



KRIS MAYES  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
Civil Litigation Division

## WRITTEN DETERMINATION PURSUANT TO A.R.S. § 41-4802

This written determination is made by the Arizona Attorney General in accordance with A.R.S. § 41-4802. The Arizona Attorney General has determined that it would be cost effective and in the public interest to engage a private law firm to assist with the Office's investigation and litigation of potential Consumer Fraud Act violations related to pricing, policies and procedures by Amazon. Pursuant to § 41-4802(B), the Attorney General previously issued a request for proposals and hereby selects Hagens Berman Sobol Shapiro LLP ("Hagens Berman"), pursuant to the standard consumer protection contingency fee contract, AG23-0009-006. The Attorney General finds as follows.

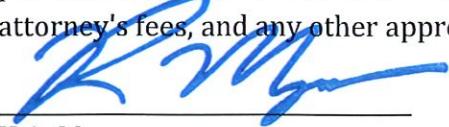
1. There currently does not exist sufficient and appropriate legal resources within the Attorney General's Office to handle the matter without additional assistance;
2. The time and labor required to perform the necessary legal tasks exceeds or likely will soon exceed the current capacity of the Attorney General's Office without at least some additional assistance;
3. Individual attorneys within the Attorney General's Office possess the skill necessary to properly initiate and oversee this matter, but given the novelty, complexity, and difficulty of the issues and the stakes of currently pending litigation and possible future related litigation, the Office would greatly benefit from the expertise offered by Hagens Berman as co-counsel of record;
4. The geographic area where the private attorney services are to be provided is primarily in Phoenix, Arizona, although the conduct at issue involves in no small part other jurisdictions and will require significant out-of-state action related to other pending state and multi-district litigation and possible future related litigation;
5. The Attorney General has determined that the attorneys of Hagens Berman have substantial complex litigation experience in similar contexts, as well as extensive experience and familiarity with high stakes litigation, trial practice, and appellate litigation at the highest levels.



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6. The primary purpose of Hagens Berman representation will be to enforce all applicable penalties available to the State, and obtain damages, costs of suit and investigation, attorney's fees, and any other appropriate and available remedies and relief.

  
\_\_\_\_\_  
Kris Mayes  
Attorney General

11/27/23  
Date



KRIS MAYES  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
Civil Litigation Division

LESLIE KYMAN COOPER  
DIVISION CHIEF COUNSEL

November 29, 2023

Via U.S. Mail and E-Mail

Robert Carey, Managing Partner  
Hagens Berman Sobol Shapiro LLP  
11 West Jefferson Street, Suite 1000  
Phoenix, AZ 85003  
[rob@hbsslaw.com](mailto:rob@hbsslaw.com)

Re: Appointment as Outside Co-Counsel

Dear Mr. Carey:

Pursuant to the standard consumer protection contingency fee contract, AG23-0009-006, for outside counsel services in connection with consumer fraud and related civil actions between your firm and the State of Arizona ("Arizona" or "the State") and amendments thereto, we are retaining your firm. Your representation will be to assist the Arizona Attorney General's Office with the investigation and litigation of potential Consumer Fraud Action violations related to pricing, policies and procedures by Amazon, Inc., *et al.* ("Amazon"). The primary purpose of this representation, pursuant to the contingency fee contract, will be to enforce all applicable penalties available to the State, and obtain damages, costs of suit and investigation, attorney's fees, and any other appropriate and available remedies and relief.

The effective date of appointment is November 29, 2023. If there is any reason you cannot provide legal services in connection with this matter pursuant to the enclosed contract, please notify me immediately so that other counsel may be appointed.



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OFFICE OF THE ARIZONA ATTORNEY GENERAL  
Civil Litigation Division

LESLIE KYMAN COOPER  
DIVISION CHIEF COUNSEL

Section Chief Vince Rabago and Senior Litigation Counsel Stephen Emedi will be leading and overseeing this litigation. If you have any questions, please do not hesitate to contact me.

Sincerely,

Leslie Kyman Cooper  
Civil Litigation Division Chief

LKC: dj

cc: Cindy Palmer  
Vince Rabago  
Stephen Emedi



AG23-0009-006  
Consumer Fraud and Related Civil Actions (Contingency Fee Only)  
**AMENDMENT #3**

**State of Arizona  
Office of the Attorney General**  
Procurement Section  
2005 N Central Ave  
Phoenix, Arizona 85004

1. The purpose of this amendment is to extend Hagens Berman Sobol Shapiro LLP's AGO Contract# AG23-0009-006 for an additional year in accordance with Special Terms & Conditions, paragraph 2.3.2 Term of Contract for Consumer Fraud and Related Civil Actions (Contingency Fee Only). The new contract expiration date shall be December 31, 2026.

2. All other terms and conditions shall remain unchanged.

\* Signature below certifies receipt, understanding, and compliance with the provisions of this amendment.

**Office of the Arizona Attorney General**

Cindy Palmer

Procurement Manager

A handwritten signature in blue ink that reads "Palmer".

**DATE:** 12/22/2025



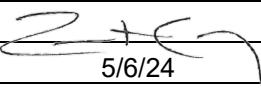
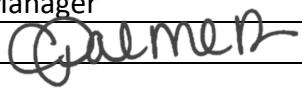
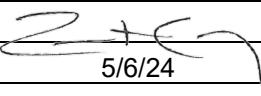
AG23-0009-006  
Consumer Fraud and Related Civil Actions (Contingency Fee Only)  
**AMENDMENT #2**

**State of Arizona  
Office of the Attorney General**  
Procurement Section  
2005 N Central Ave  
Phoenix, Arizona 85004

1. The purpose of this amendment is to extend AGO Contract# AG23-0009-006 for an additional year in accordance with Special Terms & Conditions, paragraph 2.3.2 Term of Contract for Consumer Fraud and Related Civil Actions (Contingency Fee Only). The new contract expiration date shall be December 31, 2025.

2. All other terms and conditions shall remain unchanged.

\* Signature below certifies receipt, understanding and compliance with the provisions of this amendment.

<b>Hagens Berman Sobol Shapiro LLP</b>	<b>Office of the Arizona Attorney General</b>
Robert Carey	Cindy Palmer
Managing Partner	Procurement Manager
	
<b>DATE:</b>  5/6/24	<b>DATE:</b> 5/6/2024



AG23-0009-006  
Consumer Fraud and Related Civil Actions (Contingency Fee Only)  
**AMENDMENT #1**

**State of Arizona  
Office of the Attorney General**  
Procurement Section  
2005 N Central Ave  
Phoenix, Arizona 85004

1. The purpose of this amendment is to update select Scope of Work and Special Terms & Conditions clauses for Request for Proposal (RFP), Consumer Fraud and Related Civil Actions (Contingency Fee Only), BPM004964/AGO Contract# AG23-0009-006.

a. Update requirements per Uniform Terms and Conditions, Paragraph 5.1, Amendments:

i. Update Scope of Work, Reporting, Paragraph 1.7.2:

1. Current:

**1.7.2 Reporting of Related Class Action Litigation**

If at any time during the course of a representation Outside Counsel serves as class counsel or files court papers seeking to serve as class counsel in a class action related to the representation or the conduct at issue in the representation, Outside Counsel must immediately notify the AGO of the pertinent class action and Outside Counsel's role or requested role in the class action.

2. Replacement:

**1.7.2 Reporting of Related Litigation**

If at any time during the course of a representation Outside Counsel serves as class counsel or files court papers seeking to serve as class counsel in a class action related to the representation or the conduct at issue in the representation, Outside Counsel must immediately notify the AGO of the pertinent class action and Outside Counsel's role or requested role in the class action. If at any time during the course of the representation Outside Counsel serves as counsel to any other government entity with respect to the conduct at issue in the representation, Outside Counsel must immediately notify the AGO of the government entities represented by Outside Counsel and the specific claims filed or requested to be filed. The AGO, in its sole and reasonably exercised discretion, shall make all determinations as to whether an additional representation by Outside Counsel in the MDL constitutes a conflict with the interests of the State of Arizona.

ii. Update Scope of Work, Compensation, Paragraph 1.8.2.1

1. Current

**1.8.2.1** It is agreed that the pre-set, fixed fee ("Fee") to be charged by Outside Counsel in connection with the representation described in this Agreement shall be contingent so that if no recovery is obtained on behalf of the Attorney General or the State of Arizona in this matter, no Fee will be charged by Outside Counsel for the representation. If there is a recovery, the Fee will be based on the contingent fee percentages set forth in A.R.S. § 41-4803, which percentages shall be applied to the gross amount received by settlement, at trial, or on appeal, subject to the following specific limitation: the Fee shall be calculated only based upon the recovery and collection of civil penalties pursuant to A.R.S. § 41-1531 or disgorgement pursuant to A.R.S. § 41-1529(A)(3), and shall not be calculated based upon the recovery of any amounts agreed upon, awarded, recovered, received, or collected as consumer restitution.

2. Replacement

**1.8.2.1.** It is agreed that the pre-set, fixed fee ("Fee") to be charged by Outside Counsel in connection with the representation described in this Agreement shall be contingent so that if no



AG23-0009-006  
Consumer Fraud and Related Civil Actions (Contingency Fee Only)  
**AMENDMENT #1**

**State of Arizona  
Office of the Attorney General**  
Procurement Section  
2005 N Central Ave  
Phoenix, Arizona 85004

recovery is obtained on behalf of the Attorney General or the State of Arizona in this matter, no Fee will be charged by Outside Counsel for the representation. If there is a recovery, the Fee will be based on the contingent fee percentages set forth in A.R.S. § 41-4803, which percentages shall be applied to the gross amount received by settlement, at trial, or on appeal.

iii. Update Special Terms & Conditions, Conflict of Interest/Litigation against the State of Arizona, Paragraph 2.13.2.1:

1. Current

2.13.2.1 Conflicts

Outside Counsel shall advise the Attorney General of any perceived conflict. This duty shall extend throughout the performance of this contract when a conflict or perceived conflict becomes known to the Outside Counsel. Whether the conflict is remote or disqualifying will be the Attorney General's decision.

2. Replacement

2.13.2.1 Conflicts

Outside Counsel shall advise the Attorney General of any perceived conflict. This duty shall extend throughout the performance of this contract when a conflict, potential conflict or perceived conflict becomes known to the Outside Counsel. Whether the conflict is remote or disqualifying will be the Attorney General's decision.

iv. Update Special Terms & Conditions, Conflict of Interest/Litigation against the State of Arizona, Paragraph 2.13.2.2:

1. Current

2.13.2.2 Related Class Action as Conflict

Service as class counsel or seeking through the filing of court papers to serve as class counsel in a class action related to a representation under this Agreement or the conduct at issue in a representation under this Agreement qualifies as a Conflict of Interest.

2. Replacement

2.13.2.2 Related Class Action as Conflict

Service as counsel in any action related to a representation under this Agreement or the conduct at issue in a representation under this Agreement, without prior written consent from the AGO, may qualify as a Conflict of Interest. Outside Counsel will notify the AGO of any other representations undertaken with respect to the conduct at issue under this Agreement.

v. Update Special Terms & Conditions, Litigation against the State of Arizona, Paragraph 2.13.2.3.1 and 2.13.2.3.2:

1. Current

2.13.2.3.1. Request for Waiver of Conflict Form



AG23-0009-006  
Consumer Fraud and Related Civil Actions (Contingency Fee Only)  
**AMENDMENT #1**

**State of Arizona  
Office of the Attorney General**  
Procurement Section  
2005 N Central Ave  
Phoenix, Arizona 85004

A Request for Waiver of Conflict Form must be submitted in writing either by mail, e-mail, or transmitted by fax to the AZ Attorney General's Office. Normal response time is approximately 5-7 business days. Expedited requests will be considered with a valid written justification. One request form is expected for each case submitted for consideration.

Contact: Dawn Northup, Chief Counsel, State Government Division

Mailing Address: 2005 N Central Ave, Phoenix, AZ 85004

E-mail: [WaiverRequests@azag.gov](mailto:WaiverRequests@azag.gov) cc: [Dawn.Northup@azag.gov](mailto:Dawn.Northup@azag.gov)

E-mail Subject Line: Waiver Request

#### 2.13.2.3.2. Form Availability

The Request for Waiver of Conflict Form will be provided upon contract award and also is available online at [www.azag.gov/rfp](http://www.azag.gov/rfp).

#### 2. Replacement

##### 2.13.2.3.1 Request for Waiver of Conflict Form

A Request for Waiver of Conflict Form must be submitted in writing either by mail, e-mail, or transmitted by fax to the AZ Attorney General's Office. Normal response time is approximately 5-7 business days. Expedited requests will be considered with a valid written justification. One request form is expected for each case submitted for consideration

Contact: Vanessa Hickman, Chief Counsel, State Government Division

Mailing Address: 2005 N Central Ave, Phoenix, AZ 85004

E-mail: [WaiverRequests@azag.gov](mailto:WaiverRequests@azag.gov) cc: [Vanessa.Hickman@azag.gov](mailto:Vanessa.Hickman@azag.gov), [Briana.Cortinas@azag.gov](mailto:Briana.Cortinas@azag.gov)

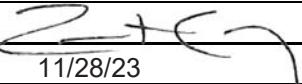
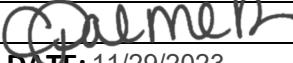
E-mail Subject Line: Waiver Request

#### 2.13.2.3.2 Form Availability

The Request for Waiver of Conflict Form will be provided upon contract award and also is available online at [www.azag.gov/procurement](http://www.azag.gov/procurement).

#### 2. All other terms and conditions shall remain unchanged.

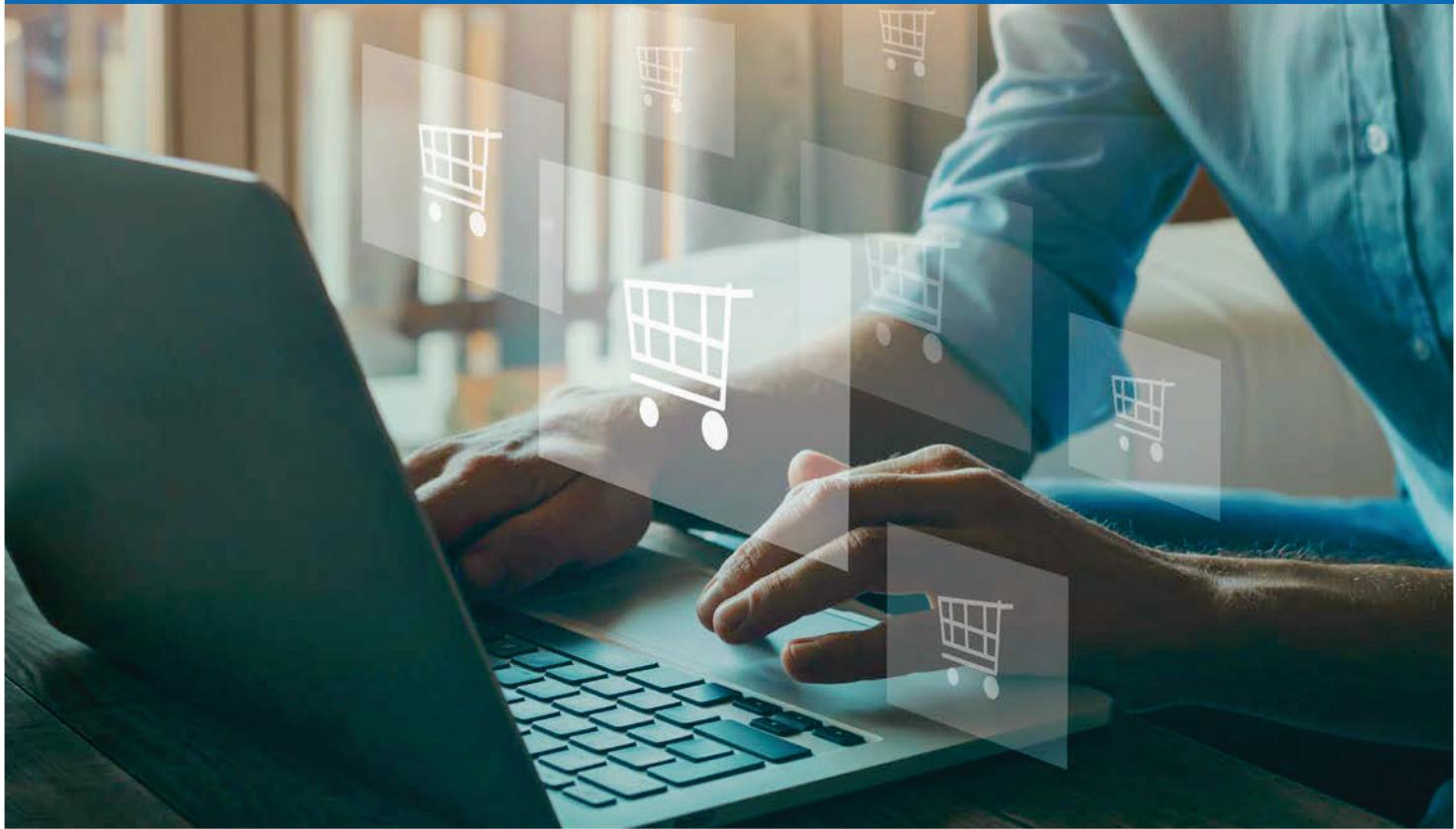
\* Signature below certifies receipt, understanding and compliance with the provisions of this amendment.

<b>Hagens Berman Sobol Shapiro LLP</b>	<b>Office of the Arizona Attorney General</b>
Robert Carey	Cindy Palmer
Managing Partner	Procurement Manager
	
<b>DATE:</b> 11/28/23	<b>DATE:</b> 11/29/2023

RESPONSE TO REQUEST FOR PROPOSAL AG23-0009

# OUTSIDE COUNSEL CONSUMER FRAUD AND RELATED CIVIL ACTIONS

SOLICITATION NO. BPM004964



PRESENTED TO:  
State of Arizona  
Office of the Attorney General  
2005 N Central Avenue  
Phoenix, AZ 85004

HAGENS BERMAN

PRESENTED BY:  
Hagens Berman Sobol Shapiro LLP  
11 West Jefferson Street  
Suite 1000  
Phoenix, AZ 85003



**AG23-0009  
OFFER AND ACCEPTANCE  
ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**OFFER**

**TO THE STATE OF ARIZONA:**

The Undersigned hereby offers and agrees to furnish the material, service or construction in compliance with all terms, conditions, specifications and amendments in the Solicitation and any written exceptions in the offer. Signature also certifies Small Business status.

Hagens Berman Sobol Shapiro LLP				
Firm Name			Signature of Person Authorized to Sign Offer	
11 West Jefferson, Suite 1000			Robert B. Carey	
Company Address			Printed Name	
Phoenix	AZ	85003	Phoenix Managing Partner	
City	State	Zip	Title	
rob@hbsslaw.com			602-224-2626	602-840-3012
Contact Email Address			Contract Phone Number	Contact Fax Number

**By signature in the Offer section above, the Offeror certifies:**

1. The submission of the Offer did not involve collusion or other anticompetitive practices.
2. The Offeror shall not discriminate against any employee or applicant for employment in violation of Federal and/or State laws.
3. The Offeror has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted offer. Failure to provide a valid signature affirming the stipulations required by this clause shall result in rejection of the offer. Signing the offer with a false statement shall void the offer, any resulting contract and may be subject to legal remedies provided by law.
4. The Offeror certifies that the above referenced organization  IS/  IS NOT a small business with less than 100 employees or has gross revenues of \$4 million or less.

**ACCEPTANCE OF OFFER**

Your offer is hereby accepted:

The Contractor is now bound to sell the materials, services or construction listed by the attached contract based upon the solicitation, including all terms, conditions, specifications, amendments, etc., and the Contractor's offer as accepted by the Office of the Attorney General.

The Contractor is hereby cautioned not to commence any billable work or provide any material or service under this contract until the Contractor receives a purchase order, contract release document or written notice to proceed.

This Contract shall henceforth be referred to as Contract No.:		AG23-0009 -006		
The effective date of the Contract is:		January 1, 2023		
STATE OF ARIZONA OFFICE OF THE ATTORNEY GENERAL	Awarded this	6th	Day of	January
Cindy Palmer, Procurement Manager				



**AG18-0013**  
**BAR COMPLAINTS/MALPRACTICE QUESTIONNAIRE**  
**ATTACHMENT I**

**Office of the  
Attorney General**  
1275 W. Washington  
Phoenix, AZ  
85007-2926

**Counsel Information**

Hagens Berman Sobol Shapiro LLP				1997
<b>Firm Name</b>				<b>Year Firm was Established</b>
11 West Jefferson, Suite 1000				
<b>Firm Address</b>				
Phoenix	AZ	85003	602-840-5900	602-840-3012
<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Primary Phone Number</b>	<b>Contact Fax Number</b>
<b>Firm Identified in Proposal as:</b> Parent Company: <input checked="" type="checkbox"/> Branch or Subsidiary Office: <input type="checkbox"/> Individual Contracted Counsel: <input type="checkbox"/>				
Hagens Berman Sobol Shapiro LLP 1301 2 <sup>nd</sup> Avenue, Suite 2000 Seattle, WA 98101			1993	
<b>Name and location of Parent Company (if applicable)</b>			<b>Year Parent Company was Established (if applicable)</b>	

**Names of not more than two Principals to contact:**

Robert B. Carey	Phoenix Managing Partner	602-224-2626	rob@hbsslaw.com
<b>Name</b>	<b>Title</b>	<b>Phone Number</b>	<b>Email Address</b>
Leonard W. Aragon	Partner	602-224-2629	leonard@hbsslaw.com
<b>Name</b>	<b>Title</b>	<b>Phone Number</b>	<b>Email Address</b>

**Number of Personnel by Discipline (count each person only once, by primary function):**

29	17	28	20	0
<b>Partners</b>	<b>Of Counsel</b>	<b>Associate</b>	<b>Paralegal/Legal Asst</b>	<b>Law Clerks</b>
14		28		136
<b>Other: Staff Attorneys</b>		<b>Other: Staff</b>		

**Has your firm ever held a contract with the State of Arizona? For how many years?:**

Yes, since 1998 (24 years).

**Acceptance of Insurance Requirements:**

Indicate that you have read, understand and will comply with the Insurance requirements specified in Section 8 & 9 of the Agreement. Check the appropriate response.

<input checked="" type="checkbox"/> Yes, we will comply with the Insurance requirements	<input type="checkbox"/> No, we will not comply with the Insurance requirements
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**AG23-0009**  
**CONFLICTS OF INTEREST QUESTIONNAIRE**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**Conflicts of Interest:**

Identify and describe any type of matter, litigation and otherwise, in which your firm is involved with against the State of Arizona or any of its agencies and a concise statement of how your firm proposes to resolve any conflicts of interest with the State of Arizona. Specific Cases or Matters should be listed on the table on the following page or you may add an attachment sheet similar to the table. In the event of the award of a contract, Counsel must receive a waiver of any conflict of interest. The award of this contract does not create or cause said waiver.

**Note: The State of Arizona does not require counsel to obtain a waiver of conflict of interest when counsel undertakes representation of a defendant in a criminal case.**

No "Blanket" waiver requests will be considered. Check none below, if no conflict of interest exists.  None

**Specific Case/Matter Information:**

**List the specific cases in which your firm has been adverse to the State of Arizona in the last 2 years.**

If the case has been on-going for more than two years it should be listed here. Add additional pages if needed.

Court or Case Name	Court or Case Number	Date Began	Date Ended
John Doe v. Arizona Board of Regents*	LC2017-000365-001 (Ariz. Super. Ct., Maricopa Cty.); 1 CA-CV 18-0784 (Ariz. Ct. App., Div. 1)	10/2/2017	Ongoing
John Doe v. Arizona Board of Regents, et al.*	2:18-cv-01623-DWL (D. Ariz.)	5/29/18	Ongoing
John Doe v. Arizona Board of Regents*	CV2020-001383 Ariz. Super. Ct. (Maricopa Cty.)	1/29/2020	Ongoing
Eileen Owen-Williams v. Arizona Board of Regents d/b/a University of Arizona*	CV2018-004145 Ariz. Super. Ct. (Maricopa Cty.)	3/20/18	4/7/21

\*Waivers were issued for these cases. The first three arise out of the same facts.

**List the specific matter in which your firm has been adverse to the State of Arizona in the last 2 years.**

If the matter has been on-going for more than two years it should be listed here. Add additional pages if needed.

Matter	Date Began	Date Ended
Sabina Krasnov v. Arizona Board of Regents*	7/7/20	3/10/21

\*Waiver was issued.



**AG23-0009**  
**CONFLICTS OF INTEREST QUESTIONNAIRE**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**List the specific cases in which your firm has represented the State of Arizona in the last 2 years.**

If the case has been on-going for more than two years it should be listed here. Add additional pages if needed.

Court or Case Name	Court or Case Number	Date Began	Date Ended
State of Arizona, <i>ex rel.</i> Mark Brnovich, Attorney General v. Mercedes-Benz USA, LLC, Daimler Aktiengesellschaft, Robert Bosch GmbH, and Robert Bosch LLC	CV2019-000792 (Ariz. Super. Ct., Maricopa Cty.)	12/20/18	Ongoing



**AG23-0009**  
**BAR COMPLAINT/MALPRACTICE QUESTIONNAIRE**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**Disclosure of any State Bar Association Investigations and Malpractice Suits**

**Does any current member of your firm have any bar complaint currently being investigated and/or disciplinary action taken by the State Bar Association against them? Add additional pages if needed.**

Check the appropriate response

Yes

No

If answer to the above is "Yes", use the space below to disclose details of any complaint(s):

**N/A**

**Has your firm had any malpractice suit or claim for malpractice filed against it in the last 2 years?**

Add additional pages if needed.

Check the appropriate response **CONFIDENTIAL**

Yes

No

If answer to the above is "Yes", use the space below to disclose details of any complaint(s):

See response to next question. **CONFIDENTIAL**

**Do you wish this information to be held confidential in accordance with A.A.C. R2-7-103?**

Add additional pages if needed.

Check the appropriate response **CONFIDENTIAL**

Yes

No

If answer to the above is "Yes", use the space below to disclose details of any complaint(s):

**CONFIDENTIAL**

[REDACTED]



**AG23-0009  
RATE SCHEDULE  
ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**Rate Schedule**

The contingency fee received by this state's private attorney shall not exceed fifty million dollars, except for reasonable costs and expenses and regardless of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery. Rates below are the maximum allowed and may be negotiated on a case by case basis.

<b>Item #</b>	<b>Description</b>
1	Not to exceed Twenty-five per cent of the initial recovery of less than ten million dollars.
2	Not to exceed Twenty per cent of that portion of any recovery of ten million dollars or more but less than fifteen million dollars.
3	Not to exceed Fifteen per cent of that portion of any recovery of fifteen million dollars or more but less than twenty million dollars.
4	Not to exceed Ten per cent of that portion of any recovery of twenty million dollars or more but less than twenty-five million dollars.
5	Not to exceed Five per cent of any recovery of twenty-five million dollars or more.

**Hourly Rate Schedule**

The Hourly Rate Schedule shall be governed by the provisions of Paragraph 1.10 of the Request for Proposal.

<b>Item</b>	<b>Description</b>	<b>Maximum Rate</b>	<b>Hourly Rate Offered (Not to Exceed Rate)<sup>1</sup></b>
1	Partner	\$400.00	\$400.00
2	Associate	\$250.00	\$250.00
3	Paralegal	\$125.00	\$125.00

<sup>1</sup> Our normal Arizona rates are as follows: Partners (\$900-\$650); Of Counsel (\$650 -\$525); Associates (\$400); and Paralegals (\$300-\$175). We are offering rates significantly lower than our market rates in recognition of our desire to be selected by the State to represent it in these matters.



**AG23-0009**  
**QUALIFICATIONS OF KEY PERSONNEL**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**Qualifications and Experience of Key Personnel**

Complete this section for the Key Personnel the Offeror is proposing. Key Personnel are the individuals showing the experience and expertise to do the work identified in this RFP. If an item is not applicable, indicate so by inserting "N/A. Please copy this form as needed.

Steve W. Berman	Managing Partner	
<b>Name of Individual</b>	<b>Title</b>	
Co-Lead Counsel	Complex litigation, consumer class actions, pharma cases, economic loss claims, civil penalties, and representation of governmental entities	
<b>Proposed Project Role</b>	<b>Area(s) of Expertise</b>	
12536	Illinois	1980
<b>Bar Registration No.</b>	<b>State of Issue</b>	<b>Year</b>
3126833	Washington	1982
<b>Bar Registration No.</b>	<b>State of Issue</b>	<b>Year</b>
University of Chicago Law School	J.D.	1980
<b>Education</b>	<b>Degree</b>	<b>Year</b>
University of Michigan	B.A.	1976
<b>Education</b>	<b>Degree</b>	<b>Year</b>

**Executive Summary describing this individual's suitability for a project of this nature. Include similar cases the individual was involved in and their role.**

Steve W. Berman co-founded Hagens Berman in 1993 and is the Managing Partner. The firm was founded with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class actions and other types of complex, multi-party litigation, but it has always represented plaintiffs, victims, and the underdog. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including consumers, investors, workers, inventors, the environment, whistleblowers, government agencies, and others in large, complex litigation in state and federal courts.

Mr. Berman's experience has earned him significant recognition and led *The National Law Journal* to proclaim, "Landmark consumer cases are business as usual for Steve Berman." It also named him one of the 100 most influential lawyers in the nation, and repeatedly lists Hagens Berman as one of the top 10 plaintiffs' firms in the country. *Public Justice* nominated Mr. Berman and his team as finalists for the prestigious trial lawyer of the year award for securing a \$1.6 billion settlement on behalf of car owners in *In re Toyota Motor Corp. Sudden, Unintended Acceleration*. Law360 has tagged the firm as one of the "Most Feared Plaintiffs Firms."

Considered one of the nation's most successful class-action attorneys, Mr. Berman has secured record-breaking settlements and tangible benefits for class members. He is particularly known for his tenacity in forging consumer settlements that return a high percentage of recovery to class members.

Steve Berman is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling, and he leads the firm's Auto Group which is working on behalf of consumers in class actions involving dangerous defects that result in vehicle or engine fires in certain Hyundai, Kia, and Ford vehicles.



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**QUALIFICATIONS OF KEY PERSONNEL**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
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### **NOTABLE CASES**

#### **> State Tobacco Litigation - \$260 billion**

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions—the largest civil settlement in history. *E.g., State of Arizona v. American Tobacco Co., Inc., et al.*, No. CV-96-14769, Ariz. Supr. Ct., Maricopa Cty.).

#### **> Visa MasterCard ATM Antitrust Litigation - \$27 billion**

Co-lead counsel in what was then the largest antitrust settlement in history—a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa's and MasterCard's networks. *Mackmin, et al. v. Visa Inc., et al.*, 1:11-cv-1831-RJL (D.D.C.).

#### **> Volkswagen Emissions Litigation - \$17.4 billion**

Steve Berman was named a member of the Plaintiffs' Steering Committee and was part of the Settlement Negotiating team which helped settle the Volkswagen "Dieselgate" case for \$17.4 billion. *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-cv-04278 (N.D. Calif.).

#### **> Volkswagen Franchise Dealerships - \$1.6 billion**

Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, a substantial recovery for the class. *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litig.*, No. 1:16-cv-04071 (N.D. Calif.).

#### **> In re Toyota Motor Corp. Sudden, Unintended Acceleration - \$1.6 billion**

Co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs' steering committee. After settlement, U.S. District Judge James Selna, Central District of California, said, "Class counsel has consistently demonstrated extraordinary skill and effort." *In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litig.*, No. 8:10ML2151 JVS (FMOx) (C.D. Calif.).

#### **> McKesson Drug Class Litigation – Nearly \$1 billion settlement and \$27.6 million for Arizona**

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. A \$350 million settlement was reached 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 eventually recovered from the McKesson fraud including \$27.6 million for the State of Arizona. *E.g., San Francisco Health Plan v. McKesson Corp.*, No. 08-cv-10843 (D. Mass.); *State of Arizona, ex rel. Thomas C. Horne, Attorney General v. McKesson Corp.*, CV-2012-013707 (Ariz. Super. Ct., Maricopa Cty.); *McKesson Corp. v. Arizona Health Care Cost Containment System Administration*, No. 13-F-137578-AHC (Ariz. Office of Admin. Hearings); and *McKesson Corp. v. Arizona Health Care Cost Containment Sys. and Tom Betlach*, No. 2013-000509-001DT (Ariz. Office of Admin. Hearings).



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**> *Mercedes-Benz Emissions Litigation - \$700 million***

Co-lead counsel on behalf of owners and lessees of Mercedes vehicles affected by Daimler's diesel emissions deficiencies. The case was initially filed and researched by Hagens Berman based on the firm's independent vehicle testing. The Complaint alleged that Mercedes joined forces with Bosch to program its BlueTEC vehicles to release illegally high dangerous levels of emissions via a defeat device that turned off or limited emissions reductions during real-world driving conditions but not during vehicle emissions tests. The settlement reached on behalf of consumers was \$700 million. *In Re Mercedes-Benz Emissions Litig.*, No. 2:33-av-00001 (D. N.J.).

**> *Washington Public Power Supply System (WPPSS) - \$700 million settlement***

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants. *In re Washington Public Power Supply System Securities Litig.*, MDL No. 551, (W.D. Wash.).

**> *E-books Antitrust Litigation - \$560 million settlement***

Fought against Apple and five of the nation's top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers' actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve Berman then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers. *In Re Electronic Books Antitrust Litig.*, No. 11-md-02293-DLC (S.D.N.Y.).

**> *Enron Pension Protection Litigation - \$250 million settlement***

Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve Berman to co-lead the case against Enron and the other defendants. *Tittle, et al. v. Enron Corp., et al.*, No. 4:01cv3913 (S.D. Tex.).

**> *In re Charles Schwab Securities Litigation - \$235 million settlement***

Led the firm to file the first class-action lawsuit against Charles Schwab in 2008, alleging that Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares. *In Re Charles Schwab Corp. Securities Litig.*, 08-CV-01510 (N.D. Calif.).

**> *NCAA Grant-In-Aid Scholarships - \$208 million***

Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve Berman also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes. The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to education-related expenses. According to the Ninth Circuit, the NCAA is "permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education" that conferences may make available. In the Supreme Court's 9-0, Justice Kavanaugh stated, "The NCAA is not above the law." *In re: National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig.*, 4:14-md-02541-CW (N.D. Calif.); <https://www.hbsslaw.com/sites/default/files/case-downloads/ncaa-scholarships/2021-06-21-supreme-court-ruling.pdf>.



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**> Broilers Antitrust Litigation - \$181 million**

The firm recovered \$181 million on behalf of consumer indirect purchase class plaintiffs alleging broiler chicken producers engaged in a price-fixing conspiracy. *In re Broiler Chicken Antitrust Litig.*, No. 16-cv-08637 (N.D. Ill.).

**> Optical-Disc Price Fixing Litigation - \$180 million**

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of optical disc drives for consumers. Consumers reclaimed \$180 million in settlements. *In Re: Optical Disk Drive Products Antitrust Litig.*, No. 10-cv-02143 (N.D. Calif.).

**> Poultry Wages Antitrust Litigation - \$130 million**

The firm has recovered over \$130 million in settlements to date for poultry workers. The matter is still pending in Maryland federal court. *Jien, et al. v. Perdue Farms, Inc., et al.* No. 1:19-cv-02521-ELH (D. Md.)

**> Apple iOS Developers Antitrust - \$100 million settlement**

Hagens Berman was lead counsel alleging that Apple refused to allow iOS device users to purchase iOS apps and in-app products other than through its own App Store. In the Final Approval Order, the Court said, "Class counsel are deeply versed in this area of law and have routinely demonstrated that they are qualified and have experience with prosecuting class actions of this kind and therefore adequate to represent the settlement class as well." *Cameron, et. Al. v. Apple Inc.*, No. 4:19-cv-03074-YGR (N.D. Calif.)

**> Exxon Valdez Oil Spill - \$5 billion Judgment and \$98 million settlement**

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history. A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline. *Exxon Shipping Co., et al. v. Grant Baker, et al.*, 128 S. Ct. 2605 (June 25, 2008).

**> AppleCare Protection Plan and AppleCare+ - \$95 million settlement**

Steve Berman was lead counsel against Apple Inc. for consumers arising out of two extended service plans offered by Apple —the AppleCare Protection Plan and AppleCare+. Plaintiffs' claims that the remanufactured devices used for replacements were not "new or equivalent to new in performance and reliability" resulted in a \$95 million settlement on the eve of trial. *Maldonado, et al. v. Apple Inc., et al.*, No. 3:16-cv-04067 (N.D. Calif.).

**> Pork Antitrust Litigation - \$95 million**

Represent the consumer indirect purchaser class against the pork processors engaging in a price-fixing conspiracy in the industry. To date Hagens Berman has recovered \$95 million on behalf of the class. *In re Pork Antitrust Litig.*, No. 18-CV-01776 (D. Minn.).

**> NCAA Student-Athlete Name & Likeness Licensing - \$60 million settlement**

Hagens Berman attorneys represented student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series. This case represented the first time in history the NCAA paid for using student-athletes' names and likenesses for commercial purposes, and resulted in recoveries that fared the amount student-athletes would have received had they been allowed to license their names and likenesses. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600. The NCAA and EA paid a combined \$60 million settlement *Keller v. Electronic Arts, Inc., et al.*, No. 4:09-cv-01967-CW (N.D. Calif.); *O'Bannon Jr., et al. v. National Collegiate Athletic Assn., et al.*, No. 4:09-cv-03329 (N.D. Calif.).



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**Arizona Attorney General**

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**> General Motors Ignition Switch Litigation**

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy. *In re: General Motors LLC Ignition Switch Litigation*, 1:14-md-02543-JMF (S.D. N.Y.).

**> Governmental Entities Opioid Litigation**

Steve Berman was retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

*The People of the State of Calif. v. Purdue Pharma L.P., et al.*, No. 30-2014-00725287-CU-BT-CXC (Super. Ct., Orange Cty.)  
*City of Seattle v. Purdue Pharma L.P., et al.*, No. 17-2-25504-1 (Wash. Supr. Ct. King Cty.)

*City of Seattle v. McKinsey & Co., Inc., et al.*, No. 2:22-cv-01544 (D. Wash.)

*State of Ohio v. Purdue Pharma L.P., et al.*, No. CV-17 CI 000261 (Ohio Common Pleas Ct., Ross Cty.)

*In Re National Prescription Opiate Litigation*, MDL No. 2804, (N.D. Ohio)

*State of Arkansas v. McKinsey & Co., Inc. United States*, No. 23CV-21-135 (Ark. Cir. Ct., Faulkner Cty.)

*State of Mississippi v. Purdue Pharma, et al.*, No. 2015-1814 (Miss. Chancery Ct., First Judicial Dist., Hinds Cty.).

Please see the attached Firm Resume for further details.



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**Arizona Attorney General**

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**Qualifications and Experience of Key Personnel**

Complete this section for the Key Personnel the Offeror is proposing. Key Personnel are the individuals showing the experience and expertise to do the work identified in this RFP. If an item is not applicable, indicate so by inserting "N/A. Please copy this form as needed.

Robert B. Carey	Phoenix Managing Partner	
<b>Name of Individual</b>	<b>Title</b>	
Co-Lead Counsel	Complex litigation, consumer class actions, civil penalties, trials, and representation of governmental entities	
<b>Proposed Project Role</b>	<b>Area(s) of Expertise</b>	
011186	Arizona	1987
<b>Bar Registration No.</b>	<b>State of Issue</b>	<b>Year</b>
17177	Colorado	1987
<b>Bar Registration No.</b>	<b>State of Issue</b>	<b>Year</b>
Harvard University, John F. Kennedy School of Government, State & Local Government Program		1992
<b>Education</b>	<b>Degree</b>	<b>Year</b>
University of Denver	M.B.A., J.D.	1986
<b>Education</b>	<b>Degree</b>	<b>Year</b>

**Executive Summary describing this individual's suitability for a project of this nature. Include similar cases the individual was involved in and their role.**

Mr. Carey is the former Chief Deputy for the Arizona Attorney General's office where he supervised over 300 lawyers, handled dozens of consumer protection claims on a class basis, and was instrumental in developing the Office's consumer protection agenda. Mr. Carey also originated Arizona's law requiring DNA testing of all sex offenders and developed a penalty requiring criminals to pay the cost of victims' rights, helped draft Arizona's revised criminal code, and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits.

Since leaving the Office, Mr. Carey has helped litigate many of the largest civil cases in US history, including the multi-billion dollar pharmaceutical pricing cases—commonly referred to as the Average Wholesale Price or AWP litigation—on behalf of several states and a class of third-party payors, and the landmark Tobacco litigation on behalf of Arizona and 13 other states.

Mr. Carey's practice focuses on complex consumer fraud claims against large corporations, such as the fuel economy case against Hyundai Motor America and Kia Motor Company, valued at \$400 million, and \$1.6 billion dollar recovery against Toyota—a case where Mr. Carey was responsible for developing the novel legal basis for recovery.

In a recent consumer fraud case, Mr. Carey helped bring claims against Apple under its extended warranties plans—AppleCare+ and the AppleCare Protection Plan. Apple settled for \$95 million on the eve of trial in 2021 after Hagens Berman defeated many of Apple's motions, including a motion to decertify the class.

Mr. Carey is a seasoned trial attorney, having obtained favorable verdicts in diverse cases involving, among other things, consumer fraud, copyright, breach of contract, personal injury, insurance, and class actions. In 2018, he obtained a jury verdict of \$383.5 million for the families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.



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In 2013, after a two-month trial, he obtained two jury verdicts against videogame maker Electronic Arts in a case involving the iconic Madden NFL video game—an effort recognized as the Verdict of the Year by The Daily Journal. Other notable verdicts include the largest jury verdict ever in an Ohio county in 2012 (for a woman burned during a good Samaritan act), a liability verdict in a case involving damages of \$75 million, and numerous other verdicts where Mr. Carey was able to obtain punitive or trebled damages.

Mr. Carey has also handled class actions relating to Medicaid and state interim assistance issues, including complex claims relating to prescription drug discounts.

Recognitions include:

- Best Lawyers in America 2023 in Litigation - Insurance and Personal Injury Litigation - Plaintiffs
- One of 500 Leading Lawyers in America selected (again) by Lawdragon, and the only Arizona or Colorado attorney to make the list.
- Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system.
- Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year
- Selected as a Leading Plaintiff Financial Lawyer in America and a Leading Plaintiff Consumers Lawyer in America
- U.S. Department of Justice, recognized for victims' rights efforts

Mr. Carey teaches class actions at Sandra Day O'Connor School of Law at Arizona State University. He founded the Arizona State Bar Class Action and Derivative Suits Committee, and is the editor of the ABA's "A Practitioner's Guide to Class Actions."

### **NOTABLE CASES**

#### **> State Tobacco Litigation - \$260 billion**

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions—the largest civil settlement in history. *E.g., State of Arizona v. American Tobacco Co., Inc., et al.*, No. CV-96-14769, Ariz. Supr. Ct., Maricopa Cty.).

#### **> In re Toyota Motor Corp. Sudden, Unintended Acceleration - \$1.6 billion**

Helped originate the sudden unintended acceleration case, filing the initial Hagens Berman Complaints for a case where Hagens Berman was co-lead counsel. The case eventually settled for \$1.6 billion, the largest automotive settlement in history at the time. The Toyota vehicles contained a defect causing sudden, unintended acceleration. *In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litig.*, No. 8:10ML2151 JVS (FMOx) (C.D. Calif.).

#### **> Hyundai Kia Fuel Economy - \$400 million**

Lead counsel for consumers on behalf of owners after the car manufacturerers overstated the MPG fuel economy ratings on 900,000 of its cars. The settlement gave 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 lump-sum payment plan was worth \$400 million on a cash basis, and worth even more if owners opt for store credit or new car discount options. *In Re: Hyundai and Kia Fuel Economy Litig.*, MDL No. 2424, (C.D. Calif.).



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**> DaVita Healthcare - \$383.5 million**

Represented families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. A Denver jury awarded a monumental \$383.5 million against GranuFlo dialysis provider DaVita Inc. Each of the families was awarded \$120 million in punitive damages, with compensatory damages ranging from \$1.5 million to \$5 million, which was the largest medical malpractice verdict that year. *White v. DaVita Inc.*, No. 15-cv-2106-RBJ (D. Colo.).

**> Hyundai Horsepower Litigation - \$100 million**

Rob Carey led this class of Hyundai owners alleging that Hyundai overstated the horsepower of certain vehicles in their marketing materials and on the window stickers of the vehicles. The suit settled for an estimated \$100 million. *Irwin v. Hyundai/Kia*, No. 02CC00287 (Calif. Super. Ct., Orange Cty.).

**> AppleCare Protection Plan and AppleCare+ - \$95 million settlement**

Rob Carey was on the team when Hagens Berman was appointed lead counsel against Apple Inc. for claims arising out of two extended service plans offered by Apple —the AppleCare Protection Plan and AppleCare+. Consumers' claims that the remanufactured devices used for replacements were not "new or equivalent to new in performance and reliability" resulted in a \$95 million settlement on the eve of trial. *Maldonado, et al. v. Apple Inc., et al.*, No. 3:16-cv-04067 (N.D. Calif.).

**> NCAA Student-Athlete Name & Likeness Licensing - \$60 million settlement**

As co-lead counsel, Mr. Carey helped recover \$60 million from the NCAA for misappropriating student-athletes' likenesses. This case represented the first time in history the NCAA paid for using student-athletes' names and likenesses for commercial purposes, and resulted in recoveries that fared the amount student-athletes would have received had they been allowed to license their names and likenesses. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600. *Keller v. Electronic Arts, Inc., et al.*, No. 4:09-cv-01967-CW (N.D. Calif.); *O'Bannon Jr., et al. v. National Collegiate Athletic Assn., et al.*, No. 4:09-cv-03329 (N.D. Calif.).

**> McKesson Inflated Pharmaceutical Prices - \$27.6 million for Arizona**

Mr. Carey represented the Arizona Attorney General's office in *State of Arizona, ex rel. Thomas C. Horne, Attorney General v. McKesson Corporation*, CV-2012-013707 (Ariz. Super. Ct., Maricopa Cty.), to recover civil penalties under the Arizona Consumer Fraud Act for fraudulently inflating pharmaceutical prices. The settlement with McKesson was for \$10.1 million. The firm also represented several other states Attorney General offices, including Wisconsin, Mississippi, Utah, Virginia, Oregon, and New Mexico. In a related case against McKesson, Mr. Carey represented the Arizona Health Care Cost Containment System in two administrative proceedings before the Arizona Office of Administrative Hearings (*McKesson Corp. v. Arizona Health Care Cost Containment Sys. Admin.*, No. 13-F-137578-AHC, and *McKesson Corp. v. Arizona Health Care Cost Containment Sys., et al.*, No. 2013-000509-001DT), in which McKesson contested AHCCC's jurisdiction and authority to impose penalties and assessments against McKesson for fraudulently inflating pharmaceutical prices. The administrative case settled for \$16.5 million.

**> Hyundai Occupant Classification Systems**

Served as Class Counsel against Hyundai for defective Occupant Classification Systems, which caused the passenger-side air bag not to deploy in the event of an accident when a person of small-stature adult-size occupied the front passenger seat. The recovery was for a nationwide class of hundreds of thousands of people ensuring a fix or a new car. *Kearney, et al. v. Hyundai Motor Co., et al.*, No. 8:09-cv-01298-JST-MLG (C.D. Calif.).

**> Hyundai Sub-Frame Design**

Represented the class for defective sub-frame design which made them subject to premature oxidation and corrosion. The recovery was a nationwide settlement for hundreds of thousands of people where vehicle owners could get a major subframe safety defect fixed for free at their dealership. *Cirulli, et al. v. Hyundai Motor America, et al.*, No. 8:08-cv-00854-AG-MLG (C.D. Calif.).



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**> General Motors Ignition Switch Litigation**

Rob Carey helped start this high-profile case wherein Hagens Berman was named co-lead counsel on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy. *In re: General Motors LLC Ignition Switch Litigation*, 1:14-md-02543-JMF (S.D. N.Y.).

**> Lifelock Identity Theft \$1 Million Guarantee**

Rob Carey and Leonard Aragon served as class counsel in a case against Lifelock involving its representations that it could prevent identity theft before it happened, and its promise to guarantee theft protection services up to \$1 million. LifeLock settled and agreed to make permanent changes to its advertising and marketing practices. *In re Lifelock, Inc. Marketing and Sales Practices Litigation*, No. 2:08-md-01977 (D. Ariz.).

Please see the attached Firm Resume for further details.



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REFERENCES  
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**Qualifications and Experience of Key Personnel**

Complete this section for the Key Personnel the Offeror is proposing. Key Personnel are the individuals showing the experience and expertise to do the work identified in this RFP. If an item is not applicable, indicate so by inserting "N/A. Please copy this form as needed.

