**

- > Partner, Kaplan Fox & Kilsheimer LLP in New York, 2003-2010
- > Associate, Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation
- > Judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York

**RECOGNITION**

- > Rising Star, New York Super Lawyers Magazine, 2011 & 2013

**PRESENTATIONS**

- > "Class Action Settlements and Attorneys' Fees," Presentation to the Cleveland Metropolitan Bar Association, October 2008
- > "Class Actions in the Wake of AT&T v. Concepcion," Presentation to the New Jersey Association for Justice November 2011

**PARTNER**

Jason A. Zweig

**LEGAL ACTIVITIES**

- › The Association of the Bar of the City of New York
- › The American Bar Association Sections of Litigation, Antitrust Law, and International Law
- › Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- › The New York State Bar Association
- › The Indiana University Student Foundation Board of Associates
- › The Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board
- › Former Co-Chair of the Young Lawyer's Division of the UJA Federation-New York

**NOTABLE CASES**

- › *Hill v. J.P. Morgan - Madoff-related Litigation* (\$218 million recovered)
- › *High Fructose Corn Syrup Antitrust Litigation* (\$531 million recovered)
- › *In re Air Cargo Antitrust Litigation* (Over \$500 million recovered—case still pending)
- › *In re Polyether Polyols Antitrust Litigation* (Over \$150 million recovered—case still pending)
- › *Hydrogen Peroxide Antitrust Litigation* (\$97 million recovered)
- › *Plastics Additives Antitrust Litigation* (\$46 million recovered)
- › *NBR Antitrust Litigation* (\$34 million recovered)
- › *Linens Antitrust Litigation* (\$11 million recovered)
- › *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation* (\$475 million recovered)
- › *Merrill Lynch Research Reports Securities Litigation* (\$125 million recovered)
- › *Salomon Analyst Metromedia Litigation* (\$35 million recovered)

**OF COUNSEL****Gregory Arnold**

*Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants.*

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**YEARS OF EXPERIENCE**

> 18

**PRACTICE AREAS**

- > Antitrust Litigation
- > Personal Injury Litigation

**BAR ADMISSIONS**

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > Court of Appeals, 2nd Circuit

**EDUCATION**

- > Fairfield University, B.S., Marketing, 1991
- > Villanova University School of Law, J.D., 1996 (served on Law Review)

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Works on the Direct Purchaser Class Action cases in Lipitor and Effexor

**RECENT SUCCESS**

- > Represented a variety of states, including the Commonwealth of Massachusetts, in their cases against the tobacco industry
- > Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants
- > Prior bankruptcy experience included representing an Ad Hoc Committee of Trade Creditors in the *In re WorldCom* matter, resulting in a near 50% increase in the clients' recovery
- > Represented large groups of investors in litigation brought against offshore hedge funds, pursuing the recovery of hundreds of millions of dollars
- > Represented national and international clients on a full range of patent litigation issues, including proceedings before the International Trade Commission
- > Successful eminent domain trials, representing companies and individuals on a variety of labor and employment issues including non-compete agreements and various intellectual property matters

**EXPERIENCE**

- > Income Partner, Litigation Department for a large Boston-based law firm

**NOTABLE CASES**

- > Bankruptcy-related litigation
  - Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases, to block a proposed plan of reorganization. During more than 5 years of litigation, succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. Pursued several interlocutory appeals throughout the case. Oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the Bankruptcy Court for the Southern District of New

**OF COUNSEL****Gregory Arnold**

York, after which the Court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.

- One of a team of lawyers representing the interests of The Ad Hoc Committee of Trade Creditors in the *In re* WorldCom matter, resulting in increasing our clients' recoveries by nearly 50%.

› *Mass Torts/Class Actions*

- Played pivotal role in representing the Commonwealth of Massachusetts in landmark litigation against the Tobacco Industry, including establishing personal jurisdiction in Massachusetts over the United Kingdom-based parent company to Brown & Williamson. This work product, as well as the resulting Court decision, was relied upon by Attorneys General throughout the country in their cases against the Tobacco Industry.
- Following the Commonwealth of Massachusetts' action, lead Brown Rudnick's efforts in pursuing a Successfully defended a class action case brought against a major credit card issuer, obtaining a denial of class certification and dismissal of individual's claims.

› *Complex Financial Litigation*

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for over \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

› *General Commercial Litigation*

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multi-million dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third-party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multi-million dollar commercial contract concerning sale of radiology equipment, including prevailing on counter-claim seeking to impose multi-million dollar liability.

