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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RAUL SIQUEIROS, *et al.*,

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

Case No.: 16-cv-07244-EMC

**NOTICE OF MOTION, MOTION, AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS’ MOTION FOR COMMON
FUND ATTORNEYS’ FEES AND COSTS,
AND CLASS REPRESENTATIVE SERVICE
AWARDS**

Judge: Hon. Edward M. Chen
Hearing Date: March 21, 2024
Time of Hearing: 1:30 PM

NOTICE OF MOTION AND MOTION

TO THIS COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on March 21, 2024 at 1:30 pm, in the United States District Court, Northern District of California, San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California, Courtroom 5, 17th Floor, before the Honorable Edward M. Chen, Plaintiffs will, and hereby do, move this Court for an order awarding attorneys' fees and costs, and class representative service awards.

As compensation for their work in achieving a jury verdict that awarded all damages sought for each member of the California, North Carolina, and Idaho Classes, Class Counsel asks that the Court award them common fund attorneys' fees in the amount of 38% of the Class members' recovery. Because statutory attorneys' fees should be paid by Defendant General Motors ("GM") under the Song-Beverly Consumer Warranty Act and the Idaho Consumer Protection Act, Class Counsel requests that the Court award them those fees, with those amounts credited against the 38% otherwise awarded from the California and Idaho Class members' recovery. In addition to their fees, Class Counsel requests payment of their costs; and Plaintiffs request service awards in the amount of \$30,000 each for the Class Representatives—Garet Tarvin, William Davis, and Gabriel Del Valle—who testified at trial and who were critical to achieving relief on behalf of their respective Classes.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the accompanying declarations of Adam Levitt and Ryan Aldridge, the exhibits thereto, and the contemporaneously filed Motion for Final Judgment and all declarations and exhibits associated therewith.

Dated: February 9, 2024

/s/ Adam J. Levitt

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	CLASS COUNSEL SHOULD BE AWARDED COMMON FUND FEES OF 38%.	2
A.	Class Counsel Achieved Exceptional Results.	3
B.	This Fully Contingent Case Was Complex, Risky, and Highly Burdensome.....	4
C.	The “Market Rate” Supports the Requested Fee.....	5
D.	The Requested Fee Satisfies a Lodestar Cross-Check.	6
III.	CLASS COUNSEL SHOULD BE AWARDED STATUTORY FEES AWARDED FOR THE IDAHO AND CALIFORNIA CLAIMS, WITH THAT AMOUNT CREDITED AGAINST THE CONTINGENCY AWARD.....	8
IV.	CLASS COUNSEL SHOULD BE AWARDED COSTS.....	10
V.	THE CLASS REPRESENTATIVES SHOULD RECEIVE SERVICE AWARDS OF \$30,000 EACH.	10
VI.	CONCLUSION	12

TABLE OF AUTHORITIES**Page(s)****Cases**

<i>Andrews v. Plains All Am. Pipeline L.P.</i> , 2022 WL 4453864 (C.D. Cal. Sept. 20, 2022)	2, 3
<i>Bellinghausen v. Tractor Supply Co.</i> , 306 F.R.D. 245 (N.D. Cal. 2015)	5
<i>In re Bluetooth Headset Prods. Liab. Litig.</i> , 654 F.3d 935 (9th Cir. 2011)	2
<i>Boeing Co. v. Van Gemert</i> , 444 U.S. 472 (1980)	2
<i>Brandenburger v. Thompson</i> , 494 F.2d 885 (9th Cir. 1974)	9
<i>Brown v. 22nd Dist. Agric. Ass'n</i> , 2017 WL 3131557 (S.D. Cal. July 21, 2017)	5
<i>In re Capacitors Antitrust Litig.</i> , 2018 WL 4790575 (N.D. Cal. Sept. 21, 2018)	8
<i>Carlin v. DairyAmerica, Inc.</i> , 380 F. Supp. 3d 998 (E.D. Cal. 2019)	2, 3, 10
<i>In re Cathode Ray Tube (CRT) Antitrust Litig.</i> , 2016 WL 183285 (N.D. Cal. Jan. 14, 2016)	2
<i>Ching v. Siemens Indus., Inc.</i> , 2014 WL 2926210 (N.D. Cal. June 27, 2014)	5
<i>Costa v. FCA US LLC</i> , Case No. 20-cv-11810 (D. Mass.)	5
<i>Folsom v. Butte Cnty. Ass'n of Gov'ts</i> , 652 P.2d 437 (Cal. 1982)	8
<i>George v. Acad. Mortg. Corp. (UT)</i> , 369 F. Supp. 3d 1356 (N.D. Ga. 2019)	6
<i>Gergetz v. Telenav</i> , 2018 WL 4691169 (N.D. Cal. Sept. 27, 2018)	10
<i>Glass v. UBS Fin. Servs., Inc.</i> , 2007 WL 221862 (N.D. Cal. Jan. 26, 2007), <i>aff'd</i> , 331 F. App'x. 452 (9th Cir. 2009)	7