Leonard W. Aragon	Partner	
<b>Name of Individual</b>	<b>Title</b>	
Discovery management and briefing legal issues	Class actions, complex civil litigation, complex discovery, and ESI protocols.	
<b>Proposed Project Role</b>	<b>Area(s) of Expertise</b>	
20977	Arizona	2001
<b>Bar Registration No.</b>	<b>State of Issue</b>	<b>Year</b>
Stanford Law School	J.D.	2001
<b>Education</b>	<b>Degree</b>	<b>Year</b>
Arizona State University	B.A., History and Political Science	1998
<b>Education</b>	<b>Degree</b>	<b>Year</b>

**Executive Summary describing this individual's suitability for a project of this nature. Include similar cases the individual was involved in and their role.**

Leonard Aragon is a partner at Hagens Berman's Phoenix office. His practice is devoted to litigation with an emphasis on representing plaintiffs in nationwide consumer class actions. He has prosecuted notable class actions in Arizona against the NCAA, Lifelock, Inc., and Banner Health. Mr. Aragon also routinely represents individuals, states, and other governmental entities in complex litigation.

Mr. Aragon is currently representing the Arizona Attorney General's office in *State of Arizona, ex rel. Mark Brnovich, Attorney General v. Mercedes-Benz USA, LLC, et al.*, CV2019-000792 (Ariz. Super. Ct., Maricopa Cty.), to recover civil penalties under the Arizona Consumer Fraud Act for fraudulent emissions defeat devices on diesel vehicles. He also helped the Arizona Attorney General's office recover millions for Arizona residents in *State of Arizona, ex rel. Mark Brnovich, Attorney General v. General Motors LLC*, CV2014-014-90, for defective ignition switches in GM vehicles that could turn off suddenly.

Mr. Aragon and his firm take great pride in preparing all cases for trial, not settlement. To further this commitment, he is often tasked with managing large discovery projects involving dozens of producing parties, hundreds of document repositories, complex ESI protocols, and technology assisted review. Mr. Aragon has managed some of the largest document productions in Arizona, and routinely handles productions involving terabytes of information.

The pharmacy industry is another area where Mr. Aragon has substantial experience and he successfully obtained a multi-million dollar settlement against one of the country's largest pharmacy benefits management companies in the world regarding its reimbursement practices.

In addition to his private practice, Mr. Aragon is an adjunct professor at Arizona State University's College of Law where he lectures in the areas of civil procedure and class actions.



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Mr. Aragon graduated summa cum laude from Arizona State University in 1998 with degrees in History and Political Science, and received his J.D. from Stanford Law School in 2001. Before attending college, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion. Mr. Aragon is a member of the State Bar of Arizona and is admitted to practice in Arizona, California, Louisiana, Indiana, Illinois, Texas and Colorado federal district courts.

### **NOTABLE CASES**

#### **> *NCAA Student-Athlete Name & Likeness Licensing - \$60 million settlement***

Mr. Aragon helped recover \$60 million from the NCAA for misappropriating student-athletes' likenesses. This case represented the first time in history the NCAA paid for using student-athletes' names and likenesses for commercial purposes, and resulted in recoveries that fared the amount student-athletes would have received had they been allowed to license their names and likenesses. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600. *Keller v. Electronic Arts, Inc., et al.*, No. 4:09-cv-01967-CW (N.D. Calif.); *O'Bannon Jr., et al. v. National Collegiate Athletic Assn., et al.*, No. 4:09-cv-03329 (N.D. Calif.).

#### **> *McKesson Inflated Pharmaceutical Prices - \$27.6 million for Arizona***

Mr. Aragon represented the Arizona Attorney General's office in *State of Arizona, ex rel. Thomas C. Horne, Attorney General v. McKesson Corporation*, CV-2012-013707 (Ariz. Super. Ct., Maricopa Cty.), to recover civil penalties under the Arizona Consumer Fraud Act for fraudulently inflating pharmaceutical prices. The settlement with McKesson was for \$10.1 million. The firm also represented several other states Attorney General offices, including Wisconsin, Mississippi, Utah, Virginia, Oregon, and New Mexico. In a related case against McKesson, Mr. Aragon represented the Arizona Health Care Cost Containment System in two administrative proceedings before the Arizona Office of Administrative Hearings (*McKesson Corp. v. Arizona Health Care Cost Containment Sys. Admin.*, No. 13-F-137578-AHC, and *McKesson Corp. v. Arizona Health Care Cost Containment Sys., et al.*, No. 2013-000509-001DT), in which McKesson contested AHCCC's jurisdiction and authority to impose penalties and assessments against McKesson for fraudulently inflating pharmaceutical prices. The administrative case settled for \$16.5 million.

#### **> *Lifelock Identity Theft \$1 Million Guarantee***

Rob Carey and Leonard Aragon served as class counsel in a case against Lifelock involving its representations that it could prevent identity theft before it happened, and its promise to guarantee theft protection services up to \$1 million. LifeLock settled and agreed to make permanent changes to its advertising and marketing practices. *In re Lifelock, Inc. Marketing and Sales Practices Litigation*, No. 2:08-md-01977 (D. Ariz.).

#### **> *General Motors Ignition Switch Litigation***

Leonard Aragon worked on this high-profile case wherein Hagens Berman was named co-lead counsel on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy. *In re: General Motors LLC Ignition Switch Litigation*, 1:14-md-02543-JMF (S.D. N.Y.).

#### **> *Jim Brown Publicity Rights***

NFL legend Jim Brown was represented by Leonard Aragon and the firm in a publicity rights lawsuit alleging that Electronic Arts unlawfully used his likeness in its videogames without his permission. *Brown v. Electronic Arts, Inc.*, No. 09-56675, Calif. Super. Ct., Los Angeles Cty.).

#### **> *Banner Health Data Breach***

Mr. Aragon represented 3.7 million Arizona residents in this massive data breach case.



**AG23-0009**  
**QUALIFICATIONS OF KEY PERSONNEL**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**> Valley Anesthesiology Data Breach**

As co-lead counsel, Mr. Aragon settled this data breach case where he represented 860,000 class members. The settlement resulted in substantive and substantial changes to Valley's information security systems and significant relief for the class in the form of credit protection and monitoring, including (for the first time) dark web monitoring for class members who may have had significant personal information compromised.

**> Maricopa County Community District Data Breach**

Leonard Aragon managed day-to-day litigation in this data breach case where he obtained approval of a nationwide class action settlement for 2.4 million class members.

Please see the attached Firm Resume for further details.



**AG23-0009**  
**QUALIFICATIONS OF KEY PERSONNEL**  
**ATTACHMENT I**

**Arizona Attorney General**

2005 N Central Ave  
Phoenix, AZ 85004

**References**

Provide a minimum of three references to which you have provided similar services.

**Reference #1**

<b>Company:</b>	Former Nevada Attorney General
<b>Contact:</b>	Frankie Sue Del Papa
<b>Street Address:</b>	1441 Alta Street
<b>City, State, Zip:</b>	Reno, Nevada 89503
<b>Telephone #:</b>	775-830-5566
<b>E-Mail:</b>	renofsdp@aol.com
<b>Service Provided:</b>	Representation of Nevada in the Tobacco Litigation

**Reference #2**

<b>Company:</b>	Office of the Arizona Attorney General
<b>Contact:</b>	Joshua Whitaker, Senior Litigation Counsel, Consumer Protection & Advocacy Section
<b>Street Address:</b>	2005 N. Central Avenue
<b>City, State, Zip:</b>	Phoenix, AZ 85004
<b>Telephone #:</b>	602-542-7738
<b>E-Mail:</b>	Joshua.Whitaker@azag.gov
<b>Service Provided:</b>	Representation of Arizona Attorney General in a consumer fraud case against Mercedes-Benz USA, LLC., <i>et al.</i> for emissions defeat devices.

**Reference #3**

<b>Company:</b>	Office of the Ohio Attorney General
<b>Contact:</b>	Jonathan Blanton, Deputy Attorney General
<b>Street Address:</b>	30 East Broad Street, 14 <sup>th</sup> Floor
<b>City, State, Zip:</b>	Columbus, OH 43215
<b>Telephone #:</b>	614-466-7878
<b>E-Mail:</b>	Jonathan.blanton@ohioattorneygeneral.gov
<b>Service Provided:</b>	Representation of Ohio Attorney General in action against five sets of defendants regarding their deceptive marketing of opioids.



**Request for Proposal  
Solicitation No. BPM004964  
Outside Counsel - Consumer Fraud**

**State of Arizona  
Office of the Attorney General  
2005 N Central Avenue  
Phoenix, AZ 85004**

**Attachment II: Confidential Information Designation**

All materials submitted as part of a response to a solicitation are subject to Arizona public records law and will be disclosed if there is an appropriate public records request at the time of or after the award of the contract. Recognizing there may be materials included in a solicitation response that are proprietary or a trade secret, a process is set out in A.A.C. R2-7-103 (copy attached) that will allow qualifying materials to be designated as confidential and excluded from disclosure. For purposes of this process the definition of "trade secret" will be the same as that set out in A.A.C. R2-7-101(51).

Complete this form and return it with your Offer **along with the appropriate supporting information** to assist the State in making its determination as to whether any of the materials submitted as part of your Offer should be designated confidential because the material is proprietary or a trade secret and therefore not subject to disclosure.

STATE WILL NOT CONSIDER ANY MATERIAL IN YOUR OFFER "CONFIDENTIAL" UNLESS DESIGNATED ON THIS FORM.

**Check one of the following – if neither is checked, State will assume that it is equivalent to "DOES NOT":**

<input type="checkbox"/>	This response DOES NOT contain proprietary or trade secret information. I understand that my entire response will become public record in accordance with A.A.C. R2-7-C317.
<input checked="" type="checkbox"/>	This response DOES contain trade secret information because it contains information that: <ol style="list-style-type: none"><li>1. Is a formula, pattern, compilation, program, device, method, technique or process;</li><li>2. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; AND</li><li>3. Is the subject of efforts by myself or my organization that are reasonable under the circumstances to maintain its secrecy. <b>See attachment.</b></li></ol>

NOTE: Failure to attach an explanation may result in a determination that the information does not meet the statutory trade secret definition. All information that does not meet the definition of trade secret as defined by A.A.C. R2-7-101(51) will become public in accordance with A.A.C. R2-7-C317. State may make its own determination on materials in accordance with A.A.C. R2-7-103.

If State agrees with Offeror's designation of trade secret or confidentiality and the determination is challenged, the undersigned hereby agrees to cooperate and support the defense of the determination with all interested parties, including legal counsel or other necessary assistance.

By submitting this response, Offeror agrees that the entire Offer, including confidential, trade secret and proprietary information may be shared with an evaluation committee and technical advisors during the evaluation process. Offeror agrees to indemnify and hold State, its agents and employees, harmless from any claims or causes of action relating to State's withholding of information based upon reliance on the above representations, including the payment of all costs and attorney fees incurred by State in defending such an action.

Hagens Berman Sobol Shapiro LLP

Company Name

11 West Jefferson, Suite 1000

Address

Phoenix, AZ 85003

City, State, ZIP

Signature of person authorized to sign

Robert B. Carey, Phoenix Managing Partner

Printed name and title

rob@hbsslaw.com

602-224-2626

Contact email address

Contact phone number



**Request for Proposal  
Solicitation No. BPM004964  
Outside Counsel - Consumer Fraud**

**State of Arizona  
Office of the Attorney General  
2005 N Central Avenue  
Phoenix, AZ 85004**

**Attachment: Confidential Information Designation (for reference only)**

A.A.C. R2-7-103 [Confidential Information] as was current at time of Solicitation issuance

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- A. *If a person wants to assert that a person's offer, specification, or protest contains a trade secret or other proprietary information, a person shall include with the submission a statement supporting this assertion. A person shall clearly designate any trade secret and other proprietary information, using the term "confidential". Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.*
- B. *Until a final determination is made under subsection (C), an agency chief procurement officer shall not disclose information designated as confidential under subsection (A) except to those individuals deemed by an agency chief procurement officer to have a legitimate state interest.*
- C. *Upon receipt of a submission, an agency chief procurement officer shall make one of the following written determinations:*
  1. *The designated information is confidential and the agency chief procurement officer shall not disclose the information except to those individuals deemed by the agency chief procurement officer to have a legitimate state interest;*
  2. *The designated information is not confidential; or*
  3. *Additional information is required before a final confidentiality determination can be made.*
- D. *If an agency chief procurement officer determines that information submitted is not confidential, a person who made the submission shall be notified in writing. The notice shall include a time period for requesting a review of the determination by the state procurement administrator.*
- E. *An agency chief procurement officer may release information designated as confidential under subsection (A) if:*
  1. *A request for review is not received by the state procurement administrator within the time period specified in the notice; or*
  2. *The state procurement administrator, after review, makes a written determination that the designated information is not confidential.*

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**Request for Proposal**  
**Solicitation No. BPM004964**  
**Outside Counsel - Consumer Fraud**

**State of Arizona**  
**Office of the Attorney General**  
2005 N Central Avenue  
Phoenix, AZ 85004

**Boycott of Israel Disclosure**

**Please note that if any of the following apply to this Solicitation, Contract, or Contractor, then the Offeror shall select the "Exempt Solicitation, Contract, or Contractor" option below:**

- The Solicitation or Contract has an estimated value of less than \$100,000;
- Contractor is a sole proprietorship;
- Contractor has fewer than ten (10) employees; and/or
- Contractor is a non-profit organization.

Pursuant to A.R.S. § 35-393.01, public entities are prohibited from entering into contracts "unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract to not engage in, a boycott of goods or services from Israel."

Under A.R.S. § 35-393:

1. "Boycott" means engaging in a refusal to deal, terminating business activities or performing other actions that are intended to limit commercial relations with entities doing business in Israel or in territories controlled by Israel, if those actions are taken either:
  - (a) Based in part on the fact that the entity does business in Israel or in territories controlled by Israel.
  - (b) In a manner that discriminates on the basis of nationality, national origin or religion and that is not based on a valid business reason.
2. "Company" means an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate, that engages in for-profit activity and that has ten or more full-time employees.

...

5. "Public entity": (a) Means this State, a political subdivision of this State or an agency, board, commission or department of this State or a political subdivision of this State. (b) Includes the universities under the jurisdiction of the Arizona board of regents and community college districts as defined in section 15-1401.

The certification below does not include boycotts prohibited by 50 United States Code Section 4842 or a regulation issued pursuant to that section. See A.R.S. § 35-393.03.

**In compliance with A.R.S. § 35-393 *et seq.*, all offerors must select one of the following:**

The Company submitting this Offer does not participate in, and agrees not to participate in during the term of the contract, a boycott of Israel in accordance with A.R.S. § 35-393 *et seq.* I understand that my entire response will become a public record in accordance with A.A.C. R2-7-C317.

The Company submitting this Offer does participate in a boycott of Israel as described in A.R.S. § 35-393 *et seq.*

**Exempt Solicitation, Contract, or Contractor.**

Indicate which of the following statements applies to this Contract:

- Solicitation or Contract has an estimated value of less than \$100,000;
- Contractor is a sole proprietorship;
- Contractor has fewer than ten (10) employees; and/or
- Contractor is a non-profit organization.

Hagens Berman Sobol Shapiro LLP

Company name

11 West Jefferson, Suite 1000

Address

Phoenix, AZ 85003

City

State

Zip

Signature of person authorized to sign

Robert B. Carey, Phoenix Managing Partner

Printed name and title

rob@hbsslaw.com

602-224-2626

Email address

Phone number



**Request for Proposal**  
**Solicitation No. BPM004964**  
**Outside Counsel – Consumer Fraud**

**State of Arizona**  
**Office of the Attorney General**  
2005 N Central Avenue  
Phoenix, AZ 85004

### Forced Labor of Ethnic Uyghurs Ban

**Please note that if any of the following apply to the Contractor, then the Offeror shall select the “Exempt Contractor” option below:**

- Contractor is a sole proprietorship;
- Contractor has fewer than ten (10) employees; OR
- Contractor is a non-profit organization.

**Pursuant to A.R.S. § 35-394, the State of Arizona prohibits a public entity from entering into or renewing a contract with a company unless the contract includes written certification that the company does not use the forced labor, or any goods or services produced by the forced labor, of ethnic Uyghurs in the People's Republic of China.**

Under A.R.S. § 35-394:

1. "Company" means an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate, that engages in for-profit activity and that has ten or more full-time employees.
2. "Public entity" means this State, a political subdivision of this State or an agency, board, commission or department of this State or a political subdivision of this State.

**In compliance with A.R.S. §§ 35-394 et seq., all offerors must select one of the following:**

The Company submitting this Offer does not use, and agrees not to use during the term of the contract, any of the following:

- Forced labor of ethnic Uyghurs in the People's Republic of China;
- Any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China; or
- Any Contractors, Subcontractors, or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.

The Company submitting this Offer does participate in use of Forced Uyghurs Labor as described in A.R.S. § 35-394.

**Exempt Contractor**

Indicate which of the following statements applies to the Contractor (may be more than one):

- Contractor is a sole proprietorship;
- Contractor has fewer than ten (10) employees; and/or
- Contractor is a non-profit organization.

Hagens Berman Sobol Shapiro LLP

Company Name

11 West Jefferson, Suite 1000

Address

Phoenix, AZ 85003

City, State, ZIP

Signature of person authorized to sign

Robert B. Carey, Phoenix Managing Partner

Printed name and title

rob@hbsslaw.com

602-224-2626

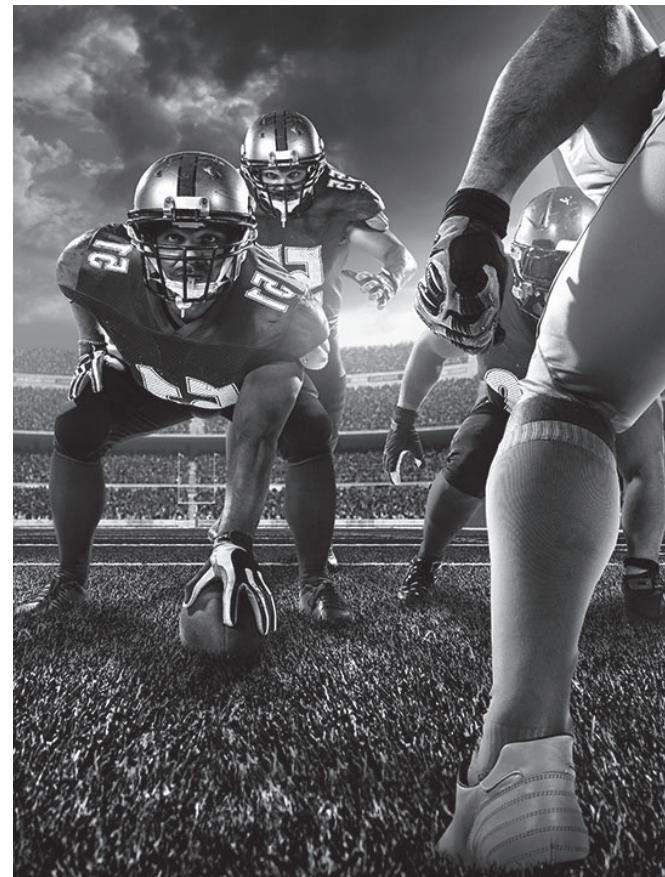
Contact email address

Contact phone number



# HAGENS BERMAN

A screenshot of the Hagens Berman website. The top navigation bar includes links for "Auto Cases", "1-888-381-2889", "Email", "Tip Line", and social media icons for Facebook, Twitter, and LinkedIn. Below the navigation, a main menu offers "CASES", "ATTORNEYS", "NEWS &amp; INSIGHT", "ABOUT", "PRACTICES", "SUCCESS", and "BLOG". The main content features a large portrait of a man in a suit and tie, identified as "Fighting Partner, Steve Berman, of the Year's Trailblazer Award". The text "Trailblazer" is prominently displayed in large, bold letters. Below the portrait, a quote states: "It is estimated that 14.7 million people have been injured in motor vehicle accidents in the United States." The website has a dark, professional aesthetic.





Hagens Berman is a leader in class-action litigation and an international law firm 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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**INTRODUCTION**

## 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. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs, victims and the underdog. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm 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 groundbreaking litigation against large corporations.*

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**OUR FOCUS.** Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, sexual harassment, securities and investment 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 to place maximum pressure on defendants.

**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 are driven to return to the class every possible portion of its damages—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 or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and/or malfeasance.

**AN INTERNATIONAL 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, Austin, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix and San Diego and one international office in London, and our eyes are always open to trends of fraud, negligence and wrongdoing that may be taking form anywhere in the world. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country and have a vested interest in fighting global instances of oppression, wrongdoing and injustice.



## INTRODUCTION

# Locations

### **SEATTLE**

1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
(206) 623-7292 phone  
(206) 623-0594 fax

### **BERKELEY**

715 Hearst Avenue, Suite 300  
Berkeley, CA 94710  
(510) 725-3000 phone  
(510) 725-3001 fax

### **BOSTON**

1 Faneuil Hall Sq., 5th Floor  
Boston, MA 02109  
(617) 482-3700 phone  
(617) 482-3003 fax

### **LONDON**

Hagens Berman EMEA LLP  
22 Eastcheap  
Billingsgate, London, EC3M 1EU  
0203 150 1445 phone

### **CHICAGO**

455 N. Cityfront Plaza Drive, Suite 2410  
Chicago, IL 60611  
(708) 628-4949 phone  
(708) 628-4950 fax

### **LOS ANGELES**

301 North Lake Avenue, Suite 920  
Pasadena, CA 91101  
(213) 330-7150 phone  
(213) 330-7152 fax

### **NEW YORK**

322 8th Avenue, Suite 802  
New York, NY 10001  
(212) 752-5455 phone  
(917) 210-3980 fax

### **PHOENIX**

11 West Jefferson Street, Suite 1000  
Phoenix, AZ 85003  
(602) 840-5900 phone  
(602) 840-3012 fax

### **SAN DIEGO**

533 F Street  
Suite 207  
San Diego, CA 92101  
(619) 929-3340 phone

“ ...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

## Elite Trial Lawyers

*The National Law Journal*

## The Plaintiffs’ Hot List: The Year’s Hottest Firms

*The National Law Journal*

## Most Feared Plaintiffs Firms

*Law360*

“ **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

“ 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... ”

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

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

— U.S. 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**.

## VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this suit related to the automaker's Dieselgate scandal. A **\$1.6 billion** settlement was reached, and represents a result of nearly full damages for the class.

## VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the Plaintiffs' Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history – **\$17.4 billion**.

## TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

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

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$260 billion**.

## E-BOOKS ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel in this matter and secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

## LCD ANTITRUST LITIGATION

Hagens Berman served as a member of the Executive Committee representing consumers against multiple defendants in multi-district litigation. The total settlements exceeded **\$470 million**.

## 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.

## DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

A Denver jury awarded a monumental **\$383.5 million** jury verdict against GranuFlo dialysis provider DaVita Inc. on June 27, 2018, to families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.

## 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 WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was 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.

## 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.

# Practice Areas

**PRACTICE AREAS**

## Anti-Terrorism

With a long track record of upholding the rights of the voiceless, Hagens Berman fights for justice on behalf of victims of international terrorism. Our anti-terrorism legal team builds on our robust history to forge innovative cases, bringing action against those that support terrorism.

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

It's no secret that some businesses and individuals have pled guilty to violating United States laws that prohibit financial transactions with terrorist organizations and foreign states that support terrorism. We believe that the law is one of the most powerful tools to combat terrorism, and our renowned team of litigators brings a fresh perspective to the fight for victims' rights in this complex arena.

Through a deep understanding of both U.S. and international anti-terrorism laws, Hagens Berman builds on its foundation to investigate acts of terrorism and forge ironclad cases against anyone responsible, to help ensure that those at the mercy of the world's most egregious perpetrators of violence are represented with the utmost integrity and determination.

The firm's new practice area carries out our mission of building a safer world through novel applications of the law and steadfast dedication.

### › **Chiquita Bananas**

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

Plaintiffs have sued Chiquita under the U.S. Anti-Terrorism Act, which allows American victims of international terrorism to sue anyone responsible and to recover treble damages and attorney's fees. The claims are pending in the U.S. District Court for the Southern District of Florida as part of the consolidated multi-district litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

**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.

**› NCAA: Scholarships/Grants-In-Aid (GIAs)**

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

**RESULT:** \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

**› Apple E-books**

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then look on Apple for its part in the price-fixing conspiracy. In the final stage in the lawsuit, the Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recovery of damages in any antitrust lawsuit in the country.

**RESULT:** \$560 million total settlements.

**PRACTICE AREAS**

# Antitrust

**› Animation Workers Antitrust**

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

**RESULT:** Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

**› TFT LCDs**

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

**RESULT:** \$470 million in total settlements.

**› DRAM**

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

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

**› Optical Disk Drives**

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs for consumers.

**RESULT:** \$180 million in total settlements reclaimed for consumers.

**› Lithium Ion Batteries**

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

**RESULT:** \$65 million in total settlements against multiple defendants.

**› 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.

**› Dairy Products**

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together (CWT) that together produce nearly 70 percent of the milk consumed in the United States. The suit alleging that the groups conspired to fix the price of milk throughout the United States through an organized scheme to limit production, involving the needless and premature slaughtering of 500,000 cows.

**RESULT:** \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

**› Toys "R" Us Baby Products**

The firm brought this complaint on behalf of consumers claiming Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The suit asked the court to end what it claims are anti-competitive activities and seeks damages caused by the company's actions.

**RESULT:** \$35.5 million settlement.

**PRACTICE AREAS**

## Antitrust

**› 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.

**› Resistors Antitrust Litigation**

Hagens Berman is co-lead lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

**› Nespresso**

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

**PRACTICE AREAS**

## Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

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. Since then, the firm's automotive practice area has grown by leaps and bounds, pioneering new investigations into defects, false marketing and safety hazards affecting millions of drivers across the nation.

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

### › **General Motors Ignition Switch Litigation**

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

### › **Toyota Sudden, Unintended Acceleration Litigation**

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

**RESULT:** Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

### › **MyFord Touch**

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

### › **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 Kia MPG**

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.

**RESULT:** \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

**PRACTICE AREAS**

## Automotive - Non-Emissions Cases

**› BMW i3 REx**

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

**› Fiat Chrysler Gear Shifter Rollaway Defect**

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

**› Ford Shelby GT350 Mustang Overheating**

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked.

**› Tesla AP2 Defect**

The firm represents Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

**PRACTICE AREAS**

## Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for owners. Since this case emerged, Hagens Berman has been on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment, becoming a one-man EPA. The firm is uniquely dedicated to this cause, and is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices, bringing new cases based on the firm's own research, time and testing.

### › Volkswagen Diesel Emissions Litigation

Hagens Berman was the first firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by Volkswagen's fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles, and also served as part of the Settlement Negotiating team.

**RESULT:** The largest automotive settlement in history, \$14.7 billion.

### › Volkswagen Dealers Litigation

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW stating that it intentionally defrauded dealers by installing so-called "defeat devices" in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99 percent participation in the settlement.

**RESULT:** \$1.67 billion in benefits to Volkswagen dealers.

### › Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

**PRACTICE AREAS**

## Automotive - Emissions Litigation

**› Chevy Cruze Diesel Emissions Litigation**

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

**› Audi Emissions Litigation**

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

**› Fiat Chrysler EcoDiesel Emissions Litigation**

The firm is leading charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these "Eco" diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of Dodge RAM 1500 and Jeep Grand Cherokee EcoDiesel vehicles. Following the firm's groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

**› Dodge RAM 2500/3500 Diesel Emissions Litigation**

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly inducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

**› General Motors Duramax Emissions Litigation**

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

**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.

**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 consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics. We believe that when backed by a tenacious spirit and determination, class action cases have the ability to serve as a powerful line of defense in consumer protection.

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**

Hagens Berman 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.

### › **Stericycle**

The firm served as court-appointed lead counsel in a class-action lawsuit against Stericycle alleging that the company violated contracts and defrauded them by hundreds of millions of dollars through an automatic price-increasing scheme. In February of 2017, a federal judge certified a nationwide consumer class. The class had more than 246,000 class members, with damages estimated preliminarily at \$608 million.

**RESULT:** \$295 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

### › **Wells Fargo Force-Placed Insurance**

Hagens Berman brought a case against Wells Fargo alleging it used “force-placed” insurance clauses in mortgage agreements, a practice that enables the bank to charge homeowners insurance premiums up to 10 times higher than normal rates.

**RESULT:** Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

### › **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 - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, 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. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

### **RECENT ANTITRUST RESOLUTIONS**

In the last few years, 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**

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

**RESULT:** \$150 million class settlement.

#### › **Prograf Antitrust Litigation**

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

**RESULT:** The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

#### › **Relafen Antitrust Litigation**

Hagens Berman filed a class-action lawsuit against GlaxoSmithKline, SmithKline Beecham Corporation, Beecham Group PLC and SmithKline Beecham PLC, on behalf of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. The suit alleged that the companies who manufacture and sell Relafen unlawfully obtained a patent which allowed them to enforce a monopoly over Relafen and prevented competition by generic prescription drugs, causing consumers to pay inflated prices for the drug.

**RESULT:** Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

**PRACTICE AREAS**

# Consumer Protection - Drug and Supplement Litigation

## › Skelaxin Antitrust Litigation

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

**RESULT:** \$73 million class settlement.

## › Tricor Antitrust

In June 2005, Hagens Berman filed an antitrust lawsuit on behalf of a class of consumers and third party payors against pharmaceutical manufacturers Abbott Laboratories and Fournier Industries concerning the brand name cholesterol drug Tricor. HBSS was appointed co-lead class counsel by the Court.

**RESULT:** \$65.7 million recovery for consumers and third party payers who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

## 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.

## › Average Wholesale Price Drug Litigation

Hagens Berman served as 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

Hagens Berman served as 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, and the court recently approved a \$325 million class settlement.

## › Lupron

Hagens Berman prosecuted a lawsuit against TAP Pharmaceuticals Products, Inc. on behalf of a class of consumers and third-party payors who purchased the drug Lupron. The suit charged that TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Pharmaceutical Company Limited conspired to fraudulently market, sell and distribute Lupron, causing consumers to pay inflated prices for the drug.

**RESULT:** Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

**PRACTICE AREAS**

# Consumer Protection - Drug and Supplement Litigation

**› Celebrex/Bextra**

Hagens Berman filed a class-action lawsuit against Pfizer on behalf of individual consumers and third-party payors who paid for the drug Bextra. The firm was praised by Judge Breyer for its “unstinting” efforts on behalf of the class, adding, “The attorneys on both sides were sophisticated, skilled, professional counsel whose object was to zealously pursue their clients’ interest, but not at the cost of abandoning the appropriate litigation goals, which were to see, whether or not, based upon the merits of the cases, a settlement could be achieved.”

**RESULT:** \$89 million settlement.

**› Vioxx Third Party Payor Marketing and Sales Practices****Litigation**

The firm served as 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:** \$80 million settlement.

**› Serono Drug Litigation**

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Serono, Inc. schemed to substantially increase sales of the AIDS drug Serostim 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.

**› Bayer Combination Aspirin/Supplement Litigation**

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women’s Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

**RESULT:** \$15 million settlement.

**OTHER LANDMARK CASES****› New England Compounding Center Meningitis Outbreak**

In 2012, the Center for Disease Control confirmed that New England Compounding Center sold at least 17,000 potentially tainted steroid shots to 75 clinics in 23 states across the country, resulting in more than 64 deaths and 751 cases of fungal meningitis, stroke or paraspinal/peripheral joint infection. HBSS attorneys Thomas M. Sobol and Kristen A. Johnson serve as Court-appointed Lead Counsel for the Plaintiffs’ Steering Committee on behalf of plaintiff-victims in MDL 2419 consolidated before The Honorable Ray W. Zobel in the United States District Court for the District of Massachusetts.

**RESULT:** \$100 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, wage and hour 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.

**› Schneider National Carriers - Regional Drivers**

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

**RESULT:** A \$28 million settlement on behalf of drivers.

**› Schneider National Carriers - Mechanics**

Hagens Berman filed a class-action lawsuit alleging that Schneider National Carriers failed to provide mechanics with proper overtime compensation, meal and rest break premiums, and accurate wage statements as required by California law.

**RESULT:** In March of 2013, the case was settled on terms mutually acceptable to the parties.

**PRACTICE AREAS**

## Employment Litigation

› **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

An agreement to settle the case was granted preliminary approval in October 2018. Final approval is pending.

**PRACTICE AREAS**

## Environmental Litigation

Since Hagens Berman's founding, the firm has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

Hagens Berman believes that protecting and restoring our environment from damage caused by irresponsible and illegal corporate action is some of the most rewarding work a law firm can do. As our firm has grown, we have established an internationally recognized environmental litigation practice.

**SCIENCE AND THE LAW**

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

**ENVIRONMENTAL EXPERTS**

Our firm's fostered deep relationships with top-notch environmental experts result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

**REAL IMPACTS**

Environmental law is a priority at our firm and we have taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's significant environmental cases include:

**Exxon Valdez Oil Spill Litigation**

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history.

**RESULT:** A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.

**Chinook Ferry Litigation**

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling property owners to act. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service

**RESULT:** A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

**Grand Canyon Litigation**

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park.

**RESULT:** The trial court enjoined the project.

**Kerr-McGee Radiation Case**

The firm brought a class action on behalf of residents of West Chicago, Illinois who were exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee.

**RESULT:** A medical monitoring settlement valued in excess of \$5 million

**Skagit Valley Flood Litigation**

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

**RESULT:** Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

**PRACTICE AREAS**

# Environmental Litigation

**› Idaho Grass Burning Case**

In 2002, Hagens Berman brought a class-action lawsuit on behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. Burning the fields annually caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields.

**RESULT:** The lawsuit settled in 2006 under confidential terms.

**› Dole Bananas Case**

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comply with proper environmental practices.

**RESULT:** The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

**› Diesel Emissions Litigation**

Second to none in uncovering emissions-cheating, the firm has dedicated its time and resources to breaking up the dirty diesel ring. After filing the first lawsuit in the country against Volkswagen, Audi and Porsche for its massive Dieselgate scandal in 2015, the firm went on to unmask emissions-cheating devices installed in vehicles made by Fiat Chrysler, Mercedes and General Motors and continues to investigate diesel cars for excessive, illegal and environmentally harmful levels of emissions.

**RESULT:** The firm's independently researched active cases have led to investigations by the EPA, DOJ and European authorities.

**› San Francisco and Oakland Climate Change Litigation**

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case

seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

**› Florida Sugarcane Burning**

Hagens Berman filed a class-action lawsuit against the sugar industry's largest entities on behalf of residents of various areas and townships of Florida that have long suffered from the corporations' wildly hazardous and damaging methods of harvesting sugarcane. The lawsuit states that this outdated method of harvesting has wreaked havoc on these Florida communities. The wildly archaic method of harvesting brings devastating toxic smoke and ash, often called "black snow," raining onto poor Florida communities for six months of the year. The lawsuit's defendants, commonly known as Big Sugar, farm sugarcane on approximately 400,000 acres in the area south and southeast of Lake Okeechobee.

**› Kivalina Global Warming Litigation**

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

**› Cane Run Power Plant Coal Ash Case**

In 2013, Hagens Berman filed a class-action lawsuit against Louisville Gas and Electric Company alleging it illegally dumped waste from a coal-fired power plant onto neighboring property and homes where thousands of Kentucky residents live. According to the complaint, Louisville Gas and Electric Company's Cane Run Power Plant is fueled by the burning of coal, which also produces coal combustion byproducts—primarily fly ash and bottom ash—that contain significant quantities of toxic materials, including arsenic, chromium and lead. The dust spewed by Cane Run contains known carcinogens, posing significant potential health hazards.

**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:** \$260 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. The firm 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 off-label 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.

### › **General Motors Ignition Switch Litigation**

Hagens Berman was pleased to assist the Arizona Attorney General in its law enforcement action versus GM, as well as the district attorney of Orange County, California who filed a consumer protection lawsuit against GM, claiming the automaker deliberately endangered motorists and the public by intentionally concealing widespread, serious safety defects.

**PRACTICE AREAS**

## Governmental Representation

**› State Opioid Litigation**

Hagens Berman was hired to assist multiple municipalities in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers.

The firm was first hired by California governmental entities for the counties of Orange and Santa Clara. The state of Mississippi also retained the firm's counsel in its state suit brought against the manufacturer of opioids. The suit alleges that the pharma companies engaged in tactics to prolong use of opioids despite knowing that opioids were too addictive and debilitating for long-term use for chronic non-cancer pain.

In a third filing, Hagens Berman was retained as trial counsel for the state of Ohio. Filed on May 31, 2017, the firm is assisting the Ohio Attorney General's office in its case against five opioid makers. Ohio Attorney General Mike DeWine stated that "drug companies engaged in fraudulent marketing regarding the risks and benefits of prescription opioids which fueled Ohio's opioid epidemic," and that "these pharmaceutical companies purposely misled doctors about the dangers connected with pain meds that they produced, and that they did so for the purpose of increasing sales."

**› Municipal Lending**

Hagens Berman represents the cities of Los Angeles and Miami in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax receipts and other damages to the cities. The suits seek damages for the City, claiming that the banks' alleged discriminatory behavior resulted in foreclosures, causing a reduction of property tax revenues and increased municipal service costs.

**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.

Our current and recent engagements include the following:

### › **Bombardier Inc.**

The firm represented Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products and BRP U.S. Inc. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

**RESULT:** Florida U.S. District Judge Beth Bloom issued a final judgment of \$46.7 million against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict.

### › **Angry Birds**

Hagens Berman represented a Seattle artist who filed a lawsuit against Hartz Mountain Corporation – one of the nation's largest producers of pet-related products – claiming the company illegally sold the artist's trademarked Angry Birds pet toy line to video game giant Rovio Entertainment Ltd, robbing her of millions of dollars of royalty fees.

**RESULT:** The case settled under confidential terms, which the firm found to be extremely satisfactory for the plaintiff.

### › **Samsung, LG, Apple**

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

**RESULT:** The case settled.

### › **Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

### › **Salesforce**

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. 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 represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

*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

› **Electronic Arts**

Hagens Berman represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

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

**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 Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

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

**› 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.

**› 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.

**PRACTICE AREAS**

# Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

**› Theranos Investor Litigation**

Hagens Berman represents Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its "revolutionary" blood test technology was essentially a hoax. The suit filed against the company, its CEO Elizabeth Holmes and Ramesh Balwani, alleges that Theranos' statements to investors were built on false statements. At the crux of the court's recent decision to uphold the investor case against Theranos was a finding that while plaintiffs did not directly purchase their securities from defendants, claims made by Theranos, Holmes and Balwani constituted fraud.

**› Aequitas Investor Litigation**

The firm represents a group of investors alleging that national law firm Sidley Austin LLP, Oregon law firm Tonkon Torp LLP and accounting firms Deloitte & Touche LLP and EisnerAmper LLP violated Oregon securities laws by participating or materially aiding in misrepresentations made by Aequitas Management LLC and contributing to a \$350 million Ponzi scheme. Investors state, amongst other allegations, that in 2011 Aequitas began purchasing loan receivables from Corinthian College Inc. and had bought the rights to collect \$444 million in loans. Investment managers hid the details of the transactions from investors, and deceived them when Corinthian's business was hit with regulatory challenges in 2014. When Corinthian collapsed in May 2015, the investment group and its managers continued to sell securities and used the money to pay off other investors and fund a lavish lifestyle, until Aequitas ultimately imploded in 2017, the investors claim.

**› China MediaExpress**

Hagens Berman represents investors in a case against China MediaExpress, which purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in accounting fraud that ultimately led to the demise of the company. In early 2014, the court entered

a default judgment in the amount of \$535 million and certified a proposed class against China Media Express Holdings Inc.

The case will proceed separately against Deloitte Touche Tohmatsu.

On May 6, 2015 Hagens Berman obtained a \$12 million settlement from Deloitte Touche Tohmatsu, one of the largest settlements against an auditor in a Chinese "reverse merger" case which is now awaiting final approval from the court.

**› Altisource Asset Management Corporation**

The firm was appointed lead counsel in this institutional investor lawsuit brought on behalf of purchasers of Altisource Asset Management Corporation (AAMC). The complaint alleges that AAMC misrepresented or outright concealed its relationship with these companies and the extent to which the interconnected entities engaged in conflicted transactions with themselves. Estimates of class-wide damages are in the hundreds of millions of dollars. The firm recently filed the consolidated complaint and motions to dismiss are pending before the U.S. District Court for the District of the Virgin Islands.

**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**

## Personal Injury and Abuse

For nearly two decades, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

**Sexual Abuse Litigation** Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. 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. More about Hagens Berman's sexual abuse practice can be found on the following page.

**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. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

**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, the developmentally disabled and

elderly adults, are responsible for critical aspects of 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. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. 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.

**Workplace Injury** While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

**Medical Malpractice** Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

**PRACTICE AREAS**

## Sexual Abuse and Harassment

Hagens Berman's attorneys recently achieved a nationwide sexual harassment settlement on behalf of 16,000 women and also tried the first ever sexual harassment case in Washington state, and has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall. Our firm is committed to protecting and empowering individuals.

At Hagens Berman, we believe no one is above the law, and that no position of power should shield someone from being held accountable.

Right now, we are witnessing the silencing, belittling and abuse that women everywhere in this nation are subjected to. They are subjected to a system that does not respect them. The backlash against the brave survivors who have stepped forward to report sexual assault is unacceptable.

We believe survivors. Our firm's sexual harassment attorneys have protected their rights for decades throughout their legal careers, and we are dedicated to upholding the rights of the most vulnerable. Women should be heard, respected and protected from systemic abuse.

Sexual harassment is present and pervasive in many workplaces, industries and professional environments, and has damaged the lives and careers of countless individuals. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by an authority figure, making it harder to come forward for fear of retaliation.

All too often, acts of sexual harassment and sexual misconduct are protected by systemic cover-ups by companies and organized agreements between those in power. Particular industries are more susceptible to these cover-ups including: entertainment and sports media, STEM, law enforcement, food service, politics, military, tech, finance, hospitality and transportation. But sexual harassment is pervasive in many other environments and is often obscured from view for years.

In these industries, victims are routinely subjected to widespread policies and practices that create an environment promoting quid pro quo arrangements in which victims feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Victims are also often punished for not taking part.

The firm has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall, tried the first ever sexual harassment case in Washington state, and achieved a nationwide sexual harassment settlement on behalf of 16,000 women.

Representative sexual harassment successes and cases on behalf of our clients include:

### › **USC, Dr. Tyndall Sexual Harassment**

In May of 2018, Hagens Berman filed a class-action lawsuit against the University of Southern California (USC) and Dr. George Tyndall, the full-time gynecologist at USC's student health clinic. Tyndall sexually harassed, violated and engaged in wildly inappropriate behavior with female students who sought his medical care, according to news outlets, which stated he saw tens of thousands of female patients during his time at USC.

Official complaints of Dr. Tyndall's behavior began to surface at USC in the 1990s, but despite the university's knowledge of Dr. Tyndall's behavior, it did not report him to the agency responsible for protecting the public from problem doctors. USC did nothing, for decades, as more and more female students were sent into Dr. Tyndall's office.

The settlement's three-tier structure allows class members to

**PRACTICE AREAS**

## Sexual Abuse and Harassment

choose how much they want to engage with the claims process. Those who do not want to revisit a private, traumatic event can simply keep the guaranteed Tier 1 payment of \$2,500. Those who choose to provide additional information in a claim form about their experience with Tyndall and how it affected them are eligible for up to \$20,000 and those who choose to provide an interview are eligible for up to \$250,000. The special master and her team of experts will evaluate claims and allocate awards to Tier 2 and Tier 3 claimants. This focus on choice ensures that all class members receive compensation while giving each class member the autonomy to decide for herself how involved she wants to be in the settlement process.

The class-action settlement also goes beyond monetary compensation and forces USC to implement real changes to their policies and procedures to help ensure that what happened at USC does not happen again.

**RESULT:** \$215 million settlement

### › Harvey Weinstein Sexual Harassment

In a first-of-its-kind class-action lawsuit, Hagens Berman represented women on behalf of a class of all victims who were harassed or otherwise assaulted by Harvey Weinstein, seeking to hold him and his co-conspirators accountable for a years-long pattern of sexual harassment and cover-ups.

The lawsuit, filed Nov. 15, 2017, in the U.S. District Court for the Central District of California states that Miramax and The Weinstein Company (which Weinstein co-founded) facilitated Weinstein's organized pattern of predatory behavior, equating to an enterprise that violates the Racketeer Influenced and Corrupt Organizations Act, commonly referred to as the RICO Act, the same law brought against members of the Mafia for organized criminal behavior.

The lawsuit brought various charges against Weinstein and his companies for violating the RICO Act, mail and wire fraud, assault, civil battery, negligent supervision and retention, and intentional infliction of emotional distress.

**RESULT:** Settlement reached

### › Fairfax Behavioral Health

Attorneys from Hagens Berman filed a class-action complaint on behalf of a proposed class of hundreds of patients that were arbitrarily strip-searched and video recorded while receiving treatment for mental illness at one of three Fairfax locations in Washington state.

The suit's named plaintiff recalls being ordered to undress for an invasive strip-search when she presented for inpatient admission, even after disclosing her history of sexual abuse to the staff member. She was not given a gown or towel to cover up during the search, and the staff member watched her undress and left the door open where other staff members could see her.

Video cameras were located in the hallway, the holding area outside bathroom, and the room where the strip search was conducted. The cameras recorded her undressing and the strip-search.

The complaint states that Fairfax's practices—and its failure to limit the discretion of its staff—means that a substantial number of its mental health patients do not have reasonable access to inpatient care for mental health disorders.

### › 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.

**PRACTICE AREAS**

## Sexual Abuse and Harassment

**› King County Child Sex Abuse**

Hagens Berman represented the victim of eight years of sexual abuse as a minor, at the hands of her brother-in-law. The lawsuit states that from 2005 to 2012, the case's defendant repeatedly sexually abused Hagens Berman's client. She was only eleven years old when the abuse began and was a minor during the entire duration of the abuse. In 2013, the state of Washington charged Willis with three counts of child molestation, to which he pled guilty. Court documents state, "Joshua Blaine Willis used his position of trust, confidence, or fiduciary responsibility to facilitate the commission of the ... offense[s]..."

Court documents in the civil case filed in June of 2017 detail Willis' highly disgusting and horrifying actions including groping and molestation, exposing himself and other highly sexual and inappropriate behavior.

Following the years of sexual abuse, Hagens Berman's client suffers from Post-Traumatic Stress Disorder and the court awarded damages for treatment of her condition and other emotional distress, as well as loss of earning capacity and other economic damages in her "struggle with consistency and stability."

**RESULT:** \$4,031,000 judgment awarded in a King County Superior Court

**› State of Washington Sexual Assault, DSHS**

Our client, a disabled Spokane, Wash. woman, was a patient at Eastern State Hospital. The hospital assigned a male nurse to provide one-on-one care and supervision for our client. The nurse trapped our client in a laundry room and raped her. Hagens Berman determined that the nurse, a state employee, had been reprimanded and accused on previous occasions of sexual assault of vulnerable patients. Hagens Berman initiated a negligence and civil rights lawsuit against the hospital and its administrators for failing to protect our client from a known sexual predator and for allowing that predator to remain on staff with the responsibility to care for vulnerable patients.

**RESULT:** \$2.5 million settlement

**› Workplace Sexual Harassment & Other Investigations**

Sexual harassment is present and pervasive in many workplaces. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by a supervisor, making it harder to come forward for fear of retaliation.

All too often, sexual harassment in the workplace is protected by systemic cover-ups by companies and those in power. Particular industries are more susceptible to these cover-ups including: commercial real estate, law enforcement, politics, military, tech, entertainment, sports media, finance, restaurants and hospitality, advertising and trucking.

In these industries, employees are routinely subjected to widespread policies that create an environment promoting quid pro quo arrangements in which they feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Employees are also often punished for not taking part.

Hagens Berman is also investigating sexual harassment and abuse in various specific areas of study, including STEM programs. The also maintains a keen watch over various work environments that are statistically prone to instances of misconduct. These include hospitality, college campuses and research labs, boarding schools and the entertainment industry, especially within the area of professional music.

The firm remains committed to uncovering instances of sexual harassment in the workplace, and within fields of study and areas prone to harboring misconduct and abusive behavior.

**PRACTICE AREAS**

## Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports litigation law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL), the Fédération Internationale de Football Association (FIFA) and other sports governing institutions.

**› NCAA: Scholarships/Grants-In-Aid (GIAs)**

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming they violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

In March of 2019, the firm as co-lead trial counsel on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes, and in a unanimous 9-0 Supreme Court Victory, the injunctive portion of the case also resulted in a monumental victory for plaintiffs. The Court ruled that NCAA college athletes should legally be able to receive compensation from schools or conferences for athletic services other than cash compensation untethered to education-related expenses, prohibiting the NCAA from enforcing rules limiting those payments. The media called the firm's victory in the scholarships case against the NCAA a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), "...the highest court left the NCAA unhoused and naked, with nothing left but its pretensions," (The Washington Post), it "delivered a heavy blow," (AP), and leaves the NCAA "more vulnerable than ever."