› *Patent Litigation*

- Represented national and international clients on a full range of patent litigation issues, including trials. Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

› *Labor and Employment Litigation*

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

**OF COUNSEL**

## Gregory Arnold

Handled trials before administrative bodies, including the United States Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act ("STAA") following the termination of an employee/truck driver.

> *Other Litigation*

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.

**OF COUNSEL****Karl Barth**

*Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.*

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**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

> Securities Litigation  
> Investor Rights

**BAR ADMISSIONS**

> State of Washington

**EDUCATION**

> Georgetown University Law Center, J.D.  
> University of Virginia, B.S. Accounting, Certified Public Accountant

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

**EXPERIENCE**

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting



**OF COUNSEL****Nicholas S. Boebel**

*Rising Star in Intellectual Property Litigation  
—Minnesota Law and Politics, 2010-2013*

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**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

> Intellectual Property  
> Complex Litigation

**BAR ADMISSIONS**

> Supreme Court of Minnesota  
> District of Minnesota  
> Eastern District of Wisconsin  
> Federal Circuit Court of Appeals

**EDUCATION**

> University of Minnesota Law School, J.D., Magna Cum Laude  
> Carlton College

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on intellectual property litigation involving patents, copyrights and trade secrets
- > Successfully represented individuals and businesses in complex IP claims against large corporations

**RECOGNITION**

- > Rising Star in intellectual property litigation, Minnesota Law and Politics in 2010, 2011, 2012, & 2013

**EXPERIENCE**

- > Founding Partner, Myers, Boebel & MacLeod LLP
- > Associate, Robins, Kaplan, Miller & Ciresi LLP

**NOTABLE CASES**

- > *TV Interactive Data Corporation v. Microsoft Corp.*
- > *Telluride Asset Management LLC v. Eric Falkenstein*
- > *St. Clair Intellectual Property Consultants, Inc. v. Canon, Inc. et al.*
- > *St. Clair Intellectual Property Consultants, Inc. v. Sony Corp.*
- > *Eolas Technologies, Inc. and The Regents of the University of California v. Microsoft Corporation*

**OF COUNSEL****Mark S. Carlson**

*Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 27

**PRACTICE AREAS**

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

**BAR ADMISSIONS**

- > State of Washington
- > United States District Court, Western District of Washington
- > United States Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

**EDUCATION**

- > University of Puget Sound School of Law, J.D., Cum Laude, 1987
- > University of Washington, B.A., History, 1984

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

**RECENT CASES**

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of tradedress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

**EXPERIENCE**

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

**PUBLICATIONS/PRESENTATIONS**

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

**OF COUNSEL**

**Mark S. Carlson**

- › “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- › “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- › “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- › “E-Discovery and the New Federal Rules,” 2008
- › “Recent Developments in Pharmaceutical Patents,” 2008

**LEGAL ACTIVITIES**

- › Seattle Intellectual Property Inn of Court
- › Washington State Patent Law Association
- › American Intellectual Property Law Association

**NOTABLE CASES**

- › *Thought v. Oracle*
- › *FlatWorld v. Apple; v. Samsung; v. LG*
- › *University of Utah v. Max Planck Institute, et al.*
- › *Airbiquity v. AT&T, et al.*
- › *Timeline v. Microsoft; v. Oracle; v. Sagent*
- › *The Nautilus Group v. Icon Health and Fitness*

**OF COUNSEL****Leif Garrison**

*Mr. Garrison takes on such notable defendants as America Online, Bristol-Myers Squibb, PepsiCo, Inc., Texaco, Inc., Toyota USA, Liberty Mutual, and Prudential.*

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**YEARS OF EXPERIENCE**

> 29

**PRACTICE AREAS**

- > Complex Civil Litigation
- > Insurance
- > Class-action Litigation
- > Personal Injury
- > Pharmaceuticals
- > Consumer Protection

**BAR ADMISSIONS**

- > Colorado Supreme Court
- > U.S. Court of Appeals, 10th Circuit
- > U.S. District Court, District of Colorado

**EDUCATION**

- > Southern Illinois University School of Law, J.D., Magna Cum Laude, 1984, Notes and Comments Editor for the Law Journal, Moot Court Board
- > University of Iowa, B.S., Political Science, 1980