1	<i>Heffington v. FCA US LLC</i> ,	
2	2020 WL 5017610 (E.D. Cal. Aug. 25, 2020)	8
3	<i>In re Heritage Bond Litig.</i> ,	
4	2005 WL 1594389 (C.D. Cal. June 10, 2005).....	3
5	<i>In re HQ Sustainable Mar. Indus., Inc. Derivative Litig.</i> ,	
6	2013 WL 5421626 (W.D. Wash. Sept. 26, 2013)	7
7	<i>In re Immune Response Sec. Litig.</i> ,	
8	497 F. Supp. 2d 1166 (S.D. Cal. 2007)	10
9	<i>Jenson v. First Tr. Corp.</i> ,	
10	2008 WL 11338161 (C.D. Cal. June 9, 2008).....	6
11	<i>In re M.D.C. Holdings Sec. Litig.</i> ,	
12	1990 WL 454747 (S.D. Cal. Aug. 30, 1990).....	6
13	<i>U.S. ex rel. Maxwell v. Kerr–McGee Oil & Gas Corp.</i> ,	
14	793 F. Supp. 2d 1260 (D. Colo. 2011)	10
15	<i>Nalen v. Jenkins</i> ,	
16	741 P.2d 366 (Idaho Ct. App. 1987)	8
17	<i>Nuwer v. FCA US LLC</i> ,	
18	Case No. 20-cv-60432 (S.D. Fla.)	5
19	<i>In re Omnivision Techs., Inc.</i> ,	
20	559 F. Supp. 2d 1036 (N.D. Cal. 2008).....	3
21	<i>In re Optical Disk Drive Prods. Antitrust Litig.</i> ,	
22	959 F.3d 922 (9th Cir. 2020)	2, 6, 9
23	<i>Quackenbush v. Am. Honda Motor Co., Inc.</i> ,	
24	Case No. 20-cv-05599 (N.D. Cal.)	5
25	<i>Rankin v. Am. Greetings, Inc.</i> ,	
26	2011 WL 13239039 (E.D. Cal. July 6, 2011).....	7
27	<i>Rodriguez v. Disner</i> ,	
28	688 F.3d 645 (9th Cir. 2012)	2
	<i>Rodriguez v. W. Publ’g Corp.</i> ,	
	563 F.3d 948 (9th Cir. 2009)	10
	<i>Samora v. Chase Dennis Emergency Med. Grp., Inc.</i> ,	
	2023 WL 5000567 (N.D. Cal. Aug. 4, 2023)	2
	<i>Serrano v. Priest</i> ,	
	569 P.2d 1303 (Cal. 1977).....	8

1	<i>Sobel v. Hertz Corp.</i> ,	
2	53 F. Supp. 3d 1319 (D. Nev. 2014)	9
3	<i>Sprague v. Ticonic Nat'l Bank</i> ,	
4	307 U.S. 161 (1939)	2
5	<i>Staton v. Boeing Co.</i> ,	
6	327 F.3d 938 (9th Cir. 2003)	9
7	<i>In re TFT-LCD (Flat Panel) Antitrust Litig.</i> ,	
8	2011 WL 7575003 (N.D. Cal. Dec. 27, 2011)	2
9	<i>Van Vranken v. Atl. Richfield Co.</i> ,	
10	901 F. Supp. 294 (N.D. Cal. 1995).....	8, 11
11	<i>Vinh Nguyen v. Radient Pharms. Corp.</i> ,	
12	2014 WL 1802293 (C.D. Cal. May 6, 2014).....	2
13	<i>Vizcaino v. Microsoft Corp.</i> ,	
14	290 F.3d 1043 (9th Cir. 2002).....	2, <i>passim</i>
15	<i>In re Wash. Pub. Power Supply Sys. Secs. Litig.</i> ,	
16	19 F.3d 1291 (9th Cir. 1994).....	5
17	<i>In re Wells Fargo & Co. S'holder Derivative Litig.</i> ,	
18	845 F. App'x. 563 (9th Cir. 2021).....	7
19	<i>Wininger v. SI Mgmt. L.P.</i> ,	
20	301 F.3d 1115 (9th Cir. 2002).....	10
21	<i>Zamora Jordan v. Nationstar Mortg.</i> ,	
22	LLC, 2019 WL 1966112 (E.D. Wash. May 2, 2019).....	11
23	Statutes	
24	Cal. Code Civ. Proc. § 1021.5	8
25	Other Authorities	
26	Idaho Consumer Protection Act	1, 10
27	Song-Beverly Consumer Warranty Act.....	1
28	David L. Schwartz, <i>The Rise of Contingent Fee Representation in Patent Litigation</i> , 64	
	ALA. L. REV. 335, 360 (2012)	6

STATEMENT OF ISSUES TO BE DECIDED

1. Should the Court grant Class Counsel attorneys' fees in the amount of 38% of the Class members' recovery?

2. Should the Court award Class Counsel the statutory attorneys' fees payable under the Song-Beverly Act and the Idaho Consumer Protection Act, with those amounts credited against the 38% otherwise awarded from the California and Idaho Class members' recovery?