**› NCAA: Concussions**

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm took on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman served as lead counsel in multi-district litigation and led the firm to finalize a settlement bringing sweeping changes to the NCAA's approach to concussion treatment and prevention. The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

**› Player Name, Image & Likeness Rights in Videogames**

Hagens Berman attorneys represented student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a

**PRACTICE AREAS**

## Sports Litigation

combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the college athletes from exploitation.

The firm also represented NFL legend Jim Brown in litigation against EA for improperly using his likeness in its NFL video games, culminating in a \$600,000 voluntary judgment offered by the video game manufacturer.

### › **Continued NIL Litigation**

Hagens Berman has continued efforts against the NCAA in an additional pending antitrust case regarding NIL rights. In June 2020, the firm filed its case against the NCAA claiming the institution had knowingly violated federal antitrust laws in abiding by a particular subset of NCAA amateurism rules that prohibit college-athletes from receiving anything of value in exchange for the commercial use of their name and likeness. The firm holds that the NCAA's regulations illegally limiting the compensation that Division I college athletes may receive for the use of their names, images, likenesses and athletic reputations.

In unanimously upholding the rights of NCAA athletes in Alston, Justice Gorsuch wrote the NCAA had sought "immunity from the normal operation of the antitrust laws," and Justice Kavanaugh stated, "The NCAA is not above the law." The firm looks forward to continuing to uphold that same sentiment in regard to NCAA athlete name, image and likeness rights.

In July 2021, following the firm's victory in the Alston case, the NCAA chose to temporarily lift rules restricting certain NIL deals in what the firm believes will be the first step in another massive change in college sports to support college athletes.

### › **FIFA/U.S. Soccer: Concussions**

Several soccer players filed a class action against U.S. soccer's governing bodies, which led to life-changing safety measures brought to millions of U.S. youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions, leaving millions of players vulnerable to long-lasting brain injury.

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field.

### › **NCAA: Transfer Antitrust**

Hagens Berman has taken on the NCAA for several highly recruited college athletes whose scholarships were revoked after a coaching change, or after the student-athletes sought to transfer to another NCAA-member school. The suit claims the organization's limits and transfer regulations violate antitrust law.

The firm's case hinges on a destructive double-standard. While Non-student-athletes are free to transfer and are eligible for a new scholarship without waiting a year, and coaches often transfer to the tune of a hefty pay raise, student-athletes are penalized and forced to sit out a year before they can play elsewhere, making them much less sought after by other college athletic programs. Hagens Berman continues to fight for student-athletes' rights to be treated fairly and terminate the NCAA's anticompetitive practices and overbearing regulations that limit players' options and freedoms.

## PRACTICE AREAS

# Sports Litigation

## › Pop Warner

Hagens Berman represented youth athletes who have suffered traumatic brain injuries due to gross negligence, and filed a lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the then 13-year-old paralyzed from the neck down.

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head. In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not made public. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

## › MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat. The lawsuit was dismissed with the court ruling that the plaintiffs lacked standing because the chance of getting hit by a ball is remote.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans. We believe our case sparked the eventual move to netting. After one of the owners of the Mariners belittled Steve for having filed the case, the firm happily saw the addition of netting extended to the foul poles at T-Mobile Park in the firm's headquarters of Seattle.

## › Other Cases

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

**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 U.S. 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 District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

**RESULT:** The case was successful, ultimately triggering a settlement of \$1 billion, 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:** The case succeeded and was settled as part of the 2012 global mortgage settlement, 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 and an award to our client.

**› In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler**

Represented a former regional vice president of operations for Sound Physicians, who blew the whistle on Sound's alleged misconduct.

**RESULT:** Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

**› In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.**

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

**PRACTICE AREAS**

## Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

**RESULT:** In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

### › **Medtronic**

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

**RESULT:** The case settled in 2012 for an amount that remained under seal.

### **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.

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.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned

by Direct Edge Holdings (and since acquired by Bats Global Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

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.

A few of the firm's most recent whistleblower cases in this area include:

### › **EDGA Exchange Inc. and EDGX Exchange Inc.**

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

**RESULT:** The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

**PRACTICE AREAS**

## Whistleblower Litigation

### › **Nav Sarao Futures Limited PLC**

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

**RESULT:** Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

### **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.

# Appellate Victories

## APPELLATE VICTORIES

## Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

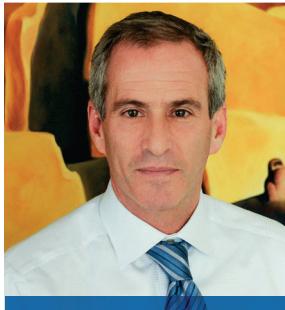
- › *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- › *In re Loestrin 24 Fe Antitrust Litig.*, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
- › *Osborn v. Visa Inc.*, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- › *Little v. Louisville Gas & Elec. Co.*, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- › *City of Miami v. Citigroup Inc.*, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- › *Rajagopalan v. NoteWorld, LLC*, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- › *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- › *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- › *Garcia v. Wachovia Corp.*, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
- › *Agnew v. Nat'l Collegiate Athletic Ass'n*, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- › *In re Lupron Mktg. & Sales Practices Litig.*, 677 F.3d 21, 24 (1st Cir. 2012) (approving *cy pres* provision in \$150 million settlement)
- › *In re Pharm. Indus. Average Wholesale Price Litig.*, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:

- › *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- › *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- › *Pickett v. Holland Am. Line-Westours, Inc.*, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

U.S. Legal Team



## MANAGING PARTNER

# Steve W. Berman

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

### CONTACT

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### YEARS OF EXPERIENCE

› 41

### PRACTICE AREAS

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

### BAR ADMISSIONS

- › Washington
- › Illinois Foreign
- › Registered Attorney in England and Wales

### COURT ADMISSIONS

- › Supreme Court of the United States
- › Supreme Court of Illinois
- › Supreme Court of Washington
- › U.S. District Court for the Eastern and Western Districts of Washington
- › U.S. District Court for the Northern and Central Districts of Illinois
- › U.S. District Court for the District of Colorado
- › U.S. District Court for the Eastern District of Michigan
- › First Circuit Court of Appeals

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve'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. Steve was named an MVP of the Year by Law360 in 2016 and 2017 for his class-action litigation and received the 2017 Plaintiffs' Trailblazer award. He was recognized for the third year in a row as an Elite Trial Lawyer by The National Law Journal.

Steve 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 nation's most successful class-action attorneys, and has been praised for securing record-breaking settlements and tangible benefits for class members. Steve is particularly known for his tenacity in forging consumer settlements that return a high percentage of recovery to class members.

### CURRENT ROLE

- › Managing Partner, Hagens Berman Sobol Shapiro LLP

### RECENT CASES

#### › Emissions Litigation

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500 and 3500 trucks, Dodge Ram 1500 and Jeep Cherokee EcoDiesel vehicles, Chevy Silverado, GMC Sierra as well as other models made by Ford, Audi and BMW. Steve and the firm's unmatched work in emissions-cheating investigations is often ahead of the EPA and government regulators.

#### › General Motors Ignition Switch Defect Litigation

Steve serves as lead counsel seeking to obtain compensation for the millions of GM car owners who overpaid for cars that had hidden safety defects.

#### › Climate Change – New York City, King County, Wash.

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

- › Second Circuit Court of Appeals
- › Third Circuit Court of Appeals
- › Fifth Circuit Court of Appeals
- › Sixth Circuit Court of Appeals
- › Seventh Circuit Court of Appeals
- › Eighth Circuit Court of Appeals
- › Ninth Circuit Court of Appeals
- › Tenth Circuit Court of Appeals
- › Eleventh Circuit Court of Appeals
- › DC Circuit Court of Appeals
- › Federal Circuit Court of Appeals
- › U.S. Court of Federal Claims
- › Foreign Registered Attorney in England and Wales

#### EDUCATION

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

#### MANAGING PARTNER

## Steve W. Berman

#### › *Opioids* - Orange and Santa Clara County, Seattle

Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

#### › **Antitrust Litigation**

Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Steve also filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices. Most recently, Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).

#### › **Consumer Protection**

Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

#### RECENT SUCCESS

#### › *Volkswagen Franchise Dealerships* - \$1.6 billion

Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.

#### › *Stericycle Sterisafe Contract Litigation* - \$295 million

Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.

#### › *NCAA Grant-in-Aid Scholarships* - \$208 million

Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes.

The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to

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

education-related expenses. According to the Ninth Circuit, the NCAA is “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences may make available. In the Supreme Court’s 9-0, Justice Kavanaugh stated, “The NCAA is not above the law.”

› ***Dairy Price-Fixing*** – \$52 million

This antitrust suit’s filing unearthed a massive collusion between the biggest dairy producers in the country, responsible for almost 70 percent of the nation’s milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.

**CAREER HIGHLIGHTS**› ***State Tobacco Litigation*** – \$260 billion

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.

› ***Visa MasterCard ATM Antitrust Litigation*** – \$27 billion

Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa’s and MasterCard’s networks.

› ***Toyota Sudden, Unintended Acceleration*** – \$1.6 billion

Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs’ steering committee.

› ***Washington Public Power Supply System (WPPSS)*** – \$700 million settlement

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.

› ***E-books Antitrust Litigation*** – \$560 million settlement

Fought against Apple and five of the nation’s top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers’ actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

**MANAGING PARTNER****Steve W. Berman**› ***Enron Pension Protection Litigation*** - \$250 million settlement

Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve to co-lead the case against Enron and the other defendants.

› ***Charles Schwab Securities Litigation*** - \$235 million settlement

Led the firm to file the first class-action lawsuit against Charles Schwab on Mar. 18, 2008, alleging that Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares.

› ***JP Morgan Madoff Lawsuit*** - \$218 million settlement

Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world.

› ***NCAA Grants-in-Aid Scholarships*** - \$208 million settlement, and permanent injunction upheld by the Supreme Court

Led the firm's tenacious antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash compensation untethered to education-related expenses. The Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations.

› ***Boeing Securities Litigation*** - \$92.5 million settlement

Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest.

› ***NCAA Concussions*** - \$75 million settlement, and 50-year medical monitoring fund

Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.

› ***US Youth Soccer Settlement***

Revolutionary settlement that changed U.S. Soccer regulations and bought sweeping safety measures to the game. Steve spearheaded a lawsuit against soccer-governing bodies, achieving a settlement that ended heading of the ball for U.S. Soccer's youngest players and greatly diminished risk of concussions and traumatic brain injuries. Additionally, the settlement highlights the importance of on-staff medical personnel at youth tournaments, as well as ongoing concussion education for coaches.

**RECOGNITION**

## › 2023 Best Lawyers in America in Litigation - Securities and Product Liability Litigation - Plaintiffs

## › 2018, 2020, 2022 Titan of the Plaintiffs Bar, Law360

## › 2022 Hall of Fame, Lawdragon

## › 1999-2022 Washington Super Lawyers

## › 2021 Sports &amp; Entertainment Law Trailblazer, The National Law Journal

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

- › 2021, 2019, 2018 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute
- › 2016-2020 Class Action MVP of the Year, Law360
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2019-2020 Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers
- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

**ACTIVITIES**

- › In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS '76) and his wife, Kathy. The program will improve society's ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change. Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship.
- › In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW's environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

**OTHER NOTABLE CASES**› **VW Emissions Litigation - \$14.7 billion settlement**

Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.

› **McKesson Drug Class Litigation - \$350 million settlement**

Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.

› **Average Wholesale Price Litigation - \$338 million settlement**

Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.

› **DRAM Memory Antitrust - \$345 million settlement**

**MANAGING PARTNER**

## Steve W. Berman

› *Lumber Liquidators Flooring*

Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

**PRESENTATIONS**

› Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

**PERSONAL INSIGHT**

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents, players and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team.



## PARTNER, EXECUTIVE COMMITTEE MEMBER

# Thomas M. Sobol

*Voted Massachusetts Ten Leading Litigators*

—The National Law Journal

### CONTACT

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### YEARS OF EXPERIENCE

> 39

### PRACTICE AREAS

> Pharmaceutical Fraud  
> Consumer Protection  
> Antitrust Litigation

### BAR ADMISSIONS

> Massachusetts  
> Rhode Island

### COURT ADMISSIONS

> 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 LLP
- > Leads HBSS's Boston office
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Court-appointed lead or co-lead in ten active antitrust cases alleging injury to businesses and/or consumers caused by the delayed availability of generic drug, including:
  - In re Glumetza Antitrust Litigation, No. 19-cv-05822-WHA (N.D. Cal.) (Hon. William Alsup)
  - FWK Holdings LLC v. Shire (Intuniv), No. 16-cv-12653 (D. Mass.) (Hon. Allison D. Burroughs)
  - In re Zetia (Ezetimibe) Antitrust Litigation, No. 18-md-2836 (E.D. Va.) (Hon. Rebecca Beach Smith)

### CAREER HIGHLIGHTS

- > \$325 million: third party payer class settlement, In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, No. 04-md-1629 (D. Mass) (Hon. Patti B. Saris)
- > ~\$200 million: tort victim recoveries via bankruptcy plan, In re New England Compounding Pharmacy, Inc. Products Liability Litigation, MDL No. 2419 (D. Mass.) (Hon. Rya W. Zobel)
- > \$150 million: direct purchaser class settlement, In re Flonase Antitrust Litigation, No. 08-cv-03149 (E.D. Pa.) (Hon. Anita B. Brody)
- > 4% price reduction of most retail drugs: New England Carpenters Health Benefits Fund v. First DataBank, Inc., No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris)
- > \$350 million: consumers and third party payers, San Francisco Health Plan v. McKesson Corp., No. 08-cv-10843 (D. Mass.) (Hon. Patti B. Saris)
- > \$25 million: State of Connecticut, In re Zyprexa Products Liability Litigation, MDL No. 1596 (E.D.N.Y.) (Hon. Jack B. Weinstein)

### RECENT SUCCESS

- > \$120 million: direct purchaser class settlement, In re Loestrin 24 Fe Antitrust Litigation, No. 13-md-02472 (D.R.I.) (Hon. William E. Smith)
- > \$51.25 million: direct purchaser class settlement, In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation, No. 18-md-02819 (E.D.N.Y.) (Hon. Nina Gershon)
- > \$166 million: direct purchaser class settlement, In re Lidoderm Antitrust Litigation, MDL No. 2521 (N.D. Cal.) (Hon. William Orrick)
- > \$72.5 million: direct purchaser class settlement, In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation, No. 14-md-02503 (D. Mass.) (Hon. Denise J. Casper)

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

- › Has Led almost 20 generic delay cases, involving various theories, on behalf of both direct and end payers to settlement and distributions to classes (or aggregated groups)
- › Helped develop the econometric model used to show the relationship between marketing and the opioid epidemic in the opioids MDL. *In re National Prescription Opiate Litigation*, No. 17-md-02804 (N.D. Ohio) (Hon. Dan Aaron Polster)
- › Originated the Ranbaxy fraudulent ANDA litigation, alleging novel theory that a generic company's fraudulent statements to FDA in order to obtain exclusivities violated federal RICO and antitrust laws, *Meijer, Inc. v. Ranbaxy Inc.*, No. 15-cv-11828 (D. Mass.) (Hon. Nathaniel M. Gorton)
- › Served as Lead counsel in the New England Compounding MDL and a member of the creditors' committee in the related bankruptcy, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced, resulting in about a \$200 million settlement, *In re New England Compounding Pharmacy, Inc. Products Liability Litigation*, MDL No. 2419 (D. Mass.) (Hon. F. Dennis Saylor, IV; Hon. Rya W. Zobel)
- › In the Vioxx MDL, developed a win-win lien resolution program for consumers and health plans that dispensed with the inefficiencies of resolving insurance liens piecemeal that is now a routine part of mass tort MDLs, *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.) (Hon. Eldon E. Fallon)
- › Obtained a \$142 million RICO jury verdict against Pfizer for fraudulently marketing its drug Neurontin; negotiated a separate \$325 million settlement on behalf of a class of health plans, *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 1629 (D. Mass) (Hon. Patti B. Saris)
- › Brought ground-breaking suit alleging widespread fraudulent marketing and sales practices for the prostate cancer drug Lupron (*In re Lupron Marketing and Sales Practices Litigation*, No. 01-md-1430 (D. Mass.) (Hon. Richard Stearns), which uncovered pricing theories later litigated in the Average Wholesale Price litigation (*In re Pharmaceutical Industries Average Wholesale Price Litigation*, No. 02-md-1456 (D. Mass.) (Hon. Patti B. Saris), over \$250 million in settlements) and related litigation against First Databank, (*New England Carpenters Health Benefits Fund v. First DataBank, Inc.*, No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris), major price rollback on hundreds of drugs)
- › Worked closely with consumer groups trying to bring down the prices of prescription drugs, including serving as lead counsel to the former Prescription Access Litigation (PAL) project, a large coalition of health care advocacy groups that fought illegal, loophole-based overpricing by pharmaceutical companies.
- › Since 2002, has represented consumers, consumer groups, health plans, governments and institutions in complex class actions involving waste, fraud, and abuse in the pharmaceutical industry.
- › Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island, including in ground-breaking litigation against tobacco industry (injunctive relief and recovery of more than \$10 billion).
- › Spent seventeen years at a large Boston firm handling large complex civil and criminal litigation.

**PRO BONO**

- › Chairman of the board, New England Shelter for Homeless Veterans, 1995 - 2002

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

**Thomas M. Sobol**

**RECOGNITION**

- › Massachusetts Ten Leading Litigators, The National Law Journal
- › Massachusetts Super Lawyer 2008-2021
- › Nominated in 2011 for Trial Lawyer of the Year by Public Justice for verdict in In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, MDL No. 1629 (D. Mass.).



## 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 »](#)*

#### CONTACT

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#### YEARS OF EXPERIENCE

> 34

#### PRACTICE AREAS

> Personal Injury Litigation  
> Insurance Bad Faith  
> Breach of Contract Claims

#### BAR ADMISSIONS

> Arizona  
> Colorado

#### COURT ADMISSIONS

> U.S. Supreme Court  
> United States Court of Appeals for the Federal Circuit  
> U.S. Court of Appeals, Fifth Circuit  
> U.S. Court of Appeals, Seventh 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

Mr. Carey handles various types of injury and consumer claims. Mr. Carey was lead counsel on a jury trial that produced the largest medical-malpractice verdict in 2018, secured class certification in class actions on behalf of consumers and workers where damages are almost \$2 billion, and investigated the dialysis industry's role in deaths caused by central venous catheter infections and misuse of dialysis solutions.

#### CURRENT ROLE

> Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP  
> Leads Hagens Berman's Phoenix office  
> Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases. Mr. Carey's work also extends to bad-faith insurance, personal injury and medical malpractice, with several trials involving verdicts in the hundreds of millions.  
- Frequently asked to handle jury trials for high-value cases

#### RECENT SUCCESS

> In June 2018, a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.  
> Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by The Daily Journal, a leading legal publication.  
> Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.  
> Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman complaints for a case that eventually settled for \$1.6 billion  
> Led Hagens Berman's efforts on the \$97 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings  
> Helped secure a first-ever (\$60 million) 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 groundbreaking 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.  
> Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Fitzpatrick, Rob secured a settlement that "forever changed youth football" (OC Weekly) and was "unprecedented"

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

and owed a debt of gratitude by those who care about the safety of kids playing football (Washington Post). Donovan died tragically during a 2016 surgery.

- › Rob secured a record verdict for a mother suing her deceased son's estate for negligence in starting a home fire. He then took an assignment of the estate's claim and pursued a bad faith claim against the insurer, resulting in lifetime financial security for the badly burned mother.
- › After successfully reforming an insurance policy to cover a client – a student-athlete injured in a roll-over accident that caused incomplete tetraplegia and traumatic brain injury – Rob went to the jury, which awarded damages for all harms and losses requested and for insurance bad faith, with a verdict exceeding over 15 times policy limits.
- › Rob sued the leading auto carrier for refusal to fully cover a pedestrian struck by the carrier's driver. The verdict was valued over seven figures, and included a finding of willful and wanton conduct, trebling the damages.
- › After Rob cross-examined the CEO and CFO of a pharmacy benefits company, the jury entered a verdict for his client in the liability phase of a \$75-million dispute.
- › During his representation of a driver paralyzed by a car's roof collapse, the insurance company ignored that the agent did not understand or offer required high-end coverages. The jury returned a verdict with a value over seven figures, including a finding for treble damages.
- › Rob represented passengers of drunk driver, and persuaded the jury to award future earning capacity, essential services, medical bills and to find willful and wanton conduct against the insurer (treble damages). After a successful trip to the state supreme court, the verdict was maintained and had a value in excess of 15 times the policy limits.

**RECOGNITION**

- › Best Lawyers in America 2023 in Litigation - Insurance and Personal Injury Litigation - Plaintiffs
- › One of 500 Leading Lawyers in America selected (again) by Lawdragon, and the only Arizona or Colorado attorney to make the list.
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system.
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year
- › Selected as a Leading Plaintiff Financial Lawyer in America and a Leading Plaintiff Consumers Lawyer in America
- › U.S. Department of Justice, recognized for victims' rights efforts

**EXPERIENCE**

- › Adjunct Professor, Sandra Day O'Connor College of Law, teaching class actions. Has taught law and policy courses at other universities.
- › Judge Pro Tempore, Maricopa County Superior Court, presiding over contract and tort jury trials
- › In the 90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in

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

various states.

- › While serving as Arizona Chief Deputy Attorney General Mr. Carey helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement. He also was a principal drafter of the first major overhaul of Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl that virtually eliminated frivolous prisoner lawsuits. Mr. Carey oversaw all major legal, policy, legislative and political issues for the Arizona attorney general's office. He developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights.
- › Campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office

**LEGAL ACTIVITIES**

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

**PUBLICATIONS**

- › Co-author of "7 Punitive Damages Strategies," Trial Magazine, April 2019
- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"
- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

**NOTABLE CASES**

- › *Propane Exchange Tank Litigation*
- › *Hyundai/Kia MPG Litigation*
- › *Swift Truckers Litigation*
- › *Toyota Unintended Acceleration Litigation*
- › *NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Hyundai Subframe Defect Litigation*
- › *Hyundai Occupant Classification System / Airbag Litigation*
- › *Hyundai Horsepower Litigation*
- › *Arizona v. McKesson False Claims and Consumer Protection Litigation* (representing State of Arizona)
- › *Apple Refurbished iPhone/iPad Litigation*
- › *Jim Brown v. Electronic Arts*
- › *LifeLock Sales and Marketing Litigation*
- › *Rexall Sundown Cellasene Litigation*



## PARTNER

# Lauren Guth Barnes

*Ms. Barnes was honored with the American Association for Justice's Marie Lambert Award in 2018, given to a female attorney in recognition of her exemplary leadership to the profession, to her community, to AAJ and to the Women Trial Lawyers Caucus.*

### CONTACT

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lauren@hbsslaw.com

### YEARS OF EXPERIENCE

> 17

### PRACTICE AREAS

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

### BAR ADMISSIONS

- > Massachusetts

### COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. 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 & Management Committee Member, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer protection and RICO 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 Glumetza Antitrust Litigation* (N.D. CA.)
- > Co-lead class counsel for direct purchasers in *In re Intuniv Antitrust Litigation* (D. Mass.)
- > Co-lead interim class counsel for end payors in *In re Humira (Adalimumab) Antitrust Litigation* (N.D. Ill.)
- > Co-lead interim class counsel for student purchasers in *In re Inclusive Access Course Materials Antitrust Litigation* (S.D. N.Y.)

### EXPERIENCE

- > As co-lead class counsel, helped secure \$72.5 million class settlement for direct purchaser class three days before trial in MDL 2503: *In re Solodyn Antitrust Litigation*
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: *In re. Skelaxin Antitrust Litigation*
- > Represented the state of Connecticut and helped secure a \$25M settlement in its action against Eli Lilly over unlawful promotion of and misrepresentations about Zyprexa
- > Represented 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
- > Served as pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program
- > Served as liaison counsel for *In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*
- > 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 behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare
- > Worked at Conflict Management Group where she worked with members of the United Nations High

**PARTNER**

# Lauren Guth Barnes

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

- › Serves on the Board of On The Rise, a Cambridge, MA daytime shelter for homeless women and women in crisis

**LEGAL ACTIVITIES**

- › American Association for Justice (AAJ)
  - Executive Committee, Member (2014-2015, 2019-present)
  - Board of Governors, Member (2012-present)
  - Law Schools Committee, Co-Chair (2010-present)
  - Committee on the Judiciary, Chair (2018-present)
  - Antitrust Litigation Group, Former Chair (2016-2018)
  - Women Trial Lawyers Caucus, Former Chair (2012-2013)
  - Class Action Litigation Group, Former Co-Chair (2011-2012)
  - New Lawyers Division, Board of Governors (2009-2014)
  - Committees (various), Member
  - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Public Justice
  - Board of Directors, Member (2018-present)
  - Class Action Preservation Project, Chair (2020-present); Vice Chair (2019-2020)
- › Massachusetts Academy of Trial Attorneys
  - Executive Committee, Member (2012-2014; 2017-present)
  - Board of Governors, Member (2011-present)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors (2015-2017)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-2018)

**RECOGNITION**

- › Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers (2020)
- › Massachusetts Super Lawyer (2018, 2019)
- › AAJ Marie Lambert Award (2018)
- › AAJ Distinguished Service Award (2015, 2017, 2018)
- › AAJ Women's Caucus Excellence in Leadership Award (2017, 2019)
- › AAJ Above and Beyond Award (2016)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors – inaugural class (2015-2017)
- › National Law Journal Boston Rising Star Award (2014)
- › Massachusetts Academy of Trial Attorneys President's Award (2014)
- › Massachusetts Bar Association Up & Coming Lawyer Award (2013)

**PARTNER**

## Lauren Guth Barnes

- › Massachusetts Rising Star (2014, 2015)
- › AAJ New Lawyers Division Excellence Award (2010, 2011, 2013, 2014)
- › AAJ New Lawyers Division Above and Beyond Award (2012)
- › AAJ Wiedemann & Wysocki Award (2012, 2013)

**NOTABLE CASES**

- › **\$72.5 Million Recovery in Solodyn Antitrust Action**

In July 2018, the Honorable Denise J. Casper of the District of Massachusetts granted final approval to a \$72.5 million class settlement for direct purchasers of brand and generic Solodyn. HBSS was co-lead class counsel in this case alleging Medicis entered into a series of reverse payment deals to delay entry of generic Solodyn and used the period of delay to effectuate a product hop, all resulting in overcharges by direct purchasers. The case settled three days before trial.

*In re Solodyn Antitrust Litigation, D. Mass., MDL No. 2503*

- › **\$73 Million Recovery for Direct Purchasers of Skelaxin**

On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers.

*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. Hagens Berman served as pro bono counsel.

*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, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal.

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

**PUBLICATIONS**

- › "How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act," Harvard Law and Policy Review, August 2015

**PERSONAL INSIGHT**

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her three children counts. Lauren did wrestle in college but refused to don the wrestling singlet. Whenever she can, Lauren rock climbs with her in-laws, breathes deeply at yoga, and hosts dinner parties to, despite usual advice, try totally new recipes. She also keeps the pizza delivery guy on speed dial as back-up for such occasions.



## 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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## YEARS OF EXPERIENCE

> 14

## PRACTICE AREAS

> Class Actions  
> Consumer Rights  
> RICO  
> Antitrust

## BAR ADMISSIONS

> Massachusetts

## COURT ADMISSIONS

> 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 LLP
- > Court-appointed lead counsel for the proposed class of direct purchasers in multidistrict litigation alleging that brand company Merck and generic company Glenmark struck an anticompetitive pay-for-delay agreement to resolve patent-infringement litigation over the drug Zetia. *In re Zetia Antitrust Litigation*, 2:18-md-2836, E.D. Va., ECF No. 105.
- > Member of the HBSS team litigating antitrust claims on behalf of a proposed class of direct purchasers of brand and generic Glumetza. *In re Glumetza Antitrust Litigation*, 3:19-cv-05822, N.D. Cal.
- > Working with experts in *In re: Ranbaxy Generic Drug Application Antitrust Litigation*, 1:19-md-02878, D. Mass.
- > Instrumental in new case investigation work directed to combating waste, fraud, and pricing abuse in the pharmaceutical industry.

## RECENT SUCCESS

- > The First Circuit reversed a district court's dismissal of antitrust litigation premised on wrongfully listing patents covering insulin injector pens in FDA's Orange Book. *In re Lantus Direct Purchaser Antitrust Litigation*, 18-cv-2086, 1st Cir., Feb. 13, 2020.
- > Directed HBSS's litigation efforts, as co-lead counsel for the certified class of direct purchasers, and ran the patent team through the run up to trial in *In re Loestrin 24 Fe Antitrust Litigation*. The parties have reached a proposed \$120 million settlement shortly before trial. *In re Loestrin 24 Fe Antitrust Litigation*, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Court-appointed Interim lead/liaison class counsel for the proposed direct purchaser class in multidistrict litigation alleging that Allergan engaged in an anticompetitive scheme to delay generic versions of Restasis from coming to market. The parties have reached a proposed \$51.25 million settlement on behalf of the proposed settlement class of direct purchasers of the drug Restasis, *In re Restasis Antitrust Litigation*, 18-md-2819, E.D.N.Y., ECF No. 50.

## LEGAL ACTIVITIES

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

## RECOGNITION

- > The National Trial Lawyers: Top 100, 2022
- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one

**PARTNER**

## Kristen A. Johnson

of 40 outstanding lawyers under 40.

- › In 2020, Lawdragon named Ms. Johnson one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.
- › 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.

**NOTABLE CASES**

- › \$94 million settlement for the certified class of direct purchasers in *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455 (court-appointed co-lead counsel).
- › \$98 million settlement for the direct purchaser class in *In re Prograf Antitrust Litigation*, D. Mass., MDL No. 2242 (team member).
- › Personally appointed alternate lead counsel in the *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, 12-md-2419, D. Mass. During the nascent stages of the MDL, the court appointed Ms. Johnson 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 made and sold by NECC. This case resulted in a \$189+ million settlement on behalf of tort victims.
- › Member of the trial team that achieved a \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies concerning the drug Neurontin. Post-trial, the third-party payer class settled with Pfizer for an additional \$325 million. *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, D. Mass., MDL No. 1629.
- › \$150 million settlement for the direct purchaser class in *In re Flonase Antitrust Litigation*, E.D. Pa., 08-cv-3149 (team member).

**PERSONAL INSIGHT**

Ms. Johnson grew up in a family law practice (they literally turned a closet into a playroom) in Canfield, Ohio. Her grandfather, uncle, father, brother and sister are all lawyers, all practice together, and her mother runs the law office. Ms. Johnson's career choice was perhaps inevitable, though her departure for Boston makes her a bit of a black sheep.



## 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*

### CONTACT

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### YEARS OF EXPERIENCE

> 29

### PRACTICE AREAS

> Securities Litigation  
> Consumer Rights  
> Antitrust Litigation  
> Insurance  
> Products Liability

### INDUSTRY EXPERIENCE

> Complex Financial Instruments  
> Investments  
> Pharmaceuticals  
> Automotive

### COURT ADMISSIONS

> Supreme Court of Washington  
> U.S. District Court, Western District of Washington  
> U.S. District Court, District of Colorado  
> Ninth Circuit U.S. 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 LLP, 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 the Trial Lawyer of the Year Award for their work in securing a \$1.6 billion settlement for car owners.
- > In 2020, Lawdragon named Mr. Matt one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.

### 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

- > *Mercedes Emissions* (\$763 settlement)
- > *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*

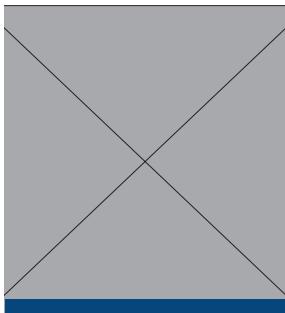
**PARTNER**

## Sean R. Matt

- › *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
- › *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

**PERSONAL INSIGHT**

Sean, whose four-man team won cycling's prestigious Race Across America with a time of six days and three hours, still occasionally rides a bike.

**PARTNER**

## Shana E. Scarlett

*Shana has achieved hundreds of millions of dollars in recovery for classes in antitrust matters, and has been named a Northern California Super Lawyer and top California antitrust attorney.*

**CONTACT**

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(510) 725-3001 fax  
shanas@hbsslaw.com

**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

> Antitrust Litigation  
> Consumer Protection  
> Securities Litigation

**INDUSTRY EXPERIENCE**

> Technology Companies  
> Internet Companies  
> Agricultural Companies

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California  
> U.S. Court of Appeals, Second Circuit  
> U.S. Court of Appeals, Seventh Circuit  
> U.S. Court of Appeals, Ninth Circuit  
> U.S. Court of Appeals, Federal Circuit

**EDUCATION**

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

**CURRENT ROLE**

> Partner & Management Committee Member, Hagens Berman Sobol Shapiro LLP  
> Managing Partner of Hagens Berman's Berkeley office  
> Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition

**RECENT SUCCESS**

> Ms. Scarlett has played a leading role in obtaining sizable settlements for antitrust plaintiffs in the following cases:  
 - In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (co-lead counsel for indirect purchaser class; recovery to date of \$106 million)  
 - In re Animation Workers Antitrust Litig., No. 14-cv-4062 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for class of workers; recovery of nearly \$169 million)  
 - In re Lithium Ion Batteries Antitrust Litig., No. 13-md-02420 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$113.45 million)  
 - In re EBooks Antitrust Litig., No. 11-md-02293 (S.D.N.Y.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$568 million)  
 - In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)  
 - In re Railway Industry Employee No-Poach Antitrust Litigation, MDL No. 2850 (W.D. Pa.) (team at Hagens Berman on executive committee; recovery of \$48.95 million)

**RECOGNITION**

> The Daily Journal, Top Plaintiff Lawyers, 2022  
> Lawdragon 500 Leading Plaintiff Consumer Lawyers, 2022  
> Lawdragon Leading Lawyers in America, Plaintiff Consumer Litigation, 2022  
> Top Antitrust Attorney, Daily Journal of California, 2021  
> 2021 Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers  
> Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020-2022  
> Lawdragon Leading Plaintiff Lawyer, 2020 – 2021  
> Band 2 Ranking by Chambers and Partners, 2020; Band 1 Ranking, 2021  
> Northern California Super Lawyer, 2013 - 2021  
> Top 50 Women Northern California Super Lawyers, 2020-2021  
> Rising Star Award for Northern California, Super Lawyers, 2009 – 2011

**EXPERIENCE**

> Associate, Coughlin Stoia Geller Rudman & Robbins LLP (2004-2007)  
> Associate, Milberg Weiss Bershad Hynes & Lerach LLP (2002-2004)  
> Associate, Lieff Cabraser Heimann & Bernstein LLP (2001-2002)

**PARTNER**

# Shana E. Scarlett

**LEGAL ACTIVITIES**

- › Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Private Class Actions (November 2019)
- › Panelist, American Bar Association, Key Considerations for Working with Expert Witnesses in Class Actions (September 2019)
- › Panelist, American Antitrust Institute, The Consumer and Food Sovereignty: Concentration and its Effects on Food Prices, Choice, and Quality (December 2018)
- › Panelist, Complex Litigation E-Discovery Forum: Tar and Validation Protocols (September 2018)
- › Panelist, Civil Law Symposium: Class Actions for the Northern District Practice Program (September 2018) (spoke at the request of Judge Gonzalez Rogers on distribution of settlements and best practices of notice)
- › Panelist, The Impact Fund, Advanced Class Notice Issues (August 2018)
- › Panelist, American Bar Association Meeting: Procedural Steps and Pitfalls in Antitrust Class Actions (May 2018)
- › Panelist, Northern District Judicial Conference: Class Actions (April 2018)
- › Panelist, Class Certification – Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute (Nov. 2017)

**NOTABLE CASES**

- › Ms. Scarlett is also serving as lead or co-lead class counsel in the following cases currently being litigated:
  - In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (co-lead counsel for indirect purchaser class)
  - In re Beef Purchasers Antitrust Litig. (Peterson v. JBS USA Food Co. Holdings et al.), No. 0:19-cv-01129 (D. Minn.) (co-lead counsel for indirect purchaser class)
  - In re Turkey Antitrust Litig., No. 1:19-cv-08318 (N.D. Ill.) (co-lead counsel for direct purchaser class)
  - Jien v. Perdue Farms, Inc., No. 19-cv-2521 (D. Md.) (co-lead counsel for class of hourly and salaried workers)

**PERSONAL INSIGHT**

Shana is Canadian and the daughter of the noted Canadian jurist, the Hon. Edward D. Scarlett. When not in the Berkeley office of Hagens Berman, Shana usually can be found in Canada with her four sisters, nine nieces and nephews.



## PARTNER

# Leonard W. Aragon

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

### CONTACT

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leonard@hbsslaw.com

### YEARS OF EXPERIENCE

> 20

### PRACTICE AREAS

> Commercial Litigation  
> Mass Tort  
> Appellate Advocacy  
> Personal Injury

### COURT 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

### INDUSTRY EXPERIENCE

> Consumer Fraud  
> Software  
> Sports Law  
> Health Care  
> Pharmaceuticals  
> Election Law  
> Gambling  
> Administrative Procedures Act

### CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP  
> 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 million and reached a settlement in June with the NCAA for \$20 million. The parties are in the process of seeking approval from the Court for the two settlements.

### RECENT SUCCESS

> Multimillion-dollar jury verdict believed to be the largest in Columbiana County, Ohio history  
> Multimillion-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 video game franchise in phased trial over unpaid royalties

### RECOGNITION

> Super Lawyers, Rising Star: Class Action/Mass Tort

### LEGAL ACTIVITIES

> Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University  
> State Bar of Arizona Bar Leadership Institute Class I  
> 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*  
> *Liebich v. Maricopa County Community College District*

### PERSONAL INSIGHT

Before entering the practice of law, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion, communications director for a successful congressional campaign, and waited on season ticket holders at America West Arena so that he could secretly watch the Phoenix Suns.



## PARTNER

# Gregory T. Arnold

*Greg devotes his practice to pursuing remedies for those injured by antitrust violations, particularly within the pharmaceutical industry.*

### CONTACT

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grega@hbsslaw.com

### YEARS OF EXPERIENCE

> 25

### 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

- > Partner, Hagens Berman Sobol Shapiro LLP
- > 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
- > Directs Hagens Berman's work on numerous pending direct purchaser class-action cases, including *In re Ranbaxy Generic Drug Application Antitrust Litigation*, *In re Actos Direct Purchaser Antitrust Litigation*, *In re Lipitor Antitrust Litigation*, and *In re Effexor XR Antitrust Litigation*, as well as multiple actions brought on behalf of end payors, including *Louisiana Health Service & Indemnity Comp., et al. v. Janssen Biotech, Inc., et al.*, and *Staley, et al. v. Gilead Sciences, Inc. et al.*

### RECENT SUCCESS

- > Part of a team that secured substantial recoveries on behalf of a class of direct purchasers in connection with wrongfully delayed entry of generic versions of various pharmaceutical drugs
- > Defeated motion to dismiss in case alleging misconduct on the part of a large Indian generic pharmaceutical manufacturer which caused delays in generic competition on multiple drugs with billions of dollars of annual sales

### 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 five years of litigation, Mr. Arnold succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. He pursued several interlocutory appeals throughout the case and 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 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 percent.

**PARTNER**

## Gregory Arnold

### › 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 efforts in pursuing a nationwide class action on behalf of all persons injured as a result of the tobacco industry's misconduct.
- 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 more than \$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 multimillion-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 multimillion-dollar commercial contract concerning sale of radiology equipment, including prevailing on counterclaim seeking to impose multimillion-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.

**PARTNER**

## Gregory Arnold

- Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act 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.

**PERSONAL INSIGHT**

Greg is married with three children and lives in Mansfield, Mass. He played varsity ice hockey in college.



## PARTNER

# Elaine T. Byszewski

*Litigated Milk Antitrust from complaint filing to settlement of \$52 million*

### CONTACT

301 North Lake Ave.  
Suite 920  
Pasadena, CA 91101

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elaine@hbsslaw.com

### YEARS OF EXPERIENCE

> 19

### PRACTICE AREAS

> Consumer Protection  
> Qui Tam  
> Antitrust Litigation  
> Appellate

### BAR ADMISSIONS

> California

### COURT ADMISSIONS

> U.S. District Court for the Central District of California  
> U.S. District Court for the Northern District of California  
> U.S. District Court for the Southern District of California  
> U.S. District Court for the Eastern District of California  
> U.S. Court of Appeals for the First Circuit  
> U.S. Court of Appeals for the Seventh Circuit  
> U.S. Court of Appeals for the 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 LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multimillion-dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > She also litigated 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, which the defendants described in their attempted petition for review to the United States Supreme Court as "one of the most expansive classes in history."
- > Currently, Ms. Byszewski focuses her practice on brief writing for a wide variety of firm cases, including:
  - Auto defect cases and other product defect cases on behalf of consumers;
  - College refund cases seeking return of tuition paid for promised in-person and on campus education; and
  - Antitrust cases, including collusion in the agriculture.

### RECENT SUCCESS

- > Drafted petition for en banc review in *Hyundai/Kia Fuel Economy Litig.*, which was granted and resulted in affirmance of the nationwide class action settlement in 2019.
- > Litigated *Milk Antitrust* from complaint filing to settlement of \$52 million and received the American Antitrust Institute's 2018 award for Outstanding Antitrust Litigation Achievement in Private Law Practice
- > Member of litigation team that settled *Toyota Unintended Acceleration Litigation* for \$1.6 billion and was a finalist for Public Justice's 2014 Trial Lawyer of the Year award

### EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

### RECOGNITION

- > Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020, 2022

**PARTNER**

## Elaine T. Byszewski

**NOTABLE CASES**

- › *Dairy Cooperatives Antitrust Litigation*
- › *Toyota Unintended Acceleration*
- › *Hyundai/Kia*
- › *Ford Spark Plugs*
- › *AstraZeneca Pharmaceuticals (Nexium) Litigation*
- › *Merck (Vioxx) Litigation*
- › *Berkeley Nutraceuticals (Enzyte) Litigation*
- › *Solvay Pharmaceuticals (Estratest) Litigation*
- › *Apple iPod Litigation*
- › *Costco Wage and Hour Litigation*

**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, Winner of the *Animal Law Review*’s 5th Annual Student Writing Competition
- › “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

**PERSONAL INSIGHT**

Ms. Byszewski enjoys spending time outdoors with her husband and their two sons, whether swimming, hiking or scootering around the neighborhood.



## PARTNER

# John DeStefano

*Mr. DeStefano takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.*

### CONTACT

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johnd@hbsslaw.com

### PRACTICE AREAS

- › Appellate Advocacy
- › Class Action
- › Commercial Litigation
- › Consumer Rights
- › Insurance Law

### BAR ADMISSIONS

- › U.S. Supreme Court
- › U.S. Court of Appeals, Seventh Circuit
- › U.S. Court of Appeals, Eighth Circuit
- › U.S. Court of Appeals, Ninth Circuit
- › U.S. Court of Appeals, Tenth Circuit
- › U.S. District Court, District of Arizona
- › U.S. District Court, District of Colorado
- › Supreme Court of Arizona

### EDUCATION

- › University of Arizona Law School, J.D., Senior Managing Editor, Arizona Law Review
- › Harvard University, B.A., Classics

### CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer, insurance, and antitrust class actions as well as appellate representation

### RECENT SUCCESS

- › When Continental Casualty Co. decided to seek and impose massive premium hikes on its long-term-care insurance customers, Hagens Berman filed suit to stop them and correct the abuse. The federal court initially granted Continental's motion to dismiss, but Mr. DeStefano obtained a published reversal of that ruling from the U.S. Court of Appeals for the Seventh Circuit in 2020. After the case was remanded, he defeated three additional motions to dismiss in similar cases against Continental Casualty and discovery is ongoing.
- › Mr. DeStefano has also been active in litigation challenging insurers' deliberate underpayments of total loss auto claims—unfair practices that short consumers after serious car accidents when they are often injured and at their most vulnerable. In early 2022, the U.S. District Court for the District of New Jersey granted Mr. DeStefano's motion to certify a class of New Jersey consumers challenging GEICO's use of improper adjustments to lower payments and its failure to pay substantial taxes and fees owed.
- › Mr. DeStefano also helped represent NFL legend Jim Brown in the appeal of his right-of-publicity suit against Electronic Arts for the unauthorized use of his likeness in Madden NFL video games. Shortly after briefing, Electronic Arts agreed to a \$600,000 judgment in favor of Brown.
- › Mr. DeStefano was part of the Hagens Berman team that obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings and successfully defended the settlement before the U.S. Court of Appeals for the Ninth Circuit, sitting en banc. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.

### EXPERIENCE

- › Snell & Wilmer LLP 2009-2013
- › American Inns of Court Pegasus Scholar 2012: study of commercial, media, and privacy law with barristers and judges in the U.K.
- › U.S. District Court for the District of Arizona, Law Clerk to the Hon. Neil V. Wake 2008-2009
- › U.S. Court of Appeals for the Ninth Circuit, Law Clerk to the Hon. William C. Canby, Jr. 2007-2008

### LEGAL ACTIVITIES

- › Trustee and past Treasurer, American Inns of Court
- › Membership Chair, Lorna Lockwood American Inn of Court
- › American Association for Justice

**PARTNER**

## John DeStefano

**RECOGNITION**

- › Super Lawyers, Rising Star: Class Action/Mass Tort 2015 - 2017
- › Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

**NOTABLE CASES**

- › *Gunn v. Continental Casualty Co.*
- › *Sieving v. Continental Casualty Co.*
- › *Cheslow v. Continental Casualty Co.*
- › *Brown v. Continental Casualty Co.*
- › *Kronenberg v. Allstate Insurance Co.*
- › *Lewis v. GEICO*
- › *In re Hyundai & Kia Fuel Economy Litigation*
- › *Jim Brown v. Electronic Arts Inc.*

**PUBLICATIONS**

- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

**PERSONAL INSIGHT**

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.



## PARTNER

# Catherine Y.N. Gannon

*Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2022.*

### CONTACT

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catherineg@hbsslaw.com

### YEARS OF EXPERIENCE

> 13

### PRACTICE AREAS

> Securities and Antitrust  
> Consumer Protection

### BAR ADMISSIONS

> Washington  
> New York  
> Ontario (Canada)

### EDUCATION

> York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008  
> Carleton University, Bachelor of Public Affairs and Policy Management, *summa cum laude*, 2005

### CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

### NOTABLE CASES

- > Volkswagen/Audi/Porsche Diesel Emissions Scandal
- > Aequitas Capital Management Securities Litigation
- > Insulin Overpricing
- > In re MyFord Touch Consumer Litigation
- > NCAA Grant-In-Aid Cap Antitrust Litigation
- > Ford Shelby GT350 Mustang Overheating

### EXPERIENCE

- > Litigation Associate at Am Law 10 Law Firm, New York, New York
- > Articling Student at "Seven Sister" Law Firm, Toronto, Canada

### LEGAL ACTIVITIES

- > President, Board of Directors, Eastside Legal Assistance Program (ELAP)

### RECOGNITION

- > Rising Star, Washington Super Lawyers, 2016-2022
- > National Trial Lawyers Top 40 Under 40 in Washington State – Civil Plaintiff, 2022

### PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter," 2017
- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," 2011 Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" 30 Health Law in Canada 132, 2010
- > "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations," Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai), 2009

**PARTNER**

## Catherine Y.N. Gannon

**PERSONAL INSIGHT**

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.

**PARTNER****Lucas E. Gilmore**

*Dedicated plaintiff attorney with more than a decade of experience prosecuting securities fraud, shareholder derivative, antitrust, and consumer class actions.*

**CONTACT**

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lucasg@hbsslaw.com

**YEARS OF EXPERIENCE**

> 11

**PRACTICE AREAS**

> Securities

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Court for the Northern District of California  
> U.S. District Court for the Northern District of California (Bankruptcy Court)  
> U.S. District Court for the Central District of California  
> U.S. District Court for the Southern District of California  
> U.S. Court of Appeals, Ninth Circuit  
> U.S. Court of Appeals, Second Circuit

**EDUCATION**

> University of California Hastings College of the Law, JD, 2007  
> Vanderbilt University, BA, *cum laude*, 2002

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Advises institutional, government and individual investors on issues related to corporate governance, shareholder rights and securities litigation
- > Key member of the firm's investor fraud team in which he, along with a group of attorneys, financial analysts, and investigators, counsels the firm's investor clients on their legal claims and prosecutes financial fraud cases

**EXPERIENCE**

- > Litigated dozens of securities class actions against the largest companies and banks, including BNY Mellon, BP, Citibank, Deutsche Bank, HSBC, Quality Systems, Symantec, U.S. Bank and Wells Fargo
- > Prosecuted a number of cases related to the financial crisis, including several actions arising out of the issuance of residential mortgage-backed securities and other complex financial products
- > Represented litigants in all phases of litigation, at both the trial court and appellate levels

**LEGAL ACTIVITIES**

- > Member, National Association of Public Pension Attorneys (NAPPA)
- > Member, State Association of County Retirement Systems (SACRS)

**RECOGNITION**

- > Super Lawyers, Rising Star: Securities 2014 - 2017

**PUBLICATIONS**

- > "The Fraud-on-the-Market Presumption Is Alive and Well," Association of Business Trial Lawyer, San Diego, ABTL Report, Fall 2014

**PERSONAL INSIGHT**

Outside of the office, Mr. Gilmore enjoys boxing and serving as Defensive Coordinator of his sons' flag football teams.