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on complex civil litigation

**> Notable defendants include:**

- |   |                      |
|---|----------------------|
| - America Online                        | Insurance Companies: |
| - Bristol-Myers Squibb                  | - Allstate           |
| - Colorado Department of Human Services | - American Family    |
| - Hoffmann-La Roche, Inc.               | - Farmers            |
| - PepsiCo, Inc.                         | - Liberty Mutual     |
| - Texaco, Inc.                          | - Prudential         |
| - Toyota USA                            | - Progressive        |
| - U-Haul Corporation                    | - State Farm         |
| - Uniden, Inc.                          |                      |

**EXPERIENCE**

- > Before joining Hagens Berman, practice focused on complex insurance, products liability, consumer protection, pharmaceutical, class-action and personal injury litigation

**LEGAL ACTIVITIES**

- > Faculty of Federal Advocates
- > Board of Directors and legal education seminar speaker, Colorado Trial Lawyers Association
- > Law Library Board of Directors, El Paso County Bar Association

**PUBLICATIONS**

- > "The Illinois Business Takeover Act," Southern Illinois University Law Journal, 1983

**NOTABLE CASES**

- > *Thornton v. DaVita Healthcare Partners Inc.*, a class action on behalf of injured dialysis patients
- > *In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, an MDL case involving thousands of injured dialysis patients
- > *NFL Concussion Litigation*
- > *In re Accutane Litigation*, a NJ mass tort action involving over 8,000 people injured by the acne medication Accutane

**OF COUNSEL****Jon T. King**

*Mr. King has represented individual and corporate plaintiffs in numerous high-profile matters, including antitrust and right of publicity cases, class actions, and other complex litigation.*

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**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

> Antitrust

**BAR ADMISSIONS**

> California  
> U.S. Court of Appeals, Ninth Circuit  
> U.S. District Court, Central District of California  
> U.S. District Court, Eastern District of California  
> U.S. District Court, Northern District of California

**EDUCATION**

> University of California, Hastings College of the Law, J.D., 1999, Cum Laude  
> Santa Clara University, B.S., 1992

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro  
> Represented plaintiffs in dozens of direct and indirect purchaser antitrust class actions that have resulted in hundreds of millions of dollars in settlements

**EXPERIENCE**

> Partner, Law Offices of Jon T. King, Walnut Creek, CA, 2012-2013  
> Partner, Hausfeld LLP, San Francisco, CA, 2008-2012  
> Associate, Cohen Milstein Hausfeld & Toll PLLC, San Francisco, CA, 2008  
> Associate, The Furth Firm LLP, San Francisco, CA, 2000-2008  
> Associate, Skadden, Arps, Slate, Meagher & Flom LLP, Los Angeles, CA, 1999-2000

**PRESENTATIONS**

> Panelist, 2010, American Bar Association's National Convention, "From Music, Film and Art to Motorcycles and Other Sports: Hot Issues and Disputes in Entertainment, Art and Sports Licensing Deals"  
> Panelist, March 2011, Harvard Law School's Sports Law Symposium, regarding NCAA litigation  
> Panelist, 2010 and 2012, Santa Clara University's Sports Law Symposium, regarding NCAA litigation  
> Panelist, 2010, Florida Coastal University's Sports Law Panel, "Exploitation of the Student Athletes? Evaluating Bloom, Oliver, O'Bannon and Keller"

**NOTABLE CASES**

> *In re* NCAA Student-Athlete Name & Likeness Licensing Litigation, where he served as one of the lead attorneys for the antitrust plaintiffs  
> Represented putative classes of current and former NCAA men's Division I basketball and football players who contend that the NCAA, Electronic Arts, and others unlawfully used the players' images and likenesses in television rebroadcasts and video games  
> Represented retired NFL players in a right of publicity class action against the NFL, captioned *Dryer v. NFL*, in which the plaintiffs contend that the NFL wrongfully used retired players' images in NFL Films productions  
> Represented the Golden Gate Bridge, Highway and Transportation District as one of the plaintiffs in *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.) (\$220 million in settlements)

**OF COUNSEL****Michella A. Kras**

*State Bar of Arizona President's Volunteer Service Award, 2010*

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**YEARS OF EXPERIENCE**

> 11

**PRACTICE AREAS**

- > Class Action
- > Commercial Litigation
- > Complex Civil Litigation

**BAR ADMISSIONS**

- > State of Arizona
- > United States District Court for the District of Arizona