3. Should the Court grant Class Counsel their requested costs?

4. Should the Court grant each Class Representative a \$30,000 service award?

I. INTRODUCTION

The history of this long litigation is briefly summarized in Plaintiffs' Motion for Final Judgment, Prejudgment Interest, Statutory Attorneys' Fees, and Costs ("Final Judgment Motion"), filed concurrently herewith. Once judgment has been entered, the Court should consider the appropriate fee for Class Counsel, who have litigated this case for more than seven years without payment, and with the risk of non-payment had they not succeeded in their efforts.

In the face of vigorous opposition, Class Counsel—working entirely on contingency—fully prevailed at trial, generating a 100% recovery on the California, Idaho, and North Carolina Class claims. A class-wide trial victory is a rare and remarkable result. Class Counsel has now further prevailed on a year's worth of post-trial motion practice. For the reasons stated below, Class Counsel respectfully submits that the Court award a common fund fee that reflects the costs and risks that they have borne, and the success that they have achieved.

Statutory attorneys' fees are also available in connection with the California Class's Song-Beverly Act claim and the Idaho Class's Idaho Consumer Protection Act ("ICPA") claim. (Final Judg. Mot. at 9-20.) Accordingly, the state classes and their respective funds must be treated slightly differently. As discussed below, Class Counsel should be paid any statutory fees awarded under the Song-Beverly Act and the ICPA, and that amount should be credited against the common fund fee award granted with respect to the California and Idaho Classes. By doing so, the California and Idaho Classes will likely receive all, or almost all, of the damages awarded by the jury and the prejudgment and post-judgment interest that should be awarded by the Court. (Final Judg. Mot. at 3-6.) For the North Carolina Class, Class Counsel should simply be awarded a percentage fee from the North Carolina common fund.

In addition to their fees, Class Counsel also requests payment of their reasonable expenses and that the Court award Plaintiffs Garet Tarvin, Gabriel Del Valle, and William Davis appropriate service awards reflecting their exemplary service as class representatives.

II. CLASS COUNSEL SHOULD BE AWARDED COMMON FUND FEES OF 38%.

Under the common fund doctrine, “a litigant or a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorneys’ fee from the fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). “Federal courts award attorneys’ fees under the common fund doctrine as a matter of federal common law, based on the ‘historic equity jurisdiction of the federal courts.’” *Rodriguez v. Disner*, 688 F.3d 645, 653 (9th Cir. 2012) (quoting *Sprague v. Ticonic Nat’l Bank*, 307 U.S. 161, 164 (1939)). In the Ninth Circuit, courts have discretion in awarding fees from a common fund to “employ either the lodestar method or the percentage-of-recovery method.” *In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 942 (9th Cir. 2011). “Under the percentage-of-recovery method, the attorneys are awarded fees in the amount of a percentage of the common fund recovered for the class.” *Samora v. Chase Dennis Emergency Med. Grp., Inc.*, 2023 WL 5000567, at *1 (N.D. Cal. Aug. 4, 2023). The Ninth Circuit has identified factors—often referred to as the *Vizcaino* factors—that courts may consider when assessing requests for attorneys’ fees calculated pursuant to the percentage-of-recovery method:

- (1) the extent to which class counsel achieved exceptional results for the class; (2) whether the case was risky for class counsel; (3) whether counsel's performance generated benefits beyond the cash settlement fund; (4) the market rate for the particular field of law; (5) the burdens class counsel experienced while litigating the case; and (6) whether the case was handled on a contingency basis.

In re Optical Disk Drive Prods. Antitrust Litig., 959 F.3d 922, 930 (9th Cir. 2020) (citing *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048–50 (9th Cir. 2002)).

Even in cases that settle short of trial, fee awards above the 25% “benchmark” are appropriate where class counsel has achieved a significant class recovery. *See, e.g., Andrews v. Plains All Am. Pipeline L.P.*, 2022 WL 4453864, at *4 (C.D. Cal. Sept. 20, 2022) (approving 32% fee award of \$230 million settlement); *In re Cathode Ray Tube (CRT) Antitrust Litig.*, 2016 WL 183285, at *2 (N.D. Cal. Jan. 14, 2016) (approving 30% fee award of \$127.45 million settlement); *In re TFT-LCD (Flat Panel) Antitrust Litig.*, 2011 WL 7575003, at *2 (N.D. Cal. Dec. 27, 2011) (approving 30% fee award of \$405.02 million settlement); *Carlin v. DairyAmerica, Inc.*, 380 F. Supp. 3d 998, 1021, 1023 (E.D. Cal. 2019) (awarding 33.3% of a \$40 million common fund that represented 48% of damages); *Vinh Nguyen*

1 *v. Radiant Pharms. Corp.*, 2014 WL 1802293, at *10 (C.D. Cal. May 6, 2014) (awarding 28% fee in
2 case that settled pre-trial).