**PARTNER**

# Ben Harrington

*Ben focuses on challenging fraudulent business practices and enforcing antitrust laws, drawing from his extensive experience representing both plaintiffs and defendants at all stages of litigation.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 14

**INDUSTRY EXPERIENCE**

> Antitrust Litigation  
> Consumer Rights  
> Pharmaceutical Fraud

**BAR ADMISSIONS**

> California  
> New York

**COURT ADMISSIONS**

> U.S. District Court for the Southern District of New York  
> U.S. District Court for the Eastern District of New York

**CLERKSHIPS**

> Honorable Nina Gershon, U.S. District Court for the Eastern District of New York, 2014-2016  
> Honorable Harris Hartz, U.S. Court of Appeals, Tenth Circuit, 2008-2009

**EDUCATION**

> University of California, Hastings College of the Law, J.D., *summa cum laude*, 2008  
> The Evergreen State College, B.A., 2001

**PARTNER**

# Anne F. Johnson

*Ms. Johnson specializes in high-stakes, complex litigation challenging Big Pharma's schemes to block consumer access to less expensive generic drugs, as well as mass actions fighting corporate indifference and greed.*

**CONTACT**

555 Fifth Avenue  
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annej@hbsslaw.com

**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

> Personal Injury  
> Antitrust  
> Consumer Protection

**INDUSTRY EXPERIENCE**

> Pharmaceuticals  
> Automotive

**BAR ADMISSIONS**

> New York  
> Texas

**COURT ADMISSIONS**

> U.S. District Courts for the Southern and Eastern Districts of New York

**EDUCATION**

> Brooklyn Law School, *cum laude*  
> James Madison University, *magna cum laude*

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro LLP

**RECENT SUCCESS**

> Ms. Johnson was instrumental in achieving a \$200+ million aggregate settlement for her clients in General Motors LLC Ignition Switch Litigation.

**EXPERIENCE**

> Prior to joining Hagens Berman, Ms. Johnson was a partner at a Texas litigation firm and an associate at two New York City plaintiffs' class-action firms.  
> Led the discovery, briefing and trial preparation teams on behalf of court-appointed co-lead counsel for the wrongful death and personal injury plaintiffs in *General Motors LLC Ignition Switch Litigation*, one of the largest product liability litigations in U.S. history.  
> Member of the trial team in the first pay-for-delay pharmaceutical antitrust case to go to trial after the U.S. Supreme Court's watershed decision in *FTC v. Actavis*.  
> Developed and filed multiple pharmaceutical antitrust cases challenging drug companies' schemes to prevent less expensive generic versions of brand name drugs from entering the market, including by using sham litigation, sham citizen petitions, pay-for-delay settlements and "product hopping."

**ACTIVITIES**

> Fundraising volunteer for Annie's List, which helps to elect progressive women to office in Texas  
> Organized the American Constitution Society's Constitution in the Classroom program for New York City schools

**RECOGNITION**

> Brooklyn Law Review

**NOTABLE CASES**

> *General Motors LLC Ignition Switch Litigation*  
> *Solodyn Antitrust Litigation*  
> *Suboxone Antitrust Litigation*  
> *Nexium Antitrust Litigation*  
> *Provigil Antitrust Litigation*  
> *Tricor Antitrust Litigation*

**PERSONAL INSIGHT**

When she's not working, Anne is on her porch listening to records – rhythm and blues, country or rock 'n' roll – with her family and dogs.

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

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

**CONTACT**

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Berkeley, CA 94710

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(510) 725-3001 fax  
reed@hbsslaw.com

**YEARS OF EXPERIENCE**

> 45

**PRACTICE AREAS**

> Securities Litigation

**BAR ADMISSIONS**

> State of California  
> State of Illinois  
> State of Florida

**COURT ADMISSIONS**

> Supreme Court of California  
> Supreme Court of Florida  
> Supreme Court of Illinois  
> U.S. District Court for the Northern District of California  
> U.S. District Court for the Northern District of Illinois  
> U.S. District Court of Colorado  
> U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

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

**CURRENT ROLE**

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

**RECOGNITION**

- > Super Lawyer, Super Lawyers Magazine, 2007 - 2019

**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, U.S. District Court for the Northern District of California, 2008-2011
- > Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008
- > Co-chaired the Securities Rules Advisory Committee, U.S. 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, State Association of County Retirement Systems (SACRS)
- > Member, National Council on Teacher Retirement (NCTR)
- > Member, California Association of Public Retirement Systems (CALAPRS)
- > Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
- > Member, Illinois Public Pension Fund (IPPFA)
- > Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)
- > Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
- > Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011
- > Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

**PARTNER**

# Reed R. Kathrein

**PUBLICATIONS**

- › "A Look at Recent Demographics and Other Statistics in Securities Fraud Class Actions," The NAPPA Report, October 2016
- › "Post-Morrison: The Global Journey Towards Asset Recovery," Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- › "Interview with Bernie Madoff," Hagens Berman, HBSS Securities News, Fall 2015
- › "Is Your Fund Prepared for Halliburton?," March 2014
- › "O Securities Fraud, Where Art Thou?, Enter Robocop," Hagens Berman, HBSS Securities News, November 2013
- › "Professor Coffee to SEC: Hire Plaintiffs Bar!," Hagens Berman, HBSS Securities News, May 2013
- › "Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud," Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- › "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**

- › "Incoming! How the New Administration's Approach to Securities Laws and Regulations Affect Investors and Markets," MAPERS, Spring Conference, May 2017
- › "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

**PARTNER**

## Reed R. Kathrein

Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

**PERSONAL INSIGHT**

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed's mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham's drum technician. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.

**PARTNER**

# Daniel J. Kurowski

2020 "Rising Star" in Illinois, Super Lawyers

**CONTACT**

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dank@hbsslaw.com

**YEARS OF EXPERIENCE**

> 17

**PRACTICE AREAS**

> Consumer Rights Litigation  
> Sports Litigation  
> Antitrust Litigation  
> Pharmaceutical Fraud

**CLERKSHIPS**

> Hon. Paul E. Plunkett,  
Northern District of Illinois  
> Hon. Maria Valdez, Northern  
District of Illinois

**BAR ADMISSIONS**

> Illinois

**COURT ADMISSIONS**

> U.S. Court of Appeals, Seventh  
Circuit  
> U.S. Court of Appeals, Second  
Circuit  
> U.S. District Court, Northern  
District of Illinois  
> U.S. District Court, Central  
District of Illinois  
> U.S. District Court, Southern  
District of Illinois

**EDUCATION**

> John Marshall Law School,  
J.D., *cum laude*, 2005  
> Loyola University Chicago,  
B.B.A., with Honors, 2002

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Daniel J. Kurowski is a partner at Hagens Berman Sobol Shapiro LLP. Since 2006, Mr. Kurowski has focused his practice on protecting the interests of individuals and small companies prejudiced by large corporations and organizations, often in consolidated multi-district litigation proceedings. Based in Chicago, with cases located throughout the country, his current work with the firm covers a diverse variety of complex cases including:
  - Representing student-athletes in individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in *In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (N.D. Ill.), *Mayall v. USA Water Polo, Inc.* (C.D. Cal.) and *In Re NFL Players' Concussion Injury Litig.* (E.D. Pa.).
  - Representing consumers of electricity in action alleging claims against nearly two dozen defendants for perpetuating an extensive fuel oil fraud, resulting in users of electricity in Puerto Rico being overcharged by more than \$1 billion dollars for electricity since 2002.
  - Representing purchasers with antitrust, consumer fraud and/or unjust enrichment claims against sellers and manufacturers of retail products.

**RECENT SUCCESS**

- > *In re Pre-Filled Propane Sales & Marketing Practices Litigation* (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > *In re Bayer Combination Aspirin Sales & Marketing Practices Litigation* (E.D.N.Y.) (\$15 million settlement)
- > *In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.) (\$7.5 million settlement)
- > *Silk v. Bowling Green State University* (Ohio Court of Claims) (\$712,500 individual settlement for student-athlete injured as a result of alleged failures to properly manage athlete's concussions)
- > *In re NFL Players' Concussion Injury Litigation* (E.D. Pa.) (over \$3.3 million in approved claims for former NFL players)

**RECOGNITION**

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2020

**EXPERIENCE**

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, 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 with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple 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 submitted in a national moot court competition

**PARTNER**

## Daniel J. Kurowski

**LEGAL ACTIVITIES**

- › Seventh Circuit Council on eDiscovery and Digital Information
- › Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- › Investigator, Chicago Bar Association, Judicial Evaluation Committee

**NOTABLE CASES**

- › *Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.)
- › *Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation* (E.D.N.Y.)
- › *Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation* (W.D. Mo.)
- › *Pre-Filled Propane Tank Marketing & Sales Practices Litigation* (W.D. Mo.)
- › *RC2 Corp. Toy Lead Paint Products Liability Litigation* (N.D. Ill.)

**PERSONAL INSIGHT**

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Dan is also a board member for the DuPage Cycling Foundation, a 501(c)(3) non-profit corporation that raises fund for community non-profits through the hosting and promotion of cycling events.

**PARTNER**

# Thomas E. Loeser

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

**CONTACT**

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(206) 623-0594 fax  
toml@hbsslaw.com

**YEARS OF EXPERIENCE**

> 22

**PRACTICE AREAS**

> Consumer Rights  
> False Claims Act/**Qui Tam**  
> Government Fraud  
> Corporate Fraud  
> Data Breach/Identity Theft and Privacy

**INDUSTRY EXPERIENCE**

> Automotive  
> Consumer Fraud  
> Cyber and Intellectual Property Crimes  
> Racketeering  
> False Claims  
> Government Fraud  
> Technology  
> Software  
> Recreation  
> Athletic Apparel

**BAR ADMISSIONS**

> California  
> Illinois  
> District of Columbia

**COURT ADMISSIONS**

> District of Columbia  
> U.S. District Court for the District of Columbia

**CURRENT ROLE**

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

**RECOGNITION**

- > Martindale-Hubbell® AV Preeminent rating, 2016 - 2022
- > Washington Super Lawyers, 2016 - 2022
- > Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2020 - 2022
- > Leading Plaintiff Consumer Lawyer, Lawdragon, 2020
- > The National Trial Lawyers: Top 100, 2019 - 2020
- > Leading Plaintiff Consumer Lawyers, Lawdragon, 2019
- > Lawdragon 500, Lawdragon, 2019
- > Top Attorneys in Washington, Seattle Met Magazine, 2016 - 2019

**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 more than 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 U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

**PARTNER**

# Thomas E. Loeser

- › U.S. District Court for the Eastern District of California
- › U.S. District Court for the Northern District of California
- › U.S. District Court for the Southern District of California
- › U.S. District Court for the Central District of California
- › Supreme Court of California
- › U.S. District Court for the Eastern District of Michigan
- › U.S. District Court for the Western District of Washington
- › Supreme Court of Washington
- › 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

**NOTABLE CASES**

- › *Volkswagen Emissions Defect Litigation*
- › *Shea Homes Construction Defect Litigation*
- › *Meracord/Noteworld Debt Settlement Litigation*
- › *Defective RV Refrigerators Litigation*
- › *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**

- › French
- › Italian



## 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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## PRACTICE AREAS

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

## BAR ADMISSIONS

- Washington

## COURT ADMISSIONS

- 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 LLP
- 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 *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- 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

# Jessica R. MacAuley

*Ms. MacAuley was a fundamental part of the *In re: Celebrex Antitrust Litigation* trial team, which resulted in a \$94 million settlement.*

## CONTACT

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## YEARS OF EXPERIENCE

> 9

## PRACTICE AREAS

> Antitrust Litigation  
> Consumer Rights  
> Pharmaceutical Fraud

## BAR ADMISSIONS

> Massachusetts  
> District Court of Massachusetts  
> Second Circuit Court of Appeals

## EDUCATION

> Northeastern University, B.A., *cum laude*, 2005  
> The Pennsylvania State University, Dickinson School of Law, J.D., 2012

## CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Member of the HBSS team of attorneys litigating on behalf of direct purchasers in *In re: Restasis Antitrust Litigation*. Ms. MacAuley directed day-to-day efforts for HBSS and was the leader of a team of attorneys investigating allegations related to the defendant's (Allergan) filing of sham citizen petition. Ms. MacAuley successfully argued the motion for final approval of the \$51.25 million settlement for the direct purchaser class.
- > Led a team of attorneys investigating privilege claims made by defendants in the *In re Glumetza Antitrust Litigation* and is now part of the team preparing for trial.
- > Integral part of a trial team for class of direct purchasers in the *In re: Celebrex Antitrust Litigation*, which settled before trial for \$94 million.
- > Counsel in the *In re: Suboxone Antitrust Litigation* and the *In re: Niaspan Antitrust Litigation*. Tasked with overseeing the litigation for the HBSS office.
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf.
- > Oversaw discovery efforts, including managing meet and confers with defendants and directing factual issues for depositions, on behalf of direct purchasers in *In re: Solodyn Antitrust Litigation*, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers that settled pre-trial with four defendants totaling over \$76 million.

## EXPERIENCE

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

## RECOGNITION

- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2019

## NOTABLE CASES

- > *In re Glumetza Antitrust Litigation*
- > *In re Prograf Antitrust Litigation*
- > *In re Solodyn Antitrust Litigation*
- > *In re Celebrex Antitrust Litigation*
- > *In re Restasis Antitrust Litigation*

## PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.

**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**

> 20

**PRACTICE AREAS**

> Civil RICO  
> Consumer Rights  
> Environmental Litigation  
> Intellectual Property  
> State False Claims

**INDUSTRY EXPERIENCE**

> Pharmaceutical Industry  
> Class Action Litigation

**BAR ADMISSIONS**

> Washington

**COURT ADMISSIONS**

> 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 LLP
- > Focuses primarily on national class actions and pharmaceutical litigation
- > Currently part of the firm's legal team representing 2014-16 BMW i3 REx owners in a class action regarding a defect in the range extender that causes the cars to suddenly reduce speed and power without warning when transitioning from pure battery mode to the range extender.
- > Represents consumers in a nationwide class action against Dometic Corporation seeking compensation for RV and boat owners who experienced extensive loss of property due to fires and explosions caused by defective refrigerators sold by Dometic.
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

**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

**PARTNER**

## Barbara Mahoney

**NOTABLE CASES**

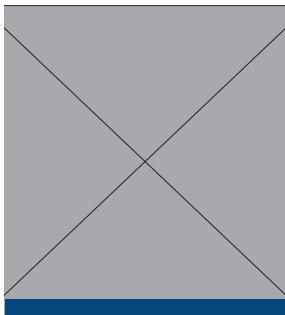
- › New England Carpenters v. First DataBank (\$350 million class-action settlement)
- › Douglas County v. McKesson (\$82 million class-action settlement)

**LANGUAGES**

- › Fluent in German
- › Reads Swedish and French

**PERSONAL INSIGHT**

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer and studying foreign languages.

**PARTNER**

## Martin D. McLean

*Mr. McLean is a true trial attorney having tried 30 cases to verdict in various state and federal courts.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 18

**PRACTICE AREAS**

> Personal Injury  
> Civil Rights  
> Insurance Bad Faith  
> Public Records Act

**BAR ADMISSIONS**

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

**EDUCATION**

> Seattle University School of Law, J.D., *cum laude*, 2002

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

**RECENT SUCCESS**

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multimillion-dollar recoveries on behalf of the firm's clients.

**EXPERIENCE**

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

**NOTABLE CASES**

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

**PERSONAL INSIGHT**

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son and daughter with his wife.

**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**

> 34

**PRACTICE AREAS**

> Antitrust Litigation  
> Consumer Rights  
> Tax Law  
> Securities Litigation  
> Pharmaceutical Fraud

**BAR ADMISSIONS**

> Washington  
> Arizona

**COURT ADMISSIONS**

> 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 LLP
- > 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* (\$260 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

# Jerrod C. Patterson

*Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.*

### CONTACT

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### YEARS OF EXPERIENCE

> 20

### PRACTICE AREAS

> Antitrust Litigation  
> Racketeering  
> Automotive Litigation

### BAR ADMISSIONS

> Washington  
> New York  
> District of Columbia

### CLERKSHIPS:

> The Hon. Louis F. Oberdorfer, U.S. District Court for D.C.  
> U.S. Senate Judiciary Committee (Sen. Leahy) Washington, D.C.

### EDUCATION

> University of California, Berkeley School of Law (Boalt Hall), J.D., May 2002; top 15% of graduating class  
> Johns Hopkins University, School of Advanced International Studies (SAIS) M.A. in International Economics and International Relations, December 1997, Graduated with distinction (top 10%)  
> Brown University A.B. in International Relations, May 1995, *magna cum laude*

### CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud and RICO cases, including Generic Pharmaceuticals Pricing Antitrust, Dodge RAM 2500 and 3500 Emissions, and Ford/GM/FCA CP4 Injection Pump Defect
- > Extensive experience in handling complex multidistrict cases.
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

### RECOGNITION

- > Organized Crime and Drug Enforcement Task Force "Best Financial Investigation in the Nation" – 2012
- > U.S. Attorney General "Outstanding Performance as a Special Assistant U.S. Attorney" – 2010
- > Assistant Attorney General "Outstanding Tax Division Attorney" – 2009
- > Assistant Attorney General "Outstanding Tax Division Attorney" – 2008

### NOTABLE CASES

- > *In re Animation Workers Antitrust Litig.*, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169M.
- > *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs.
- > *In re Lithium Ion Batteries Antitrust Litig.*, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million.
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

### EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney's Office in Seattle, WA.
  - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
  - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
  - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

**PARTNER**

## Jerrod C. Patterson

- › Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
  - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- › Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
  - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- › Associate, Wilmer Cutler Pickering (WilmerHale)

**PERSONAL INSIGHT**

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.



**PARTNER**  
**Rio Pierce**

*Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 8

**PRACTICE AREAS**

> Consumer Protection  
> Intellectual Property

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Court for the Central District of California  
> U.S. District Court for the Northern District of California  
> U.S. District Court for the Southern District of California

**CLERKSHPIS:**

> Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

**EDUCATION**

> Harvard Law School, *magna cum laude*, 2013  
> Duke University, *magna cum laude*, 2005

**CURRENT ROLE**

> Partner, Hagens Berman Sobol Shapiro LLP

**RECENT SUCCESS**

- > In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million)
- > In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million)
- > Qualcomm Antitrust Litigation., No. 5:17-md-02773 (N.D. Cal.) (part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers)
- > In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)

**RECOGNITION**

- > 2021 Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
- > Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- > Teaching Fellow, Copyright EdX

**EXPERIENCE**

- > Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- > Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
- > Associate, Munger Tolles & Olson, 2014-2016

**LEGAL ACTIVITIES**

- > American Association for Justice

**PUBLICATIONS**

- > "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

**PERSONAL INSIGHT**

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



## PARTNER

# Christopher R. Pitoun

*Christopher R. Pitoun has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.*

### CONTACT

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chrisp@hbsslaw.com

### YEARS OF EXPERIENCE

> 11

### PRACTICE AREAS

> Consumer Protection  
> Intellectual Property

### BAR ADMISSIONS

> California  
> 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  
> U.S. Court of Appeals for the Ninth Circuit

### EDUCATION

> Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review  
> University of Chicago, M.A. 2005  
> University of Michigan, B.A., with High Honors, 2004  
> London School of Economics, General Course, 2003

### CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP  
> Practice focuses on class actions and other complex litigation

### EXPERIENCE

> Prior to joining Hagens Berman, Chris worked as an associate at a large plaintiff's firm gaining extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.

> Office of the Attorney General of California, Business and Tax Division, Winter 2010

### RECENT SUCCESS

> *BofA Countrywide Appraisal RICO*, No. 2:16-cv-04166 (C.D. Cal.) (part of team that secured \$250,000,000 settlement on behalf of nationwide class of borrowers against appraiser)  
> *Sake House Restaurants Racial Discrimination Litigation*, Case No. BC7087544 (Cal.Super.) (certified for settlement purposes first of its kind hostile work environment class of Hispanic/Latino restaurant workers against employer)  
> *USC, Dr. Tyndall Sexual Harassment*, No. 2:18-cv-04258-SVW-GJS (C.D. Cal.) (part of team that secured \$215,000,000 settlement on behalf of class of sexual assault survivors against university and OB-GYN)

### NOTABLE CASES

> *CVS Generic Drug RICO Litigation*  
> *Fiat Chrysler Low Oil Pressure Shut Off*  
> *Fiat Chrysler Gear Shifter Rollaway*  
> *Ford F-150 & Ranger Fuel Economy and Sales Practices Litigation*  
> *Gilead HV TDF Tenofovir Mass Tort*  
> *Mattel/Fisher Price Rock 'N Play Wrongful Death Cases*

### PRESENTATIONS

> Panelist, "Conscious Consumerism and the Government's Role in Regulating Companies' Ethical Promises," ABA Webinar. March 2022

### LANGUAGES

> French

### PERSONAL INSIGHT

Prior to attending law school, Chris taught English and French to high school students in China. Chris later decided to become a lawyer while marketing the film "Michael Clayton." In his spare time, Chris works as a volunteer for the American Friends of the Israel Museum, a non-profit which helps raise funds for the Israel Museum in Jerusalem.



## PARTNER

# Craig R. Spiegel

*After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's litigation efforts against auto manufacturers and others for illegal emissions of pollutants.*

## CONTACT

1301 Second Avenue  
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(206) 623-0594 fax  
craigs@hbsslaw.com

## YEARS OF EXPERIENCE

> 42

## PRACTICE AREAS

> Consumer Rights

## 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 LLP
- > Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck.

## NOTABLE CASES

- > Involved in the firm's antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes, and in March of 2019, a trial on the injunctive aspect of the case resulted in a change of NCAA rules limiting the financial treatment of athletes.
- > 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

## RECOGNITION

- > 2021, 2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute



## PARTNER

# Shayne C. Stevenson

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

## CONTACT

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(206) 623-0594 fax  
shaynes@hbsslaw.com

## YEARS OF EXPERIENCE

> 21

## PRACTICE AREAS

- > Appellate Litigation
- > Civil & Human Rights
- > Class Action
- > Securities
- > Whistleblower (Head of Practice)
  - Anti-Money Laundering Act
  - CFTC
  - False Claims Act
  - IRS
  - SEC

## BAR ADMISSIONS

> Washington

## CLERKSHIPS

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001

## EDUCATION

- > Yale Law School, J.D. (2000)
- > Gonzaga University, B.A., Philosophy and Political Science (double major),

## CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and a variety of class action cases in federal district courts and on appeal at the courts of appeal nationwide on behalf of whistleblowers, veterans, consumers, workers and investors
- > Experienced in successfully handling False Claims Act, SEC, CFTC, and IRS whistleblower cases for whistleblowers worldwide against the world's largest financial companies, securities exchanges, accounting firms, medical device and pharmaceutical companies, medical providers, mortgage companies and other Fortune 500 corporations
- > One of the nation's leading Dodd-Frank Whistleblower attorneys since the programs were adopted in 2010, representing several successful, record-breaking whistleblowers under the whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC)—including the two most notable whistleblowers under these programs
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate for war crimes against the indigenous population of Bougainville in Papua New Guinea, a case that reached the U.S. Supreme Court
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

## EXPERIENCE

- > King County Prosecuting Attorney's Office, Felony Prosecutor
- > Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- > U.S. Attorney's Office, District of Connecticut, Intern

## NOTABLE CASES

- > CFTC v. Nav Sarao Futures Ltd. and U.S. v. Sarao (Northern District of Illinois) (CFTC whistleblower) Successfully represented the highly-publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly identified an international market manipulator, who was extradited and convicted. The case is the subject of the best-selling book "Flash Crash" by Bloomberg reporter Liam Vaughn.
- > In the Matter of EDGA Exchange, Inc., et al. (SEC whistleblower) Successfully represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, who single-handedly identified securities law violations by a major U.S. securities exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange.

graduated summa cum laude (first-in-class); Truman Scholar; Jesuit Honor Society (1996)

## PARTNER

# Shayne C. Stevenson

- › U.S. ex rel. Lagow v. Countrywide Financial Corp., et al. and U.S. ex rel. Mackler v. Bank of America, et al. (Eastern District of New York) Successfully handled both False Claims Act whistleblower cases representing relators in two separate lawsuits against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage origination and servicing fraud.
- › In the Matter of New York Stock Exchange LLC, et al. (SEC whistleblower) Successfully represented Mr. Bodek in a second record-tying SEC whistleblower action against the NYSE, and affiliated national securities exchanges, for unlawful and undisclosed use of order types.
- › In the Matter of Grant Thornton, LLP (SEC whistleblower) Successfully represented the Dodd-Frank SEC Whistleblower who brought the allegations of auditing fraud by this top-10 U.S. accounting and audit firm.
- › Childress v. Bank of America Corp., et al. (Eastern District of North Carolina.) Successfully represented and settled this class action case on behalf of over 126,000 military servicemembers challenging Bank of America's violations of the Servicemember Civil Relief Act, resulting in tens of millions of dollars paid to veterans and their families.
- › In the Matter of Cargill, Inc. (CFTC whistleblower) Successfully represented CFTC whistleblower in action against the largest private company in the United States.
- › U.S. ex rel. Doe v. US WorldMeds LLC (Western District of Washington) Successfully represented False Claims Act relator who challenged off-label marketing and Anti-Kickback Statute violations
- › Securities and Exchange Commission v. Moddha Interactive, et al. (District of Hawaii) (SEC whistleblower) Successfully represented SEC whistleblower who investigated and reported on fraudulent investment scheme shut down by the SEC.
- › U.S. ex rel. Nowak v. Medtronic, Inc., (District of Massachusetts) Successfully represented False Claims Act relator in declined and settled FCA litigation challenging off-label promotion of medical devices.
- › U.S. ex rel. Kite v. Besler Consulting, et al. (District of New Jersey) Successfully represented False Claims Act relator in several declined and settled FCA cases against area hospitals for Medicare fraud.
- › Sarei v. Rio Tinto Plc (Central District of California) Litigated international human rights class action case under Alien Tort Statute to the Supreme Court.
- › Hutchinson v. British Airways PLC, (Eastern District of New York) Successfully represented a class of consumers under Montreal Convention.

## CLERKSHPIS

- › Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- › Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001

## MEDIA INTERVIEWS AND COMMENTARY

- › "CFTC Makes History With \$200M Whistleblower Award," Law360, Oct. 21, 2021
- › "FCA Overhaul Bill May Miss Mark on Reining in Fraudsters," Law360, July 28, 2021
- › "Escobar Five Years Later: How FCA Earthquake is Reverberating," Law360, June 17, 2021
- › "Lastest CFTC Bounty Stirs Calls for More Whistleblower Funds," Law360, Apr. 23, 2021
- › "SEC Redefines Blockbuster with \$114M Whistleblower Award," Law360, Oct. 22, 2020
- › "CFTC Takes Extra Care to Cover Whistleblower Tracks," Law360, Sept. 10, 2020
- › "Robbins Geller, Hagens Berman to Lead Pot Investors' Row," Law360, July 24, 2020
- › "CFTC Awards Whistleblower \$6m, Slams 'Baseless' Objection," Law360, June 9, 2020

**PARTNER**

## Shayne C. Stevenson

- › "SEC Ramps Up Whistleblower Awards," Wall St. Journal, May 4, 2020
- › "CFTC Calls for Whistleblower Tips as Enforcement Evolves," Law360, Sept. 19, 2019.
- › "Pharma Co. Inks \$17.5m Deal to End FCA Kickback Suit," Law360, April 30, 2019.
- › "Attorneys Reflect on Escobar's FCA Impact 2 Years Later," Law360, June 15, 2018.
- › "SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit," Law360, Mar. 12, 2018.
- › "Dodd-Frank Whistleblowers Help Clean Up Our Markets," (Guest Column) ValueWalk, Feb. 6, 2018.
- › "Attorneys React to DOJ's New Memo on FCA Dismissals," Law360, Jan. 26, 2018.
- › "Limiting Whistleblower Rewards Weakens Program," Bloomberg Law, Nov. 2, 2017.
- › "BofA's \$42m Military Member Fee Settlement Wins Initial OK," Law360, Sept. 13, 2017
- › "Sarao Flash Crash Manipulation Case Benchmarks Point in History," ValueWalk, Nov. 15, 2016
- › "What SEC Whistleblowers Should Know About Insider Trading," (Guest Column) ValueWalk, Oct. 20, 2016
- › "SeaWorld Patrons Ask 9th Cir. to Restore Orca Abuse Suit," Law360, Sept. 20, 2016
- › "SEC cracks down on severance agreements that deter whistleblowing," Reuters, Aug. 16, 2016
- › "Tax Court Interprets 'Collected Proceeds' Expansively for Whistleblowers," Standard Fed. Tax Reports, Aug. 11, 2016
- › "Whistleblower Persuades Tax Court to Grant Discovery Motion," Standard Fed. Tax Reports, Aug. 4, 2016
- › "Health Fraud Defense Attys Riding High As Wins Pile Up," Law360, Apr. 8, 2016
- › "CFTC Whistleblower Office Comes of Age with Record Bounty," Law360, Apr. 4, 2016
- › "Why Wash.'s Medicaid False Claims Act Must be Renewed," Law360, Mar. 24, 2016
- › "Renew Tool That Fights Fraud," (Guest Column), The Daily Herald, Feb. 21, 2016
- › "CFTC Can't Give Whistleblower Money Away," Wall St. Journal, Feb. 8, 2016
- › "9th Circuit's FCA Ruling to Spark More Whistleblower Fights," Law360, July 9, 2015
- › "Flash Crash' Case Gets Scrutinized," Automated Trader, May 4, 2015
- › "Flash Crash Whistleblower May Get Millions of Dollars," Reuters, Apr. 23, 2015
- › "'Flash Crash' Arrest Shakes Investors' Confidence," USA Today, Apr. 23, 2015
- › "Alleged 'Flash Crash' Trader Told UK Watchdog to Ban HFT," Law360, Apr. 23, 2015
- › "UK Trader Arrested Over 2010 Flash Crash," Financial Times, Apr. 22, 2015
- › "Flash Crash Whistleblower May See Multi-Million Dollar Pay Day," Reuters, Apr. 22, 2015
- › "'Flash Crash' Charges Filed," The Wall Street Journal (front-page), Apr. 21, 2015
- › "UK Speed Trader Arrested," Reuters, Apr. 21, 2015
- › "How a Mystery Trader May Have Caused the Flash Crash," Bloomberg, Apr. 21, 2015
- › "CFTC, Feds Accuse UK HFT Trader of Role in Flash Crash," Law360, Apr. 21, 2015
- › "BATS to Pay \$14 Million to Settle Direct Edge Order-Type Case: A Record Amount," The Wall Street Journal, Jan. 12, 2015.
- › "BATS Exchange to Pay Record \$14 Million SEC Fine," Reuters, Jan. 12, 2015
- › "BATS to Pay \$14m SEC Fine in Wake of Order-Type Scandal," Automated Trader, Jan. 12, 2015
- › "SEC Issues Largest Fine Ever to Exchange Over High-Frequency Trading Infractions," ValueWalk, Jan. 12, 2015.
- › "IRS Releases Comprehensive Whistleblower Final Regs.," Standard Fed. Tax Reports, Aug. 14, 2014
- › "Bank of America Whistleblower's Payday Lead to Calls for Reform," Law360, Aug. 6, 2014
- › "UBS Whistleblower Ruling Reignites Arbitration Debate," Law360, Jan. 30, 2014

**PARTNER**

## Shayne C. Stevenson

- › "With \$2B J&J Deal, FCA Proves It's Still The Anti-Fraud King," Law360, Nov. 4, 2013
- › "Bank of America Fraud Trial Spotlights Whistleblower Awards," Reuters, Sept. 27, 2013
- › "FCPA Whistleblower Bounty May Turn Tide For SEC Program," Law360, Aug. 20, 2013
- › "Whistleblower Attorneys Eye DOJ Fraud Theory for New Bounties," Law360, Aug. 7, 2013
- › "SEC's Second Whistleblower Award is Tip of the Iceberg," Law360, June 14, 2013
- › "UBS Ruling Allays Fear Factor for SEC Whistleblowers," Law360, May 22, 2013
- › "Five Tips for Building Bridges with Whistleblowers," Law360, Mar. 20, 2013
- › "Analysis: Complaints Rise Over Complex U.S. Stock Orders," Reuters, Oct. 19, 2012
- › "For Superfast Stock Traders, a Way to Jump Ahead in Line," Wall St. Journal (front-page) Sept. 19, 2012
- › "UBS Whistleblower Nets \$104 Million Award," CNN Money, Sept. 12, 2012"
- › "Bank of America/Countrywide Whistleblower Kept 3-Year Secret," ABCNews, July 14, 2012
- › "Whistleblowers Win \$46.5m in Foreclosure Settlement," CNN, July 2, 2012
- › "Whistleblowers Beware: Most Claims End in Disappointment," Huffington Post, June 4, 2012
- › "Whistleblower Takes Home \$14.5M in BoA Mortgage Deal," Law360, May 29, 2012
- › "Bank of Amer. Whistleblower Receives \$14.5m in Mortgage Case," Reuters, May 29, 2012
- › "BoA Denied Homeowners Access to HAMP: Whistleblower," Law360, Mar. 7, 2012
- › "Countrywide Inflated Home Values: Whistleblower Suit," Law360, Feb. 24, 2012
- › "Killers of Somali Cabbie Get Longest Sentences Allowed," Seattle P-I, Mar. 24, 2006

**PRESENTATIONS**

- › Speaker: "Whistleblowers & Financial Fraud," National Whistleblower Conference. San Francisco, CA. Jan. 22-23, 2018
- › Speaker: "Financial Fraud," National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- › Speaker: "Representing Dodd-Frank Whistleblowers," Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- › Speaker: "Secrets from the Plaintiff's Bar," Hospital and Health Care Law Conference: University of Washington. Seattle, WA. Apr. 24, 2015.
- › Speaker: "False Claims in the Financial Sector," False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- › Lecture: "Access to Civil Remedy," Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014
- › Speaker: "Enforcement of Financial Fraud," False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.
- › Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- › Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- › Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. Apr. 17, 2013.
- › Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- › Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.

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

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

**CONTACT**

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**YEARS OF EXPERIENCE**

> 30

**PRACTICE AREAS**

> Patent Litigation  
> Intellectual Property  
> ERISA Litigation  
> Hotel Tax Litigation

**BAR ADMISSIONS**

> New York  
> Oregon  
> 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 LLP
- > Practice focuses on multi-state and nationwide consumer litigation, including diesel emissions and automobile defect claims.

**EXPERIENCE**

- > Headed up 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.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including cases leading to settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank.
- > Worked extensively on hotel tax collection cases against the major online travel companies (OTCs). The firm achieved settlements on behalf of Brevard County, Florida, the village of Rosemont, Illinois, and Denver, Colorado.
- > Extensively involved in the State Attorneys General 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**

- > *Mercedes Emissions* (\$763 million settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Tobacco Litigation* on behalf of States (resolved in \$260 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**

# Garth Wojtanowicz

*Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010*

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**YEARS OF EXPERIENCE**

> 21

**PRACTICE AREAS**

> Consumer Protection  
> Securities Litigation  
> Unfair Competition

**BAR ADMISSIONS**

> Washington  
> California

**EDUCATION**

> University of Washington School of Law, J.D., 2000  
> University of Washington, B.A., English, 1997

**CURRENT ROLE**

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working 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.
- > 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 doctors' offices, dentist offices, hospitals and similar businesses

**RECOGNITION**

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

**EXPERIENCE**

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

**NOTABLE CASES**

- > 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

**PERSONAL INSIGHT**

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.



**SENIOR COUNSEL**  
**Kevin K. Green**

*Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.*

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 keving@hbsslaw.com

**YEARS OF EXPERIENCE**

› 26

**PRACTICE AREAS**

› Appellate  
 › Consumer Rights  
 › Securities  
 › Investor Fraud  
 › Employment Litigation

**BAR ADMISSIONS**

› California

**COURT ADMISSIONS**

› U.S. Supreme Court  
 › United States Courts of Appeals for the Second, Third, Seventh, Eighth, Ninth, Tenth, Federal and District of Columbia Circuits  
 › U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California

**CLERKSHIPS**

› Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)  
 › U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, Chief Judge 2012-19)

**EDUCATION**

› Notre Dame Law School, J.D. 1995  
 › University of California, Berkeley, B.A., with honors and distinction, 1989

**CURRENT ROLE**

› Senior Counsel, Hagens Berman Sobol Shapiro LLP  
 › Concentrates on appeals as well as consumer rights, securities and employment litigation  
 › Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

**LEGAL ACTIVITIES**

› Appellate Advisory Committee, Judicial Council of California (since 2013)  
 › Co-Chair, CAOC Amicus Curiae Committee (since 2011)  
 › California Lawyers Association, Committee on Appellate Courts (since 2019)  
 › Magistrate Judge Merit Selection Panel, Southern District of California (2013-17)  
 › Working Group, Access to Appellate Justice Program, San Diego County Bar Association (launched 2019)  
 › Working Group, San Diego Appellate Inn of Court (launched 2016)  
 › Working Group, Civil Appellate Self-Help Workshop (launched 2014)  
 › California Lawyers Association, Committee on Administration of Justice (2016-19) (during State Bar transition)  
 › Chair, Appellate Court Committee, San Diego County Bar Association (2010)  
 › State Bar of California, Committee on Appellate Courts (2006-09)

**RECOGNITION**

› Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)  
 › Super Lawyer (since 2008)  
 › Legal Aid Society of San Diego, Outstanding Service Award (2015)  
 › Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

**NOTABLE DECISIONS**

› *Colbert v. Rio Tinto PLC*, 824 F. App'x 5 (2d Cir. 2020) (vacating dismissal of securities fraud complaint)  
 › *Mayall v. USA Water Polo*, 909 F.3d 1055 (9th Cir. 2018) (viable claims alleged concerning duty to implement concussion and return-to-play protocols)  
 › *Hernandez v. Restoration Hardware*, 4 Cal. 5th 260 (2018) (agreeing with CAOC as amicus curiae that unnamed class members must intervene for standing to appeal)  
 › *Friedman v. AARP, Inc.*, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)

**SENIOR COUNSEL****Kevin K. Green**

- › *George v. Urban Settlement Serv.*, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- › *Duran v. U.S. Bank*, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- › *Wong v. Accretive Health*, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- › *Harris v. Superior Court*, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- › *Lynch v. Rawls*, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- › *Kwikset Corp. v. Superior Court*, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- › *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- › *In re F5 Networks, Inc. Derivative Litig.*, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- › *Troyk v. Farmers Group*, 171 Cal. App. 4th 1305 (2009) (auto insurance policy violated disclosure statute; settled on appeal for \$100 million monetary relief)
- › *Smith v. Am. Family Mut. Ins. Co.*, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- › *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit may seek attorney fees)
- › *Ritt v. Billy Blanks Enters.*, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- › *McKell v. Washington Mutual*, 142 Cal. App. 4th 1457 (2006) (reversing and holding federal lending regulations did not foreclose UCL claims)
- › *Lebrilla v. Farmers Group*, 119 Cal. App. 4th 1070 (2004) (reversing and ordering certification of California class; settled at trial for substantial class-wide relief)
- › *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (seminal precedent on California's reasonable consumer standard)

**PUBLICATIONS**

- › *Amicus Curiae Update*, Forum (regular column for CAOC's periodical) (since 2012)
- › *Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nutty' Rule barring Expert Testimony in Software Copyright Cases* (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN)
- › *Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later*, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › *Closing the Appellate Justice Gap*, Los Angeles Daily Journal (Feb. 10, 2015)
- › *Appellate Review in California Class Actions*, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › *A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification*, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)

**SENIOR COUNSEL**

# Kevin K. Green

› *The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks*, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

**PRESENTATIONS**

- › Judicial Council CJER Webinar (Expanding Access to Justice in Appellate Courts, June 2020)
- › Bridgeport Class Action Conference (Appellate Review of Issues in Class Actions, Jan. 2020)
- › CAOC Webinar (Evidence at Class Certification: The Evolving Appellate Landscape, June 2019)
- › San Diego County Bar Association (New Mandatory Disclosures Before Mediation, Jan. 2019)
- › Bridgeport Class Action Conference (Expert Evidence at Class Certification, Jan. 2019)
- › California Lawyers Association Webinar (New Mandatory Disclosures Before Mediation, Dec. 2018)
- › Bridgeport Class Action Conference (Consumer Protection Cases Predicated on Omissions, Jan. 2018)
- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)
- › CAOC Webinar (Ninth Circuit Practice: Everything but the Brief, Nov. 2016)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

**PERSONAL INSIGHT**

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.



#### SENIOR COUNSEL

## David P. Moody

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

#### CONTACT

1301 Second Avenue  
Suite 2000  
Seattle, WA 98101

(206) 268-9323 office  
(206) 623-0594 fax  
davidm@hbsslaw.com

#### YEARS OF EXPERIENCE

> 28

#### PRACTICE AREAS

> Personal Injury Litigation  
> Civil Rights

#### INDUSTRY EXPERIENCE

> Children, Elderly and  
Incapacitated Citizens who are  
Victims of Neglect or Abuse

#### BAR ADMISSIONS

> Washington

#### COURT ADMISSIONS

> U.S. 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

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

#### NOTABLE CASES

- > Mr. Moody has secured many multimillion-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

#### PERSONAL INSIGHT

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.

**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.*

**CONTACT**

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 (206) 623-0594 fax  
 karlb@hbsslaw.com

**YEARS OF EXPERIENCE**

> 26

**PRACTICE AREAS**

> Securities Litigation  
 > Investor Rights

**BAR ADMISSIONS**

> 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 LLP
- > 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****Erin C. Burns**

*Ms. Burns devotes her practice to serving those who have been injured by antitrust violations in a variety of industries.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 20

**PRACTICE AREAS**

> Antitrust  
> Class Actions

**BAR ADMISSIONS**

> Pennsylvania  
> United States Courts of Appeals for the District of Columbia and the Third Circuits  
> U.S. District Court for the Eastern District of Pennsylvania  
> U.S. District Court for the Eastern District of Michigan

**EDUCATION**

> Villanova University School of Law, J.D., 2002  
> University of Delaware, B.A. Psychology, 1999

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

> Prior to joining Hagens Berman, Ms. Burns founded ECB Law LLC, and previously worked as an associate attorney at NastLaw LLC and RodaNast P.C.  
> Erin was a member of the Law & Briefing Committee for *In re Zoloft (Serataline Hydrochloride) Products Liability Litigation*, MDL No. 2342 (E.D. Pa.) and also served as a member of the deposition team for *Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan*, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.). She was also mediation counsel for *In re Skelaxin (Metaxalone) Antitrust Litigation*, MDL No. 2343 (E.D. Tenn.).

**RECENT CASES**

> *In re Zetia (Ezetimibe) Antitrust Litigation*, MDL No. 2836 (E.D. Va.).  
> *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1871 (E.D. Pa.).  
> *In re Ranbaxy Generic Drug Application Antitrust Litigation*, MDL No. 2878 (D. Mass.).

**NOTABLE CASES**

> *In re Zoloft (Serataline Hydrochloride) Products Liability Litigation*, MDL No. 2342 (E.D. Pa.).  
> *Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan*, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.).  
> *In re Skelaxin (Metaxalone) Antitrust Litigation*, MDL No. 2343 (E.D. Tenn.).

**LEGAL ACTIVITIES**

> Member of the American Bar Association and Pennsylvania Bar Association  
> Featured panelist for the Legal Intelligencer's first annual Litigation Summit, speaking about taxation of costs under 28 U.S.C. §1920 for e-discovery expenses (2012)  
> Chairperson of the Young Lawyers' Division and member of the Board of Directors of the Lancaster Bar Association (2005)  
> Vice-Chairperson of the Young Lawyers' Division (2004)  
> Leader for the Law Explorers Post (2004 – 2006). Erin taught monthly class for high school-aged children interested in careers in law. Her work included mock trial activities, sample law school and bar exam questions and guest speakers.

**OF COUNSEL**

## Erin C. Burns

**PERSONAL INSIGHT**

When not practicing law, Erin spends as much time as possible with her husband and four children. She has spent nearly as much time patching up scraped knees and elbows as she has writing briefs. She and her husband have also served as foster parents. Erin also enjoys using their smoker to try to make various kinds of barbecue, with varying degrees of success.



#### 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

› 34

#### PRACTICE AREAS

› Patent Infringement  
› Trademark and Trade Dress Infringement  
› Trade Secret Misappropriation  
› Complex Litigation

#### BAR ADMISSIONS

› Washington  
› U.S. District Court, Western District of Washington  
› U.S. 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 LLP
- › 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 tradename 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

# Jeannie Evans

*Successfully litigates multimillion- and multibillion-dollar antitrust and other complex fraud cases.*

### CONTACT

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Suite 2410  
Chicago, IL 60611

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(708) 628-4950 fax  
jeannie@hbsslaw.com

### YEARS OF EXPERIENCE

> 25

### PRACTICE AREAS

> Antitrust Litigation  
> Investor Fraud  
> Securities

### BAR ADMISSIONS

> Illinois  
> California

### CLERKSHIPS:

> Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

### EDUCATION

> Harvard Law School, J.D. **cum laude**, 1997  
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society  
> Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994  
Editor-in-Chief, Journal of International and Area Studies

### CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP  
> Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

### EXPERIENCE

> Jeannie has successfully represented both plaintiffs and defendants in multimillion- and multibillion-dollar disputes in state and federal courts across the country  
> Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago  
> Kirkland & Ellis LLP (Chicago)  
> Wilson Sonsini Goodrich & Rosati (Palo Alto)

### AWARDS & RECOGNITION

> President, Harvard Law Society of Illinois, 2016-2017  
> Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017  
> BYU Law School Board of Advisors, 2017  
> Best Lawyers, Women of Influence Nominee, 2017  
> Illinois Super Lawyer, 2016 - 2018

### PRESENTATIONS

> Basics of Accounting for Lawyers 2015, Practicing Law Institute (PLI)  
> Basics of Accounting for Lawyers 2014, Practicing Law Institute (PLI)  
> Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

### LANGUAGES

> Cantonese (Chinese)  
> Mandarin (Chinese)

### PERSONAL INSIGHT

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.



## OF COUNSEL

# Rachel E. Fitzpatrick

*Ms. Fitzpatrick 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.*

## CONTACT

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rachelf@hbsslaw.com

## YEARS OF EXPERIENCE

> 10

## PRACTICE AREAS

> Complex Civil Litigation  
> Consumer Fraud  
> Mass Tort

## BAR ADMISSIONS

> Arizona

## EDUCATION

> Arizona State University, B.S., *magna cum laude*, 2007  
> Arizona State University  
Sandra Day O'Connor College  
of Law, J.D., 2011

## CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick is a member of the firm's Auto Group, working on behalf of consumers in class actions against auto manufacturers involving vehicle defects. Her current auto cases involve dangerous defects that result in vehicle or engine fires in certain Hyundai, Kia, and Ford vehicles

## RECENT SUCCESS

- > Ms. Fitzpatrick worked on behalf of Hyundai and Kia vehicles owners to secure a nationwide class settlement in litigation where Plaintiffs alleged a defect in nearly 4 million class vehicles equipped with Theta II GDI engines posed a risk of catastrophic engine failure and fire. The settlement secured various categories of reimbursement and compensation for costly engine repairs and engine fires, as well as a lifetime transferable warranty against the engine defect. The Court granted final approval of the settlement in May 2021.
- > Ms. Fitzpatrick was among the team litigating against General Motors for concealing from consumers the notorious and deadly ignition switch defect, as well as other defects, across 12 million GM vehicles. After years of complicated and protracted litigation, the case settled for \$120 million, and the Court granted final approval of the settlement in December 2020.
- > Ms. Fitzpatrick 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 alleged 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.
- > In March 2012, Ms. Fitzpatrick 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.

## NOTABLE CASES

- > *In re: Kia Engine Litigation* ("Engine I"), U.S. District Court, CD Cal, Case No. 8:17-cv-00838-JLS-JDE
- > *In re: Hyundai and Kia Engine Litigation II* ("Engine II"), U.S. District Court, CD Cal, Case No. 8:18-cv-02223-JLS

**OF COUNSEL**

## Rachel E. Fitzpatrick

- › In re: General Motors LLC Ignition Switch Litigation, U.S. District Court, SD NY, Case No. 14-MD-2543 (JMF)
- › Keller v. Electronic Arts Inc., U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- › In Re NCAA Student-Athlete Name and Likeness Licensing Litigation, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- › Antonick v. Electronic Arts, Inc., U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

**PERSONAL INSIGHT**

Ms. Fitzpatrick 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.