**EDUCATION**

- > Arizona State University  
College of Law, J.D., Magna Cum Laude, 2003
- > Arizona State University, B.A., 1997

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

**RECENT RECOGNITION**

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

**EXPERIENCE**

- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

**LEGAL ACTIVITIES**

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

**NOTABLE CASES**

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil

## OF COUNSEL

## Bernadette Lee

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bernadettel@hbsslaw.com

**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

> Intellectual Property

**BAR ADMISSIONS**

> California

**EDUCATION**

> University of Colorado,  
Colorado Springs, M.S.,  
Computer Science  
> Santa Clara University School  
of Law, J.D.  
> University of California,  
San Diego, B.S., Computer  
Engineering

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro  
> Practice focuses on intellectual property

**EXPERIENCE**

> Prior to joining Hagens Berman, Ms. Lee worked on patent prosecution for seven years

**NOTABLE CASES**

> *Thought v. Oracle*: patent infringement case involving seven patents relating to data persistence  
> *Brixham v. Juniper*: patent infringement case involving four patents relating to router redundancy  
> *AIT v. Force.com*: patent infringement involving two patents relating to platforms that enable users to build customized web applications

**OF COUNSEL****Nick Styant-Browne**

*Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.*

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**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

- > Human Rights
- > Environmental Protection
- > Consumer Rights

**BAR ADMISSIONS**

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

**EDUCATION**

- > University of Melbourne

**CURRENT ROLE**

- > Of Counsel, Hagens Berman Sobol Shapiro
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

**EXPERIENCE**

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

**LEGAL ACTIVITIES**

- > Past elected member, Council of Greenpeace, Australia

**NOTABLE CASES**

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > *Rio Tinto Litigation*  
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > *BHP Environmental Litigation*  
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > *Toyota Unintended Acceleration Litigation*
- > *Thalidomide Drug Litigation*



**ASSOCIATE**

## Thomas E. Ahlering

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Thomas E. Ahlering is an associate in Hagens Berman's Chicago office where he focuses his practice in nationwide class action and antitrust litigation. Tom's current and primary work includes litigating against the NCAA, to improve its concussion policies and establish a medical monitoring program for college athletes who have suffered mild traumatic brain injury during collegiate athletics, in *Arrington v. NCAA, 11-cv-06356 (N.D. IL. 2011)*. Tom's current work also includes (1) contesting North American Company for Life and Health Insurance Company's deferred annuity sales practices which impact senior citizens; (2) prosecuting claims against Iowa companies for conspiring to fix the price of school lunch food at Iowa elementary schools; (3) acting as lead counsel in cases against the Mortgage Electronic Registration System ("MERS") for failure to record mortgages as required by state law; and (4) representing qui tam litigation under the False Claims Act against some of America's largest companies in cases currently under seal.

Prior to joining Hagens Berman, Tom was a litigation associate in the Chicago office of a national law firm where he gained invaluable experience and insight into the defense side of litigation as a member of the firm's White-Collar Crime/Internal Investigations and Litigation practice groups.

While in law school, Tom received various academic scholarships, served as a staff member and editor for the John Marshall Law Review, and clerked at the Chicago Mercantile Exchange and with the Honorable Richard J. Elrod.

**ASSOCIATE**

## Gregory W. Albert

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(206) 268-9335  
gregalbert@hbsslaw.com

Gregory Albert proudly joined Hagens Berman in early 2012. Greg began plaintiff's practice in 2008, representing victims of First Amendment violations at a public interest firm. Since that time, Greg has prosecuted many class action and personal injury cases in areas of antitrust price-fixing, police excessive force, government liability, and insurance bad faith. Greg has developed successful novel legal theories in First Amendment jurisprudence, third-party liability, and class action mootness law. Greg also serves as an advisor on the University of Washington Department of Philosophy advisory board.

Albert's career representing plaintiffs began with early successes in government liability and personal injury litigation. A few weeks out of law school, he was tasked with developing a novel legal theory to rescue an insurance bad faith claim from an expected loss to summary judgment. He received his bar license just in time to orally argue and win the motion, resulting in a settlement outside of policy limits. In response to his early achievements, Mr. Albert's firm trusted him to argue dispositive motions in diversity of cases and to chair a superior court trial only a few months after passing the bar exam.