3 Here, where Class Counsel did not unburden themselves of risk through pre-trial settlement,
4 but, instead, litigated the Class claims through verdict, achieving a 100% recovery for each Class
5 member, Class Counsel submits that the *Vizcaino* factors strongly support a fee of 38% of the
6 judgment, which is consistent with or lower than a reasonable contingency fee in the private market.

7 **A. Class Counsel Achieved Exceptional Results.**

8 The benefit secured for a class is the single most important factor in evaluating the
9 reasonableness of a requested fee. *See In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1046 (N.D.
10 Cal. 2008) (“The overall result and benefit to the class from the litigation is the most critical factor in
11 granting a fee award.”). Here, Class Counsel achieved the maximum damages sought, \$2,700 per
12 vehicle, for each California, Idaho, and North Carolina Class member. With pre-judgment interest, an
13 average class member will receive up to approximately \$5,000. (*See* Final Judg. Mot. at 5-6.) To put
14 that number in perspective, the average class member will receive roughly 14% of the cost of a *new*
15 Chevrolet Silverado.¹ The result could not have been achieved through a settlement. The Classes
16 received the maximum result for their claims because Class Counsel took their case through verdict.

17 In cases that generate large funds, courts have deemed results “significant” and “exceptional”
18 that were not half as successful as what Class Counsel accomplished here. For example, in *Andrews*,
19 the court commended class counsel for its success when a settlement represented “roughly 35% of the
20 maximum class wide compensatory damages” following deduction of fees and “in the face of complex
21 and hotly disputed issues” over the course of seven years’ litigation. 2022 WL 4453864, at *2; *see also*
22 *In re Heritage Bond Litig.*, 2005 WL 1594389, at *8 (C.D. Cal. June 10, 2005) (awarding 33.33% in
23 fees to counsel where the class recovered 23% of the total net loss after fees were deducted); *Carlin*,
24 380 F. Supp. 3d at 1021, 1023 (awarding 33.3% of a \$40 million common fund that represented 48% of
25
26

27 _____
28 ¹ <https://www.chevrolet.com/trucks/silverado/1500>

damages alleged). The risks borne and the results that Class Counsel achieved here far exceed the results in the aforementioned cases, and their fee should reflect that reality.

B. This Fully Contingent Case Was Complex, Risky, and Highly Burdensome.

Class Counsel filed this case on a fully-contingent basis, with no guarantee of payment, more than seven years ago. Over the course of discovery, Class Counsel reviewed 23,774 documents, deposed 10 GM engineers and 3 GM experts, and defended 11 Plaintiffs' depositions and 3 expert depositions. (Declaration of Adam Levitt at ¶ 7.) Just to get to a jury, Class Counsel overcame two motions to dismiss and four motions for summary judgment. (ECF Nos. 47, 70, 184, 291, 397, 428.) They faced four pre-trial motions for class decertification, and a motion for reconsideration of Idaho class certification. (ECF Nos. 247, 324, 325, 347, 397.) They faced *Daubert* motions as to both of their experts, and they briefed and argued nine motions *in limine*. (ECF Nos. 395, 476.)

During the multi-week trial, where they faced top-tier trial counsel from two national defense firms, Class Counsel successfully proved to the jury that the Class Vehicles contained the Oil Consumption Defect and that this defect was a safety defect. (ECF No. 554, Jury Instructions; ECF No. 566, Verdict Form.) Moreover, they proved to the jury that GM had fraudulently concealed that defect, so that the statutes of limitations were tolled for thousands of Class members who would not otherwise have recovered. (*Id.*) In doing so, Class Counsel drew upon expert testimony, testimony from GM's engineers, Plaintiffs' testimony, depositions, GM service bulletins, GM warranty data, and documents buried in the thousands of pages of GM's production. (*See, e.g.*, ECF No. 634 at 2, 6–9, 13–14.)

But even after trial, Class Counsel's job was far from complete. GM filed roughly 80 pages of post-trial motions, seeking judgment as a matter of law and, again, seeking decertification. (ECF Nos. 592 and 594.) These briefs, through which GM challenged practically every legal or factual issue that was possibly disputable, dragged the case on for another year, until the Court issued its order regarding the finality of the jury's statute of limitations filings. (ECF No. 653.)