**OF COUNSEL**

# Laura Hayes

*Ms. Hayes is involved in class-action lawsuits against pharmaceutical companies and is committed to the vigorous prosecution of antitrust cases.*

**CONTACT**

1 Faneuil Hall Sq.  
5th Floor  
Boston, MA 02109  
  
(617) 475-1977 office  
(617) 482-3003 fax  
lhayes@hbsslaw.com

**YEARS OF EXPERIENCE**

> 15

**PRACTICE AREAS**

> Antitrust Litigation  
> Pharmaceutical Fraud

**CLERKSHIPS**

> Connecticut Judicial Branch  
> Appellate Division of the Rhode Island Office of the Public Defender

**BAR ADMISSIONS**

> Supreme Judicial Court of the Commonwealth of Massachusetts

**COURT ADMISSIONS**

> U.S. District Court for the District of Massachusetts

**EDUCATION**

> Boston University School of Law, J.D., 2007  
> Middlebury College School of Arabic  
> Boston University, B.S., magna cum laude

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro LLP

**RECENT CASES**

> *In re Intuniv Antitrust*  
> *In re Effexor Antitrust*  
> *In re Loestrin 24 Fe Antitrust Litigation*  
> *In re Celebrex (Celecoxib) Antitrust Litigation*

**EXPERIENCE**

> Member of the team responsible for \$94 million settlement on behalf of direct purchaser class in *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455, and the \$120 million settlement (motion for preliminary approval pending) in *In re Loestrin 24 Fe Antitrust Litigation*, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.  
> Prior to joining Hagens Berman, Laura was an associate at Gargiulo Rudnick LLP, where she litigated Medicaid and Medicare fraud cases. She also has years of work experience doing contract work on a variety of complex litigations.  
> Following law school, Laura was a clerk for the Connecticut Judicial Branch. In that role, she addressed novel pre-emption and spoliation of evidence questions.  
> She is a graduate of Boston University School of Law, where she acted as articles editor for the Journal of Science and Technology Law.  
> She received her Bachelor of Science degree from Boston University with a concentration in journalism.

**PERSONAL INSIGHT**

Laura spends her free time in fall and winter managing and training sprint sled dogs and getting them and her husband to races in the Northeast, Quebec and sometimes Europe. She runs the B team in four-dog sled classes. Laura also serves on the board of the United States Federation of Sled Dog Sports.



#### OF COUNSEL

## John D. Jenkins

*John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.*

#### CONTACT

(714) 222-2333 office  
johnj@hbsslaw.com

#### PRACTICE AREAS

› Investor Fraud  
› Securities

#### EDUCATION

› University of Southern California, B.A. and J.D.

#### CURRENT ROLE

- › Of Counsel, Hagens Berman Sobol Shapiro LLP
- › John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

#### EXPERIENCE

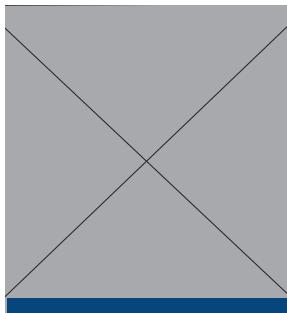
- › Former Deputy District Attorney in Orange County, California
- › Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

#### ACTIVITIES

- › Member, Board of Governors at the University of Southern California
- › Member, Board of Directors of Lear Capital

#### PERSONAL INSIGHT

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.

**OF COUNSEL**

## Robert A. Jigarjian

*Rob brings a combination of securities industry and complex litigation experience to the firm and its clients.*

**CONTACT**

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(510) 725-3001 fax  
robertj@hbsslaw.com

**YEARS OF EXPERIENCE**

> 28

**PRACTICE AREAS**

> Investor Fraud  
> Securities

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> All California District and State Courts,  
> U.S. Court of Appeals, Ninth Circuit,  
> U.S. Court of Appeals, Second Circuit

**EDUCATION**

> Hamilton College, AB, 1981  
> Tulane University, MBA, 1985  
> Golden Gate University, JD, 1993

**CURRENT ROLE**

> Of counsel, Hagens Berman Sobol Shapiro LLP  
> Practice primarily focuses on identifying and developing securities and derivative actions

**EXPERIENCE**

> Prior to joining Hagens Berman, he worked as a partner at law firms practicing primarily in securities and derivative litigation. Rob also owned his own firm within the same practice areas.  
> While in law school, Rob interned with the United States Securities and Exchange Commission and worked for two prominent securities class action firms.  
> Before attending law school, Rob worked for several years as an institutional sales trader for a boutique Wall Street investment bank where he specialized in analyzing and trading bank-issued securities with the firm's institutional investor clients.

**LEGAL ACTIVITIES**

> Rob served as a voluntary discovery referee for the California Superior Court for the county of Marin to help minimize judicial resources during discovery disputes.

**NOTABLE CASES**

> Matters on which Rob has worked and helped investors, corporations and a bankruptcy trustee to obtain significant recoveries include the following:

In re Equitec Rollup Litigation, No. C-90-2064 (N.D. Cal.)  
In re Prison Realty Securities Litigation, No. 3:99-0452 (M.D. Tenn.)  
In re Digex, Inc. Shareholders Litigation, C.A. No. 18336 (Del. Ch.)  
Isco v. Kraemer, No. CV 95-08941 (Super. Ct., Maricopa Co., Ariz.)  
Saito v. McKesson HBOC, Inc., No. 376, 2001 (Del.)  
Saito v. McCall (Del. Ch.) Scheonfeld, et al. v. XO Communications, Inc., No. 01-018358 (N.Y. Sup. Ct., Nassau County)  
In re Salomon Analyst Litigation (S.D.N.Y.) Hermerding v. Tripathi, et al., Adv. No. 09-5004 (Bankr. N.D. Cal.)

**PERSONAL INSIGHT**

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.



## OF COUNSEL

# Michella A. Kras

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

### CONTACT

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Phoenix, AZ 85003  
  
(602) 224-2627 office  
(602) 840-3012 fax  
michellak@hbsslaw.com

### YEARS OF EXPERIENCE

> 18

### PRACTICE AREAS

> Commercial Litigation  
> Complex Civil Litigation

### BAR ADMISSIONS

> Arizona  
> U.S. 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 LLP
- > 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

### 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**

## James J. Nicklaus

*During his legal career, Mr. Nicklaus has represented clients in antitrust, securities fraud, product liability and patent litigation.*

**CONTACT**

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jamesn@hbsslaw.com

**BAR ADMISSIONS**

› Massachusetts

**COURT ADMISSIONS**

› U.S. District Court for the  
District of Massachusetts

**EDUCATION**

› Harvard Law School, J.D.,  
magna cum laude, 1993  
Harvard Legal Aid Bureau,  
Student Representative  
on Committee on Clinical  
Education  
› Harvard College, B.A.,  
East Asian Languages and  
Civilizations, cum laude, Phi  
Beta Kappa, 1990

**CURRENT ROLE**

- › Of Counsel, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on pharmaceutical antitrust litigation and investigations of potential violations of antitrust law by pharmaceutical companies

**EXPERIENCE**

- › Prior to joining Hagens Berman, Mr. Nicklaus worked for other firms in the Boston area, including representing clients in insurance coverage, product liability and lender liability litigation at Michienzie & Sawin LLC and representing clients in insurance coverage, patent, product liability, antitrust and securities fraud litigation at Willcox, Pirozzolo & McCarthy, P.C. Mr. Nicklaus began his legal career as an associate and junior partner at Hale and Dorr LLP (now WilmerHale).

**OF COUNSEL**

# Hannah Schwarzdchild

*Hannah has litigated cases involving employee and consumer rights, and now focuses on antitrust claims in the pharmaceutical industry.*

**CONTACT**

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hannahs@hbsslaw.com

**YEARS OF EXPERIENCE**

› 33

**BAR ADMISSIONS**

› State of California (inactive)  
› State of Pennsylvania

**PRACTICE AREAS**

› Antitrust Litigation  
› Consumer Rights

**COURT ADMISSIONS**

› U.S. District Court for the Northern District of California  
› Ninth Circuit Court of Appeals  
› U.S. District Court for the Eastern District of Pennsylvania  
› Third Circuit Court of Appeals

**EDUCATION**

› University of California, Berkeley, Boalt Hall School of Law, J.D., 1989  
AmJur Award, 1988; Best Brief Award, Moot Court Competition, 1987  
› University of California, Berkeley, A.B., History, Phi Beta Kappa, 1986

**CURRENT ROLE**

- › Of Counsel, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer and antitrust litigation
- › Involved in multi-district antitrust litigation involving brand pharmaceutical products, including Zetia, Niaspan and Suboxone, among others.

**EXPERIENCE**

- › Prior to joining Hagens Berman, Ms. Schwarzschild coordinated large-scale litigation projects in Boston and Philadelphia. Over the past 25 years, she has litigated employment and consumer rights cases in federal and state courts and administrative agencies, including jury and bench trials and appeals.

**PUBLICATIONS**

- › Same-Sex Marriage and Constitutional Privacy, *Berkeley Women's Law Journal*, 1989.

**PERSONAL INSIGHT**

Hannah grew up in and around New York City. Before law school, she helped build a community arts facility in San Francisco's Mission District in the 1980s and worked on nuclear arms control at the Ploughshares Fund. Hannah has been working for LGBT rights and Middle East peace and justice for more than 20 years. These days, her best times are spent noodling around Cambridge and Cape Cod with her partner and stepdaughter in search of interesting food, art, wildlife and humans.

**OF COUNSEL**

# Benjamin J. Siegel

*Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements.*

**CONTACT**

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bens@hbsslaw.com

**YEARS OF EXPERIENCE**

> 14

**PRACTICE AREAS**

> Antitrust Litigation

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Court for the Northern District of California  
> U.S. District Court for the Eastern District of California  
> U.S. Court of Appeals  
> Ninth Circuit

**CLERKSHIPS**

> Hon. Thomas M. Reavley, U.S. Court of Appeals for the Fifth Circuit

**EDUCATION**

> The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007  
> Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class  
> Yale University, B.A. Political Science, *cum laude*, Phi Beta Kappa, 2000

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro LLP

**RECENT CASES**

- > *In re Optical Disk Drive Prods. Antitrust Litigation*, No. 3:10-md-2143-RS (N.D. Cal.)
- > *In re NCAA Grant-In-Aid Antitrust Litigation*, 4:14-md-02541-CW (N.D. Cal.)
- > *In re Resistors Antitrust Litigation*, 5:15-cv-03820-JD (N.D. Cal.)

**EXPERIENCE**

> Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past seven years.

**LEGAL ACTIVITIES**

> Alameda County Bar Association

**RECOGNITION**

- > Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021 Rising Stars
- > Super Lawyers, 2018

**PUBLICATIONS**

- > Benjamin Siegel, Constitutional Rights and the Counter-Majoritarian Dilemma (May 15, 2007) (unpublished Master's thesis, University of Texas at Austin).
- > Benjamin Siegel, Note, Applying a "Maturity Factor" Without Compromising the Goals of the Class Action, 85 Texas L. Rev. 741 (2007) (Texas Law Review Best Litigation Note, Volume 85).
- > Benjamin Siegel et al., Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center, LBJ School of Public Affairs, Policy Research Report No. 148 (2005).
- > Benjamin Siegel, California Must Protect Health Care for Medi-Cal Children, 15 Youth L. News 1 (2004), available at <http://www.youthlaw.org>.
- > Jenny Brodsky, Jack Habib & Benjamin Siegel, Lessons for Long-Term Care Policy, World Health Organization, Publication No: WHO/NMH7CCL/02.1 (2002).
- > Jenny Brodsky, Jack Habib, Miriam Hirschfeld & Benjamin Siegel, Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges, 14 Aging Clinical & Experimental Research 279 (2002).

**PERSONAL INSIGHT**

When not working to enforce the nation's antitrust laws, Mr. Siegel enjoys spending time with his wife and two young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.



#### OF COUNSEL

## Shelby R. Smith

*Shelby has dedicated her career to serving vulnerable victims of violent crimes.*

#### CONTACT

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#### YEARS OF EXPERIENCE

> 20

#### PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

#### BAR ADMISSIONS

> Washington

#### COURT ADMISSIONS

- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Michigan

#### EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., *cum laude*, Sociology, 1996

#### CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > 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
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

#### NOTABLE CASES

- > *Volkswagen Emissions Defect Litigation*
- > *Mercedes BlueTEC Emissions Litigation*
- > *GM Ignition Switch Recall*
- > *Corvette Overheating*
- > *Harvey Weinstein Sexual Harassment RICO*
- > *USC and Dr. George Tyndall Sexual Abuse*

#### EXPERIENCE

- > Litigation associate, 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.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

#### LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

**OF COUNSEL**

## Shelby R. Smith

**PRO BONO**

› Through Seattle's Sexual Violence Law Center, Shelby sought civil protection orders for survivors of sexual assault, domestic violence, stalking and harassment. She also worked to protect the privacy rights of survivors in criminal cases.

**PERSONAL INSIGHT**

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three children and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.

**OF COUNSEL**

# Whitney Street

*Ms. Street has been appointed to leadership positions in large antitrust class actions across the country, most recently recovering \$34 million as co-lead counsel on behalf of a proposed class of cancer patients and other end payors.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 19

**PRACTICE AREAS**

> Antitrust Litigation  
> Pharmaceutical Fraud

**BAR ADMISSIONS**

> California  
> Massachusetts  
> New York  
> Texas

**COURT ADMISSIONS**

> U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California  
> U.S. District Court for the Southern District of New York  
> U.S. District Court for the Eastern District of New York  
> U.S. District Court for the District of Massachusetts

**EDUCATION**

> University of Virginia School of Law, J.D., 2002  
> University of Virginia, B.A., Economics and Literature, 1999

**CURRENT ROLE**

> Of Counsel, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- > Whitney served as co-lead counsel and represented the city of Providence, Rhode Island and a putative class of indirect purchasers in an antitrust class action against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. The matter was *In re Thalomid & Revlimid Antitrust Litig.*, 14-cv-6997 (D.N.J.), and resulted in a \$34 million settlement on behalf of the class.
- > Ms. Street was appointed co-lead counsel on behalf of a class of indirect purchasers in *In re Domestic Drywall Antitrust Litig.*, 13-md-02437 (E.D. Pa.), which involved allegations of price-fixing and other forms of concerted conduct in violation of antitrust laws, resulting in a \$17 million settlement on behalf of the class.
- > She was also appointed to the plaintiffs' steering committee in *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-02687 (D.N.J.) alleging bid-rigging, market allocation and price-fixing in the aluminum sulfate market. Settlements totaled at least \$111 million in that matter.
- > She also served on the steering committee in *In re Packaged Seafood Antitrust Litig.*, 15-md-02670 (S.D. Cal.), an ongoing case alleging price-fixing in the market for shelf-stable seafood products.
- > Whitney served as a member of the litigation team representing direct purchasers in *In re Broiler Chicken Antitrust Litig.*, 16-cv-08637 (N.D. Ill.), a class action alleging broiler chicken producers engaged in a price-fixing conspiracy, and in *In re Pork Antitrust Litig.*, 18-cv-01776 (D. Minn.), a class action alleging that pork producers engaged in a price-fixing conspiracy. To date, approximately \$200 million has been obtained on behalf of direct purchasers in the Broilers matter, and \$107.5 million has been obtained on behalf of direct purchasers in the Pork matter. Both cases are ongoing against remaining defendants.
- > Whitney served as a member of the litigation teams in the following antitrust class actions: Air Cargo Shipping Services Antitrust Litigation, 06-md-1775 (E.D.N.Y.) (settlements totaling more than \$270 million); *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87 million); *In re Methyl Methacrylate (MMA) Antitrust Litigation*, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and *In re Hydrogen Peroxide Antitrust Litigation*, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).
- > Whitney received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.

**LEGAL ACTIVITIES**

- > Contributor, Complex Litigation E-Discovery Forum, 2016 - 2021
- > Member, American Bar Association, 2016 - 2019

**OF COUNSEL**

## Whitney Street

- › Editorial Advisory Board Member, Law360 Competition Law, 2014 - 2018
- › Co-Founder and former co-chair, American Association for Justice Antitrust Litigation Group, 2014 - 2016

**PUBLICATIONS**

- › Co-Author, "What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation," American Association of Justice Business Torts Newsletter, May 2015
- › Author, "Technology Assisted Review: The Disclosure of Training Sets and Related Transparency Issues," Georgetown Law Advanced eDiscovery Institute, November 2014
- › Co-Author, "Decision Re-Affirms Critical Role of Shareholders," Benefits and Pensions Monitor, October 2014

**PRESENTATIONS**

- › Speaker, "The New Normal: Producing and Obtaining Phone Record Data," Complex Litigation e-Discovery Forum, November 2020
- › Panelist, "Big Data & Storylines," Complex Litigation E-Discovery Forum, September 2016
- › Moderator, "Introduction to the Use of Regression Analysis in Antitrust Class Action Litigation," American Association for Justice Webinar, August 2016
- › Panelist, Georgetown Law Advanced eDiscovery Institute, November 2014
- › Panelist, American Association for Justice Class Certification Seminar, 2013

**PERSONAL INSIGHT**

Whitney – a novice marathoner, ambivalent Tottenham fan and avid seeker of book recommendations – joined Hagens Berman in November 2021. Originally from the Lowcountry, she now calls California home and can often be found on the trails of Mount Diablo.



## OF COUNSEL

# Nathaniel A. Tarnor

*Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.*

### CONTACT

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### YEARS OF EXPERIENCE

> 17

### BAR ADMISSIONS

> State of Illinois  
> State of New York  
> District of Columbia

### PRACTICE AREAS

> Antitrust Litigation  
> Anti-Terrorism  
> Consumer Rights  
> Investor Fraud  
> Whistleblower Litigation

### COURT ADMISSIONS

> U.S. Supreme Court  
> U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia  
> U.S. District Court for the District of Columbia  
> U.S. District Courts for the Northern & Central Districts of Illinois  
> U.S. District Court for the Eastern & Southern District of New York

### EDUCATION

> Chicago-Kent College of Law, J.D., CALI Award, 2004  
> University of Illinois, B.A., Phi Beta Kappa, *summa cum laude*, Milton Ravoake Award, 2000

### CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
- > Practice concentrates on complex federal litigation

### EXPERIENCE

- > Milberg LLP, New York, NY, 2009-2016
- > Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
- > Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
- > Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

### RECOGNITION

- > Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- > Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- > Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- > CALI Award Commercial Payment Systems Law

### PERSONAL INSIGHT

Nathaniel enjoys competing in endurance sports and hiking with his family.

**ASSOCIATE**

# Tory Beardsley

*Ms. Beardsley has experience in prosecuting a variety of cases, including wrongful death, medical malpractice, negligence, fraud, consumer protection, data breach and bad faith insurance cases.*

**CONTACT**

11 West Jefferson St.  
Suite 1000  
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**YEARS OF EXPERIENCE**

› 7

**PRACTICE AREAS**

› Consumer Rights

**INDUSTRY EXPERIENCE**

› Consumer Fraud  
› Medical Negligence

**BAR ADMISSIONS**

› Arizona

**COURT ADMISSIONS**

› U.S. District Court for the District of Arizona  
› U.S. District Court for the District of Colorado

**EDUCATION**

› Arizona State University  
Sandra Day O'Connor College of Law, J.D.  
› University of Arizona, B.A.,  
Journalism & English Literature

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP  
  
› Ms. Beardsley has experience prosecuting wrongful death, medical malpractice, negligence, negligence per se, intentional and negligent infliction of emotional distress, unjust enrichment, fraud, consumer protection, data breach and bad faith insurance cases.

**RECENT CASES**

› Member of the trial team representing the families of three patients who died after receiving dialysis at DaVita clinics. The case culminated with a \$383.5 million jury verdict.  
  
› Ms. Beardsley has also aided in prosecuting data breach cases litigated by the firm in Arizona.

**RECENT SUCCESS**

› In June 2018, Ms. Beardsley was on the trial team where a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

**EXPERIENCE**

› Prior to beginning her litigation career at Hagens Berman, Ms. Beardsley specialized in land use and development with other firms in the Phoenix area, working closely with the local municipalities and politicians to gain approval on proposed developments and ensure developments compliance with city code and zoning ordinance.

**ACTIVITIES**

› Chair - Herberger Young Leadership Board; Member

**PERSONAL INSIGHT**

When she's not dedicating her time to the law, Tory enjoys staying active in a variety of ways. You can find her swimming, hiking, trail running or on her road bike. Tory is also active at Phoenix's Herberger Theater Center as chair of the Young Leadership Board, an auxiliary board tasked with fundraising and cultivating the next generation of theater patrons.

**ASSOCIATE****Jacob Berman**

*Whether in his legal practice or volunteer work, Jake dedicates his time to helping those who need it most.*

**CONTACT**

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**YEARS OF EXPERIENCE**

> 3

**PRACTICE AREAS**

> Class Actions  
> Mass Torts  
> Personal Injury Litigation

**INDUSTRY EXPERIENCE**

> Personal injury  
> Mass Tort  
> Class-action Law

**BAR ADMISSIONS**

> California

**COURT ADMISSIONS**

> U.S. District Court for the  
Northern District of California

**EDUCATION**

> Loyola Law School, J.D., May  
2018, Hobbs/Poehls District  
Attorney Practicum, Consumer  
Law Society, Member (Fall  
2014-2018)

> University of Denver, Denver,  
CO, B.A., Political Science,  
June 2013

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

> Prior to joining Hagens Berman, Jake worked on personal injury matters at Robinson Calcagnie Inc. where he represented plaintiffs in numerous catastrophic injury cases and managed all aspects of the case from client onboarding to settlement. Jake conducted and defended depositions in personal injury cases and mass torts and planned and implemented a strategy to retain stronger personal injury cases for the firm. He also drafted complaints, discovery motions, pre-trial motions and assisted in trial preparation.

> Previously, he worked as a law clerk for the Los Angeles District Attorney, Victim Impact and Juvenile Unit where he conducted juvenile adjudication hearings, including direct and cross examination, presenting evidence, and arguing motions to dismiss and suppress. He also conducted felony preliminary hearings, including direct and cross examination, and presenting evidence.

> Jake was also a summer associate at prominent plaintiffs firms where he drafted arguments for opposition to motion for summary judgement in a consumer auto-defect class-action case, reviewed exhibits and organized deposition questions to depose opposing counsel's defense experts and composed jury instructions in an auto-defect class-action case and product defect class-action case. Jake also has experience writing research memoranda on topics such as appeals bonds, class certification and summary judgment.

**RECOGNITION**

> Published OCTLA Magazine, Volunteer Outreach in Communities Everywhere, Most Valuable Worker Award (2008),

**PERSONAL INSIGHT**

Jake Berman was born and raised in the Seattle area. He has a passion for coaching sports and being active in the outdoors. As a former collegiate cyclist, Jake is constantly competing in new sports or exploring a new trail run.

**ASSOCIATE**

## Hannah Brennan

*Hannah is committed to improving access to medicines – both domestically and abroad – and has experience in drug pricing, patent and international right to health litigation.*

**CONTACT**

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hannahb@hbsslaw.com

**PRACTICE AREAS**

- Antitrust Litigation
- Civil & Human Rights Litigation
- Consumer Rights
- Medical Devices
- Pharmaceutical Fraud
- RICO

**INDUSTRY EXPERIENCE**

- Drug Pricing
- Patent
- International Right to Health Litigation
- International Trade Agreements

**BAR ADMISSIONS**

- Massachusetts

**COURT ADMISSIONS**

- Third Circuit

**CLERKSHIPS**

- Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit
- Honorable Theodore McKee, Former Chief Judge of United States Court of Appeals for the Third Circuit

**EDUCATION**

- Yale Law School, J.D., 2013
- Brown University, B.A., 2009

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP
- Practice focuses on drug pricing, consumer access to medications, healthcare fraud, antitrust and patent fraud
- Member of the HBSS team representing a proposed class of insulin consumers in their claims against Eli Lilly, Novo Nordisk and Sanofi for fraudulently and unfairly increasing the cost of live-saving insulin medications. HBSS has been named lead counsel in this case.
- Member of the HBSS team litigating claims against GSK for its fraudulent marketing of the diabetes medication, Avandia. HBSS has been named lead counsel in this case.
- Member of the HBSS team litigating claims against the Commonwealth of Massachusetts for its failure to enforce the Endangered Species Act to protect the Northern Atlantic right whale.

**RECENT SUCCESS**

- **Successful Third Circuit appeal of sealing orders in *In re Avandia Marketing, Sales Practices and Products Liability Litigation*.** Hannah briefed and argued the class plaintiffs' appeal of two district court orders sealing the entire summary judgment record. The Third Circuit issued a precedential opinion adopting the standard the plaintiffs urged for the public's common law right of access and vacated the district courts' orders. The Third Circuit also instructed the district court to consider the First Amendment argument the plaintiffs' advanced. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019). Hannah also successfully briefed the issue on remand to the United States District Court for the Eastern District of Pennsylvania: the Court unsealed all of the summary judgment records at issue. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, No. 07-MD-01871, 2020 WL 5358287 (E.D. Pa. Sept. 3, 2020).
- **Successful Third Circuit appeal of summary judgment ruling in *In re Avandia Marketing, Sales Practices and Products Liability Litigation*.** Hannah lead the team that briefed the class plaintiffs' appeal of the district court's grant of summary judgment in favor of the defendant. The Third Circuit issued a precedential opinion siding with the plaintiffs on all three issues presented in the appeal. The Third Circuit remanded the case to the district court and ordered further discovery for the plaintiffs.
- **\$51.25 million class recovery in *In re Restasis Antitrust Litigation*.** Assisted in the litigation of claims against Allergan for engaging in an anticompetitive scheme to keep generic versions of the eye medication, Restasis, off the market. The alleged scheme included fraud on the U.S. Patent and Trademark Office, sham litigation against generic manufacturers, meritless citizen petitions to the Food and Drug Administration and sham transfer of patents to a Native American Tribe in an attempt to avoid invalidation. *In re Restasis Antitrust Litigation*, 18-md-2819, E.D.N.Y., ECF No. 50.
- **\$94 million class recovery in *In re Celebrex Antitrust Litigation*.** Hannah was member of the HBSS team that litigated claims against Pfizer for fraudulently obtaining patents from the U.S. Patent and Trademark Office and then asserted those patents to delay generics competition in violation of federal

**ASSOCIATE**

## Hannah Brennan

antitrust law. The case settled mere weeks before trial. *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455.

**EXPERIENCE**

- › Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- › She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- › In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.
- › Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

**LEGAL ACTIVITIES**

- › Member, American Association for Justice
- › Member, Federal Bar Association
- › Member, Boston Bar Association

**RECOGNITION**

- › Charles G. Albom Prize for Excellency in Appellate Advocacy

**PUBLICATIONS**

- › Hannah Brennan, *Unsealing Court Records: Key Learnings from the Third Circuit's Avandia Jurisprudence*, American Association for Justice Trial Magazine (July 2021).
- › Hannah Brennan, Christine Monahan, Zain Rizva, & Amy Kapczynski, *Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health*, 18 Yale J. of L. & Tech. 275 (2016).
- › Hannah Brennan, *The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals*, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)
- › Hannah Brennan & Burcu Kilic, *Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective*, Harv. Hum. Rts. J. Online (2015)
- › Burcu Kilic, Hannah Brennan, & Peter Maybarduk, *What Is Patentable Under the Trans-Pacific Trade Partnership?*, 40 Yale J. Int'l L. Online 1 (2015)
- › *Inside Views: The TPP's New Plant-Related Intellectual Property Provisions*, Intellectual Property Watch (Oct. 17, 2014)

**ASSOCIATE**

**Hannah Brennan**

**LANGUAGES**

- › Spanish

**PERSONAL INSIGHT**

Hannah's favorite city is Lima, her favorite state is Vermont and her favorite 90s action movie is *The Fugitive*.

**ASSOCIATE****James M. Chong**

*Mr. Chong has experience in litigating a variety of cases including wrongful death, medical malpractice, negligence, fraud, consumer protection, intellectual property and bad faith insurance cases.*

**CONTACT**

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**YEARS OF EXPERIENCE**

› 6

**PRACTICE AREAS**

› Personal Injury

**BAR ADMISSIONS**

› Arizona  
› Washington

**COURT ADMISSIONS**

› U.S. District Court for the District of Arizona  
› Ninth Circuit Court of Appeals  
› U.S. District Court for the Eastern District of Washington  
› U.S. District Court for the Western District of Washington

**EDUCATION**

› Sandra Day O'Connor College of Law, Arizona State University, J.D., 2016  
› University of California, Los Angeles, B.A., 2008

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- › After law school, Mr. Chong worked at prominent defense firms in Arizona and Washington where he litigated cases related to wrongful death, intellectual property, commercial disputes, legal-malpractice, medical-malpractice, premises liability and automobile accidents.
- › Prior to law school, Mr. Chong worked at an intellectual property law firm in Seoul, South Korea, where he edited patent specifications in the areas of mechanical, electrical and chemical engineering. Mr. Chong returned to the same firm as a summer associate after his first year of law school.

**LANGUAGES**

› Korean (conversational)

**PERSONAL INSIGHT**

Mr. Chong enjoys spending time with his wife and twin boys, traveling abroad and cooking.

**ASSOCIATE****Rachel Downey**

*Ms. Downey is committed to preventing fraud and abuse in the pharmaceutical industry to ensure access to affordable prescription drugs.*

**CONTACT**

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rachel@hbsslaw.com

**PRACTICE AREAS**

- › Antitrust Litigation
- › Class Action
- › Consumer Rights
- › Pharmaceutical Fraud

**BAR ADMISSIONS**

- › Massachusetts

**COURT ADMISSIONS**

- › U.S. District Court for the District of Massachusetts
- › First Circuit Court of Appeals

**EDUCATION**

- › Boston University School of Law, J.D.
- › Boston University, B.A.

**CURRENT ROLE**

- › Staff Attorney, Hagens Berman Sobol Shapiro LLP
- › Rachel's practice focuses on pharmaceutical antitrust class-action litigation.
- › She is a core member of the team litigating *In re Zetia (Ezetimibe) Antitrust Litigation*, MDL No. 2836 (E.D. Va.), a federal antitrust lawsuit against Merck and Glenmark alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- › Ms. Downey has also been instrumental in preparing settlement-related filings for and administering large class-action settlements. Most recently, she was part of the team securing a \$483.85M settlement on behalf of the direct purchaser class in *In re Glumetza Antitrust Litigation*.

**RECENT CASES**

- › *In re Zetia (Ezetimibe) Antitrust Litigation*
- › *Staley v. Gilead Sciences, Inc. (Gilead)*
- › *Government Employees Health Association v. Actelion Pharmaceuticals, Ltd. (Tracleer)*
- › *In re Glumetza Antitrust Litigation*

**PRO BONO**

- › Volunteer Lawyers Project of the Boston Bar Association (VLP)

**LEGAL ACTIVITIES**

- › Member, American Association for Justice

**PERSONAL INSIGHT**

For a month during her college years, Rachel lived in the Amazon.

**ASSOCIATE**

## Abbye Klamann Ognibene

*Ms. Ognibene believes in taking on corporations in the fight for plaintiffs' rights, including the right to online privacy and to fair pricing in medical care and consumer goods.*

**CONTACT**

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abbyeo@hbsslaw.com

**YEARS OF EXPERIENCE**

› 6

**PRACTICE AREAS**

› Antitrust Litigation  
› Class Actions  
› Consumer Rights

**BAR ADMISSIONS**

› California  
› District of Columbia  
› New York

**COURT ADMISSIONS**

› U.S. District Court for the Northern District of California  
› U.S. District Court for the Central District of California  
› U.S. Court of Appeals, Ninth Circuit

**EDUCATION**

› University of Michigan, J.D., cum laude, 2016  
› University of Missouri Columbia, B.J., cum laude, 2011

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP  
› Core team member in Staley v. Gilead, which seeks to hold HIV drug manufacturers accountable for allegedly using their market power to artificially inflate prices for HIV medication and prevent safer medications from coming to market sooner.  
› Involved in cutting-edge litigation in In re Humira (Adalimumab) Antitrust Litigation, alleging novel theories regarding the suppression of competition for the blockbuster biologic drug, Humira.

**EXPERIENCE**

› Prior to joining Hagens Berman, Ms. Ognibene was an associate at a start-up litigation boutique, where she helped launch a plaintiffs' class-action practice group.  
› She also worked on cutting-edge class-action litigation at Lieff Cabraser Heimann & Bernstein, focusing on digital privacy and antitrust cases.  
› While in law school, Abbye worked for more than two years as a law clerk to the legal team of DeBoer v. Snyder, consolidated sub nom. Obergefell v. Hodges, which guaranteed the nationwide right to marry for same-sex couples.

**RECOGNITION**

› National Lawyers Guild, Massachusetts Chapter Member

**PERSONAL INSIGHT**

Before attending law school, Abbye worked in radio journalism in her home state of Missouri. She spends her time outside of the office with her family and two large rescue dogs, preferably in Vermont with a glass of whiskey in one hand and a good book in the other.



## ASSOCIATE

# Kristie A. LaSalle

*Ms. LaSalle is committed to combatting fraud, waste and abuse in the pharmaceutical industry.*

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### YEARS OF EXPERIENCE

> 9

### PRACTICE AREAS

> Antitrust Litigation  
> Pharmaceutical Fraud

### CLERKSHPIS

> Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

### BAR ADMISSIONS

> Massachusetts  
> New York

### COURT ADMISSIONS

> U.S. Supreme Court  
> U.S. Court of Appeals, First Circuit  
> U.S. Court of Appeals, Third Circuit  
> U.S. Tax Court  
> U.S. District Court for the District of Massachusetts

### EDUCATION

> Brooklyn Law School, JD, *magna cum laude*, 2012  
> Swarthmore College, BA 2006

### CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.
- > Responsible for managing a team of lawyers across several law firms in *In re Lantus Antitrust Litigation*, No. 16-cv-16252 (D. Mass.), a case challenging an anticompetitive scheme by drugmaker Sanofi-Aventis designed to prevent competition and keep insulin prices unaffordable.
- > Litigating a case against generic drugmaker Ranbaxy (now Sun Pharmaceuticals) for challenging a decade-long campaign of deceit regarding its ability to manufacture safe, effective drugs and follow the manufacturing regulations enforced by the FDA. Ms. LaSalle is responsible for developing the evidence of the fraud, and developing and successfully arguing a novel legal theory to meet the defendants' wrongdoing.
- > Ms. LaSalle is regularly called upon to handle consequential briefing in cases involving especially complex or convoluted regulatory regimes at both the trial and appellate court levels.

### EXPERIENCE

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.

### RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award

### PUBLICATIONS

- > Kristie LaSalle, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 Tex. J. on Civ. Rights & Civ. Liberties 1 (2013)
- > Kristie LaSalle, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 J.L. Pol'y 867 (2011)
- > Kristie LaSalle & Kristen Johnson, The Misapplication of the Presumption of Patent Validity, 33 Antitrust Health Care Chronicle 11 (2018)
- > Lauren G. Barnes & Kristie A. LaSalle, Private Antitrust Claims Explained, presented at Am. Ass'n for Justice Annual Convention, Boston, July 27, 2017

### PERSONAL INSIGHT

Kristie is the unexpected combination of a performing improviser, competitive weightlifter and Ravenclaw.

**ASSOCIATE**

# Raffi Melanson

*As a former government trial attorney, Raffi focuses his legal practice on zealously challenging fraudulent and deceptive business practices of corporate entities and other bad actors through strategic class-action litigation.*

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**PRACTICE AREAS**

› Antitrust Litigation  
› Investor Fraud  
› Securities

**BAR ADMISSIONS**

› Massachusetts  
› New York  
› District of Columbia

**COURT ADMISSIONS**

› Fourth Circuit Court of Appeals

**CLERKSHIPS**

› Magistrate Judge Andrea K. Johnstone, U.S. District Court for the District of New Hampshire, 2021  
› Hon. Joseph N. Laplante, U.S. District Court for the District of New Hampshire, 2019–2020

**EDUCATION**

› Georgetown University Law Center, J.D., 2013  
› Boston University, B.A., *cum laude*, International Relations, Economics & Mathematics, 2010

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

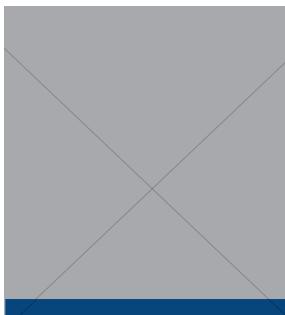
› Prior to joining Hagens Berman, Raffi worked as a law clerk in the District of New Hampshire, drafting judicial orders for judges in complex cases and assisting them with the resolution of novel litigation and trial issues. In this role, he became intimately familiar with how judges work and how courts operate.  
› Before clerking, Raffi worked on large price-fixing, market domination and deceptive advertising litigation at a top 100 law firm while maintaining an active criminal defense and immigration pro bono docket.  
› After graduating from law school, Raffi served as an assistant attorney general for the District of Columbia, where he investigated and civilly prosecuted corporations engaged in sophisticated financial fraud perpetrated against DC residents.

**PUBLIC SERVICE**

› Volunteer, Northern New England Chapter of the Cystic Fibrosis Foundation

**PERSONAL INSIGHT**

Raffi grew up near Cape Cod and has since preferred to live near the coast of a large body of water. Outside of work, he enjoys biking around the city, hiking, listening to comedy and political podcasts, and competing in amateur boxing. During the winter, Raffi shifts to activities best done indoors, such as board games and cooking, but will occasionally venture outside to go snowboarding, if it's not too cold.



## ASSOCIATE

# Lauren S. Miller

*Lauren is devoted to her clients through her work advocating for individuals harmed by dangerous pharmaceutical drugs and defective medical devices.*

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laurenm@hbsslaw.com

### YEARS OF EXPERIENCE

> 9

### BAR ADMISSIONS

> Alabama

### COURT ADMISSIONS

> U.S. District Court for the Northern District of Alabama  
> U.S. District Court for the Middle District of Alabama  
> U.S. District Court for the Southern District of Alabama

### PRACTICE AREAS

> Consumer Rights  
> Mass Torts  
> Personal Injury  
> Pharmaceutical Fraud  
> Product Liability

### INDUSTRY EXPERIENCE

> Pharmaceuticals  
> Medical Devices

### EDUCATION

> Cumberland School of Law, J.D., 2012  
> Middle Tennessee State University, B.S in Public Relations, 2009

### CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP  
> Court-appointed member of Plaintiffs' Steering Committee in *In Re: Zantac (Ranitidine) Products Liability Litigation* among 100 applicants; member of bellwether, deposition, discovery, and science and experts committees.

### EXPERIENCE

> Prior to joining Hagens Berman, Lauren was an associate at a well-respected plaintiffs' firm in Birmingham, Alabama where she focused on representing individuals harmed by defective pharmaceutical drugs and medical devices. In addition to this work, Lauren also represented clients in consumer fraud and personal injury litigation and advocated on behalf of survivors of sexual assault.  
> She served on the discovery, expert, and Daubert committees for personal injury plaintiffs in *In Re: Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation*.

### LEGAL ACTIVITIES

> Birmingham Bar Association  
> Alabama Association of Justice  
> American Association of Justice

### RECOGNITION

> Ones to Watch, *The Best Lawyers in America* – 2021-2023  
> Women to Watch, *Birmingham Business Journal* – 2020  
> Top Women Attorneys, *B-Metro Magazine* – 2019, 2020  
> Mid-South Rising Star, *Super Lawyers* – 2019, 2020  
> Top 40 Under 40, *The National Trial Lawyers* – 2017-2019  
> Birmingham Top Attorney Rising Star, *Birmingham Magazine* – 2017

### NOTABLE CASES

> *In Re: Zantac (Ranitidine) Products Liability Litigation*, U.S. District Court, S.D. Fla., Case No. 9:20-md-02924

### PERSONAL INSIGHT

Lauren was born in California, spent most of her childhood in Arkansas, and took a slight detour to Tennessee before coming to Alabama for law school. When she is not practicing law or spending time with her two daughters, Lauren enjoys hiking, boxing and painting.

**ASSOCIATE****Chris O'Brien**

*Chris became an attorney to fight injustice for those who have been harmed. He has experience in both trial and appellate litigation.*

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**YEARS OF EXPERIENCE**

> 4

**PRACTICE AREAS**

> Class Action

**BAR ADMISSIONS**

> Massachusetts

**COURT ADMISSIONS**

> Supreme Judicial Court  
of the Commonwealth of  
Massachusetts

**CLERKSHIPS**

> Honorable Mark V. Green,  
Chief Justice of the  
Massachusetts Appeals Court,  
2021 – 2022  
> Honorable Andrew M.  
D'Angelo, Associate Justice  
of the Massachusetts Appeals  
Court, 2022

**EDUCATION**

> The University of Pennsylvania  
Carey Law School, J.D., 2018  
> Harvard University, A.L.B.  
Extension Studies, 2015

**CURRENT ROLE**

> Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

> Prior to joining Hagens Berman Chris was an associate at multiple Boston law firms where he managed discovery, document review, and drafted and filed motions in state and federal court. Most recently, he served as a judicial law clerk to the Honorable Mark V. Green, Chief Justice of the Massachusetts Appeals Court and the Honorable Andrew M. D'Angelo, Associate Justice of the Massachusetts Appeals Court, where he gained experience in both civil and criminal appeals.

**PRO BONO**

> Chris has extensive pro bono experience representing employees in matters related to unemployment compensation. He served as vice president of the Employment Advocacy Project while in law school.  
> As a first-year associate, Chris was awarded the recognition of Pro Bono Star for his work with the Innocence Project of California and with undocumented immigrants in ICE custody.

**ACTIVITIES**

> Mr. O'Brien is passionate about access to legal services and is a board member of Nurses for Social Justice, a non-profit organization dedicated to providing medical expert document review and analysis to public defenders and their clients.

**PERSONAL INSIGHT**

Chris grew up in Amherst, MA where he developed an early love for baseball and acoustic music. After graduating from high school Chris became a professional singer and songwriter, and in 2007 he performed live on Garrison Keillor's radio show, A Prairie Home Companion, which caused his album to jump to the fifth spot on iTunes in the singer/songwriter category. His music has been streamed on Spotify nearly 25 million times in more than 120 countries.

**ASSOCIATE**

# Abigail D. Pershing

*Abigail is committed to advancing human and civil rights, both in the U.S. and abroad.*

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**BAR ADMISSIONS**

› Connecticut  
› California (pending)

**CLERKSHIPS**

› Judge Darian Pavli, European Court of Human Rights, 2020 – 2021  
› Judge Hellen Keller, European Court of Human Rights, 2020

**PRACTICE AREAS**

› Civil & Human Rights  
› Environmental Litigation

**EDUCATION**

› Yale Law School, J.D., 2020  
› The University of Chicago, B.A., Sociology and Public Policy, 2014

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

› Prior to joining Hagens Berman, Abigail clerked at the European Court of Human Rights in Strasbourg, France and served as a fellow in the court's Research Division.  
› During law school, Abigail worked as a summer associate with Accountability Counsel, Blue Ocean Law, Médecins Sans Frontières and the Mississippi Center for Justice. She was a student director for the Lowenstein International Human Rights Clinic and for the HAVEN Medical-Legal Partnership. She was also an editor for the Yale Law Journal.  
› Before law school, Abigail served with the Peace Corps in Kolda, Senegal, as a health volunteer. Her primary focus was reducing malaria mortality rates.

**PUBLICATIONS**

› Zachary D. Liscow & Abigail D. Pershing, "Why Is So Much Redistribution In-Kind and Not in Cash? Evidence from a Survey Experiment," *Nat'l Tax J.*, forthcoming  
› Hellen Keller & Abigail D. Pershing, "Climate Change in Court: Overcoming Procedural Hurdles in Transboundary Environmental Cases," *Eur. Convention on Human Rights L. Rev.*, forthcoming  
› Zachary Liscow & Abigail Pershing, "A New Way to Increase Economic Opportunity for More Americans", *The Hill*, Jan. 21, 2021  
› Abigail D. Pershing, "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today," *44 Yale J. Int'l L.* 149, 2019  
› Abigail D. Pershing, "Empty Schoolyards: The Impact of Elementary School Closures on Chicago Communities," *1 Chi. J. Soc.* 99, 2014

**PRESENTATIONS**

› Abigail D. Pershing, "Increasing Malaria Detection with Community Health Workers: A Case Study from Southern Senegal," Global Health and Innovation Conference at Yale University, Apr. 15, 2018.

**LANGUAGES**

› French  
› Pulaar  
› Spanish (intermediate)  
› Wolof (beginner)  
› Mandarin Chinese (beginner)

**PERSONAL INSIGHT**

Abigail enjoys traveling, bike trips, playing the piano and meeting new people. Once or twice a year, she attempts to bake fancy cakes that are way beyond her pastry-making skill level.

**ASSOCIATE****Ryan T. Pittman**

*Mr. Pittman has experience in a wide variety of cases and practices, including personal injury, wrongful death, legal and professional malpractice, intellectual property, and venture capital and corporate law.*

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**YEARS OF EXPERIENCE**

› 7

**PRACTICE AREAS**

› Personal Injury

**BAR ADMISSIONS**

› Washington  
› Arizona

**COURT ADMISSIONS**

› U.S. District Court for the Eastern District of Washington  
› U.S. District Court for the Western District of Washington

**EDUCATION**

› Sandra Day O'Connor College of Law, J.D., 2015  
› Claremont McKenna College, B.A., 2010

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- › Prior to joining Hagens Berman, Mr. Pittman practiced at various Seattle and Phoenix law firms where he most recently handled matters related to professional and legal malpractice claims, personal injury claims, intellectual property disputes and wrongful death claims.
- › Mr. Pittman also served as legal counsel at an international venture capital firm in Ireland, and was involved in investment contracts with early stage companies. He helped establish the first wholly foreign-owned investment fund able to directly invest into Chinese companies.

**PUBLICATIONS**

- › "Speaking in Tweets and Other Social Media: Should Some Written Communication Be Considered Oral Communication?" Sports and Entertainment Law Journal, 2013

**PERSONAL INSIGHT**

A Mr. Pittman enjoys traveling and has been fortunate to have had extensive international travel experience, including living and working abroad in China and Ireland. Mr. Pittman grew up in Ashland, Oregon and is happy to be able to call Seattle home. As a former collegiate track athlete, Mr. Pittman enjoys staying active by running and lifting and staying active.

**ASSOCIATE**

## Peter A. Shaeffer

*Mr. Shaeffer has represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.*

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**YEARS OF EXPERIENCE**

› 9

**BAR ADMISSIONS**

› Illinois

**COURT ADMISSIONS**

› U.S. District Court for the  
Northern District of Illinois

**EDUCATION**

› Vanderbilt University Law  
School, J.D., 2013  
› Tufts University, B.A., magna  
cum laude, 2008

**CURRENT ROLE**

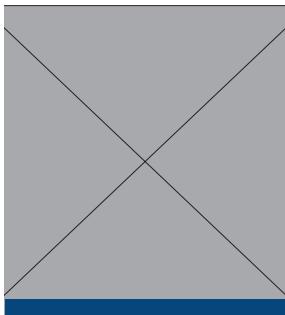
› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- › Prior to joining Hagens Berman, Peter was an associate at Latham & Watkins LLP, where he represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.
- › Previously, Mr. Shaeffer was a judicial intern for the Hon. Jeffrey Cole of the United States District Court for the Northern District of Illinois, and also served as a paralegal specialist for the U.S. Department of Justice's antitrust division.

**PERSONAL INSIGHT**

Originally from the Chicagoland area, Mr. Shaeffer enjoys jogging along the 606 trail, partaking in the city's brewery scene, and spending time with his wife and young dog, Wolfie.

**ASSOCIATE****Whitney K. Siehl**

*Ms. Siehl works tirelessly and has achieved millions of dollars in settlements for her clients. Her passion and empathy is unmatched.*

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**YEARS OF EXPERIENCE**

> 9

**PRACTICE AREAS**

> Civil & Human Rights Litigation  
> Class Actions  
> Employment Litigation  
> Personal Injury Litigation  
> Sexual Abuse & Harassment

**BAR ADMISSIONS**

> Illinois

**COURT ADMISSIONS**

> United States District Court for the Northern District of Illinois  
> United States Court of Appeals for the Seventh Circuit  
> Supreme Court of the United States

**CLERKSHIPS**

> Extern for Judge George C. Smith on the Southern District of Ohio

**EDUCATION**

> The Ohio State University Moritz College of Law, J.D., cum laude, 2013  
> Northwestern University, B.A., 2009

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Ms. Siehl's Plaintiffs' litigation practice focuses on complex class-action and individual cases in the areas of sexual abuse, sexual harassment, and sports law
- > Represents an actress and entertainment industry class against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- > Represents students and alumnae of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients

**EXPERIENCE**

- > Prior to joining Hagens Berman, Ms. Siehl was an associate in the Chicago office of a well-respected Plaintiffs' firm representing families and children in birth injury and birth trauma litigation nationwide.
- > She worked previously at another Chicago firm where she gained experience in all aspects of civil litigation with a focus on medical malpractice and professional liability matters.