**ASSOCIATE****Ian Bauer**

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Mr. Bauer is an associate at Hagens Berman's Seattle office, joining the firm in 2013. Previously, he served in the Washington State Attorney General's Office, beginning in 2004 as Assistant Attorney General in the Office's Social & Health Services Division. While in this role, Mr. Bauer advised and represented the Department of Social and Health Services (DSHS) in complex litigation concerning the operation and funding of state public assistance programs, the foster care system and mental health system.

After a brief stint in private practice, Mr. Bauer joined the Attorney General's Office's Torts Division in 2008, where he represented DSHS, the Washington State Department of Transportation (WSDOT), the Washington State Patrol (WSP) and other state agencies in numerous high-profile tort, civil rights and employment cases. In addition to carrying his own caseload, Mr. Bauer served as a Team Leader for the Division's DSHS and WSDOT/WSP Teams. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-experienced attorneys and professional staff. Mr. Bauer also routinely advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant tort exposure. During this period, Mr. Bauer was selected as a "Rising Star" by Washington Law & Politics Magazine.

**ASSOCIATE****Ashley Bede**

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 ashleyb@hbsslaw.com

Ashley Locke Bede is an associate at Hagens Berman's Seattle office, where she focuses on antitrust class actions and consumer protection cases. Prior to joining Hagens Berman, Ms. Bede was a litigation associate at Perkins Coie for five years, focusing on antitrust and consumer protection, product liability, internet law, and intellectual property.

Ms. Bede maintains an active pro bono practice, including repeated successful representation of domestic violence survivors in obtaining protection orders and dissolutions. Additionally, Ms. Bede was the key drafter of an amicus curiae brief in the Ninth Circuit Court of Appeals case *McCormack v. Hiedeman* in September 2012, on behalf of Legal Voice and other organizations. The Ninth Circuit adopted her analysis and research directly into its published opinion.

**ASSOCIATE****John DeStefano**

11 West Jefferson St., Suite 1000  
Phoenix, AZ 85003  
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johnd@hbsslaw.com

John M. DeStefano is an associate at Hagens Berman where he focuses on consumer class actions and complex litigation. He works in the firm's Phoenix office, helping support its growing caseload in the American Southwest and California.

Before joining Hagens Berman, Mr. DeStefano was a member of the commercial litigation group at the largest law firm in Arizona. While there, he gained extensive experience with disputes in state and federal court, with a particular focus on complex motions, case strategy, and cutting-edge issues relating to the financial crisis and the financial services industry.

Mr. DeStefano has also undertaken significant pro bono efforts. He obtained a published reversal of a deportation order in a hotly disputed immigration appeal before the U.S. Court of Appeals for the Ninth Circuit. More recently, he represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S.

From 2007 to 2009, Mr. DeStefano served as a federal law clerk at the trial and appellate levels.

**ASSOCIATE****Steve W. Fimmel**

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Seattle, WA 98101  
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stevef@hbsslaw.com

Steve W. Fimmel joined Hagens Berman in 2006, bringing more than 13 years of experience working on high-value, document-intensive cases. He worked for five years at Oles, Morrison, Rinker & Baker where he was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million. The court sustained an unprecedented termination for default against the Lockheed-Martin Corporation for breach of contract to remediate a nuclear waste site at the Idaho National Engineering Laboratory.

Prior to his work at Oles, Morrison, Rinker & Baker, Mr. Fimmel was an associate for seven years representing Hanford downwinders at the Hanford Litigation Office in Seattle.

**ASSOCIATE**

## Catherine Gannon

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 catherineg@hbsslaw.com

Catherine Y.N. Gannon is an associate at Hagens Berman. Her practice focuses mostly on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations. She has extensive experience working with expert witnesses, often in economic and other highly technical areas.

Prior to joining Hagens Berman, Ms. Gannon worked at leading law firms in both New York City and Toronto, Canada. She also gained government experience while on special assignment with Canada's Department of Finance, where she assisted with economic and trade negotiations at the G-20, IMF, and the Paris Club.

In addition, Ms. Gannon has developed a broad pro bono practice with an emphasis on healthcare and disability rights. She has successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs. She is also fluent in French.

**ASSOCIATE**

## Rachel E. Freeman

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 Phoenix, AZ 85003  
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 rachelf@hbsslaw.com

Ms. Freeman is an associate at Hagens Berman's Phoenix office, where she has worked since late 2011. Her practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort. In March 2012, Ms. Freeman was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

Ms. Freeman worked on behalf of student-athlete plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images, and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

Prior to pursuing a legal career, Ms. Freeman spent three years as a professional NFL cheerleader for the Arizona Cardinals, and traveled with the squad to Iraq, Kuwait, and the United Arab Emirates to perform for troops stationed overseas.