Class Counsel could have lost this case, and lost their entire investment of time, at any number of points between GM's first motion to dismiss in 2017 (ECF No. 47) and its JNOV motion argued in 2023 (ECF No. 592). Indeed, it bears remembering that the Court dismissed this case in its entirety,

albeit with leave to replead, after GM's first motion to dismiss. (ECF No. 62.) Class Counsel pressed on.

In doing so, Class Counsel not only invested thousands of hours of their time, but also \$1,051,948.96 of their own money. (Levitt Decl. at ¶¶ 22–25.) Most notably, they paid for a trial team to spend three weeks in San Francisco, rather than accept GM's final pretrial settlement offer. The risk in this decision is evident from the results in automobile defect class actions that have gone to trial since Plaintiffs' verdict. *See FCA US LLC Monostable Elec. Gearshift Litig.*, Case No. 16-cv-02744 (E.D. Mich.) (jury verdict for the defendant in a class case); *Costa v. FCA US LLC*, Case No. 20-cv-11810 (D. Mass.) (jury verdict for the defendant in a class case); *Quackenbush v. Am. Honda Motor Co., Inc.*, Case No. 20-cv-05599 (N.D. Cal.) (jury verdict for defendant on California CLRA claim); *Nuwer v. FCA US LLC*, Case No. 20-cv-60432 (S.D. Fla.) (no damages awarded to plaintiffs).

Over seven years, Class Counsel has litigated this case as thoroughly as a case can be litigated, always in the face of significant risk. This factor weighs heavily in favor of a substantial fee.

C. The “Market Rate” Supports the Requested Fee.

As a general matter, “[w]hen counsel takes cases on a contingent fee basis, and litigation is protracted, the risk of non-payment after years of litigation justifies a significant fee award.” *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D. 245, 261 (N.D. Cal. 2015). *See also In re Wash. Pub. Power Supply Sys. Secs. Litig.*, 19 F.3d 1291, 1299 (9th Cir. 1994) (“It is an established practice in the private legal market to reward attorneys of taking the risk of non-payment by paying them a premium over their normal hourly rates for winning contingency cases.”); *Ching v. Siemens Indus., Inc.*, 2014 WL 2926210, at *8 (N.D. Cal. June 27, 2014) (“Courts have long recognized that the public interest is served by rewarding attorneys who assume representation on a contingent basis with an enhanced fee to compensate them for the risk that they might be paid nothing at all for their work.”); *Brown v. 22nd Dist. Agric. Ass’n*, 2017 WL 3131557, at *8 (S.D. Cal. July 21, 2017) (recognizing that “class counsel was forced to forego other employment in order to devote necessary time to this litigation” and the substantial risk associated with taking the matter on a contingent basis warranted “an upward adjustment to the fee award”).

The market for high-stakes, high-value, plaintiff's-side litigators is entirely driven by a percentage-of-the-recovery model, with sophisticated clients typically incentivizing their lawyers by agreeing to a fixed percentage of between 30% and 40% of the recovery. *See Jenson v. First Tr. Corp.*, 2008 WL 11338161, at *13 n.15 (C.D. Cal. June 9, 2008) ("If this were non-representative litigation, the customary fee arrangement would likely be contingent, on a percentage basis, and in the range of 30% to 40% of the recovery."); *In re M.D.C. Holdings Sec. Litig.*, 1990 WL 454747, at *7 (S.D. Cal. Aug. 30, 1990) ("In private contingent litigation, fee contracts have traditionally ranged between 30% and 40% of the total recovery."); *George v. Acad. Mortg. Corp. (UT)*, 369 F. Supp. 3d 1356, 1382 (N.D. Ga. 2019) ("Plaintiffs request for approval of Class Counsel's 33% fee falls within the range of the private marketplace, where contingency-fee arrangements are often between 30 and 40 percent of any recovery"); David L. Schwartz, *The Rise of Contingent Fee Representation in Patent Litigation*, 64 ALA. L. REV. 335, 360 (2012) (in patent cases where attorneys paid a flat contingent fee, "the mean rate [is] 38.6% of the recovery.").

In a case generating large fund like this one, there is no "bright-line rule" requiring a reduction or sliding scale for fee rewards the larger the fund grows. The size of the settlement fund is but "one relevant circumstance to which courts must refer" when determining the reasonableness of a fee award. *Vizcaino*, 290 F.3d at 1047. It is true that there may be cases where "recovery is merely a factor of the size of the class and has no direct relationship to the efforts of counsel," leading to "windfalls in common fund cases." *Optical Disk Drive*, 959 F.3d at 933. *But that is clearly not the case here*, where the recovery was a direct result of Plaintiffs' dogged pursuit of the case through trial—a trial through which Class Counsel achieved a full result for each and every Class member.