**RECENT SUCCESS**

- > Ms. Siehl played a significant role in a \$4 million settlement for a child who suffered severe and permanent brain damage due to the medical providers' delay in recognizing a placental abruption.
- > Assisted in a \$3.5 million settlement for a child with a hypoxic-ischemic brain injury that resulted from too much Pitocin and a physician's failure to recognize fetal distress.

**RECOGNITION**

- > 2020, 2021 Rising Star, Super Lawyers Magazine for Class Actions
- > 2019 Rising Star, Super Lawyers Magazine for Plaintiffs' Personal Injury
- > 2017 Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association
- > 2013 Member of National Champion Team for Sutherland Cup National Constitutional Law Moot Court Competition
- > CALI Award for Highest Grade in Legislation Clinic, Dispute Systems Design, and Comparative Legal Professions
- > Named a Public Service Fellow with Dean's Special Recognition

**ASSOCIATE**

## Whitney K. Siehl

**LEGAL ACTIVITIES**

- › Women's Bar Association of Illinois
  - Officer Positions
  - Financial Secretary - 2020 - 2021
  - Recording Secretary - 2019 - 2020
  - Board of Directors - 2017 - Present
- › American Association for Justice Birth Trauma Litigation Group, Member
- › Illinois Trial Lawyers Association, Member

**ACTIVITIES**

- › Professional Board Member, PAWS Chicago – the Midwest's largest no-kill animal shelter; TEAM PAWS Marathon Team 2015-present

**PRO BONO**

- › In 2017, Ms. Siehl received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association for her dedication to representing underserved individuals in employment discrimination matters.

**PUBLICATIONS**

- › *#Us Too: Gender Inequality in the Legal Profession*, American Association for Justice, Birth Trauma Litigation Group Newsletter, Lead Article, February 2018.

**PERSONAL INSIGHT**

Whitney is an avid golfer and chairs the annual golf outing for the Women's Bar Association of Illinois. She was previously a member of the Miami University cross country and track teams, where the cross country team was selected as NCAA Academic All-Americans. She serves as a pace group leader for Chicago Marathon training and with the 2021 Chicago Athlete Magazine Ambassador Team, helps inspire busy professionals to live healthier lives. To date, she has completed 10 marathons, a half Iron distance triathlon, and numerous short course triathlons including the 2019 Escape from Alcatraz Triathlon in San Francisco.



**ASSOCIATE**  
**Emilee Sisco**

*Ms. Sisco practices in the areas of sports litigation, antitrust and consumer protection. As a former Division I athlete, she has worked on the firm's cases against the NCAA, furthering the rights of college-athletes across the nation.*

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**YEARS OF EXPERIENCE**

› 6

**PRACTICE AREAS**

› Antitrust Litigation  
› Consumer Rights  
› Sports Litigation

**BAR ADMISSIONS**

› Washington

**COURT ADMISSIONS**

› U.S. District Court, Western  
District of Washington

**EDUCATION**

› Seattle University School of  
Law, J.D.  
› University of Oregon, B.A.

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

› Law Clerk for Washington State Office of the Attorney General – Antitrust Division

**LEGAL ACTIVITIES**

› During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

**RECOGNITION**

› Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019, 2021

**RECENT CASES**

› *Namoff v. Fleishman & Shapiro, P.C. et al*  
› *In re: National Prescription Opiate Litigation*  
› *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*  
› *In re: General Motors LLC Ignition Switch Litigation*

**LANGUAGES**

› Latin

**PERSONAL INSIGHT**

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.

**ASSOCIATE**

## Hannah Song

*Hannah is dedicated to holding institutions accountable on behalf of consumers and vulnerable populations.*

**CONTACT**

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Berkeley, CA 94710

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**PRACTICE AREAS**

➤ Antitrust Litigation  
➤ Class Action  
➤ Consumer Rights

**BAR ADMISSIONS**

➤ California

**EDUCATION**

➤ Stanford Law School, J.D.,  
2021  
  
➤ University of California,  
Berkeley, B.A., 2015

**CURRENT ROLE**

➤ Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman, Hannah worked on antitrust and consumer protection issues in various settings including at the Department of Justice Antitrust Division.
- Hannah has experience in quantitative methods and has worked previously as an economic consultant supporting economic experts in securities, tax, antitrust, mortgage-backed securities and other litigation.

**PRO BONO**

- Hannah started the Racial and Disability Justice Pro Bono Project (RAD Justice) at Stanford Law School, which aids Latinx families with disabled children in obtaining state services under the Lanterman Act in California.

**PERSONAL INSIGHT**

Hannah enjoys live music, boxing and reading science fiction in her spare time.



## ASSOCIATE

# Jessica Thompson

*Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.*

## CONTACT

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(206) 623-0594 fax  
jessicat@hbsslaw.com

## YEARS OF EXPERIENCE

> 12

## PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > Emissions Litigation
- > Employment Litigation

## BAR ADMISSIONS

- > District of Columbia
- > Maryland
- > Washington

## EDUCATION

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. *magna cum laude*, 2010
  - Honors: Class Rank 21/333; G.P.A. 3.68
  - Honors: Highest Grade in the Class Award, Evidence
  - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. *cum laude*, 2005
  - Major: Community Studies and Civic Engagement

## CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

## RECENT SUCCESS

- > Litigating and reaching favorable settlements in diesel emissions lawsuits against vehicle manufacturers and suppliers
- > Defeating multiple motions to dismiss in diesel emissions lawsuits on RICO and Clean Air Act preemption grounds
- > Litigating and reaching favorable settlements in discrimination matter against an insurance company

## EXPERIENCE

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

## ACTIVITIES

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

## PUBLICATIONS

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:
  - "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
  - "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)

**ASSOCIATE**

## Jessica Thompson

- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction,"  
(Mar. 22, 2013)

**PRO BONO**

- › Through Seattle's Sexual Violence Law Center, Jessica sought civil protection orders for survivors of sexual assault, domestic violence, stalking and harassment. She also worked to protect the privacy rights of survivors in criminal cases.

**PERSONAL INSIGHT**

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.

**ASSOCIATE**

## Breanna Van Engelen

*Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.*

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**PRACTICE AREAS**

› Antitrust Litigation  
› Consumer Rights

**BAR ADMISSIONS**

› Washington

**EDUCATION**

› University of Michigan Law School, J.D.  
› Washington State University, B.A., *magna cum laude*

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

› Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

**PRO BONO**

› As part of her pro bono practice, Ms. Van Engelen represented the victim of cyberstalking and revenge porn in the trial of *Allen v. Zonis*, Case No. 15-2-15656-0 (Wash. Super. Ct.) before Judge Helson, in King County, Wash. She and her team brought one of the first cases the nation that successfully alleged causes of action stemming from the defendant's distribution of the victim's intimate images. After Ms. Van Engelen's closing argument at trial, the jury awarded the victim \$8.9 million for the damages they incurred due to the defendant's misconduct. The verdict was featured on ABC News Nightline, and the case was profiled in depth by Wired Magazine, which interviewed Ms. Van Engelen in its coverage the case. The damage award of \$8.9 million was one of the largest plaintiff verdicts for this kind of misconduct.

**RECOGNITION**

› 2018-2019 Public Service & Leadership Award recipient

**NOTABLE CASES**

› Ms. Van Engelen played a key role in helping consumers recover more than \$180 million from chicken conglomerates in *In re: Broilers Antitrust Litigation*, Case No. 1:16-cv-08637 (N.D. Ill.), pending before Judge Durkin. She drafted significant portions of consumers' motion for class certification, which Judge Durkin granted on May 27, 2022. Ms. Van Engelen worked fulltime helping the firm's Broilers team develop the facts during discovery and took the lead in depositions against several critical defendant witnesses, including first-chairing the deposition of a former senior officer of a publicly traded company.

› Ms. Van Engelen was one of the first to investigate the pork industry and is a key litigator with the firm in *In re: Pork Antitrust Litigation*, Case No. 18-cv-1776 (D. Minn.), pending before Judge Tunheim. She and the Hagens Berman litigation team represent consumer purchasers and brought the first complaint filed in what is now a large MDL. In this matter, Breanna has first-chaired several depositions of defendants' key executives, including senior officers at large, publicly traded companies.

› She is also a critical early team member in the *In re Cattle and Beef Antitrust Litigation*, Case No. 20-cv-1319, in which she helped draft the complaint and fight motions to dismiss, which were denied on Sept. 14, 2021.

**ASSOCIATE**

## Breanna Van Engelen

› Additionally, Ms. Van Engelen is one of few young attorneys experienced in giving closing arguments in newsworthy cases.

**MEDIA INTERVIEWS**

› Brooke Jarvis, *How One Woman's Digital Life Was Weaponized Against Her*, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

**PRESENTATIONS**

› "Taking the Distribution of Intimate Images to Trial," Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

**PERSONAL INSIGHT**

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.



#### ASSOCIATE

## Mark Vazquez

*During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.*

#### CONTACT

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#### YEARS OF EXPERIENCE

› 9

#### BAR ADMISSIONS

› Illinois

#### CLERKSHIPS

› Hon. John Z. Lee, Northern District of Illinois  
› Hon. Jesse G. Reyes, Illinois Appellate Court, First District

#### EDUCATION

› DePaul University College of Law, J.D., *summa cum laude*, 2012  
› Editor, DePaul Law Review  
› University of Chicago, B.A., 2006

#### CURRENT ROLE

› Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- › Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- › During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

#### PUBLICATIONS

› *People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement*, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

#### PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.

**ASSOCIATE**

## Stephanie A. Verdoia

*Stephanie brings to the firm a deep knowledge of professional sports policies, protocols and governance to enrich Hagens Berman's robust sports law practice.*

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**PRACTICE AREAS**

› Sports Litigation

**INDUSTRY EXPERIENCE**

› Sports Governance  
› Sports Policy and Protocols

**EDUCATION**

› University of Washington School of Law, J.D., 2021, Order of Barristers  
› Seattle University, B.A. Political Science and Legal Studies, summa cum laude, 2015

**CURRENT ROLE**

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Ms. Verdoia's practice at the firm's Seattle office focuses primarily on sports litigation, where she applies her deep knowledge of sports governance, policies and protocols to bolster the firm's expansive work in this area of law.

**EXPERIENCE**

- › Prior to joining Hagens Berman, Ms. Verdoia interned at Seattle's Legal Voice, where she researched legal issues regarding gender equality by analyzing the interplay between constitutional principles, recently enacted state statutes and prevailing precedent.
- › Ms. Verdoia also interned with the legal department at Seattle Sounders FC, where she provided legal research and solutions responding to the evolving developments of the COVID-19 pandemic.

**ACTIVITIES**

- › Her additional experience in professional sports lends itself to the firm's sports litigation practice area. Ms. Verdoia has years of experience in the realm of professional soccer as a midfielder in Norway's Toppserien top division soccer and with the National Women's Soccer League (NWSL) both for the Boston Breakers and most recently the OL Reign (formerly known as Seattle Reign FC).
- › During her time in these roles, she trained with the top NWSL team to enhance squad development with the Reign; led Norway's Vålerenga Fotbal Damer to the national championship game; and was one of only 36 women nationally drafted into the professional female league when she began her professional sports career in 2015 with the Boston Breakers.
- › Ms. Verdoia has also served as a league representative, helping to take a leadership role in the sport by conducting conversation with key league figures to further players' interests and advance gender equity in sport. She also implemented working standards to create a safer environment and established a framework for a future players association.

**PERSONAL INSIGHT**

As a lifelong soccer player, Stephanie spends her free time coaching youth soccer teams at the OL Reign Academy. She also enjoys camping anywhere in the Pacific Northwest with her fiancé, Shane, and her dog, Stevie.

**ASSOCIATE****Bradley J. Vettraino**

*Mr. Vettraino focuses on enforcing the antitrust laws against pharmaceutical monopolists and has spent his entire career challenging corporate misconduct.*

**CONTACT**

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bradleyv@hbsslaw.com

**YEARS OF EXPERIENCE**

> 8

**BAR ADMISSIONS**

> Illinois  
> Massachusetts  
> Missouri

**COURT ADMISSIONS**

> U.S. District Court, District of Massachusetts  
> U.S. District Court, Southern District of Illinois

**EDUCATION**

> Washington University in St. Louis School of Law, J.D., 2013  
> Metropolitan State University of Denver, B.A., 2009

**CURRENT ROLE**

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on pharmaceutical antitrust litigation and prosecuting other healthcare-related fraud.
- > Core member of the team litigating *In re Zetia (ezetimibe) Antitrust Litigation*, MDL No. 2836 (E.D. Va.), a federal antitrust suit against Merck & Co and Glenmark Pharmaceuticals alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- > Responsible for day-to-day management of *In re Lantus Direct Purchaser Antitrust Litigation*, 16-cv-12652 (D. Mass), alleging that Sanofi-Aventis wrongfully listed and asserted patents, unlawfully extending its monopoly over its multi-billion dollar per-year injectable insulin glargine product, Lantus.
- > Core member of the team litigating antitrust claims against Amgen and Teva in *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation*, which alleges a multi-faceted market allegation scheme.
- > Instrumental in overcoming motions to compel arbitration against class representatives in multiple cases.

**RECOGNITION**

- > Rising Star, Super Lawyers Magazine
- > Upon graduating law school, Mr. Vettraino received the Dan Carter-Earl Tedrow Memorial Award, as the student who most embodied the aims of the legal profession.

**LEGAL ACTIVITIES**

- > Member, American Association For Justice

**EXPERIENCE**

- > Before joining Hagens Berman, Mr. Vettraino was an associate at a nationwide class-action firm, where he prosecuted numerous securities, merger and acquisition, and consumer class actions on behalf of both individuals and large public pension funds.
- > After graduating from Washington University in St. Louis School of Law in 2013, Mr. Vettraino worked for two preeminent toxic tort and products liability firms representing individuals harmed by corporate negligence and greed.

**PERSONAL INSIGHT**

When not driving his wife crazy by singing the same five songs to their infant son on repeat, Brad enjoys spending his free time fly fishing (with limited success).

**ASSOCIATE****Ted Wojcik**

*Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.*

**CONTACT**

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**YEARS OF EXPERIENCE**

› 6

**PRACTICE AREAS**

› Antitrust Litigation  
› Class Action  
› Environmental Litigation

**BAR ADMISSIONS**

› Georgia  
› Washington

**CLERKSHIPS**

› Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018  
› Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

**EDUCATION**

› Yale Law School, J.D., 2015  
› Dartmouth College, A.B., 2011,  
*magna cum laude*

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

› Before joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, to Judge Marjorie Allard of the Alaska Court of Appeals.

› During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney's Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.

› Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

**PERSONAL INSIGHT**

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.

**ASSOCIATE****Abby Wolf**

*Abby cares deeply about justice and fairness. Through class actions, she is focused on exposing the truth, holding the powerful accountable and helping consumers fight back against corporate wrongdoing.*

**CONTACT**

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(510) 725-3001 fax  
abbyw@hbsslaw.com

**YEARS OF EXPERIENCE**

≥ 5

**PRACTICE AREAS**

➤ Antitrust Litigation  
➤ Class Action  
➤ Consumer Rights

**BAR ADMISSIONS**

➤ California

**COURT ADMISSIONS**

➤ U.S. District Court for the Northern District of California  
➤ U.S. District Court for the Central District of California  
➤ U.S. Court of Appeals for the Fourth Circuit

**CLERKSHIPS**

➤ U.S. District Court for the Eastern District of California, Judge Dale A. Drozd, 2020 – 2021  
➤ U.S. District Court for the Southern District of West Virginia, Judge Joseph R. Goodwin, 2016 – 2017

**EDUCATION**

➤ University of California, Davis School of Law, King Hall, J.D., 2016  
➤ University of California, Berkeley, B.A., 2011

**CURRENT ROLE**

➤ Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

➤ Prior to joining Hagens Berman, Abby was an associate at Lieff Cabraser Heimann & Bernstein LLP, where she worked on behalf of cities, counties and Native American tribes in the nationwide opioid litigation. She also represented survivors of the 2017 and 2018 wildfires in California sparked by the negligence of local utility companies.

**PUBLICATIONS**

➤ “The World Still Looks to California: The CalECPA as a Model Step for Privacy Reform in the Digital Age,” The Journal of Law and Technology at Texas, Aug. 1, 2017

**PRESENTATIONS**

➤ Mass Torts Committee Breakout: “Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts,” Panelist, Jan. 31, 2020

**PERSONAL INSIGHT**

When not practicing law, Abby enjoys yoga, baking and spending time with her pet rabbit, Ralphie.

**ASSOCIATE****Wesley A. Wong**

*Mr. Wong is an investor rights attorney who assists in the development and prosecution of securities class-action cases, derivative actions and opt-out litigation. He has experience working in all stages of litigation, including at trial.*

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**YEARS OF EXPERIENCE**

3

**PRACTICE AREAS**

› Investor Fraud  
› Securities

**INDUSTRY EXPERIENCE**

› General Civil Litigation  
› Complex Civil Litigation  
› Class Actions  
› Financial Services Regulatory  
Compliance

**BAR ADMISSIONS**

› California

**COURT ADMISSIONS**

› U.S. District Court for the  
Eastern District of California  
› U.S. District Court for the  
Northern District of California

**EDUCATION**

› University of San Francisco  
School of Law, J.D., 2016  
› San Francisco State  
University, B.S., cum laude,  
2012

**CURRENT ROLE**

› Associate, Hagens Berman Sobol Shapiro LLP  
› Mr. Wong's practice focuses on securities litigation.

**RECENT SUCCESS**

› Mr. Wong represented and defended a major rapid transit public transportation system serving the San Francisco Bay Area in a \$75 million breach of contract and implied covenant of good faith/fair dealing case at trial. He successfully tried the case to verdict as a key member of the trial team and obtained a complete defense verdict.

**EXPERIENCE**

› Litigated a variety of cases at all stages of litigation, including at trial  
› Worked in the financial services industry as an analyst prior to law practice  
› Prior experience working with banking industry regulators to resolve regulatory compliance matters

**ACTIVITIES**

› The Risk Management Association, Golden Gate Chapter, Young Professionals Board Member 2017-2018

**LEGAL ACTIVITIES**

› Asian American Bar Association of the Greater Bay Area

**PERSONAL INSIGHT**

When he's not practicing law, Wesley enjoys writing, directing and producing short films and music videos. Wesley has worked with electronic dance music and hip hop music artists in the management, production, dealmaking and financing of various projects.

U.K. Legal Team

**CO-MANAGING DIRECTOR, HAGENS BERMAN UK LLP****Michael J. Gallagher Jr.**

*Michael, through his understanding of regulatory and legal issues, serves diverse and global clients seeking to enforce their rights against well-financed corporations.*

**CONTACT**

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**YEARS OF EXPERIENCE**

› 20

**PRACTICE AREAS**

› Antitrust & Competition  
› Automotive Litigation  
› Consumer Rights  
› Group Litigation  
› Investor Fraud

**INDUSTRY EXPERIENCE**

› Finance  
› Management and Administration

**BAR ADMISSIONS**

› Foreign Registered Attorney, England and Wales  
› New York  
› Pennsylvania

**COURT ADMISSIONS**

› Foreign Registered Attorney in England and Wales  
› Sixth Circuit Court of Appeals  
› U.S. District Courts for the Eastern, Northern, Southern and Western Districts of New York  
› U.S. District Courts for the Eastern, Middle and Western Districts of Pennsylvania

**CURRENT ROLE**

› Co-Managing Director and Partner, Hagens Berman UK LLP  
› Michael's work focuses on competition litigation, group litigation, and consumer protection, as well as building the firm's practice offerings for its global clients.

**CAREER HIGHLIGHTS**

› In Re Dealer Management Systems  
› Sullivan v. Barclays (Euribor)  
› In Re Libor-Based Financial Instruments

**RECENT SUCCESS**

› Mr. Gallagher supported, now-Senator Elizabeth Warren, and the Congressional Oversight Panel, in reviewing the U.S. Department of the Treasury's use of the Troubled Asset Relief Program's funds by overseeing the Treasury's actions, assessing the impact of spending to stabilize the economy, evaluating market transparency and ensuring effective foreclosure mitigation efforts.

**EXPERIENCE**

› Prior to joining Hagens Berman, Michael was a partner at multiple prominent plaintiff law firms, where he represented plaintiffs in multiple international antitrust and consumer protection litigations in various jurisdictions (each case valued in excess of \$500 million) and lead a team of partners and associates litigating those actions.  
› Mr. Gallagher also was responsible for administration and development of United Kingdom and European Union global offices, doing so with a focus on diversity and operational improvements.  
› His litigation work focuses on complex litigation extensively in finance and commodity markets.

**PRO BONO**

› Mr. Gallagher provides Pro Bono services to the Institute for Human Identity, one of the oldest LGBTQ affirming therapy sites in the country. He regularly volunteers his service for issues of social justice including immigration rights support, diversity, equity and inclusion.

**LEGAL ACTIVITIES**

› Pure Equitas International Consultancy – Board Member and Advisor  
› Member, AAJ Antitrust Subcommittee

**CO-MANAGING DIRECTOR****Michael J. Gallagher Jr.****CLERKSHIPS**

- › Sixth Circuit Court of Appeals, Honorable Helene N. White, 2013 - 2014
- › U.S. Securities and Exchange Commission, Law Clerk for the Division of Enforcement - Trial Unit, May 2012 - September 2013) under Chairperson Mary Schapiro
- › Antitrust Division of the U.S. Department of Justice, September 2010 - January 2011

**EDUCATION**

- › Rutgers University Law School, Camden, J.D., 2011 Lax Scholar and Kaplan Scholar
- › Franklin and Marshall College, B.A. in International Business Relations and Non-Profit Management
- › Additional coursework in finance and management from Wharton School of Business at the University of Pennsylvania, Fox School of Business at Temple University, and Tohoku Gaukin University

**PUBLIC SERVICE**

- › Trustee, David Adamany Trust, 2016 – Present
- › Board Member, New York Civil Liberties Union, 2015-2018; Investment Committee member, 2016-2018
- › Supporter, Project HOME

**RECOGNITION**

- › Pennsylvania Governor's Award for Community Service
- › American Civil Liberties Union's Pennsylvania Advocacy Award

**NOTABLE CASES**

- › In Re Dealer Management Systems Antitrust Litigation
- › Sullivan v. Barclays (Euribor) Commodities Litigation
- › In Re Libor-Based Financial Instruments Antitrust Litigation
- › In re Term Commodities Cotton Futures Litigation
- › Sonterra Capital Master Fund, LTD. V. Barclays Bank
- › In re Aluminum Warehousing Antitrust Litigation
- › United States of America ex rel., Beverly Brown v. Celgene Corporation
- › In re Keurig Green Mountain Coffee Antitrust Litigation
- › In re Lithium Ion Batteries Antitrust Litigation
- › In re Dole Food Co., Inc., Stockholder Litigation
- › In re London Silver Market, Ltd. Antitrust Litigation
- › In re Commodity Exchange, Inc. Gold Futures and Options Trading Litigation
- › Castro v. Sanofi Pasteur, Inc. (re Menactra)
- › In re American Express Anti-Steering Rules Litigation
- › In re Longtop Financial Technologies Limited Securities Litigation
- › In re Crude Oil Commodity Futures Litigation

**PERSONAL INSIGHT**

Michael's husband is a former Broadway dancer who is now a psychotherapist. In addition to having two left feet, Michael is regularly psychoanalyzed every time he does not put away the dishes. However, because of being married to a psychotherapist, Michael is regularly reminded interpersonal relationships are of utmost importance and prides himself on personal engagement and connection with clients and those he works with. Michael enjoys his daily workouts and meditations, is an aspiring farmer, and is obsessed with all things animals – especially his dog, a Cavalier King Charles Spaniel.

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/23/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: <b>Stephanie Donoho</b>	
USI Insurance Services NW CL 601 Union Street, Suite 1000 Seattle, WA 98101		PHONE (A/C, No, Ext): <b>206 441-6300</b>	
		FAX (A/C, No): <b>610-362-8530</b>	
		E-MAIL ADDRESS: <b>stephanie.donoho@usi.com</b>	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A : Hartford Fire Insurance Company	<b>19682</b>
INSURED		INSURER B : Hartford Casualty Insurance Company	<b>29424</b>
Hagens Berman Sobol Shapiro LLP 1301 Second Avenue, Suite 2000 Seattle, WA 98101		INSURER C : Hartford - WC Multiple Issuing Cos	<b>00914</b>
		INSURER D : Trumbull Insurance Company	<b>27120</b>
		INSURER E :	
		INSURER F :	

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:			
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.							
INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	COMMERCIAL GENERAL LIABILITY	<b>X</b>	<b>X</b>	<b>52UUNCF6051</b>	<b>08/15/2022</b>	<b>08/15/2023</b>	EACH OCCURRENCE <b>\$2,000,000</b>
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/>						DAMAGE TO RENTED PREMISES (Ea occurrence) <b>\$1,000,000</b>
							MED EXP (Any one person) <b>\$5,000</b>
							PERSONAL & ADV INJURY <b>\$2,000,000</b>
							GENERAL AGGREGATE <b>\$4,000,000</b>
<b>D</b>	AUTOMOBILE LIABILITY	<b>X</b>	<b>X</b>	<b>52UENCF6075</b>	<b>08/15/2022</b>	<b>08/15/2023</b>	COMBINED SINGLE LIMIT (Ea accident) <b>\$1,000,000</b>
	ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/>						BODILY INJURY (Per person) <b>\$</b>
	Hired AUTOS ONLY <input checked="" type="checkbox"/>						BODILY INJURY (Per accident) <b>\$</b>
							PROPERTY DAMAGE (Per accident) <b>\$</b>
							<b>\$</b>
<b>B</b>	UMBRELLA LIAB	<b>X</b>	<b>X</b>	<b>52XHUCF3614</b>	<b>08/15/2022</b>	<b>08/15/2023</b>	EACH OCCURRENCE <b>\$5,000,000</b>
	EXCESS LIAB						AGGREGATE <b>\$5,000,000</b>
	DED <input checked="" type="checkbox"/> RETENTION <b>\$5000</b>						<b>\$</b>
							<b>\$</b>
<b>C</b>	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<b>Y / N</b>	<b>N / A</b>	<b>52WEAM8TG5</b>	<b>08/15/2022</b>	<b>08/15/2023</b>	PER STATUTE <b></b> OTH-ER <b></b>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> <b>N</b>						E.L. EACH ACCIDENT <b>\$1,000,000</b>
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE <b>\$1,000,000</b>
							E.L. DISEASE - POLICY LIMIT <b>\$1,000,000</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**The General Liability and Automobile Liability policies include an Additional Insured endorsement**

that provides Additional Insured status to the Arizona Attorney General's office and the State of Arizona, its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees, only when there is a written contract or written agreement between the Hagens Berman Sobol Shapiro LLP and The State of Arizona holder and with regard to work performed on behalf of the Hagens Berman Sobol Shapiro (See Attached Descriptions)

## CERTIFICATE HOLDER

## CANCELLATION

The State of Arizona Office of the Attorney General 1275 W Washington Phoenix, AZ 85007-2926	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

## DESCRIPTIONS (Continued from Page 1)

LLP. The Workers' Compensation, General Liability and Automobile Liability policy provides a Waiver of Subrogation in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees, when required by written contract.

6022512285



HAGEBER-01

BRODRIGUEZ

DATE (MM/DD/YYYY)  
8/23/2022

## CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT Belki Rodriguez	
	NAME: PHONE (A/C, No, Ext): (212) 895-0292	FAX (A/C, No):
	E-MAIL ADDRESS: belki.rodriguez@alliant.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Endurance American Specialty Insurance Company	41718
INSURED	INSURER B : Allied World Surplus Lines Insurance Company	24319
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

**COVERAGEs** **CERTIFICATE NUMBER:** **REVISION NUMBER:**  
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	\$
	CLAIMS-MADE <input type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$
	POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$
	OTHER:							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per person)	\$
	Hired AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR						EACH OCCURRENCE	\$
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE	\$
	DED <input type="checkbox"/> RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> Y/N	N / A					PER STATUTE	OTHE- ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory N/A)						E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Prof Liability			LPN30023438800	8/18/2022	8/18/2023	See Description	
B	Prof Liability			0311-9761	8/18/2022	8/18/2023	See Description	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Insurer C: Ironshore Specialty Insurance Policy No: LPL7NACK84001 NAIC No: 25445

Insurer D: Indian Harbor Insurance Company Policy No: LPN9037451-04 NAIC No: 36940

Limits of Liability in excess of: \$10,000,000 per Claim/\$10,000,000 Aggregate

Claims-made coverage with full prior acts is afforded on a subscription basis by Insurers A-D.

## CERTIFICATE HOLDER

## CANCELLATION

State of Arizona  
Office of the Arizona Attorney General  
Civil Litigation Division  
1275 West Washington Street  
Phoenix, AZ 85007

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Robert B. Carey  
**HAGENS BERMAN SOBOL SHAPIRO LLP**  
 11 WEST JEFFERSON STREET, SUITE 1000  
 PHOENIX, AZ 85003  
[www.hbsslaw.com](http://www.hbsslaw.com)  
 Direct (602) 224-2626  
[rob@hbsslaw.com](mailto:rob@hbsslaw.com)

November 11, 2022

**Via Arizona Procurement Portal**

Mr. Jerry Connolly  
 Procurement Manager  
 Office of the Attorney General  
 2005 N. Central Avenue  
 Phoenix, AZ 85004

Ms. Allyson Flanagan  
 Senior Procurement Specialist  
 Office of the Attorney General  
 2005 N. Central Avenue  
 Phoenix, AZ 85004

Re: Request for Proposal Solicitation #BPM004964, Project #AG23-0009  
 Outside Counsel – Consumer Fraud and Related Civil Actions (Contingency Fee)

Dear Mr. Connolly and Ms. Flanagan:

The firm of Hagens Berman Sobol Shapiro LLP (“Offeror”) submits this letter of transmittal and Offer in response to the solicitation for Outside Counsel – Consumer Fraud and Related Civil Actions.

*Submitting organization:* Hagens Berman Sobol Shapiro LLP

*Name and title of the person(s) authorized by the organization to contractually obligate the organization:* Steve W. Berman, Managing Partner and/or Robert B. Carey, Phoenix Managing Partner

*Name, title and telephone number of the person authorized to negotiate the contract on behalf of the organization:* Robert B. Carey, Phoenix Managing Partner, 602-224-2626

Offeror accepts the requirements of Solicitation AG23-0009, and offers and agrees to furnish the service in compliance with all terms, conditions, specifications, and amendments in the solicitation.

## EXECUTIVE SUMMARY

Hagens Berman has a three-decade track record of successfully litigating complex civil actions on behalf of plaintiffs throughout the country and in Arizona. Although the firm is based in Seattle and has offices in nine cities including London, the firm's first satellite office was opened in Arizona 25 years ago. Since that time, the firm has recovered millions for the State.

Given its past success, the firm is routinely chosen to serve as counsel to state Attorneys General in civil actions involving consumer fraud, including the Arizona Office of the Attorney General. In the historic litigation against the tobacco industry, for example, we represented 13 states, including Arizona, and advanced groundbreaking legal claims to secure a global settlement worth \$260 billion, still the largest recovery in history. Only two law firms, including Hagens Berman, went to trial in these Attorneys General actions.

Hagens Berman's stock-in-trade is the litigation of complex class actions, government actions, and MDLs on behalf of plaintiffs throughout the country. We have been appointed lead or co-lead counsel in many of the largest consumer fraud, product liability, securities, and antitrust cases in history. We are intimately familiar with the consumer protection statutes in most states, including the Arizona Consumer Fraud Act, and are well positioned to assist the Office in seeking civil penalties, damages, disgorgement, restitution, and other relief. Hagens Berman has successfully served as counsel to many state Attorneys General in various civil actions involving consumer fraud, including the Office of the Attorney General in Arizona.

Hagens Berman is a leader in consumer-protection litigation, taking cases stemming from the full range of deceptive, unfair and fraudulent business practices often used by large corporations. We realize that often-voiceless consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible for their behavior. Our consumer rights litigation stands as an example of what class actions can accomplish – meaningful change and just compensation.

Consumer fraud has many faces. As one court has said, "It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field." Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. Our skill in this area was confirmed when the judge overseeing the Toyota unintended acceleration cases appointed Steve Berman to lead that case. The judge did so on his own initiative. After a \$1.6 billion settlement, U.S. District Judge James Selna, Central District of California, said, "Class counsel has consistently demonstrated extraordinary skill and effort."

The National Law Journal wrote, "Landmark consumer cases are business as usual for Steve Berman," when it named Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row.

Rob Carey, former Chief Deputy Attorney General, has been involved in consumer fraud cases within the office and is familiar with the substance and office policies relating to assurances of

discontinuance, remedies, penalties, and, importantly, chain of command and protocol within the office. Mr. Carey has also litigated dozens of consumer claims under Arizona's act and other states' acts that are similar. Hagens Berman has had a very solid working relationship with the Arizona Attorney General's office and would expect the same for assignments under this solicitation.

Our firm abides by rules developed from years of leading complex class actions: vigorous and efficient prosecution, a nimble leadership team that takes its direction from the client, clear lines of responsibility, and commitment from the outset to live and breathe a case.

We are well-positioned to assist the Office of the Arizona Attorney General in seeking civil penalties, damages, restitution, and other relief.

## CONSUMER PROTECTION LITIGATION

### Brief Description of Case 1

*Maldonado, et al. v. Apple Inc., et al, 3:16-cv-04067-WHO (N.D. Cal.)*

Hagens Berman was lead counsel in litigation against Apple Inc. involving consumers' claims arising out of two extended service plans offered by Apple—the AppleCare Protection Plan and AppleCare+. The plans provided that when a customer sought service for a covered iPhone or iPad due to a hardware defect or accidental damage, Apple Inc. would either repair the device or replace it with a device that was either "*new or equivalent to new in performance and reliability*." One of the types of replacements customers could receive under AppleCare Protection Plan and AppleCare+ was a remanufactured iPhone or iPad. Plaintiffs alleged that the remanufactured devices were not "*equivalent to new in performance and reliability*." The class was represented by Steve Berman, Robert Carey, and Michella Kras.

In 2019, U.S. District Judge William H. Orrick granted class certification. Apple tried to have that ruling overturned but Judge Orrick denied the motion to decertify. The order for Final Approval was granted April 29, 2022. The case was weeks away from trial when they reached the **\$95 million** settlement.

At the final fairness hearing on April 27, 2022, Judge William H. Orrick said, "This was an excellent settlement I think for the class, and I think that's shown by the fact that there were no objections and very few opt-outs. **\$95 million** on an untested theory on a case that was in dire straits when Mr. Berman came into the case I think was a testament to what a good settlement it was, and it was obviously very hotly contested."

## **Brief Description of Case 2**

*Cameron, et al. v. Apple Inc.*, 4:19-cv-03074-YGR (N.D. Cal.)

Hagens Berman was lead counsel in this antitrust case alleging that Apple willfully acquired and maintained monopoly power, or attempted to gain monopoly power, by refusing to allow iOS device users to purchase iOS apps and in-app products other than through its own App Store.

The parties engaged in extensive discovery producing more than 20 million pages of documents and Apple produced 13 terabytes of transactional data that plaintiffs and their experts analyzed.

Plaintiffs moved for class certification in 2021. After extensive negotiations, the parties reached a settlement that provides **\$100 million** in monetary relief and important changes to App Store policies and practices. U.S. iOS app developers with less than \$1 million per year in proceeds from App Store sales through all associated developer accounts can receive hundreds to tens of thousands of dollars from the fund.

In the Final Approval Order, the Court said, “Class counsel are deeply versed in this area of law and have routinely demonstrated that they are qualified and have experience with prosecuting class actions of this kind and therefore adequate to represent the settlement class as well.”

## **Brief Description of Case 3**

*In re: Mercedes-Benz Emissions Litigation*, No. 2:16-cv-00881-KM-ESK (D.N.J.); and *In Re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-md-02672-CRB (N.D. Cal.)

Hagens Berman was co-lead counsel on behalf of owners and lessees of Mercedes vehicles affected by Daimler’s diesel emissions deficiencies. The case was initially filed and researched by Hagens Berman based on the firm’s independent vehicle testing. The settlement reached on behalf of consumers was **\$700 million** in which current owners and lessees could get \$3,290 or more, and former owners and lessees could get \$822.50. There was also a \$1.5 billion settlement between Mercedes and the U.S. Justice Department and California Air Resources, and included a \$875 million civil penalty for violating the Clean Air Act.

The Mercedes Complaint alleged that it joined forces with Bosch to program its BlueTEC vehicles to release illegally high dangerous levels of emissions via a defeat device that turned off or limited emissions reductions during real-world driving conditions but not during vehicle emissions tests.

Under similar facts alleged against Volkswagen, the firm was named a member of the Plaintiffs’ Steering Committee and was part of the Settlement Negotiating team which helped settle the Volkswagen “Dieselgate” case for **\$17.4 billion**.

And the firm served as lead counsel representing VW franchise dealers which resulted in a **\$1.67 billion** settlement. This was a first-of-its kind suit brought by a franchise dealer stating that VW intentionally defrauded dealers by installing “defeat devices” in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others, and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99% participation in the settlement, and received an average payout of \$1.85 million.

### **Brief Description of Case 4**

*In Re Electronic Books Antitrust Litigation*, No. 1:11-md-02293-DLC, (S.D.N.Y)

Hagens Berman served as co-lead counsel for consumers and secured a combined **\$560 million** settlement against Apple and five of the nation’s largest publishing companies. Hagens Berman litigated the case jointly with the United States Department of Justice and attorneys general from 33 U.S. states and territories, reaching the settlement with Apple to provide **\$400 million** to consumers for overpayment on e-books. When combined with prior settlements with the publisher defendants, consumers received more than **\$560 million**—more than twice the amount of losses suffered by consumers.

The Complaint alleged that Apple illegally concluded with a group of five publishing companies to manipulate the e-book market by artificially raising the price of e-books, lowering competition, and charging consumers higher prices. This anticompetitive price-fixing collusion between Apple and the publishers caused the price of e-books to skyrocket 30 to 50 percent.

The publishers and Apple settled in 2013 and 2014 respectively. Plaintiffs filed its Motion for Preliminary Approval and United States District Judge Denise Cote granted Final Approval on November 21, 2014.

The Second Circuit Court of Appeals dismissed the appeals of objectors in this litigation, and the Supreme Court denied Apple’s request for review of the Second Circuit’s affirmation of its liability finding against Apple.

### **Brief Description of Case 5**

*In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, 8:10-md-02151-JVS-FMO (C.D. Cal.)

Hagens Berman was Plaintiffs’ Co-lead Counsel for the economic loss classes in this successful, complex MDL. The firm challenged a defect that caused dozens of models spanning an eight-year period to undergo sudden, unintended acceleration. The resulting **\$1.6 billion** settlement included **\$500 million** in cash payments to class members, many of whom received checks for thousands of dollars; installation of a safety-enhancing brake override system on millions of vehicles; and a

program that substantially extended warranties for millions of consumers. This was the largest automobile class settlement in U. S. history at the time.

The Hagens Berman team extensively researched and briefed, *inter alia*, consumer protection laws of every jurisdiction in the United States, Article III standing; federal preemption; the Magnuson-Moss Act (15 U.S.C. § 2301); arbitration clauses; notice, presentment, and privity requirements under various state warranty laws; proximate causation; and multiple forms of equitable and monetary relief. The Phoenix office was instrumental in originating and prosecuting the case and worked extensively and in tandem with our Seattle office in resolving the case.

## **Brief Description of Case 6**

“Protein” litigation:

*Broilers Antitrust Litigation* is pending in N.D. Ill. before Judge Durkin where Hagens Berman has recovered **\$181 million** on behalf of the consumer indirect purchaser class alleging broiler chicken producers engaged in a price-fixing conspiracy. The class was certified in May 2022, making it one of the largest certified classes that we are aware of in the country. *In re Broiler Chicken Antitrust Litig.*, 16-cv-08637 (N.D. Ill.).

*Pork Antitrust Litigation* is pending in D. Minn. in front of Judge Tunheim. Our firm represents the consumer indirect purchaser class against the pork processors engaged in a price-fixing conspiracy in the industry. To date Hagens Berman has recovered **\$95 million** on behalf of the class. Class certification is currently being briefed. *In re Pork Antitrust Litig.*, No. 18-CV-01776 (D. Minn.).

*Beef Antitrust Litigation* is pending in D. Minn. in front of Judge Tunheim. We represent the consumer indirect purchaser class against the four beef processors in the industry for price fixing. The case has survived motions to dismiss, and is in the early discovery stage. *In re Beef Purchasers Antitrust Litig.*, 0:19-cv-01129.

*Turkey Antitrust Litigation* is pending in N.D. Ill. before Judge Kendall, where Hagens Berman was appointed co-lead counsel for the direct purchaser class. The case is currently finishing fact discovery, and we will be moving for class certification shortly. *In re Turkey Antitrust Litig.*, No. 1:19-cv-08318 (N.D. Ill.).

*Poultry Wages Antitrust Litigation* is pending in Maryland, before Judge Gallagher. We have survived motions to dismiss, and have over **\$130 million** in settlements. In the first of its kind, the DOJ brought a civil case following on to the private action, and has deferred to our private action for the financial recovery of the class (stating that recovery will only occur through the DOJ’s action if our settlements do not receive final approval). *Jien v. Perdue Farms, Inc.*, No. 19-cv-2521 (D. Md.).

Office of Attorney General  
November 11, 2022  
Page 7

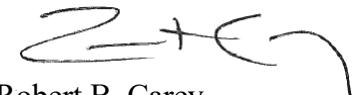
\* \* \*

The Hagens Berman firm has recovered billions for consumers across the country, and it is ready to serve the people of Arizona and the Office of the Attorney General in litigation under the Arizona Consumer Fraud Act and related actions. We offer a team of highly experienced Arizona attorneys who have had unparalleled success in resolving consumer fraud cases in this state. We would be proud to partner with the Arizona AGO and would do all we could to help the State achieve its goals.

Thank you for your consideration.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP



Robert B. Carey

Enclosures



**Request for Proposal  
Solicitation No. BPM004964  
Outside Counsel - Consumer Fraud**

**State of Arizona  
Office of the Attorney General  
2005 N Central Avenue  
Phoenix, AZ 85004**

**Attachment II: Confidential Information Designation**

All materials submitted as part of a response to a solicitation are subject to Arizona public records law and will be disclosed if there is an appropriate public records request at the time of or after the award of the contract. Recognizing there may be materials included in a solicitation response that are proprietary or a trade secret, a process is set out in A.A.C. R2-7-103 (copy attached) that will allow qualifying materials to be designated as confidential and excluded from disclosure. For purposes of this process the definition of "trade secret" will be the same as that set out in A.A.C. R2-7-101(51).

Complete this form and return it with your Offer **along with the appropriate supporting information** to assist the State in making its determination as to whether any of the materials submitted as part of your Offer should be designated confidential because the material is proprietary or a trade secret and therefore not subject to disclosure.

STATE WILL NOT CONSIDER ANY MATERIAL IN YOUR OFFER "CONFIDENTIAL" UNLESS DESIGNATED ON THIS FORM.

**Check one of the following – if neither is checked, State will assume that it is equivalent to "DOES NOT":**

<input type="checkbox"/>	This response DOES NOT contain proprietary or trade secret information. I understand that my entire response will become public record in accordance with A.A.C. R2-7-C317.
<input checked="" type="checkbox"/>	This response DOES contain trade secret information because it contains information that: <ol style="list-style-type: none"><li>1. Is a formula, pattern, compilation, program, device, method, technique or process;</li><li>2. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; AND</li><li>3. Is the subject of efforts by myself or my organization that are reasonable under the circumstances to maintain its secrecy. <b>See attachment.</b></li></ol>

NOTE: Failure to attach an explanation may result in a determination that the information does not meet the statutory trade secret definition. All information that does not meet the definition of trade secret as defined by A.A.C. R2-7-101(51) will become public in accordance with A.A.C. R2-7-C317. State may make its own determination on materials in accordance with A.A.C. R2-7-103.

If State agrees with Offeror's designation of trade secret or confidentiality and the determination is challenged, the undersigned hereby agrees to cooperate and support the defense of the determination with all interested parties, including legal counsel or other necessary assistance.

By submitting this response, Offeror agrees that the entire Offer, including confidential, trade secret and proprietary information may be shared with an evaluation committee and technical advisors during the evaluation process. Offeror agrees to indemnify and hold State, its agents and employees, harmless from any claims or causes of action relating to State's withholding of information based upon reliance on the above representations, including the payment of all costs and attorney fees incurred by State in defending such an action.

Hagens Berman Sobol Shapiro LLP

Company Name

11 West Jefferson, Suite 1000

Address

Phoenix, AZ 85003

City, State, ZIP

Signature of person authorized to sign

Robert B. Carey, Phoenix Managing Partner

Printed name and title

rob@hbsslaw.com

602-224-2626

Contact email address

Contact phone number



**Request for Proposal  
Solicitation No. BPM004964  
Outside Counsel - Consumer Fraud**

**State of Arizona  
Office of the Attorney General  
2005 N Central Avenue  
Phoenix, AZ 85004**

**Attachment: Confidential Information Designation (for reference only)**

A.A.C. R2-7-103 [Confidential Information] as was current at time of Solicitation issuance

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- A. *If a person wants to assert that a person's offer, specification, or protest contains a trade secret or other proprietary information, a person shall include with the submission a statement supporting this assertion. A person shall clearly designate any trade secret and other proprietary information, using the term "confidential". Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.*
- B. *Until a final determination is made under subsection (C), an agency chief procurement officer shall not disclose information designated as confidential under subsection (A) except to those individuals deemed by an agency chief procurement officer to have a legitimate state interest.*
- C. *Upon receipt of a submission, an agency chief procurement officer shall make one of the following written determinations:*
  1. *The designated information is confidential and the agency chief procurement officer shall not disclose the information except to those individuals deemed by the agency chief procurement officer to have a legitimate state interest;*
  2. *The designated information is not confidential; or*
  3. *Additional information is required before a final confidentiality determination can be made.*
- D. *If an agency chief procurement officer determines that information submitted is not confidential, a person who made the submission shall be notified in writing. The notice shall include a time period for requesting a review of the determination by the state procurement administrator.*
- E. *An agency chief procurement officer may release information designated as confidential under subsection (A) if:*
  1. *A request for review is not received by the state procurement administrator within the time period specified in the notice; or*
  2. *The state procurement administrator, after review, makes a written determination that the designated information is not confidential.*

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**REQUEST FOR PROPOSAL**  
SOLICITATION NUMBER: BPM004964  
PROJECT#: AG23-0009

**State of Arizona  
Office of the Attorney General**  
2005 N Central Ave  
Phoenix, AZ 85004

**NOTICE**

The Office of the Arizona Attorney General (hereinafter the “AGO”), in accordance with the Arizona Procurement Code, is issuing the attached Request for Proposal (hereinafter “RFP”) for Outside Counsel Services – Consumer Fraud and Related Civil Actions (Contingency Fee Only).

**OUTSIDE COUNSEL FIRMS AWARDED CONTRACTS ON AG18-0013 AND AG19-0030**

Firms awarded under RFP AG18-0013: Outside Counsel Services – Consumer Fraud and Related Civil Actions (Contingency Fee Only) should respond to solicitation AG23-0009 to maintain an active contract with the AGO. Contract AG18-0013 will not be renewed in January 2023.

Firms awarded under RFP AG19-0030 are not required to respond at this time. A future solicitation will be released in the fall of 2023 to replace this contract. Firms on contract AG19-0030 can respond to AG23-0009 and renew their contract now; any awards on AG23-0009 will supersede contract AG19-0030.

**REQUIREMENTS**

Any law firm is invited to respond to this RFP regardless of size. Sole practitioners are acceptable.

**OVERVIEW OF SERVICES**

The purpose of this RFP is to establish contracts with legal counsel for the AGO to independently retain legal counsel, on an “as needed, if needed” basis to assist with legal action against potential parties for violations of the Arizona Consumer Fraud Act arising out of deceptive acts and misrepresentations made to Arizona consumers. Upon retention, Outside Counsel will assist the AGO on a contingency fee basis per the terms set forth in this Request for Proposal. It is understood that this contract, due to the complexity of legal matters, is not intended to be a mandatory contract. Certain matters may be contracted outside this contract based upon the specific need.

**INSTRUCTIONS FOR RESPONSE**

The instructions to respond are included in the attached RFP. Responses are expected to comply with these instructions and contain sufficient information to justify an award.

**QUESTIONS REGARDING RFP**

Direct questions to Cindy Palmer at 602-542-7986 or email [Cindy.Palmer@azag.gov](mailto:Cindy.Palmer@azag.gov) or Allyson Flanagan at 602-542-8017 or email [Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov).