**ASSOCIATE****Anthea D. Grivas**

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 antheag@hbsslaw.com

Anthea Grivas is an associate at Hagens Berman where she has practiced since 2009. She focuses her practice primarily on antitrust matters and nationwide consumer protection cases against large corporations. Ms. Grivas also has over a decade of in-depth eDiscovery experience, including planning and management, collection, processing, review, training, and development of improved methodology.

**ASSOCIATE****Daniel J. Kurowski**

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 Oak Park, IL 60301  
 (708) 628-4963  
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Daniel J. Kurowski is an associate at Hagens Berman's Chicago office, where he has worked since 2006. His current work with the firm includes a number of large class actions, including: (1) litigating against the National Collegiate Athletic Association to improve its concussion policies for student-athletes; (2) contesting North American Company for Life and Health Insurance Company's deferred annuity sales practices, particularly as those practices impact senior citizens; (3) suing on behalf of a putative class of third-party payors of the prescription cancer pain drug Actiq, allegedly marketed and sold by Cephalon, Inc. for non-cancer uses; and (4) challenging Family Video Movie Club, Inc.'s alleged violations of the Fair Labor Standards Act and similar state laws for failing to pay hourly employees for "off-the-clock" work and miscalculating overtime pay. His practice also includes representing individual student-athletes suffering concussion injuries in suits alleging negligence and other claims against their schools.

While in law school, Mr. Kurowski received various academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief he submitted in connection with a national moot court competition. Along with his studies, Mr. Kurowski worked in the private and governmental legal sectors, including interning with the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois, and working with Hon. Ronald A. Guzman and his staff, a judge sitting with the U.S. District Court for the Northern District of Illinois. Before joining Hagens Berman, Mr. Kurowski worked as a judicial law clerk with Hon. Maria Valdez and Hon. Paul E. Plunkett.

**ASSOCIATE**

## Jeffrey A. Lang

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Jeffrey A. Lang is an associate at Hagens Berman. Since joining the firm in 2005, he has worked on document intensive cases involving the firm's consumer protection, antitrust and investor fraud litigation.. Mr. Lang has several years of experience across a variety of practice areas.

Prior to joining Hagens Berman, he was a special project attorney at Preston Gates Ellis, where he was involved in the Microsoft Antitrust Litigation. He also gained experience in land-use, SEPA, and zoning and building compliance through his positions with Whalen & Company and the Law Offices of Dan Clawson.

**ASSOCIATE**

## Martin D. McLean

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Martin D. McLean is an associate at Hagens Berman, where he has worked since 2007.

Mr. McLean represents individuals who have suffered catastrophic personal injury or loss. Mr. McLean's clientele includes a wide range of individuals, from children who have suffered harm while in state care, to vulnerable elderly residents who have experienced neglect in care facilities.

In addition, Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act. In November 2011, Mr. McLean obtained the largest Public Records Act judgment ever awarded against the State of Washington. Two years prior, Mr. McLean obtained what is now the third largest Public Records Act judgment ever awarded against the State of Washington.

As a member of the Hagens Berman personal injury group, Mr. McLean has also contributed to several lawsuits resulting in multi-million dollar recoveries on behalf of the firm's clients.

**ASSOCIATE****Ryan B. Meyer**

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Ryan Meyer is an associate at Hagens Berman's Seattle office, where he focuses on intellectual property litigation, including patent, trademark, copyright and trade secret cases. He has experience handling a wide range of intellectual property matters for local and international clients.

Prior to working at Hagens Berman, Mr. Meyer was an associate at Dorsey & Whitney LLP from 2008-2012. At Dorsey, Mr. Meyer specialized in patent cases involving pharmaceuticals, medical devices, telecommunications, software and mechanical devices.

Before pursuing a legal career, Mr. Meyer worked as an associate scientist for Combimatrix Corporation in the molecular biology and organic chemistry departments.

**ASSOCIATE****Shelby R. Smith**

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Shelby began her career as a deputy prosecutor for the King County Prosecutor's office in 2000. She tried over 100 cases including numerous high-profile domestic violence, sexual assault, and violent felonies. She has dedicated her career to serving vulnerable victims of violent crimes.