D. The Requested Fee Satisfies a Lodestar Cross-Check.

While the Ninth Circuit has "encouraged" the use of a lodestar cross-check when a court awards a fee using the percentage-of-the-fund method,² the Ninth Circuit does not require the use of a lodestar

² *Optical Disk Drive*, 959 F.3d at 930 ("[W]e have encouraged courts using the percentage-of-recovery method to perform a cross-check by applying the lodestar method to confirm that the percentage-of-recovery amount is reasonable.").

cross-check when awarding a fee using the percentage-of-the-fund method. *See Vizcaino*, 290 F.3d at 1050 (“[W]hile the primary basis of the fee award remains the percentage method, the lodestar *may* provide a useful perspective on the reasonableness of a given percentage award”) (emphasis added); *Glass v. UBS Fin. Servs., Inc.*, 2007 WL 221862, at *15–16 (N.D. Cal. Jan. 26, 2007), *aff’d*, 331 F. App’x. 452 (9th Cir. 2009) (“Under the circumstances presented here, where the early settlement resulted in a significant benefit to the class, the Court finds no need to conduct a lodestar cross-check.”); *Rankin v. Am. Greetings, Inc.*, 2011 WL 13239039, at *1–2 (E.D. Cal. July 6, 2011) (stating that “a lodestar calculation is not required” and awarding fee without a cross-check); *In re HQ Sustainable Mar. Indus., Inc. Derivative Litig.*, 2013 WL 5421626, at *3 (W.D. Wash. Sept. 26, 2013) (awarding 32% fee without benefit of lodestar cross-check); *In re Wells Fargo & Co. S’holder Derivative Litig.*, 845 F. App’x. 563, 565 (9th Cir. 2021) (affirming reasonableness of a fee award without regard to the lodestar crosscheck, which the panel determined had been likely miscalculated).

Here, a precise lodestar cross-check cannot presently be performed because, as Plaintiffs explain in their concurrently-filed Final Judgment Motion, the specific identities of all Class members—and thus the exact sizes of the Classes and the amount of prejudgment interest available for each Class member—is presently unknown and will not be known until additional registration data is received. (*See* Final Judg. Mot. at 5.) Put another way, the exact size of the total fund is presently unknown, although it will be known in due course.

However, Class Counsel’s request satisfies a lodestar cross-check even under the largest possible class recovery. Class notice, which was overly broad, was sent to 5,049 potential Idaho Class members, 6,581 potential California Class members, and 36,442 potential North Carolina Class members. (Declaration of Ryan Aldridge at ¶¶ 11, 13, 16.) The actual number of Class members, particularly with respect to North Carolina, is likely to be much less. As Plaintiffs discuss in their Final Judgment Motion, Plaintiffs are seeking prejudgment interest from the date that a Class Vehicle was first registered. (Final Judg. Mot. at 5.) The Class Vehicles are 2011-2014 model year vehicles. Using January 1, 2011 as the date on which prejudgment interest begins to run for all Class Vehicles (obviously, this is date is months or years earlier than prejudgment interest will begin to run for 2012-2014 model year vehicles), the total common fund will be \$270,450,435. In other words, with

maximum possible Class members and maximum possible prejudgment interest, the total common fund for all three statewide Classes will be \$270,450,435. Thirty-eight percent of \$270,450,435 is \$102,771,165. This is 4.2 times Class Counsel's lodestar of \$24,424,860.5,³ and thus well within the range of an acceptable lodestar multiplier. *See In re Capacitors Antitrust Litig.*, 2018 WL 4790575, at *6 (N.D. Cal. Sept. 21, 2018) ("In the Ninth Circuit, a lodestar multiplier of around 4 times has frequently been awarded in common fund cases"); *Vizcaino*, 290 F.3d at 1051 (affirming a common fund award that represented a lodestar multiplier of 3.65); *Van Vranken v. Atl. Richfield Co.*, 901 F. Supp. 294, 298 (N.D. Cal. 1995) ("Multipliers in the 3-4 range are common in lodestar awards for lengthy and complex class action"); 5 Newberg and Rubenstein on Class Actions § 15.89 (6th ed.) (empirical data showing mean multiplier of 3.18 for funds greater than \$175.5 million).

III. CLASS COUNSEL SHOULD BE AWARDED STATUTORY FEES AWARDED FOR THE IDAHO AND CALIFORNIA CLAIMS, WITH THAT AMOUNT CREDITED AGAINST THE CONTINGENCY AWARD.

While thirty-eight percent of the class recovery is a fair contingent fee, the availability of statutory attorneys' fees means that California and Idaho Class members will need to share far less of their damages (and interest) recovery with Class Counsel. Both California and federal courts recognize that when a statutory fee-shifting provision's purpose is to incentivize attorneys to assert a claim, as is true of the Song-Beverly Act and Idaho Consumer Protection Act claims at issue here,⁴ a court may order the statutory fees to be paid directly to the attorneys. *See Serrano v. Priest*, 569 P.2d 1303, 1315, n.21 (Cal. 1977) ("The propriety of a direct award to the plaintiffs' attorney, rather than to plaintiffs themselves, in the exercise of the court's equitable powers, is no longer questioned in the federal courts."); *Folsom v. Butte Cnty. Ass'n of Gov'ts*, 652 P.2d 437, 447 (Cal. 1982) (stating, in upholding an attorney fee award under California Code of Civil Procedure section 1021.5, which codifies the

³ Levitt Decl. ¶ 13.