**SCOPE OF WORK**  
**SOLICITATION NUMBER: BPM004964**  
**PROJECT#: AG23-0009**

**State of Arizona**  
**Office of the Attorney General**  
2005 N Central Ave  
Phoenix, AZ 85004

**SOLICITATION NUMBER: BPM004964**

**Project#: AG23-0009**

**DESCRIPTION: CONSUMER FRAUD AND RELATED CIVIL ACTIONS (CONTINGENCY FEE ONLY)**

**SOLICITATION DUE DATE/TIME: PROPOSALS ARE DUE BY NOVEMBER 14, 2022 AT 3:00PM Local AZ Time**

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**ELECTRONIC DOCUMENTS:** This Request for Proposal (RFP) is available through the State of Arizona Electronic Procurement System, Arizona Procurement Portal (APP). The site is found at <https://app.az.gov>; use the Solicitation number above to find the solicitation.

**ARIZONA PROCUREMENT PORTAL OFFER, SUBMISSION, DUE DATE, AND TIME:** Offers in response to this solicitation shall be submitted within the State's eProcurement system, Arizona Procurement Portal (APP) (<https://app.az.gov>). Offers shall be received before the date and time listed in the solicitation's 'End Date' field. Offers submitted outside Arizona Procurement Portal (APP), or those that are received on or after the date/time stated in the 'End Date' field, shall be rejected. Questions regarding submitting your proposal into Arizona Procurement Portal (APP) should be directed to the Arizona Procurement Portal (APP) Help Desk at [app@azdoa.gov](mailto:app@azdoa.gov) or 602-542-7600. Offeror should avoid responding in the final minutes before closing.

**GENERAL:** In accordance with A.R.S. §41-2538 competitive sealed proposals for the services specified will be received by Office of the Arizona Attorney General, Procurement Section at the specified locations until the time and date cited above. Offers received by the correct time and date will be opened and the name of each Offeror will be publicly read. Offers must be in the actual possession of Office of the Arizona Attorney General, Procurement Section on or prior to the Solicitation Due Date and Time and at the Offer Delivery locations indicated above. Late offers shall not be considered.

**QUESTIONS REGARDING RFP:**

<b>Solicitation Contact Person:</b> Cindy Palmer, Procurement Manager Phone: (602) 542-7986 E-mail: <a href="mailto:Cindy.Palmer@azag.gov">Cindy.Palmer@azag.gov</a>	<b>Solicitation Contact Person:</b> Allyson Flanagan, Procurement Officer Phone: (602) 542-8017 E-mail: <a href="mailto:Allyson.Flanagan@azag.gov">Allyson.Flanagan@azag.gov</a>
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**Offerors are Strongly Encouraged to Carefully Read the Entire Request for Proposal**



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## **1. SCOPE OF WORK**

### **1.1. Background**

The Office of the Arizona Attorney General (AGO) has the authority to bring actions alleging violations of the Consumer Fraud Act (A.R.S. §44-1521 et. seq) and/or other state and federal consumer protection laws. The Civil Litigation Division (CLD) of the AGO works to protect the public from consumer fraud, antitrust and anti-competitive conduct, and related civil litigation matters, as well as to provide advocacy and public education on consumer protection and related issues with an emphasis on fraud and abuse.

### **1.2. Purpose**

The purpose of this Request for Proposal is to establish contracts with legal counsel for the AGO to independently retain legal counsel, on an “as needed, if needed” basis to assist with legal action against potential parties for violations of the law arising out of deceptive acts and misrepresentations made to Arizona consumers as well as other related conduct. Upon retention, Outside Counsel will assist the AGO on a contingency fee basis per the terms set forth in this Request for Proposal. It is understood that this contract, due to the complexity of legal matters, is not intended to be a mandatory contract. Certain matters may be contracted outside this contract based upon the specific need.

### **1.3. Assignment of Cases**

No work, in the name of the Office of the Arizona Attorney General or the State of Arizona shall be undertaken without a written assignment letter or Notice to Proceed from the AGO. Cases will be assigned based on a case-by-case basis.

### **1.4. Goals**

Litigation on matters would be brought under the Arizona Consumer Fraud Act, A.R.S. § 44-1521 et. seq and/or other state and federal consumer protection laws and related statutes, on behalf of the State of Arizona. Such litigation would seek to recover civil penalties, disgorgement, restitution, attorneys' fees, costs, potential injunctive relief and other equitable relief, and any other appropriate relief, after consultation with the AGO. The Attorney General will consider seeking all or any combination of these remedies.

### **1.5. Hierarchy**

The retention of Outside Counsel under this contract is intended to aid the Attorney General in representing the State of Arizona in potential matters. The AGO will be actively involved in all stages of matters and will be the ultimate decider on all material aspects and issues, including (but not limited to) whether and when to file suit; whom to sue; what claims to assert in any suit; and whether and on what terms to settle or proceed to trial. The AGO shall be co-counsel of record in the litigation.

### **1.6. Scope of Work Tasks**

Outside Counsel shall be responsible for the following tasks and shall perform these tasks in accordance with the Method of Approach or other case-plan documents prepared in connection with a particular representation, written assignment letter, or Notice to Proceed.

- 1.6.1. Evaluation of Legality of Practices**
- 1.6.2. Decision Process**
- 1.6.3. Pre-Litigation Activities**



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- 1.6.4.** Litigation, including all appeals
- 1.6.5.** Litigation Support (including document reviews)
- 1.6.6.** Post Litigation Support

**1.7. Reporting**

**1.7.1. Monthly Reports**

Outside Counsel shall prepare and submit monthly reports to the AGO summarizing activities from the previous month and detailing the hours, rates, and costs incurred during that month. Throughout the pendency of this matter, Outside Counsel shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of one hour and shall promptly provide these records to the AGO on request. Where time is spent or expenses are disbursed or incurred by Outside Counsel that also benefit other clients of Outside Counsel in other, similar litigation, only the portion of such time or expenses exclusively allocable to the State in connection with this matter shall be claimed as reasonable expenses of prosecuting the envisioned litigation. The report shall also include activities planned for the upcoming month and budgetary costs associated with these activities. The report shall be due by the seventh day of each month. Reports shall be prepared in a format and of a quality approved by the AGO.

**1.7.2. Reporting of Related Class Action Litigation**

If at any time during the course of a representation Outside Counsel serves as class counsel or files court papers seeking to serve as class counsel in a class action related to the representation or the conduct at issue in the representation, Outside Counsel must immediately notify the AGO of the pertinent class action and Outside Counsel's role or requested role in the class action.

**1.8. Compensation**

**1.8.1. Contingency**

Neither the Office of the Attorney General nor the State of Arizona is liable under this Agreement to pay compensation to Outside Counsel other than from a specific fund of monies that is recovered in connection with assigned matters on behalf of the State or its agencies as a result of settlement or judgment.

**1.8.2. Compensation**

- 1.8.2.1.** It is agreed that the pre-set, fixed fee ("Fee") to be charged by Outside Counsel in connection with the representation described in this Agreement shall be contingent so that if no recovery is obtained on behalf of the Attorney General or the State of Arizona in this matter, no Fee will be charged by Outside Counsel for the representation. If there is a recovery, the Fee will be based on the contingent fee percentages set forth in A.R.S. § 41-4803, which percentages shall be applied to the gross amount received by settlement, at trial, or on appeal, subject to the following specific limitation: the Fee shall be calculated only based upon the recovery and collection of civil penalties pursuant to A.R.S. § 41-1531 or disgorgement pursuant to A.R.S. § 41-1529(A)(3), and shall not be calculated based upon the recovery of any amounts agreed upon, awarded, recovered, received, or collected as consumer restitution.



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1.8.2.2. The Fee shall not include costs, except as set forth here. Outside Counsel shall be responsible for paying all internal, litigation-related expenses of Outside Counsel, including (but not limited to) costs related to copies and office supplies, as well as all fees relating to factual discovery and document review, including (but not limited to) document review fees, document hosting and storage fees, and fees related to acquisition of attorney work product from related actions pertinent to factual discovery or review of documents. Fees relating to the engagement and use of expert witness, as well as court fees and appearance fees shall be the responsibility of the State. These fees for which the State will bear ultimate responsibility shall be paid by the State only as follows. Outside Counsel shall advance all such costs and expenses on behalf of the State. Outside Counsel shall not submit to the AGO or the State an invoice for such costs and expenses on an interim basis, but instead shall keep a detailed accounting during the course of the representation (subject to review upon request by the AGO). In the event of any recovery by the State or AGO in connection with this representation, the State agrees that Outside Counsel shall then be paid for all such advanced costs and expenses from the State's share of the recovery. In the event the litigation is dismissed, or the State recovers an amount that does not exceed the reimbursable costs and disbursements detailed above, or the State recovers nothing, or Outside Counsel is terminated without cause, the AGO agrees to seek a legislative appropriation to reimburse reasonable costs. Outside Counsel understands and acknowledges that the AGO's obligation to pay for such costs and expenses under said circumstances is entirely subject to and conditioned upon a legislative appropriation outside the control of the AGO, and Outside Counsel may seek a recovery for such costs and expenses only from funds so appropriated. The State will, however, be responsible for and pay any costs or expenses directly assessed against the State in connection with this representation by a court of competent jurisdiction, such as jury fees and taxable costs of an opposing party.

1.8.2.3. Notwithstanding the above, neither the State nor the AGO shall be responsible for sanctions entered against Outside Counsel.

## **1.9. Basis of Compensation**

1.9.1. If there is a recovery and collection of disgorged profits or penalties for the State, the amount of compensation due to Outside Counsel as a Fee shall be paid in an amount no greater than the percentages set forth in A.R.S. §41-4803, with the limitations set forth in the statute not to be exceeded, the contingent fee shall not be applied to any amount agreed upon, awarded, recovered, received, or collected as consumer restitution, and the Fee being further subject to judicial approval for reasonableness.

1.9.1.1. Contingency fee maximums are established by A.R.S. §41-4803, the AGO reserves the right to negotiate the rate before assigning a case.

1.9.2. A defendant who is "settling" is a defendant who has entered into a written settlement agreement with the State of Arizona. The settlement agreement shall determine the compensation as per paragraph 1.12. Settlement below.

1.9.3. If Outside Counsel represents any other governmental entity in litigation related in type to that detailed above against the same or similar entities as those described above, and agrees to



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represent such entity for a contingency fee lower than that set forth in A.R.S. §41-4803, the contingency fee herein shall be reduced to meet that lower percentage. It is the intent of Outside Counsel to provide the State of Arizona with the best price it offers for its services.

**1.9.4.** The State reserves the right to petition any court before payment to determine reasonableness of attorneys' fees outlined in this Agreement.

**1.10. Challenge to Contingency Fee Arrangements**

**1.10.1.** The AGO and Outside Counsel agree that the contingent fee provisions set forth in A.R.S. §§ 41-4801 to 41-4805 are valid and govern any contract that may result from this Request for Proposal. The AGO and Outside Counsel agree that the percentage limitations of A.R.S. § 41-4803 properly apply to the special circumstances of this solicitation. The AGO and Outside Counsel further agree that the percentages set forth in A.R.S. § 41-4803 are reasonable and in the public interest.

**1.10.2.** The AGO and Outside Counsel are aware that defendants may challenge and seek to invalidate or limit this contingency fee arrangement. Any such challenge shall not excuse Outside Counsel's performance under this Agreement. The AGO agrees to join Outside Counsel in opposing any challenge to this contingency fee arrangement. In the event of a successful challenge to this contingency fee agreement, the AGO agrees to join Outside Counsel in arguing to the Court that the contingency fee percentages set forth in A.R.S. § 41-4803 are fair and reasonable for purposes of compensation and a formal attorneys' fees application, and in the event such argument is not successful, then Outside Counsel agrees to and shall continue its representation of the State in the litigation at the following maximum hourly billing rates: for partners, not to exceed \$400 per hour; for associates, not to exceed \$250 per hour; for paralegals, not to exceed \$125 per hour. In such event, these hourly fees shall be contingent upon and payable solely out of any recovery obtained in the litigation. If there is no recovery, Outside Counsel will not be paid for such hourly work. If the recovery is insufficient to pay for such hourly work in full, then any excess remainder hourly fees will not be paid. Outside Counsel shall not submit to the AGO or the State an invoice for such hourly fees on an interim basis. Neither the AGO nor the State is liable under this Agreement to pay compensation of any kind to Outside Counsel, other than from a specific fund of monies that may be recovered on behalf of the State or its agencies as a result of settlement or judgment obtained against the named defendants in the litigation. In the alternative, in the event of a successful challenge to this contingency fee agreement, the AGO or the State, in their sole discretion, may terminate this contract and discharge Outside Counsel from any further representation of the State in the litigation.

1.10.2.1. The hourly rates established above are maximum rates and may be negotiated before assigning a case.

**1.10.3.** Notwithstanding anything to the contrary in this paragraph, in the event the litigation is dismissed, or the State recovers an amount that does not exceed the hourly billings of Outside Counsel, or Outside Counsel is terminated without cause, the AGO, in its sole discretion, may seek a legislative appropriation to reimburse the hourly billings of Outside Counsel. Outside Counsel understands and acknowledges that the AGO's obligation to pay for such costs and expenses under said circumstances is entirely subject to and conditioned upon a legislative



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appropriation outside the control of the AGO and Outside Counsel may seek a recovery for such costs and expenses only from funds so appropriated.

**1.10.4.** Furthermore, in no event shall the State be required to pay a contingent fee or hourly fee that is unreasonable under the circumstances.

**1.11. Court Awarded Attorney Fees**

The State intends to seek an award from a court of fees and costs for prosecution of the case. In addition to maintaining detailed contemporaneous time records for the attorneys and paralegals working on this matter in increments of no greater than one tenth of one hour, as set forth above, Outside Counsel shall further ensure that these time records are in a format sufficient to support a court-imposed attorneys' fee award based on those records, including, but not limited to, ensuring the use of the type of specific, detailed billing in an itemized fashion (with no use of block billing) that is required to support an attorneys' fee application in Arizona courts.

Should the court award attorney fees and costs to the State, such amounts will be retained by the State to offset some or all of the fees paid to Outside Counsel under this Agreement.

**1.12. Settlement**

This compensation agreement applies to any partial or total settlement of the matter that is the subject of this representation. In addition, in the event the AGO enters into a partial settlement against the advice of Outside Counsel, Outside Counsel agrees to and shall continue its representation of the State in the litigation against the remaining defendants and to be compensated in accordance with paragraphs 1.8 and 1.9 and 1.10 above. In the event, the AGO enters into a settlement against the advice of Outside Counsel, and such settlement completely resolves the litigation, Outside Counsel agrees to and will be compensated in accordance with paragraphs 1.8 and 1.9 and 1.10 above.

**1.13. Advance Payment Prohibited**

No payment in advance or in anticipation of services or supplies under this contract shall be made by the AGO.



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## **2. SPECIAL TERMS AND CONDITIONS**

### **2.1. Contract**

Authority to Contract: This Contract is issued for the AGO in accordance with A.R.S. § 41-2538.

### **2.2. Contract Type/Compensation**

Contingency Fee.

### **2.3. Term of Contract**

- 2.3.1.** The term of the Contract shall commence upon award and shall remain in effect for a period of one year thereafter unless terminated, canceled or extended pursuant to the terms herein.
- 2.3.2.** This contract may be extended by written amendment for an additional 48 months after the original award.
- 2.3.3.** Should a case be appointed under this contract, the term of the Contract shall extend from the date of appointment through the term of Litigation unless terminated pursuant to the terms herein, whether the original contract is extended by written amendment or not.

### **2.4. Termination without Cause**

The AGO may terminate this Agreement without cause and without penalty upon at least thirty (30) days written notice to Outside Counsel. At the conclusion of the litigation, Outside Counsel terminated without cause will be entitled to be reimbursed for reasonable out-of-pocket costs in accordance with paragraph 1.8 above. In any contract with substitute counsel, the AGO will require substitute counsel to share on a pro-rata basis with counsel terminated without cause any attorneys' fees recovered, according to each counsel's reasonable percentage of time and work spent on the litigation, or as otherwise agreed to by substitute counsel and terminated counsel. Substitute counsel's obligation to share fees with Outside Counsel will only arise at the conclusion of the litigation if there is a recovery by settlement or judgment.

### **2.5. Termination with Cause**

The AGO may terminate this Agreement for cause if Outside Counsel breaches any material terms or conditions of this Agreement or fails to perform or fulfill any material obligation under this Agreement or negligently pursues the litigation so as to cause harm to the State. Outside Counsel shall be provided written notice of termination. The AGO may further terminate this Agreement and end any representation for cause upon receipt of a notification from Outside Counsel pursuant to paragraph 1.7.2, or upon the AGO otherwise learning that Outside Counsel serves as class counsel or is seeking to serve as class counsel in a class action related to the representation or the conduct at issue in the representation under this Agreement. If Outside Counsel is terminated for cause, Outside Counsel shall not be entitled to compensation or reimbursement of any kind under this Agreement.

### **2.6. Documents Incorporated by Reference**

The State of Arizona's Uniform Instructions to Offerors and Uniform Terms and Conditions are incorporated into this Contract. Offerors are encouraged to obtain these documents. Offerors may obtain copies by visiting the Arizona State Procurement Office (SPO) web site at: <https://spointra.az.gov/resources/standard-forms>



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and documents or by calling the Office of the Attorney General, Procurement at (602) 542-7986.

**2.7. Estimated Usage**

Any Contract resulting from this Solicitation shall be used on an as needed, if needed, basis. The State makes no guarantee as to the amount of work, if any, that may be performed under any resulting Contract.

**2.8. Non-Exclusive Contract**

The State has the right to procure the services listed herein from attorneys other than those awarded Contracts pursuant to this Solicitation.

**2.9. Ownership of Materials**

All materials, documents, deliverables and/or other products of the Contract (including but not limited to work plans, reports, etc.) shall be the sole, absolute and exclusive property of the AGO, free from any claim or retention of right on the part of the Outside Counsel, its agents, subcontractors, officers or employees.

**2.10. Outside Counsel Responsibilities**

**2.10.1. Outside Counsel**

A "team arrangement" or "multiple firm arrangement" may be proposed, but must be proposed as a Outside Counsel/Co-Counsel relationship. A firm must be designated as Outside Counsel. Outside Counsel shall be responsible for all contractual obligations and the management of all "Co-Counsels". Outside Counsel shall also be responsible for and agrees to be liable for any acts or omissions of Co-Counsel in the carrying out of its duties on behalf of the State. The AGO will not become part of any negotiations between Outside Counsel and Co-Counsel or accept any invoices from Co-Counsel. Any agreement between Outside Counsel and Co-Counsel shall include provisions indicating that the AGO and the State of Arizona are not third-party beneficiaries of such agreement and that Co-Counsel is not a third-party beneficiary of this Agreement. A Proposal that reflects a teaming arrangement designating more than one entity as a cosigner of the proposal will not be accepted.

**2.10.2. Key Personnel**

It is essential that the Outside Counsel provide an adequate staff of experienced personnel, capable of and devoted to the successful accomplishment of work to be performed under this Contract. Outside Counsel must assign specific individuals to key positions. Outside Counsel agrees and understands that this Agreement is predicated, in part and among other considerations, on the utilization of the specific individual(s) and/or personnel qualification(s) as identified and/or described in the Outside Counsel's proposal. Therefore, Outside Counsel agrees that no substitution of such specified individual(s) and/or personnel qualifications shall be made without the prior written approval of the AGO. Outside Counsel further agrees that any substitution made pursuant to this paragraph must be equal or better than originally proposed and that the AGO's approval of a substitution shall not be construed as an acceptance of the substitution's performance potential. The AGO agrees that an approval of a substitution will not be unreasonably withheld. Outside Counsel shall bear all transitional expenses incurred for any costs associated with removing or replacing Key Personnel who are performing work under this Contract. Outside Counsel agrees to reveal its staffing levels by function, including resumes, upon request by the AGO at any time during the performance of this Contract.



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**2.10.3. Lead Counsel**

Outside Counsel shall name an individual as the Lead Counsel for the outside counsel team. This individual shall be considered a Key Personnel as defined in this contract. The Outside Counsel shall provide the Lead Counsel's complete address, e-mail address and telephone and Fax numbers. The Lead Counsel shall be the company representative to whom all correspondence, official notices, and requests related to the project shall be addressed. If a firm joins together with another firm or firms, the firms shall name only one Lead Counsel.

**2.10.4. Other Key Personnel**

Outside Counsel should provide the name of any other individual who will perform duties to directly support the person offered as the Lead Counsel. The crucial duties this individual will perform should be identified.

**2.10.5. Removal of Outside Counsel's Employees**

The AGO may require the Outside Counsel to remove from an assignment employee(s) who endanger persons, property or whose continued employment under this Contract is inconsistent with the interests of the AGO.

**2.10.6. Availability of Outside Counsel**

The Outside Counsel shall be available immediately upon receipt of the Notice to Proceed and remain available to the AGO throughout the period of performance as stated in the Contract.

**2.10.7. Submission of Electronic Deliverables**

At the request of the AGO, the Outside Counsel shall submit electronic deliverables. All electronic deliverables shall be in format compatible with AGO software. The AGO currently uses the MS Office 2010 suite of products (e.g. docx, xlsx, and pptx) and Adobe Acrobat Pro X (e.g. pdf) software, other formats may be considered. Electronic Deliverables shall be treated with confidentiality and provided through encrypted e-mail, the AGO file share website (<https://agfileshare.azag.gov>), encrypted hard drive, or encrypted flash drive.

**2.11. Oversight and Draft Document Review**

**2.11.1. Oversight**

The retention of Outside Counsel is intended to aid the Attorney General in representing the State of Arizona in a major matter. The AGO will be actively involved in all stages of this matter and deciding all major issues, including whether to file suit, when to file suit, who to file suit against, approval of the asserted claim or claims and whether and on what basis to settle or proceed to trial. Outside Counsel shall acknowledge and defer to the Attorney General for direction and decisions.

**2.11.2. Review of Services**

The AGO reserves the right to review all and every part of the Services during performance or after completion as the AGO may see fit. If the Services or any part thereof have not been performed in accordance with this Agreement to the satisfaction of the Attorney General, the AGO may order that no further services be performed and may reject and refuse to pay for any improperly performed services and shall fully comply with all the requirements set forth in A.R.S. § 41-4803(C) and elsewhere.



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**2.11.3. Draft Document Review**

Prior review of all documents is required to assure the AGO approval of the information, content and completeness. Documents for prior review shall include all pleadings, petitions, findings and any other document produced in the pursuit of a representation undertaken pursuant to this Agreement. All draft deliverables and other materials developed by the Outside Counsel as part of a representation under this Agreement shall be reviewed and approved in writing by the AGO prior to finalizing the material. Outside Counsel shall promptly provide, in final form, the designated assistant attorney general with copies of all pleadings, discovery requests and responses, and relevant correspondence related to the Litigation.

**2.11.4. Settlements/Compromises**

All offers of compromise shall be promptly transmitted to the Attorney General together with Outside Counsel's recommendation.

**2.11.5. Depositions**

Notices of depositions shall not be issued by Outside Counsel without prior written authorization from the AGO. Notices of depositions of State of Arizona employees filed by any party must be submitted to the Attorney General immediately upon Outside Counsel's receipt to make necessary arrangements for their testimony. Summaries of all depositions will be supplied by the assigned counsel from the AGO on conclusion of the deposition. Ordinarily, only one attorney should attend depositions, although, upon AGO prior approval, Outside Counsel may have more than one attorney attend a deposition. The AGO may request the presence of a State of Arizona employee at one or more depositions.

**2.11.6. Testimony**

Should Outside Counsel be required to testify at any judicial, legislative, or administrative hearing concerning matters in any way related to the Services performed under this Agreement or an engagement undertaken pursuant to this Agreement, Outside Counsel shall immediately supply to the Attorney General or his designated representative in writing all information likely to be disclosed at said hearing as well as Outside Counsel's position thereon. Should Outside Counsel be required by a third party to testify at any judicial, legislative or administrative hearing not specified in this Agreement but concerning the subject matter of this Agreement or an engagement undertaken pursuant to this Agreement, Outside Counsel shall immediately notify the Attorney General or his designated representative in order to enable State of Arizona representatives to attend and participate.

**2.11.7. Media**

Outside Counsel should, in the absence of direction in writing from the AGO, refrain from making any statement to a member of the media related to any representation entered into under this Agreement, or related to the subject matter of a representation entered into under this Agreement. Should Outside Counsel be asked to give a statement to the media related to any representation entered into under this Agreement or the subject matter of a representation entered into under this Agreement, Outside Counsel shall immediately refer the inquiry to the AGO, unless otherwise directed in writing by the AGO.

**2.11.8. Privileged Communications**

All confidential communications between the Attorney General, any State of Arizona officer, employee or agent ("Arizona") and Outside Counsel, whether oral or written, and all Documentation, whether



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prepared by Outside Counsel or supplied by Arizona, shall be considered privileged communications and shall not, except as required by law, be communicated by Outside Counsel to any public agency, insurance company, rating organization, contractor, vendor, counsel, or any other third party or entity whether or not connected in any manner with Arizona or Outside Counsel, without the prior written consent of the Attorney General. If such communications are approved, or if such communications are required to be disclosed by law, Outside Counsel shall immediately provide the Attorney General with two (2) copies of each written communication and/or two (2) copies of summaries of each oral communication. If such communication is required by law, Outside Counsel shall immediately provide the Attorney General written notice as to the time, place, and manner of such disclosure as well as a written summary of any information likely to be disclosed by such disclosure, and Outside Counsel's position thereon.

**2.12. Records**

Pursuant to A.R.S. §§35-214, 35-215, and 41-4803, Outside Counsel shall retain and shall contractually require each Subcontractor to retain books, records, documents and other evidence pertaining to the acquisition and performance of the Contract, hereinafter collectively called the "records," to the extent and in such detail as will properly reflect all net expenses, disbursements, charges, credits, receipts, invoices, and costs, direct or indirect, of labor, materials, equipment, supplies and services and other costs and expenses of whatever nature for which payment is made under the Contract. Outside Counsel shall agree to make available at the office of the Outside Counsel at all reasonable times during the period, as set forth below, any of the records for inspection, audit or reproduction by any authorized representative of the State or AGO. In coordination with the AGO, Outside Counsel shall preserve and make available the records for a period of five years from the date of final payment under the Contract and for such period, if any, as is required by applicable statute. If the Contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of five years from the date of any resulting final settlement.

**2.13. Professional Responsibility**

**2.13.1. General**

Outside Counsel shall use best efforts to perform and complete the Services in accordance with the provisions of this Agreement. Best efforts shall be considered those efforts which a skilled, competent, experienced, and prudent legal professional would use to perform and complete the requirements of this Agreement in a timely manner, exercising the degree of skill, care, competence, and prudence customarily imposed on a legal professional performing similar work.

**2.13.2. Conflict of Interest/Litigation against the State of Arizona**

**2.13.2.1. Conflicts**

Outside Counsel shall advise the Attorney General of any perceived conflict. This duty shall extend throughout the performance of this contract when a conflict or perceived conflict becomes known to the Outside Counsel. Whether the conflict is remote or disqualifying will be the Attorney General's decision.

**2.13.2.2. Related Class Action Litigation As Conflict**

Service as class counsel or seeking through the filing of court papers to serve as class counsel in a



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PROJECT #: AG23-0009

**State of Arizona**  
**Office of the Attorney General**  
2005 N Central Ave  
Phoenix, AZ 85004

class action related to a representation under this Agreement or the conduct at issue in a representation under this Agreement qualifies as a Conflict of Interest.

**2.13.2.3. Litigation against the State of Arizona**

Outside Counsel is retained only for the purposes and to the extent set forth in this Agreement. Outside Counsel shall be free to dispose of such portion of his entire time, energy, and skill not required to be devoted to the State of Arizona in such manner as he sees fit and to such persons, firms, or corporations as he deems advisable, but shall not engage in private litigation against the State of Arizona at the same time Outside Counsel accepts appointments representing the State of Arizona pursuant to this Agreement unless such litigation does not present an ethical conflict of interest, and a written waiver is first obtained from the Attorney General. Outside Counsel shall disclose to the State of Arizona, in the proposal as well as in connection with a particular representation, written assignment letter, or Notice to Proceed, all litigation, claims and matters in which Outside Counsel represents parties adverse to the State of Arizona. If Outside Counsel is selected to contract with the State of Arizona pursuant to the Agreement, Outside Counsel shall have a continuing duty to disclose such information.

**2.13.2.3.1. Request for Waiver of Conflict Form**

A Request for Waiver of Conflict Form must be submitted in writing either by mail, e-mail, or transmitted by fax to the AZ Attorney General's Office. Normal response time is approximately 5-7 business days. Expedited requests will be considered with a valid written justification. One request form is expected for each case submitted for consideration.

Contact: Dawn Northup, Chief Counsel, State Government Division  
Mailing Address: 2005 N Central Ave, Phoenix, AZ 85004  
E-mail: WaiverRequests@azag.gov cc: Dawn.Northup@azag.gov  
E-mail Subject Line: Waiver Request

**2.13.2.3.2. Form Availability**

The Request for Waiver of Conflict Form will be provided upon contract award and also is available online at [www.azag.gov/rfp](http://www.azag.gov/rfp).

**2.14. Indemnification Clause**

To the fullest extent permitted by law, Outside Counsel shall defend, indemnify, and hold harmless the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Outside Counsel or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of, or recovered under, the Workers' Compensation Law or arising out of the failure of such Outside Counsel to conform to any federal, state, or local law, statute, ordinance, rule, regulation, or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Outside Counsel from and against any and all claims. It is agreed that Outside Counsel will be responsible for primary loss



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investigation, defense, and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Outside Counsel agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents, and employees for losses arising from the work performed by the Outside Counsel for the State of Arizona.

This indemnity shall not apply if the Outside Counsel or sub-contractor(s) is/are an agency, board, commission or university of the State of Arizona.

**2.15. Insurance Requirements**

Outside Counsel and subcontractors shall procure and maintain, until all of their obligations have been discharged, including any warranty periods under this Contract, insurance against claims for injury to persons or damage to property arising from, or in connection with, the performance of the work hereunder by the Outside Counsel, its agents, representatives, employees or subcontractors.

The Insurance Requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the Outside Counsel from liabilities that arise out of the performance of the work under this Contract by the Outside Counsel, its agents, representatives, employees or subcontractors, and the Outside Counsel is free to purchase additional insurance.

**2.16. Minimum Scope and Limits of Insurance**

Outside Counsel shall provide coverage with limits of liability not less than those stated below.

**2.16.1. Commercial General Liability (CGL) – Occurrence Form**

Policy shall include bodily injury, property damage, and broad form contractual liability coverage.

• General Aggregate	\$2,000,000
• Products – Completed Operations Aggregate	\$1,000,000
• Personal and Advertising Injury	\$1,000,000
• Damage to Rented Premises	\$50,000
• Each Occurrence	\$1,000,000

- a. The policy shall be endorsed, as required by this written Agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Outside Counsel.
- b. Policy shall contain a waiver of subrogation endorsement, as required by this written Agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Outside Counsel.

**2.16.2. Business Automobile Liability**

Bodily Injury and Property Damage for any owned, hired, and/or non-owned automobiles used in the performance of this Contract.

• Combined Single Limit (CSL)	\$1,000,000
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- a. Policy shall be endorsed, as required by this written Agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by, or on behalf of, the Outside Counsel involving automobiles owned, hired and/or non-owned by the Outside Counsel.
- b. Policy shall contain a waiver of subrogation endorsement as required by this written Agreement in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Outside Counsel.

**2.16.3. Workers' Compensation and Employers' Liability**

• Workers' Compensation	Statutory
• Employers' Liability	
• Each Accident	\$1,000,000
• Disease – Each Employee	\$1,000,000
• Disease – Policy Limit	\$1,000,000

- a. Policy shall contain a waiver of subrogation endorsement, as required by this written Agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Outside Counsel.
- b. This requirement shall not apply to each Outside Counsel or subcontractor that is exempt under A.R.S. § 23-901, and when such Outside Counsel or subcontractor executes the appropriate waiver form (Sole Proprietor or Independent Contractor).

**2.16.4. Professional Liability (Errors and Omissions Liability)**

• Each Claim	\$2,000,000
• Annual Aggregate	\$2,000,000

- a. In the event that the Professional Liability insurance required by this Contract is written on a claims-made basis, Outside Counsel warrants that any retroactive date under the policy shall precede the effective date of this Contract and, either continuous coverage will be maintained, or an extended discovery period will be exercised, for a period of two (2) years beginning at the time work under this Contract is completed.
- b. The policy shall cover professional misconduct or negligent acts for those positions defined in the Scope of Work of this contract.

**2.17. Additional Insurance Requirements**

The policies shall include, or be endorsed to include, as required by this written Agreement, the following provisions:

**2.17.1.** The Outside Counsel's policies, as applicable, shall stipulate that the insurance afforded the Outside Counsel shall be primary and that any insurance carried by the AGO, its agents, officials, employees, or the State of Arizona shall be excess and not contributory insurance, as provided by



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A.R.S. § 41-621 (E).

**2.17.2.** Insurance provided by the Outside Counsel shall not limit the Outside Counsel's liability assumed under the indemnification provisions of this Contract.

**2.18. Revision to Minimum Insurance Requirements**

Insurance requirements will be reviewed on a case by case basis, before assigning a case the AGO shall determine if the insurance requirements contained in this Agreement are sufficient. The AGO reserves the right to increase the minimum insurance requirements set forth in 2.16 before a case is assigned.

**2.19. Notice of Cancellation**

Applicable to all insurance policies required within the Insurance Requirements of this Contract, Outside Counsel's insurance shall not be permitted to expire, be suspended, be canceled, or be materially changed for any reason without thirty (30) days prior written notice to the State of Arizona. Within two (2) business days of receipt, Outside Counsel must provide notice to the State of Arizona if they receive notice of a policy that has been or will be suspended, canceled, materially changed for any reason, has expired, or will be expiring. Such notice shall be sent directly by mail or hand delivery to: Office of the Arizona Attorney General, Procurement Section, 2005 N Central Ave, Phoenix, AZ 85004 or emailed to: procurement@azag.gov, or sent by facsimile transmission to Procurement at: 602-251-2285.

**2.20. Acceptability of Insurers**

Outside Counsel's insurance shall be placed with companies licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Outside Counsel from potential insurer insolvency.

**2.21. Verification of Coverage**

Outside Counsel shall furnish the State of Arizona with certificates of insurance (valid ACORD form or equivalent approved by the State of Arizona) evidencing that Outside Counsel has the insurance as required by this Contract. An authorized representative of the insurer shall sign the certificates.

All such certificates of insurance and policy endorsements must be received by the State before work commences. The State's receipt of any certificates of insurance or policy endorsements that do not comply with this written Agreement shall not waive or otherwise affect the requirements of this Agreement.

Each insurance policy required by this Contract must be in effect at, or prior to, commencement of work under this Contract. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to the AGO. The State of Arizona project/contract number and project description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete copies of all insurance policies required by this Contract at any time.

**2.22. Subcontractors**



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Outside Counsel's certificate(s) shall include all subcontractors as insureds under its policies or Outside Counsel shall be responsible for ensuring and/or verifying that all subcontractors have valid and collectable insurance as evidenced by the certificates of insurance and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum Insurance requirements identified above. The AGO reserves the right to require, at any time throughout the life of this contract, proof from the Outside Counsel that its subcontractors have the required coverage.

**2.23. Approval and Modifications**

The AGO, in consultation with State Risk, reserves the right to review or make modifications to the insurance limits, required coverages, or endorsements throughout the life of this contract, as deemed necessary. Such action will not require a formal Contract amendment but may be made by administrative action.

**2.24. Exceptions**

In the event the Outside Counsel or subcontractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a certificate of self-insurance. If the Outside Counsel or subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

**2.25. Termination at Will**

At the sole discretion of the AGO, the AGO may terminate this Contract at any time, or may terminate all or any portion of the Services not then completed by giving the other party written notice of termination. Upon receipt of notice of termination, Outside Counsel, unless the notice requires otherwise, shall discontinue performance of the Services on the date and to the extent specified in the notice, except those Services necessary to preserve and protect the work product of the Services already performed, and otherwise minimize costs to the State.

**2.26. Offshore Performance of Work Prohibited**

Due to security and identity protection concerns, all services under this contract shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision applies to work performed by subcontractors at all tiers.

**2.27. Notices, Correspondence and Invoices from Outside Counsel to the AGO shall be sent to:**

State of Arizona  
Office of the Arizona Attorney General  
Civil Litigation Division  
2005 N Central Ave  
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### **3. SPECIAL INSTRUCTIONS TO OFFERORS**

#### **3.1. Solicitation Inquiries**

##### **3.1.1. Issuing Office Solicitation Contact Person**

The AGO Procurement Solicitation Contact Persons identified on the cover page of this RFP shall be the sole point of contact for purposes of the preparation and submittal of proposals to this Solicitation.

##### **3.1.2. Solicitation Clarifications**

**3.1.3.** No later than the Solicitation Questions due date and time, all questions or clarification requests regarding this solicitation should be directed to the attention of the Solicitation Contact through the Discussions Forum in the Arizona Procurement Portal (APP). If this results in a change to the Solicitation, a written Solicitation Amendment will be issued prior to the Solicitation due date.

##### **Solicitation Amendments**

The Offeror should acknowledge receipt of a Solicitation Amendment within Arizona Procurement Portal (APP).

#### **3.2. Solicitation Submission Guidelines**

##### **3.2.1. Arizona Procurement Portal (APP) Offer Submission, Due Date and Time**

Offers in response to this solicitation shall be submitted within the State's eProcurement system, Arizona Procurement Portal (APP) (<https://app.az.gov>). Offers shall be received before the date/time listed in the solicitation's 'End Date' field. Offers submitted outside APP, or those that are received on or after the date/time stated in the 'End Date' field, shall be rejected. Questions in this regard shall be directed to the Procurement Officer or to the APP Help Desk (APP@azdoa.gov or 602-542-7600).

##### **3.2.2. Late Proposals**

All submittals must be received by the Solicitation Due Date and Time specified herein. Any response received after the Solicitation Due Date and Time specified will not be considered. Withdrawal of an Offer

At any time prior to a specified solicitation due time and date a Bidder/Offeror (or designated representative) may withdraw their offer. The AGO shall consider any offer which is not completed and properly submitted in Arizona Procurement Portal (APP) by the Bid Opening Date/Time posted on Arizona Procurement Portal (APP) as withdrawn by the Offeror.

##### **3.2.3. Familiarization of Scope of Work**

The Offeror should carefully review the requirements of the Solicitation and familiarize itself with the Scope of Work, laws, regulations and other factors so to satisfy itself as to the expense and difficulties of the work to be performed. The signing of the Offer and Contract Award form will constitute a representation of compliance by the Offeror. There will be no subsequent financial adjustment, other than provided by the contract, for lack of such familiarization.

#### **3.3. Components of a Complete Proposal**

##### **3.3.1. Offer Submittal**

Offerors should submit their Offer via APP. The Offeror should follow instructions provided and



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provide all requested material. The State will not provide any reimbursement for the cost of developing or presenting proposals in response to this RFP.

### **3.3.2. Proposal Format**

The following information should be submitted with each proposal and in this order. Failure to include all of the requested information may result in proposal rejection.

#### **3.3.2.1. Transmittal Letter**

A transmittal letter should accompany all proposals. This letter should be signed by a principal, corporate officer, or person who is authorized to represent your company. The letter of transmittal should:

- Identify the submitting organization;
- Identify the name and title of the person(s) authorized by the organization to contractually obligate the organization;
- Identify the name, title, and telephone number of the person authorized to negotiate the contract on behalf of the organization.
- Explicitly indicate acceptance of the requirements of this solicitation;
- Provide a narrative demonstrating why the company and key personnel are qualified to perform the services as outlined in the Scope of Work of this solicitation. The narrative should show expertise in these services, ability to plan and strategize and the ability to deal with contingencies.
- Be signed by the person authorized to contractually obligate the organization.

#### **3.3.2.2. Attachment I**

- Offeror shall complete the top half of the Offer and Contract Award form. The Offer and Contract Award form from within the Solicitation should be submitted with the Offer and should include the signature of a person authorized to bind the Offeror.
- Offeror shall complete the Business Questionnaire.
- Offeror shall complete the Conflicts of Interest Questionnaire.
- Offeror shall complete the Bar Complaints/Malpractice Questionnaire
- Offeror shall complete the Rate Schedule Questionnaire.
- Offeror shall complete the Qualifications and Experience of Key Personnel Questionnaire.
  - Multiple pages should be added if necessary.
- Offeror shall complete the References Questionnaire.
- Offeror may include additional supporting materials as necessary.

#### **3.3.2.3. Attachment II – Designation of Confidential, Trade Secret, and Proprietary Information**

Offeror shall complete and should include the signature of a person authorized to bind the document.

#### **3.3.2.4. Attachment III – Designation of Confidential, Trade Secret, and Proprietary Information**

Offeror shall complete and should include the signature of a person authorized to bind the document.

#### **3.3.2.5. Attachment IV – Forced Labor of Ethnic Uyghurs Ban**



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Offeror shall complete and should include the signature of a person authorized to bind the document.

### **3.3.3. Confidential Information**

All Offers submitted and opened in response to this RFP are public records and must be retained by the State. Offers shall be open to public inspection after Contract award, except for such Offers or specific information within such Offers deemed to be confidential by the State. If an Offeror believes that information in its Offer should remain confidential, the Offeror shall designate a special section labeled "Confidential Information" and include any information the Offeror indicates as confidential along with a statement detailing the reasons that the information should not be disclosed. Such reasons shall include the specific harm or prejudice which may arise. This special section should be labeled as a separate file and marked confidential. The State shall determine whether the identified information is confidential pursuant to the Arizona Procurement Code. Information not specifically identified as confidential by the Offeror in accordance with this paragraph or determined to be not confidential by the State will be open to public inspection.

### **3.3.4. Suspension or Debarment Status**

If the firm, business or person submitting a proposal has been debarred, suspended or otherwise lawfully precluded from participating in any public procurement activity with any Federal, State or local government, the Offeror should include a letter with its proposal setting forth the name and address of the governmental unit, the effective date of the suspension or debarment, the duration of the suspension or debarment and the relevant circumstances relating to the suspension or debarment. Failure to supply the letter or to disclose in the letter all pertinent information regarding a suspension or debarment will result in rejection of the proposal or cancellation of a Contract. The State also may exercise any other remedy available by law.

### **3.3.5. Insurance**

The Offeror should provide a Certificate of Insurance or a letter from the Offeror's Insurance Provider demonstrating the Offeror is able to provide insurance in accordance with the Special Terms and Conditions Section of this RFP.

## **3.4. Proposal Opening**

Proposals shall be opened at the Solicitation Due Date and Time cited on the cover page of the Solicitation. The name of each Offeror and the identity of the Solicitation for which the proposal was submitted shall be publicly read and recorded in the presence of at least one witness. Prices shall not be read.

## **3.5. Offer and Acceptance Period**

In order to allow for an adequate evaluation, the AGO requires a proposal in response to this Solicitation to be valid and irrevocable for 120 days after the opening due date.

## **3.6. Evaluation Criteria**

In accordance with the Arizona Procurement code A.R.S. § 41-2534, awards shall be made to the responsible Offeror(s) whose proposal is determined in writing to be the most advantageous to the State based upon the evaluation criteria listed below. The evaluation factors are listed in their relative order of importance.

### **3.6.1. Capacity of Firm**



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**3.6.2. Experience and Expertise of the Firm and Key Personnel**

**3.6.3. Cost**

### **3.7. Discussions**

After the initial receipt and evaluation of proposals, the AGO may conduct discussions with Offerors whose proposals are deemed to be reasonably susceptible to award. Notwithstanding this section, proposals should be submitted initially complete and on most favorable terms. In the event discussions are conducted, the AGO shall issue a written request for Best and Final Offers.

### **3.8. Best and Final Offer**

The request for Best and Final Offer shall inform Offerors, that if they do not submit a Best and Final Offer or a notice of withdrawal, their immediate previous Offer will be considered as their Best and Final Offer. The Offeror's "immediate previous offer" will consist of the Offeror's original proposal submission and any documents submitted by the Offeror during discussions.

### **3.9. Definitions of Key Words Used in the Solicitation**

**3.9.1. Office of the Arizona Attorney General:** May be referred to as the AGO, Office of the Attorney General, Department, Agency or State of Arizona.

**3.9.2. Outside Counsel:** Outside Counsel refers to the Lawyer or law firm entering into this contract with the Office of the Arizona Attorney General. Outside Counsel may also be referred to as Contractor in this Contract.

**3.9.3. Contract or Agreement:** Refers to the legal agreement outlined in this document

**3.9.4. Shall, Must:** Indicates a mandatory requirement. Failure to meet these mandatory requirements may result in the rejection of a proposal as non-responsive.

**3.9.5. Should:** Indicates something that is recommended but not mandatory. If the Offeror fails to provide recommended information, the State may, at its sole option, ask the Offeror to provide the information or evaluate the proposal without the information.

**3.9.6. May** Indicates something that is not mandatory, but permissible.

**3.9.7. Notice to Proceed:** A written document authorizing the Outside Counsel to begin work under this contract (e.g. letter to Outside Counsel, Purchase Order, Assignment letter, etc.)



**ADDENDUM I**  
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**Office of the Attorney General**  
2005 N Central Ave  
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**Standard Contract Addendum for All Office of the Arizona Attorney General Contingency Fee Contracts As Per A.R.S. §41-4803**

(This addendum is added as a part of this contract in accordance with A.R.S. §41-4803. These requirements are minimum and may be superseded by other statutory requirements listed within this Agreement.)

A. This state may not enter into a contingency fee contract that provides for this state's private attorney to receive a contingency fee from this state's portion of the recovery in excess of an aggregate of all of the following:

1. Twenty-five per cent of the initial recovery of less than ten million dollars.
2. Twenty per cent of that portion of any recovery of ten million dollars or more but less than fifteen million dollars.
3. Fifteen per cent of that portion of any recovery of fifteen million dollars or more but less than twenty million dollars.
4. Ten per cent of that portion of any recovery of twenty million dollars or more but less than twenty-five million dollars.
5. Five per cent of any recovery of twenty-five million dollars or more.

B. The contingency fee received by this state's private attorney shall not exceed fifty million dollars, except for reasonable costs and expenses and regardless of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery.

C. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions of the contract:

1. A government attorney retains ultimate control over the course and conduct of the case.
2. A government attorney with supervisory authority is personally involved in overseeing the litigation.
3. A government attorney retains veto power over any decisions made by the private attorney.
4. Any defendant's attorney that is the subject of the litigation may contact the lead government attorney directly without having to confer with the private attorney.
5. A government attorney with supervisory authority for the case attends all settlement conferences. For the purposes of this paragraph, "attends" includes attendance by phone, teleconferencing or similar electronic devices.
6. Decisions regarding settlement of the case may not be delegated to this state's private attorney.

D. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that the attorney general must use in all cases, describing in detail what is expected of both the contracted private attorney and this state, including the requirements prescribed in subsection C.

E. The attorney general shall post copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney on the attorney general's website for public inspection within five business days after the date the contract is executed, which shall remain posted on the website for the duration of the contingency fee contract, including any extensions or



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amendments of the contract, unless the attorney general determines that the posting may cause damage to the reputation of any business or person. Notwithstanding the requirements of this subsection, posting on the website shall be made no later than when a lawsuit is filed. The attorney general shall post any payment of contingency fees on the attorney general's website within fifteen days after the payment of the contingency fees to the private attorney, which shall remain posted on the website for at least three hundred sixty-five days thereafter.

F. Any private attorney under contract to provide services to this state on a contingency fee basis, from the inception of the contract until at least four years after the contract expires or is terminated, shall maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices and other financial transactions that concern the provision of the attorney services. The private attorney shall make all the records available for inspection and copying on request pursuant to title 39, chapter 1, article 2. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of one hour and shall promptly provide these records to the attorney general on request.

G. This chapter does not apply to any contingent fee contract in which this state hires a private attorney to pursue debt collection and restitution cases for this state.



**REQUEST FOR PROPOSAL**  
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**State of Arizona  
Office of the Attorney General**  
2005 N Central Ave  
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**NOTICE**

The Office of the Arizona Attorney General (hereinafter the “AGO”), in accordance with the Arizona Procurement Code, is issuing the attached Request for Proposal (hereinafter “RFP”) for Outside Counsel Services – Consumer Fraud and Related Civil Actions (Contingency Fee Only).

**OUTSIDE COUNSEL FIRMS AWARDED CONTRACTS ON AG18-0013 AND AG19-0030**

Firms awarded under RFP AG18-0013: Outside Counsel Services – Consumer Fraud and Related Civil Actions (Contingency Fee Only) should respond to solicitation AG23-0009 to maintain an active contract with the AGO. Contract AG18-0013 will not be renewed in January 2023.

Firms awarded under RFP AG19-0030 are not required to respond at this time. A future solicitation will be released in the fall of 2023 to replace this contract. Firms on contract AG19-0030 can respond to AG23-0009 and renew their contract now; any awards on AG23-0009 will supersede contract AG19-0030.

**REQUIREMENTS**

Any law firm is invited to respond to this RFP regardless of size. Sole practitioners are acceptable.