Ms. Smith previously worked as a litigation associate at Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.

Ms. Smith currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA.

She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them. She also represents crime victims who wish to keep their counseling records private during criminal proceedings.



**ASSOCIATE**

## Craig Valentine

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Craig Valentine is an associate at Hagens Berman's Colorado Springs office, where he has worked since 2010. He specializes in complex consumer protection, pharmaceutical, and personal injury cases. Mr. Valentine currently devotes the majority of his practice to class cases against major insurance companies as well as other consumer protection class actions.

Mr. Valentine is actively involved in his community. He volunteers through a number of charitable organizations and currently serves as a Commissioner on the Colorado Springs Independent Ethics Commission.

Mr. Valentine received a B.S. from Brigham Young University. He received his law degree from Washington University in St. Louis School of Law, where he received awards for both academic excellence and public service.

**ASSOCIATE**

## Garth Wojtanowicz

1918 Eighth Ave., Suite 3300  
 Seattle, WA 98101  
 (206) 268-9326  
[garthw@hbsslaw.com](mailto:garthw@hbsslaw.com)

Garth Wojtanowicz is an associate at Hagens Berman's Seattle office where he works on consumer protection cases. He is currently focused on cases against Fresenius Medical Care, N.A., and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo. He is also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctor's offices, dentist offices, hospitals and similar businesses.

Mr. Wojtanowicz worked on the Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion.

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.

Mr. Wojtanowicz was named a "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010, and is admitted to practice in both Washington and California. He graduated with a B.A. in English from the University of Washington (U.W.) in 1997 and received his law degree from the U.W. School of Law in 2000.



# **EXHIBIT 2**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
HAGENS BERMAN SOBOL SHAPRIO LLP  
Reported Hours and Lodestar  
May 9, 2008 through July 30, 2014

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS			
Anthony D. Shapiro (P)	497.4	\$750.00	\$373,050.00
Anthony D. Shapiro (P)	465.4	\$650.00	\$302,510.00
Anthony D. Shapiro (P)	133.7	\$600.00	\$80,220.00
Anthony D. Shapiro (P)	51.6	\$550.00	\$28,380.00
George Sampson (P)	0.8	\$550.00	\$440.00
George Sampson (P)	47.4	\$525.00	\$24,885.00
Craig Spiegel (P)	12.0	\$630.00	\$7,560.00
Ronnie S. Spiegel (P)	1904.8	\$475.00	\$904,780.00
Ronnie S. Spiegel (A)	294.8	\$450.00	\$132,660.00
Ronnie S. Spiegel (A)	2108.9	\$400.00	\$843,560.00
Ronnie S. Spiegel (A)	310.9	\$375.00	\$116,587.50
Steve Fimmel (A)	131.5	\$400.00	\$52,600.00
Anthea Grivas (A)	4.1	\$350.00	\$1,435.00
	5963.3		
NON-ATTORNEYS			
Bonney McCormack (PL)	163.0	\$150.00	\$24,450.00
Laurie Cecil (PL)	10.7	\$170.00	\$1,819.00
Laurie Cecil (PL)	53.0	\$150.00	\$7,950.00
Robert Haegele (PL)	34.0	\$170.00	\$5,780.00
Robert Haegele (PL)	57.5	\$150.00	\$8,625.00
Helen Park (PL)	1252.0	\$250.00	\$313,000.00
Chan Lovell (PL)	2,403.0	\$150.00	\$360,450.00
Adrien Garcia (PL)	12.0	\$150.00	\$1,800.00
	3,985.2		
<b>TOTAL:</b>	<b>9,948.5</b>		<b>\$3,592,541.50</b>

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(PL) Paralegal  
(LC) Law Clerk

# **EXHIBIT 3**

In re Cathode Ray Tube (CRT) Antitrust Litigation  
HAGENS BERMAN SOBOL SHAPRIO  
Reported Expenses Incurred on Behalf of DPPs

<b>CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Fees (filing, etc.)	
Experts/Consultants	
Federal Express	\$2,402.98
Transcripts (Hearing, Deposition, etc.)	0
Computer Research	\$15,311.49
Messenger Delivery	0
Photocopies – In House @\$0.20	\$6,364.80
Photocopies – Outside	\$7.16
Postage	0
Service of Process	0
Telephone/Telecopier	\$321.04
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$43,763.83
<b>TOTAL:</b>	\$68,171.30