⁴ *See Heffington v. FCA US LLC*, 2020 WL 5017610, at *9 (E.D. Cal. Aug. 25, 2020) (discussing, in the context of awarding statutory fees under the Song-Beverly Act, the financial incentives for attorneys enforcing important rights); *Nalen v. Jenkins*, 741 P.2d 366, 369–70 (Idaho Ct. App. 1987) (The Idaho Consumer Protection Act's "function is to provide private attorney general actions to redress unfair and deceptive practices. Firmly established in the private attorney general concept is the view that the prevailing advocate of the public interest is entitled to recover fees for fee-related work.").

“private attorney general” fee doctrine, that “[i]t is established that awards are properly made to plaintiffs’ attorneys rather than to plaintiffs themselves.”); *Brandenburger v. Thompson*, 494 F.2d 885, 889–90 (9th Cir. 1974) (“The policy underlying the ‘private attorney general’ doctrine supports this conclusion. . . . the award should be made directly to the organization providing the services to ensure against a windfall to the litigant.”). Moreover, to the extent that these statutory fees are part of the common fund, it is within the court’s reasonable discretion to award them directly to Class Counsel. *In re Online DVD-Rental Antitrust Litig.*, 959 F.3d 922, 929 (9th Cir. 2020) (“District courts have discretion to choose which method they use to calculate fees, but their discretion must be exercised to reach a reasonable result.”).

By ordering that class counsel recover first the statutory fees that will be awarded and then use that as a set-off against the percentage for the common benefit work, the court allows the statutory fees to compensate counsel for the risky representation *and* also preserves intraclass equity between class members whose states provided statutory fees and those where no such fees were available. To be clear, Class Counsel is not asking to be paid statutory fees in addition to 38% of the common fund. Rather, the statutory fees should be credited against the 38% common fund payment. In other words, if the statutory fees amount to more than 38% of the common fund (damages and any available interest), Class Counsel will receive only the statutory fees; but if the statutory fees come to less than the 38% of the common fund (damages and any available interest), Class Counsel will receive 38% of the common fund less the amount of statutory fees.

Notably, this proposal applies only to California and Idaho, and only to the extent that statutory fees are awarded under either the Song-Beverly Act and the Idaho Consumer Protection Act. For North Carolina, Class Counsel simply seeks 38% of the common fund.⁵

⁵ It is well-settled that the recovery of statutory fees, as requested in the Motion for Final Judgment, does not prejudice counsel from receiving a fee calculated on the basis of a percentage of the common fund. *See, e.g., Staton v. Boeing Co.*, 327 F.3d 938, 968 (9th Cir. 2003) (“The fees available under a fee-shifting statute are part of the plaintiff’s recovery and are not dependent upon any explicit fee arrangements between the plaintiffs and their counsel. For that reason, contingent fee agreements between counsel and client are valid in cases where statutory fees are available....Common fund fees are essentially an equitable substitute for private fee agreements where a class benefits from an attorney’s work, so the same general principles ...should apply.”); *Sobel v. Hertz Corp.*, 53 F. Supp. 3d

IV. CLASS COUNSEL SHOULD BE AWARDED COSTS.

“An attorney who has created a common fund for the benefit of the class is entitled to reimbursement of reasonable litigation costs from that fund.” *Carlin*, 380 F. Supp. 3d at 1023–24 . “Such expense awards comport with the notion that the district court may ‘spread the costs of the litigation among the recipients of the common benefit.’” *Id.* (quoting *Wininger v. SI Mgmt. L.P.*, 301 F.3d 1115, 1121 (9th Cir. 2002)). The costs should be limited to “typical out-of-pocket expenses that are charged to a fee-paying client and should be reasonable and necessary.” *Id.* (quoting *In re Immune Response Sec. Litig.*, 497 F. Supp. 2d 1166, 1177 (S.D. Cal. 2007)). Recoverable costs include: (1) meals, hotels, and transportation; (2) photocopies; (3) postage, telephone, and fax; (4) filing fees; (5) deliveries; (6) online legal research; (7) class action notices; (8) experts, consultants, and investigators; and (9) mediation fees. *Id.*

Here, as detailed in the attached Levitt Declaration, Class Counsel incurred \$1,153,529.03 in recoverable costs. Levitt Decl. ¶22, Ex. C. These costs should be paid by GM directly to Class Counsel, who incurred the costs, pursuant to the cost-shifting provisions of Rule 54, the Song-Beverly Act, and the ICPA. (*See* Final Judg. Mot. at 6-8.)