**OVERVIEW OF SERVICES**

The purpose of this RFP is to establish contracts with legal counsel for the AGO to independently retain legal counsel, on an “as needed, if needed” basis to assist with legal action against potential parties for violations of the Arizona Consumer Fraud Act arising out of deceptive acts and misrepresentations made to Arizona consumers. Upon retention, Outside Counsel will assist the AGO on a contingency fee basis per the terms set forth in this Request for Proposal. It is understood that this contract, due to the complexity of legal matters, is not intended to be a mandatory contract. Certain matters may be contracted outside this contract based upon the specific need.

**INSTRUCTIONS FOR RESPONSE**

The instructions to respond are included in the attached RFP. Responses are expected to comply with these instructions and contain sufficient information to justify an award.

**QUESTIONS REGARDING RFP**

Direct questions to Cindy Palmer at 602-542-7986 or email [Cindy.Palmer@azag.gov](mailto:Cindy.Palmer@azag.gov) or Allyson Flanagan at 602-542-8017 or email [Allyson.Flanagan@azag.gov](mailto:Allyson.Flanagan@azag.gov).



**SCOPE OF WORK**  
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**Office of the Attorney General**  
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**SOLICITATION NUMBER: BPM004964**

**Project#: AG23-0009**

**DESCRIPTION: CONSUMER FRAUD AND RELATED CIVIL ACTIONS (CONTINGENCY FEE ONLY)**

**SOLICITATION DUE DATE/TIME: PROPOSALS ARE DUE BY NOVEMBER 14, 2022 AT 3:00PM Local AZ Time**

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**ELECTRONIC DOCUMENTS:** This Request for Proposal (RFP) is available through the State of Arizona Electronic Procurement System, Arizona Procurement Portal (APP). The site is found at <https://app.az.gov>; use the Solicitation number above to find the solicitation.

**ARIZONA PROCUREMENT PORTAL OFFER, SUBMISSION, DUE DATE, AND TIME:** Offers in response to this solicitation shall be submitted within the State's eProcurement system, Arizona Procurement Portal (APP) (<https://app.az.gov>). Offers shall be received before the date and time listed in the solicitation's 'End Date' field. Offers submitted outside Arizona Procurement Portal (APP), or those that are received on or after the date/time stated in the 'End Date' field, shall be rejected. Questions regarding submitting your proposal into Arizona Procurement Portal (APP) should be directed to the Arizona Procurement Portal (APP) Help Desk at [app@azdoa.gov](mailto:app@azdoa.gov) or 602-542-7600. Offeror should avoid responding in the final minutes before closing.

**GENERAL:** In accordance with A.R.S. §41-2538 competitive sealed proposals for the services specified will be received by Office of the Arizona Attorney General, Procurement Section at the specified locations until the time and date cited above. Offers received by the correct time and date will be opened and the name of each Offeror will be publicly read. Offers must be in the actual possession of Office of the Arizona Attorney General, Procurement Section on or prior to the Solicitation Due Date and Time and at the Offer Delivery locations indicated above. Late offers shall not be considered.

**QUESTIONS REGARDING RFP:**

<b>Solicitation Contact Person:</b> Cindy Palmer, Procurement Manager Phone: (602) 542-7986 E-mail: <a href="mailto:Cindy.Palmer@azag.gov">Cindy.Palmer@azag.gov</a>	<b>Solicitation Contact Person:</b> Allyson Flanagan, Procurement Officer Phone: (602) 542-8017 E-mail: <a href="mailto:Allyson.Flanagan@azag.gov">Allyson.Flanagan@azag.gov</a>
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**Offerors are Strongly Encouraged to Carefully Read the Entire Request for Proposal**



**SCOPE OF WORK**  
**SOLICITATION NUMBER: BPM004964**  
**PROJECT#: AG23-0009**

**State of Arizona**  
**Office of the Attorney General**  
2005 N Central Ave  
Phoenix, AZ 85004

## **1. SCOPE OF WORK**

### **1.1. Background**

The Office of the Arizona Attorney General (AGO) has the authority to bring actions alleging violations of the Consumer Fraud Act (A.R.S. §44-1521 et. seq) and/or other state and federal consumer protection laws. The Civil Litigation Division (CLD) of the AGO works to protect the public from consumer fraud, antitrust and anti-competitive conduct, and related civil litigation matters, as well as to provide advocacy and public education on consumer protection and related issues with an emphasis on fraud and abuse.

### **1.2. Purpose**

The purpose of this Request for Proposal is to establish contracts with legal counsel for the AGO to independently retain legal counsel, on an “as needed, if needed” basis to assist with legal action against potential parties for violations of the law arising out of deceptive acts and misrepresentations made to Arizona consumers as well as other related conduct. Upon retention, Outside Counsel will assist the AGO on a contingency fee basis per the terms set forth in this Request for Proposal. It is understood that this contract, due to the complexity of legal matters, is not intended to be a mandatory contract. Certain matters may be contracted outside this contract based upon the specific need.

### **1.3. Assignment of Cases**

No work, in the name of the Office of the Arizona Attorney General or the State of Arizona shall be undertaken without a written assignment letter or Notice to Proceed from the AGO. Cases will be assigned based on a case-by-case basis.

### **1.4. Goals**

Litigation on matters would be brought under the Arizona Consumer Fraud Act, A.R.S. § 44-1521 et. seq and/or other state and federal consumer protection laws and related statutes, on behalf of the State of Arizona. Such litigation would seek to recover civil penalties, disgorgement, restitution, attorneys' fees, costs, potential injunctive relief and other equitable relief, and any other appropriate relief, after consultation with the AGO. The Attorney General will consider seeking all or any combination of these remedies.

### **1.5. Hierarchy**

The retention of Outside Counsel under this contract is intended to aid the Attorney General in representing the State of Arizona in potential matters. The AGO will be actively involved in all stages of matters and will be the ultimate decider on all material aspects and issues, including (but not limited to) whether and when to file suit; whom to sue; what claims to assert in any suit; and whether and on what terms to settle or proceed to trial. The AGO shall be co-counsel of record in the litigation.

### **1.6. Scope of Work Tasks**

Outside Counsel shall be responsible for the following tasks and shall perform these tasks in accordance with the Method of Approach or other case-plan documents prepared in connection with a particular representation, written assignment letter, or Notice to Proceed.

- 1.6.1. Evaluation of Legality of Practices**
- 1.6.2. Decision Process**
- 1.6.3. Pre-Litigation Activities**



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- 1.6.4.** Litigation, including all appeals
- 1.6.5.** Litigation Support (including document reviews)
- 1.6.6.** Post Litigation Support

**1.7. Reporting**

**1.7.1. Monthly Reports**

Outside Counsel shall prepare and submit monthly reports to the AGO summarizing activities from the previous month and detailing the hours, rates, and costs incurred during that month. Throughout the pendency of this matter, Outside Counsel shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of one hour and shall promptly provide these records to the AGO on request. Where time is spent or expenses are disbursed or incurred by Outside Counsel that also benefit other clients of Outside Counsel in other, similar litigation, only the portion of such time or expenses exclusively allocable to the State in connection with this matter shall be claimed as reasonable expenses of prosecuting the envisioned litigation. The report shall also include activities planned for the upcoming month and budgetary costs associated with these activities. The report shall be due by the seventh day of each month. Reports shall be prepared in a format and of a quality approved by the AGO.

**1.7.2. Reporting of Related Class Action Litigation**

If at any time during the course of a representation Outside Counsel serves as class counsel or files court papers seeking to serve as class counsel in a class action related to the representation or the conduct at issue in the representation, Outside Counsel must immediately notify the AGO of the pertinent class action and Outside Counsel's role or requested role in the class action.

**1.8. Compensation**

**1.8.1. Contingency**

Neither the Office of the Attorney General nor the State of Arizona is liable under this Agreement to pay compensation to Outside Counsel other than from a specific fund of monies that is recovered in connection with assigned matters on behalf of the State or its agencies as a result of settlement or judgment.

**1.8.2. Compensation**

- 1.8.2.1.** It is agreed that the pre-set, fixed fee ("Fee") to be charged by Outside Counsel in connection with the representation described in this Agreement shall be contingent so that if no recovery is obtained on behalf of the Attorney General or the State of Arizona in this matter, no Fee will be charged by Outside Counsel for the representation. If there is a recovery, the Fee will be based on the contingent fee percentages set forth in A.R.S. § 41-4803, which percentages shall be applied to the gross amount received by settlement, at trial, or on appeal, subject to the following specific limitation: the Fee shall be calculated only based upon the recovery and collection of civil penalties pursuant to A.R.S. § 41-1531 or disgorgement pursuant to A.R.S. § 41-1529(A)(3), and shall not be calculated based upon the recovery of any amounts agreed upon, awarded, recovered, received, or collected as consumer restitution.



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1.8.2.2. The Fee shall not include costs, except as set forth here. Outside Counsel shall be responsible for paying all internal, litigation-related expenses of Outside Counsel, including (but not limited to) costs related to copies and office supplies, as well as all fees relating to factual discovery and document review, including (but not limited to) document review fees, document hosting and storage fees, and fees related to acquisition of attorney work product from related actions pertinent to factual discovery or review of documents. Fees relating to the engagement and use of expert witness, as well as court fees and appearance fees shall be the responsibility of the State. These fees for which the State will bear ultimate responsibility shall be paid by the State only as follows. Outside Counsel shall advance all such costs and expenses on behalf of the State. Outside Counsel shall not submit to the AGO or the State an invoice for such costs and expenses on an interim basis, but instead shall keep a detailed accounting during the course of the representation (subject to review upon request by the AGO). In the event of any recovery by the State or AGO in connection with this representation, the State agrees that Outside Counsel shall then be paid for all such advanced costs and expenses from the State's share of the recovery. In the event the litigation is dismissed, or the State recovers an amount that does not exceed the reimbursable costs and disbursements detailed above, or the State recovers nothing, or Outside Counsel is terminated without cause, the AGO agrees to seek a legislative appropriation to reimburse reasonable costs. Outside Counsel understands and acknowledges that the AGO's obligation to pay for such costs and expenses under said circumstances is entirely subject to and conditioned upon a legislative appropriation outside the control of the AGO, and Outside Counsel may seek a recovery for such costs and expenses only from funds so appropriated. The State will, however, be responsible for and pay any costs or expenses directly assessed against the State in connection with this representation by a court of competent jurisdiction, such as jury fees and taxable costs of an opposing party.

1.8.2.3. Notwithstanding the above, neither the State nor the AGO shall be responsible for sanctions entered against Outside Counsel.

## **1.9. Basis of Compensation**

1.9.1. If there is a recovery and collection of disgorged profits or penalties for the State, the amount of compensation due to Outside Counsel as a Fee shall be paid in an amount no greater than the percentages set forth in A.R.S. §41-4803, with the limitations set forth in the statute not to be exceeded, the contingent fee shall not be applied to any amount agreed upon, awarded, recovered, received, or collected as consumer restitution, and the Fee being further subject to judicial approval for reasonableness.

1.9.1.1. Contingency fee maximums are established by A.R.S. §41-4803, the AGO reserves the right to negotiate the rate before assigning a case.

1.9.2. A defendant who is "settling" is a defendant who has entered into a written settlement agreement with the State of Arizona. The settlement agreement shall determine the compensation as per paragraph 1.12. Settlement below.

1.9.3. If Outside Counsel represents any other governmental entity in litigation related in type to that detailed above against the same or similar entities as those described above, and agrees to



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represent such entity for a contingency fee lower than that set forth in A.R.S. §41-4803, the contingency fee herein shall be reduced to meet that lower percentage. It is the intent of Outside Counsel to provide the State of Arizona with the best price it offers for its services.

**1.9.4.** The State reserves the right to petition any court before payment to determine reasonableness of attorneys' fees outlined in this Agreement.

**1.10. Challenge to Contingency Fee Arrangements**

**1.10.1.** The AGO and Outside Counsel agree that the contingent fee provisions set forth in A.R.S. §§ 41-4801 to 41-4805 are valid and govern any contract that may result from this Request for Proposal. The AGO and Outside Counsel agree that the percentage limitations of A.R.S. § 41-4803 properly apply to the special circumstances of this solicitation. The AGO and Outside Counsel further agree that the percentages set forth in A.R.S. § 41-4803 are reasonable and in the public interest.

**1.10.2.** The AGO and Outside Counsel are aware that defendants may challenge and seek to invalidate or limit this contingency fee arrangement. Any such challenge shall not excuse Outside Counsel's performance under this Agreement. The AGO agrees to join Outside Counsel in opposing any challenge to this contingency fee arrangement. In the event of a successful challenge to this contingency fee agreement, the AGO agrees to join Outside Counsel in arguing to the Court that the contingency fee percentages set forth in A.R.S. § 41-4803 are fair and reasonable for purposes of compensation and a formal attorneys' fees application, and in the event such argument is not successful, then Outside Counsel agrees to and shall continue its representation of the State in the litigation at the following maximum hourly billing rates: for partners, not to exceed \$400 per hour; for associates, not to exceed \$250 per hour; for paralegals, not to exceed \$125 per hour. In such event, these hourly fees shall be contingent upon and payable solely out of any recovery obtained in the litigation. If there is no recovery, Outside Counsel will not be paid for such hourly work. If the recovery is insufficient to pay for such hourly work in full, then any excess remainder hourly fees will not be paid. Outside Counsel shall not submit to the AGO or the State an invoice for such hourly fees on an interim basis. Neither the AGO nor the State is liable under this Agreement to pay compensation of any kind to Outside Counsel, other than from a specific fund of monies that may be recovered on behalf of the State or its agencies as a result of settlement or judgment obtained against the named defendants in the litigation. In the alternative, in the event of a successful challenge to this contingency fee agreement, the AGO or the State, in their sole discretion, may terminate this contract and discharge Outside Counsel from any further representation of the State in the litigation.

1.10.2.1. The hourly rates established above are maximum rates and may be negotiated before assigning a case.

**1.10.3.** Notwithstanding anything to the contrary in this paragraph, in the event the litigation is dismissed, or the State recovers an amount that does not exceed the hourly billings of Outside Counsel, or Outside Counsel is terminated without cause, the AGO, in its sole discretion, may seek a legislative appropriation to reimburse the hourly billings of Outside Counsel. Outside Counsel understands and acknowledges that the AGO's obligation to pay for such costs and expenses under said circumstances is entirely subject to and conditioned upon a legislative



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appropriation outside the control of the AGO and Outside Counsel may seek a recovery for such costs and expenses only from funds so appropriated.

**1.10.4.** Furthermore, in no event shall the State be required to pay a contingent fee or hourly fee that is unreasonable under the circumstances.

**1.11. Court Awarded Attorney Fees**

The State intends to seek an award from a court of fees and costs for prosecution of the case. In addition to maintaining detailed contemporaneous time records for the attorneys and paralegals working on this matter in increments of no greater than one tenth of one hour, as set forth above, Outside Counsel shall further ensure that these time records are in a format sufficient to support a court-imposed attorneys' fee award based on those records, including, but not limited to, ensuring the use of the type of specific, detailed billing in an itemized fashion (with no use of block billing) that is required to support an attorneys' fee application in Arizona courts.

Should the court award attorney fees and costs to the State, such amounts will be retained by the State to offset some or all of the fees paid to Outside Counsel under this Agreement.

**1.12. Settlement**

This compensation agreement applies to any partial or total settlement of the matter that is the subject of this representation. In addition, in the event the AGO enters into a partial settlement against the advice of Outside Counsel, Outside Counsel agrees to and shall continue its representation of the State in the litigation against the remaining defendants and to be compensated in accordance with paragraphs 1.8 and 1.9 and 1.10 above. In the event, the AGO enters into a settlement against the advice of Outside Counsel, and such settlement completely resolves the litigation, Outside Counsel agrees to and will be compensated in accordance with paragraphs 1.8 and 1.9 and 1.10 above.

**1.13. Advance Payment Prohibited**

No payment in advance or in anticipation of services or supplies under this contract shall be made by the AGO.



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## **2. SPECIAL TERMS AND CONDITIONS**

### **2.1. Contract**

Authority to Contract: This Contract is issued for the AGO in accordance with A.R.S. § 41-2538.

### **2.2. Contract Type/Compensation**

Contingency Fee.

### **2.3. Term of Contract**

- 2.3.1.** The term of the Contract shall commence upon award and shall remain in effect for a period of one year thereafter unless terminated, canceled or extended pursuant to the terms herein.
- 2.3.2.** This contract may be extended by written amendment for an additional 48 months after the original award.
- 2.3.3.** Should a case be appointed under this contract, the term of the Contract shall extend from the date of appointment through the term of Litigation unless terminated pursuant to the terms herein, whether the original contract is extended by written amendment or not.

### **2.4. Termination without Cause**

The AGO may terminate this Agreement without cause and without penalty upon at least thirty (30) days written notice to Outside Counsel. At the conclusion of the litigation, Outside Counsel terminated without cause will be entitled to be reimbursed for reasonable out-of-pocket costs in accordance with paragraph 1.8 above. In any contract with substitute counsel, the AGO will require substitute counsel to share on a pro-rata basis with counsel terminated without cause any attorneys' fees recovered, according to each counsel's reasonable percentage of time and work spent on the litigation, or as otherwise agreed to by substitute counsel and terminated counsel. Substitute counsel's obligation to share fees with Outside Counsel will only arise at the conclusion of the litigation if there is a recovery by settlement or judgment.

### **2.5. Termination with Cause**

The AGO may terminate this Agreement for cause if Outside Counsel breaches any material terms or conditions of this Agreement or fails to perform or fulfill any material obligation under this Agreement or negligently pursues the litigation so as to cause harm to the State. Outside Counsel shall be provided written notice of termination. The AGO may further terminate this Agreement and end any representation for cause upon receipt of a notification from Outside Counsel pursuant to paragraph 1.7.2, or upon the AGO otherwise learning that Outside Counsel serves as class counsel or is seeking to serve as class counsel in a class action related to the representation or the conduct at issue in the representation under this Agreement. If Outside Counsel is terminated for cause, Outside Counsel shall not be entitled to compensation or reimbursement of any kind under this Agreement.

### **2.6. Documents Incorporated by Reference**

The State of Arizona's Uniform Instructions to Offerors and Uniform Terms and Conditions are incorporated into this Contract. Offerors are encouraged to obtain these documents. Offerors may obtain copies by visiting the Arizona State Procurement Office (SPO) web site at: <https://spointra.az.gov/resources/standard-forms>



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and documents or by calling the Office of the Attorney General, Procurement at (602) 542-7986.

**2.7. Estimated Usage**

Any Contract resulting from this Solicitation shall be used on an as needed, if needed, basis. The State makes no guarantee as to the amount of work, if any, that may be performed under any resulting Contract.

**2.8. Non-Exclusive Contract**

The State has the right to procure the services listed herein from attorneys other than those awarded Contracts pursuant to this Solicitation.

**2.9. Ownership of Materials**

All materials, documents, deliverables and/or other products of the Contract (including but not limited to work plans, reports, etc.) shall be the sole, absolute and exclusive property of the AGO, free from any claim or retention of right on the part of the Outside Counsel, its agents, subcontractors, officers or employees.

**2.10. Outside Counsel Responsibilities**

**2.10.1. Outside Counsel**

A "team arrangement" or "multiple firm arrangement" may be proposed, but must be proposed as a Outside Counsel/Co-Counsel relationship. A firm must be designated as Outside Counsel. Outside Counsel shall be responsible for all contractual obligations and the management of all "Co-Counsels". Outside Counsel shall also be responsible for and agrees to be liable for any acts or omissions of Co-Counsel in the carrying out of its duties on behalf of the State. The AGO will not become part of any negotiations between Outside Counsel and Co-Counsel or accept any invoices from Co-Counsel. Any agreement between Outside Counsel and Co-Counsel shall include provisions indicating that the AGO and the State of Arizona are not third-party beneficiaries of such agreement and that Co-Counsel is not a third-party beneficiary of this Agreement. A Proposal that reflects a teaming arrangement designating more than one entity as a cosigner of the proposal will not be accepted.

**2.10.2. Key Personnel**

It is essential that the Outside Counsel provide an adequate staff of experienced personnel, capable of and devoted to the successful accomplishment of work to be performed under this Contract. Outside Counsel must assign specific individuals to key positions. Outside Counsel agrees and understands that this Agreement is predicated, in part and among other considerations, on the utilization of the specific individual(s) and/or personnel qualification(s) as identified and/or described in the Outside Counsel's proposal. Therefore, Outside Counsel agrees that no substitution of such specified individual(s) and/or personnel qualifications shall be made without the prior written approval of the AGO. Outside Counsel further agrees that any substitution made pursuant to this paragraph must be equal or better than originally proposed and that the AGO's approval of a substitution shall not be construed as an acceptance of the substitution's performance potential. The AGO agrees that an approval of a substitution will not be unreasonably withheld. Outside Counsel shall bear all transitional expenses incurred for any costs associated with removing or replacing Key Personnel who are performing work under this Contract. Outside Counsel agrees to reveal its staffing levels by function, including resumes, upon request by the AGO at any time during the performance of this Contract.



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**2.10.3. Lead Counsel**

Outside Counsel shall name an individual as the Lead Counsel for the outside counsel team. This individual shall be considered a Key Personnel as defined in this contract. The Outside Counsel shall provide the Lead Counsel's complete address, e-mail address and telephone and Fax numbers. The Lead Counsel shall be the company representative to whom all correspondence, official notices, and requests related to the project shall be addressed. If a firm joins together with another firm or firms, the firms shall name only one Lead Counsel.

**2.10.4. Other Key Personnel**

Outside Counsel should provide the name of any other individual who will perform duties to directly support the person offered as the Lead Counsel. The crucial duties this individual will perform should be identified.

**2.10.5. Removal of Outside Counsel's Employees**

The AGO may require the Outside Counsel to remove from an assignment employee(s) who endanger persons, property or whose continued employment under this Contract is inconsistent with the interests of the AGO.

**2.10.6. Availability of Outside Counsel**

The Outside Counsel shall be available immediately upon receipt of the Notice to Proceed and remain available to the AGO throughout the period of performance as stated in the Contract.

**2.10.7. Submission of Electronic Deliverables**

At the request of the AGO, the Outside Counsel shall submit electronic deliverables. All electronic deliverables shall be in format compatible with AGO software. The AGO currently uses the MS Office 2010 suite of products (e.g. docx, xlsx, and pptx) and Adobe Acrobat Pro X (e.g. pdf) software, other formats may be considered. Electronic Deliverables shall be treated with confidentiality and provided through encrypted e-mail, the AGO file share website (<https://agfileshare.azag.gov>), encrypted hard drive, or encrypted flash drive.

**2.11. Oversight and Draft Document Review**

**2.11.1. Oversight**

The retention of Outside Counsel is intended to aid the Attorney General in representing the State of Arizona in a major matter. The AGO will be actively involved in all stages of this matter and deciding all major issues, including whether to file suit, when to file suit, who to file suit against, approval of the asserted claim or claims and whether and on what basis to settle or proceed to trial. Outside Counsel shall acknowledge and defer to the Attorney General for direction and decisions.

**2.11.2. Review of Services**

The AGO reserves the right to review all and every part of the Services during performance or after completion as the AGO may see fit. If the Services or any part thereof have not been performed in accordance with this Agreement to the satisfaction of the Attorney General, the AGO may order that no further services be performed and may reject and refuse to pay for any improperly performed services and shall fully comply with all the requirements set forth in A.R.S. § 41-4803(C) and elsewhere.



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**2.11.3. Draft Document Review**

Prior review of all documents is required to assure the AGO approval of the information, content and completeness. Documents for prior review shall include all pleadings, petitions, findings and any other document produced in the pursuit of a representation undertaken pursuant to this Agreement. All draft deliverables and other materials developed by the Outside Counsel as part of a representation under this Agreement shall be reviewed and approved in writing by the AGO prior to finalizing the material. Outside Counsel shall promptly provide, in final form, the designated assistant attorney general with copies of all pleadings, discovery requests and responses, and relevant correspondence related to the Litigation.

**2.11.4. Settlements/Compromises**

All offers of compromise shall be promptly transmitted to the Attorney General together with Outside Counsel's recommendation.

**2.11.5. Depositions**

Notices of depositions shall not be issued by Outside Counsel without prior written authorization from the AGO. Notices of depositions of State of Arizona employees filed by any party must be submitted to the Attorney General immediately upon Outside Counsel's receipt to make necessary arrangements for their testimony. Summaries of all depositions will be supplied by the assigned counsel from the AGO on conclusion of the deposition. Ordinarily, only one attorney should attend depositions, although, upon AGO prior approval, Outside Counsel may have more than one attorney attend a deposition. The AGO may request the presence of a State of Arizona employee at one or more depositions.

**2.11.6. Testimony**

Should Outside Counsel be required to testify at any judicial, legislative, or administrative hearing concerning matters in any way related to the Services performed under this Agreement or an engagement undertaken pursuant to this Agreement, Outside Counsel shall immediately supply to the Attorney General or his designated representative in writing all information likely to be disclosed at said hearing as well as Outside Counsel's position thereon. Should Outside Counsel be required by a third party to testify at any judicial, legislative or administrative hearing not specified in this Agreement but concerning the subject matter of this Agreement or an engagement undertaken pursuant to this Agreement, Outside Counsel shall immediately notify the Attorney General or his designated representative in order to enable State of Arizona representatives to attend and participate.

**2.11.7. Media**

Outside Counsel should, in the absence of direction in writing from the AGO, refrain from making any statement to a member of the media related to any representation entered into under this Agreement, or related to the subject matter of a representation entered into under this Agreement. Should Outside Counsel be asked to give a statement to the media related to any representation entered into under this Agreement or the subject matter of a representation entered into under this Agreement, Outside Counsel shall immediately refer the inquiry to the AGO, unless otherwise directed in writing by the AGO.

**2.11.8. Privileged Communications**

All confidential communications between the Attorney General, any State of Arizona officer, employee or agent ("Arizona") and Outside Counsel, whether oral or written, and all Documentation, whether



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prepared by Outside Counsel or supplied by Arizona, shall be considered privileged communications and shall not, except as required by law, be communicated by Outside Counsel to any public agency, insurance company, rating organization, contractor, vendor, counsel, or any other third party or entity whether or not connected in any manner with Arizona or Outside Counsel, without the prior written consent of the Attorney General. If such communications are approved, or if such communications are required to be disclosed by law, Outside Counsel shall immediately provide the Attorney General with two (2) copies of each written communication and/or two (2) copies of summaries of each oral communication. If such communication is required by law, Outside Counsel shall immediately provide the Attorney General written notice as to the time, place, and manner of such disclosure as well as a written summary of any information likely to be disclosed by such disclosure, and Outside Counsel's position thereon.

**2.12. Records**

Pursuant to A.R.S. §§35-214, 35-215, and 41-4803, Outside Counsel shall retain and shall contractually require each Subcontractor to retain books, records, documents and other evidence pertaining to the acquisition and performance of the Contract, hereinafter collectively called the "records," to the extent and in such detail as will properly reflect all net expenses, disbursements, charges, credits, receipts, invoices, and costs, direct or indirect, of labor, materials, equipment, supplies and services and other costs and expenses of whatever nature for which payment is made under the Contract. Outside Counsel shall agree to make available at the office of the Outside Counsel at all reasonable times during the period, as set forth below, any of the records for inspection, audit or reproduction by any authorized representative of the State or AGO. In coordination with the AGO, Outside Counsel shall preserve and make available the records for a period of five years from the date of final payment under the Contract and for such period, if any, as is required by applicable statute. If the Contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of five years from the date of any resulting final settlement.

**2.13. Professional Responsibility**

**2.13.1. General**

Outside Counsel shall use best efforts to perform and complete the Services in accordance with the provisions of this Agreement. Best efforts shall be considered those efforts which a skilled, competent, experienced, and prudent legal professional would use to perform and complete the requirements of this Agreement in a timely manner, exercising the degree of skill, care, competence, and prudence customarily imposed on a legal professional performing similar work.

**2.13.2. Conflict of Interest/Litigation against the State of Arizona**

**2.13.2.1. Conflicts**

Outside Counsel shall advise the Attorney General of any perceived conflict. This duty shall extend throughout the performance of this contract when a conflict or perceived conflict becomes known to the Outside Counsel. Whether the conflict is remote or disqualifying will be the Attorney General's decision.

**2.13.2.2. Related Class Action Litigation As Conflict**

Service as class counsel or seeking through the filing of court papers to serve as class counsel in a



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class action related to a representation under this Agreement or the conduct at issue in a representation under this Agreement qualifies as a Conflict of Interest.

**2.13.2.3. Litigation against the State of Arizona**

Outside Counsel is retained only for the purposes and to the extent set forth in this Agreement. Outside Counsel shall be free to dispose of such portion of his entire time, energy, and skill not required to be devoted to the State of Arizona in such manner as he sees fit and to such persons, firms, or corporations as he deems advisable, but shall not engage in private litigation against the State of Arizona at the same time Outside Counsel accepts appointments representing the State of Arizona pursuant to this Agreement unless such litigation does not present an ethical conflict of interest, and a written waiver is first obtained from the Attorney General. Outside Counsel shall disclose to the State of Arizona, in the proposal as well as in connection with a particular representation, written assignment letter, or Notice to Proceed, all litigation, claims and matters in which Outside Counsel represents parties adverse to the State of Arizona. If Outside Counsel is selected to contract with the State of Arizona pursuant to the Agreement, Outside Counsel shall have a continuing duty to disclose such information.

**2.13.2.3.1. Request for Waiver of Conflict Form**

A Request for Waiver of Conflict Form must be submitted in writing either by mail, e-mail, or transmitted by fax to the AZ Attorney General's Office. Normal response time is approximately 5-7 business days. Expedited requests will be considered with a valid written justification. One request form is expected for each case submitted for consideration.

Contact: Dawn Northup, Chief Counsel, State Government Division  
Mailing Address: 2005 N Central Ave, Phoenix, AZ 85004  
E-mail: WaiverRequests@azag.gov cc: Dawn.Northup@azag.gov  
E-mail Subject Line: Waiver Request

**2.13.2.3.2. Form Availability**

The Request for Waiver of Conflict Form will be provided upon contract award and also is available online at [www.azag.gov/rfp](http://www.azag.gov/rfp).

**2.14. Indemnification Clause**

To the fullest extent permitted by law, Outside Counsel shall defend, indemnify, and hold harmless the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Outside Counsel or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of, or recovered under, the Workers' Compensation Law or arising out of the failure of such Outside Counsel to conform to any federal, state, or local law, statute, ordinance, rule, regulation, or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Outside Counsel from and against any and all claims. It is agreed that Outside Counsel will be responsible for primary loss



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investigation, defense, and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Outside Counsel agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents, and employees for losses arising from the work performed by the Outside Counsel for the State of Arizona.

This indemnity shall not apply if the Outside Counsel or sub-contractor(s) is/are an agency, board, commission or university of the State of Arizona.

**2.15. Insurance Requirements**

Outside Counsel and subcontractors shall procure and maintain, until all of their obligations have been discharged, including any warranty periods under this Contract, insurance against claims for injury to persons or damage to property arising from, or in connection with, the performance of the work hereunder by the Outside Counsel, its agents, representatives, employees or subcontractors.

The Insurance Requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the Outside Counsel from liabilities that arise out of the performance of the work under this Contract by the Outside Counsel, its agents, representatives, employees or subcontractors, and the Outside Counsel is free to purchase additional insurance.

**2.16. Minimum Scope and Limits of Insurance**

Outside Counsel shall provide coverage with limits of liability not less than those stated below.

**2.16.1. Commercial General Liability (CGL) – Occurrence Form**

Policy shall include bodily injury, property damage, and broad form contractual liability coverage.

• General Aggregate	\$2,000,000
• Products – Completed Operations Aggregate	\$1,000,000
• Personal and Advertising Injury	\$1,000,000
• Damage to Rented Premises	\$50,000
• Each Occurrence	\$1,000,000

- a. The policy shall be endorsed, as required by this written Agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Outside Counsel.
- b. Policy shall contain a waiver of subrogation endorsement, as required by this written Agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Outside Counsel.

**2.16.2. Business Automobile Liability**

Bodily Injury and Property Damage for any owned, hired, and/or non-owned automobiles used in the performance of this Contract.

• Combined Single Limit (CSL)	\$1,000,000
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- a. Policy shall be endorsed, as required by this written Agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by, or on behalf of, the Outside Counsel involving automobiles owned, hired and/or non-owned by the Outside Counsel.
- b. Policy shall contain a waiver of subrogation endorsement as required by this written Agreement in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Outside Counsel.

**2.16.3. Workers' Compensation and Employers' Liability**

• Workers' Compensation	Statutory
• Employers' Liability	
• Each Accident	\$1,000,000
• Disease – Each Employee	\$1,000,000
• Disease – Policy Limit	\$1,000,000

- a. Policy shall contain a waiver of subrogation endorsement, as required by this written Agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Outside Counsel.
- b. This requirement shall not apply to each Outside Counsel or subcontractor that is exempt under A.R.S. § 23-901, and when such Outside Counsel or subcontractor executes the appropriate waiver form (Sole Proprietor or Independent Contractor).

**2.16.4. Professional Liability (Errors and Omissions Liability)**

• Each Claim	\$2,000,000
• Annual Aggregate	\$2,000,000

- a. In the event that the Professional Liability insurance required by this Contract is written on a claims-made basis, Outside Counsel warrants that any retroactive date under the policy shall precede the effective date of this Contract and, either continuous coverage will be maintained, or an extended discovery period will be exercised, for a period of two (2) years beginning at the time work under this Contract is completed.
- b. The policy shall cover professional misconduct or negligent acts for those positions defined in the Scope of Work of this contract.

**2.17. Additional Insurance Requirements**

The policies shall include, or be endorsed to include, as required by this written Agreement, the following provisions:

**2.17.1.** The Outside Counsel's policies, as applicable, shall stipulate that the insurance afforded the Outside Counsel shall be primary and that any insurance carried by the AGO, its agents, officials, employees, or the State of Arizona shall be excess and not contributory insurance, as provided by



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A.R.S. § 41-621 (E).

**2.17.2.** Insurance provided by the Outside Counsel shall not limit the Outside Counsel's liability assumed under the indemnification provisions of this Contract.

**2.18. Revision to Minimum Insurance Requirements**

Insurance requirements will be reviewed on a case by case basis, before assigning a case the AGO shall determine if the insurance requirements contained in this Agreement are sufficient. The AGO reserves the right to increase the minimum insurance requirements set forth in 2.16 before a case is assigned.

**2.19. Notice of Cancellation**

Applicable to all insurance policies required within the Insurance Requirements of this Contract, Outside Counsel's insurance shall not be permitted to expire, be suspended, be canceled, or be materially changed for any reason without thirty (30) days prior written notice to the State of Arizona. Within two (2) business days of receipt, Outside Counsel must provide notice to the State of Arizona if they receive notice of a policy that has been or will be suspended, canceled, materially changed for any reason, has expired, or will be expiring. Such notice shall be sent directly by mail or hand delivery to: Office of the Arizona Attorney General, Procurement Section, 2005 N Central Ave, Phoenix, AZ 85004 or emailed to: procurement@azag.gov, or sent by facsimile transmission to Procurement at: 602-251-2285.

**2.20. Acceptability of Insurers**

Outside Counsel's insurance shall be placed with companies licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Outside Counsel from potential insurer insolvency.

**2.21. Verification of Coverage**

Outside Counsel shall furnish the State of Arizona with certificates of insurance (valid ACORD form or equivalent approved by the State of Arizona) evidencing that Outside Counsel has the insurance as required by this Contract. An authorized representative of the insurer shall sign the certificates.

All such certificates of insurance and policy endorsements must be received by the State before work commences. The State's receipt of any certificates of insurance or policy endorsements that do not comply with this written Agreement shall not waive or otherwise affect the requirements of this Agreement.

Each insurance policy required by this Contract must be in effect at, or prior to, commencement of work under this Contract. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to the AGO. The State of Arizona project/contract number and project description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete copies of all insurance policies required by this Contract at any time.

**2.22. Subcontractors**



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Outside Counsel's certificate(s) shall include all subcontractors as insureds under its policies or Outside Counsel shall be responsible for ensuring and/or verifying that all subcontractors have valid and collectable insurance as evidenced by the certificates of insurance and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum Insurance requirements identified above. The AGO reserves the right to require, at any time throughout the life of this contract, proof from the Outside Counsel that its subcontractors have the required coverage.

**2.23. Approval and Modifications**

The AGO, in consultation with State Risk, reserves the right to review or make modifications to the insurance limits, required coverages, or endorsements throughout the life of this contract, as deemed necessary. Such action will not require a formal Contract amendment but may be made by administrative action.

**2.24. Exceptions**

In the event the Outside Counsel or subcontractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a certificate of self-insurance. If the Outside Counsel or subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

**2.25. Termination at Will**

At the sole discretion of the AGO, the AGO may terminate this Contract at any time, or may terminate all or any portion of the Services not then completed by giving the other party written notice of termination. Upon receipt of notice of termination, Outside Counsel, unless the notice requires otherwise, shall discontinue performance of the Services on the date and to the extent specified in the notice, except those Services necessary to preserve and protect the work product of the Services already performed, and otherwise minimize costs to the State.

**2.26. Offshore Performance of Work Prohibited**

Due to security and identity protection concerns, all services under this contract shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision applies to work performed by subcontractors at all tiers.

**2.27. Notices, Correspondence and Invoices from Outside Counsel to the AGO shall be sent to:**

State of Arizona  
Office of the Arizona Attorney General  
Civil Litigation Division  
2005 N Central Ave  
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### **3. SPECIAL INSTRUCTIONS TO OFFERORS**

#### **3.1. Solicitation Inquiries**

##### **3.1.1. Issuing Office Solicitation Contact Person**

The AGO Procurement Solicitation Contact Persons identified on the cover page of this RFP shall be the sole point of contact for purposes of the preparation and submittal of proposals to this Solicitation.

##### **3.1.2. Solicitation Clarifications**

**3.1.3.** No later than the Solicitation Questions due date and time, all questions or clarification requests regarding this solicitation should be directed to the attention of the Solicitation Contact through the Discussions Forum in the Arizona Procurement Portal (APP). If this results in a change to the Solicitation, a written Solicitation Amendment will be issued prior to the Solicitation due date.

##### **Solicitation Amendments**

The Offeror should acknowledge receipt of a Solicitation Amendment within Arizona Procurement Portal (APP).

#### **3.2. Solicitation Submission Guidelines**

##### **3.2.1. Arizona Procurement Portal (APP) Offer Submission, Due Date and Time**

Offers in response to this solicitation shall be submitted within the State's eProcurement system, Arizona Procurement Portal (APP) (<https://app.az.gov>). Offers shall be received before the date/time listed in the solicitation's 'End Date' field. Offers submitted outside APP, or those that are received on or after the date/time stated in the 'End Date' field, shall be rejected. Questions in this regard shall be directed to the Procurement Officer or to the APP Help Desk (APP@azdoa.gov or 602-542-7600).

##### **3.2.2. Late Proposals**

All submittals must be received by the Solicitation Due Date and Time specified herein. Any response received after the Solicitation Due Date and Time specified will not be considered. Withdrawal of an Offer

At any time prior to a specified solicitation due time and date a Bidder/Offeror (or designated representative) may withdraw their offer. The AGO shall consider any offer which is not completed and properly submitted in Arizona Procurement Portal (APP) by the Bid Opening Date/Time posted on Arizona Procurement Portal (APP) as withdrawn by the Offeror.

##### **3.2.3. Familiarization of Scope of Work**

The Offeror should carefully review the requirements of the Solicitation and familiarize itself with the Scope of Work, laws, regulations and other factors so to satisfy itself as to the expense and difficulties of the work to be performed. The signing of the Offer and Contract Award form will constitute a representation of compliance by the Offeror. There will be no subsequent financial adjustment, other than provided by the contract, for lack of such familiarization.

#### **3.3. Components of a Complete Proposal**

##### **3.3.1. Offer Submittal**

Offerors should submit their Offer via APP. The Offeror should follow instructions provided and



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provide all requested material. The State will not provide any reimbursement for the cost of developing or presenting proposals in response to this RFP.

### **3.3.2. Proposal Format**

The following information should be submitted with each proposal and in this order. Failure to include all of the requested information may result in proposal rejection.

#### **3.3.2.1. Transmittal Letter**

A transmittal letter should accompany all proposals. This letter should be signed by a principal, corporate officer, or person who is authorized to represent your company. The letter of transmittal should:

- Identify the submitting organization;
- Identify the name and title of the person(s) authorized by the organization to contractually obligate the organization;
- Identify the name, title, and telephone number of the person authorized to negotiate the contract on behalf of the organization.
- Explicitly indicate acceptance of the requirements of this solicitation;
- Provide a narrative demonstrating why the company and key personnel are qualified to perform the services as outlined in the Scope of Work of this solicitation. The narrative should show expertise in these services, ability to plan and strategize and the ability to deal with contingencies.
- Be signed by the person authorized to contractually obligate the organization.

#### **3.3.2.2. Attachment I**

- Offeror shall complete the top half of the Offer and Contract Award form. The Offer and Contract Award form from within the Solicitation should be submitted with the Offer and should include the signature of a person authorized to bind the Offeror.
- Offeror shall complete the Business Questionnaire.
- Offeror shall complete the Conflicts of Interest Questionnaire.
- Offeror shall complete the Bar Complaints/Malpractice Questionnaire
- Offeror shall complete the Rate Schedule Questionnaire.
- Offeror shall complete the Qualifications and Experience of Key Personnel Questionnaire.
  - Multiple pages should be added if necessary.
- Offeror shall complete the References Questionnaire.
- Offeror may include additional supporting materials as necessary.

#### **3.3.2.3. Attachment II – Designation of Confidential, Trade Secret, and Proprietary Information**

Offeror shall complete and should include the signature of a person authorized to bind the document.

#### **3.3.2.4. Attachment III – Designation of Confidential, Trade Secret, and Proprietary Information**

Offeror shall complete and should include the signature of a person authorized to bind the document.

#### **3.3.2.5. Attachment IV – Forced Labor of Ethnic Uyghurs Ban**



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Offeror shall complete and should include the signature of a person authorized to bind the document.

### **3.3.3. Confidential Information**

All Offers submitted and opened in response to this RFP are public records and must be retained by the State. Offers shall be open to public inspection after Contract award, except for such Offers or specific information within such Offers deemed to be confidential by the State. If an Offeror believes that information in its Offer should remain confidential, the Offeror shall designate a special section labeled "Confidential Information" and include any information the Offeror indicates as confidential along with a statement detailing the reasons that the information should not be disclosed. Such reasons shall include the specific harm or prejudice which may arise. This special section should be labeled as a separate file and marked confidential. The State shall determine whether the identified information is confidential pursuant to the Arizona Procurement Code. Information not specifically identified as confidential by the Offeror in accordance with this paragraph or determined to be not confidential by the State will be open to public inspection.

### **3.3.4. Suspension or Debarment Status**

If the firm, business or person submitting a proposal has been debarred, suspended or otherwise lawfully precluded from participating in any public procurement activity with any Federal, State or local government, the Offeror should include a letter with its proposal setting forth the name and address of the governmental unit, the effective date of the suspension or debarment, the duration of the suspension or debarment and the relevant circumstances relating to the suspension or debarment. Failure to supply the letter or to disclose in the letter all pertinent information regarding a suspension or debarment will result in rejection of the proposal or cancellation of a Contract. The State also may exercise any other remedy available by law.

### **3.3.5. Insurance**

The Offeror should provide a Certificate of Insurance or a letter from the Offeror's Insurance Provider demonstrating the Offeror is able to provide insurance in accordance with the Special Terms and Conditions Section of this RFP.

## **3.4. Proposal Opening**

Proposals shall be opened at the Solicitation Due Date and Time cited on the cover page of the Solicitation. The name of each Offeror and the identity of the Solicitation for which the proposal was submitted shall be publicly read and recorded in the presence of at least one witness. Prices shall not be read.

## **3.5. Offer and Acceptance Period**

In order to allow for an adequate evaluation, the AGO requires a proposal in response to this Solicitation to be valid and irrevocable for 120 days after the opening due date.

## **3.6. Evaluation Criteria**

In accordance with the Arizona Procurement code A.R.S. § 41-2534, awards shall be made to the responsible Offeror(s) whose proposal is determined in writing to be the most advantageous to the State based upon the evaluation criteria listed below. The evaluation factors are listed in their relative order of importance.

### **3.6.1. Capacity of Firm**



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**3.6.2. Experience and Expertise of the Firm and Key Personnel**

**3.6.3. Cost**

### **3.7. Discussions**

After the initial receipt and evaluation of proposals, the AGO may conduct discussions with Offerors whose proposals are deemed to be reasonably susceptible to award. Notwithstanding this section, proposals should be submitted initially complete and on most favorable terms. In the event discussions are conducted, the AGO shall issue a written request for Best and Final Offers.

### **3.8. Best and Final Offer**

The request for Best and Final Offer shall inform Offerors, that if they do not submit a Best and Final Offer or a notice of withdrawal, their immediate previous Offer will be considered as their Best and Final Offer. The Offeror's "immediate previous offer" will consist of the Offeror's original proposal submission and any documents submitted by the Offeror during discussions.

### **3.9. Definitions of Key Words Used in the Solicitation**

**3.9.1. Office of the Arizona Attorney General:** May be referred to as the AGO, Office of the Attorney General, Department, Agency or State of Arizona.

**3.9.2. Outside Counsel:** Outside Counsel refers to the Lawyer or law firm entering into this contract with the Office of the Arizona Attorney General. Outside Counsel may also be referred to as Contractor in this Contract.

**3.9.3. Contract or Agreement:** Refers to the legal agreement outlined in this document

**3.9.4. Shall, Must:** Indicates a mandatory requirement. Failure to meet these mandatory requirements may result in the rejection of a proposal as non-responsive.

**3.9.5. Should:** Indicates something that is recommended but not mandatory. If the Offeror fails to provide recommended information, the State may, at its sole option, ask the Offeror to provide the information or evaluate the proposal without the information.

**3.9.6. May** Indicates something that is not mandatory, but permissible.

**3.9.7. Notice to Proceed:** A written document authorizing the Outside Counsel to begin work under this contract (e.g. letter to Outside Counsel, Purchase Order, Assignment letter, etc.)



**ADDENDUM I**  
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**Office of the Attorney General**  
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**Standard Contract Addendum for All Office of the Arizona Attorney General Contingency Fee Contracts As Per A.R.S. §41-4803**

(This addendum is added as a part of this contract in accordance with A.R.S. §41-4803. These requirements are minimum and may be superseded by other statutory requirements listed within this Agreement.)

A. This state may not enter into a contingency fee contract that provides for this state's private attorney to receive a contingency fee from this state's portion of the recovery in excess of an aggregate of all of the following:

1. Twenty-five per cent of the initial recovery of less than ten million dollars.
2. Twenty per cent of that portion of any recovery of ten million dollars or more but less than fifteen million dollars.
3. Fifteen per cent of that portion of any recovery of fifteen million dollars or more but less than twenty million dollars.
4. Ten per cent of that portion of any recovery of twenty million dollars or more but less than twenty-five million dollars.
5. Five per cent of any recovery of twenty-five million dollars or more.

B. The contingency fee received by this state's private attorney shall not exceed fifty million dollars, except for reasonable costs and expenses and regardless of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery.

C. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions of the contract:

1. A government attorney retains ultimate control over the course and conduct of the case.
2. A government attorney with supervisory authority is personally involved in overseeing the litigation.
3. A government attorney retains veto power over any decisions made by the private attorney.
4. Any defendant's attorney that is the subject of the litigation may contact the lead government attorney directly without having to confer with the private attorney.
5. A government attorney with supervisory authority for the case attends all settlement conferences. For the purposes of this paragraph, "attends" includes attendance by phone, teleconferencing or similar electronic devices.
6. Decisions regarding settlement of the case may not be delegated to this state's private attorney.

D. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that the attorney general must use in all cases, describing in detail what is expected of both the contracted private attorney and this state, including the requirements prescribed in subsection C.

E. The attorney general shall post copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney on the attorney general's website for public inspection within five business days after the date the contract is executed, which shall remain posted on the website for the duration of the contingency fee contract, including any extensions or



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amendments of the contract, unless the attorney general determines that the posting may cause damage to the reputation of any business or person. Notwithstanding the requirements of this subsection, posting on the website shall be made no later than when a lawsuit is filed. The attorney general shall post any payment of contingency fees on the attorney general's website within fifteen days after the payment of the contingency fees to the private attorney, which shall remain posted on the website for at least three hundred sixty-five days thereafter.

F. Any private attorney under contract to provide services to this state on a contingency fee basis, from the inception of the contract until at least four years after the contract expires or is terminated, shall maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices and other financial transactions that concern the provision of the attorney services. The private attorney shall make all the records available for inspection and copying on request pursuant to title 39, chapter 1, article 2. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one tenth of one hour and shall promptly provide these records to the attorney general on request.

G. This chapter does not apply to any contingent fee contract in which this state hires a private attorney to pursue debt collection and restitution cases for this state.