V. THE CLASS REPRESENTATIVES SHOULD RECEIVE SERVICE AWARDS OF \$30,000 EACH.

Service awards are “intended to compensate class representatives for work done on behalf of the class, to make up for financial or reputational risk undertaken in bringing the action, and, sometimes, to recognize their willingness to act as a private attorney general.” *Gergetz v. Telenav*, 2018 WL 4691169, at *7 (N.D. Cal. Sept. 27, 2018) (quoting *Rodriguez v. W. Publ’g Corp.*, 563 F.3d 948, 958–59 (9th Cir. 2009)). In determining whether to exercise their ample discretion in providing such

1319, 1330 (D. Nev. 2014) (“Nor does it appear that the intent of the fee-shifting provision at issue here would be undermined by awarding additional attorney's fees under common fund principles. Indeed, the fee-shifting statute and the common fund doctrine serve entirely different purposes: the former governs what the non-prevailing party must, by law, pay the prevailing party in attorney's fees, while the latter serves to ensure that absent class members share in the cost of litigation.”); *U.S. ex rel. Maxwell v. Kerr–McGee Oil & Gas Corp.*, 793 F. Supp. 2d 1260, 1264–65 (D. Colo. 2011) (“By its nature, fee-shifting is designed to shift all of the costs (including attorney's fees) to the loser in an action. The fact that the winner's attorneys receive compensation from another source is irrelevant to the fee award.”)

awards, courts consider five factors: (1) the risk to the class representative in commencing suit (financial or otherwise); (2) the notoriety and personal difficulties encountered by the class representative; (3) the amount of time and effort spent by the class representative; (4) the duration of the litigation; and (5) the personal benefit (or lack thereof) enjoyed by the class representative as a result of the litigation. *Van Vranken*, 901 F. Supp. at 299. Courts in this circuit grant requests for substantial service awards where plaintiffs have participated actively in the prosecution of a case, including for participation that stopped well short of trial. *See id.* at 299 (awarding \$50,000 as reward for “participation . . . through many years of litigation.”).⁶

While the Class representatives here did not encounter personal risk or substantial notoriety, they were essential to Plaintiffs’ victory and to thousands of Class members’ recovery. Plaintiffs Tarvin (California), Del Valle (Idaho), and Davis (North Carolina) all conferred with Class Counsel, searched for and produced documents, made their vehicles available for inspection, and sat for deposition. (Levitt Decl. at ¶ 26.) Most significantly, they each spent days or weeks away from home attending trial on behalf of their respective Classes and testifying in front of the jury on direct examination and on highly-adversarial cross-examination. Plaintiffs Davis and Del Valle attended every day of the trial, from opening arguments through closing arguments. (*Id.* at ¶ 27.) Plaintiff Tarvin was there for the majority of trial days, leaving once for a long-planned family vacation, but returning again. (*Id.*) Plaintiff Del Valle served as a plaintiff in this action since its commencement more than seven years ago. (ECF No. 2.) Plaintiff Davis has served as a plaintiff for more than five years. (ECF No. 123.) And Plaintiff Tarvin joined this case not long before trial, stepping in to serve as Class Representative for the California Class, which had lost its representative, from decertification. (ECF No. 412.)

As the Court is aware, Plaintiffs Tarvin, Del Valle, and Davis were not mere figureheads. Each of their testimony was integral to the presentation of their case to the jury. They testified without any

⁶ *See also Zamora Jordan v. Nationstar Mortg., LLC*, 2019 WL 1966112, at *9 (E.D. Wash. May 2, 2019) (\$20,000 service award where plaintiff assisted class counsel throughout pendency of case, was deposed, and prepared for trial).

promise of payment, and because they did so, thousands of people—the other Class members—will each receive thousands of dollars. A service award of \$30,000 each is not only fair to them, given the size of the Class recovery, it will also serve as an incentive to other individuals to diligently and responsibly serve as class representatives in the future.⁷

VI. CONCLUSION

For the foregoing reasons, Class Counsel respectfully requests:

(1) A common fund fee award of 38% of the North Carolina Class members' recovery (damages and interest);

(2) Payment of any statutory fees awarded under the Song-Beverly Act, as well as a potential additional payment from the California Class fund (damages and interest for the California Class members), such that Class Counsel receives an amount that is no less than 38% of the California Class fund;

(3) Payment of any statutory fees awarded under the Idaho Consumer Protection Act, as well as a potential additional payment from the Idaho Class fund (damages and interest for the Idaho Class members), such that Class Counsel receives no less than 38% of the Idaho Class fund;

(4) Payment of any costs awarded by the Court under Rule 54, the Song-Beverly Act, or the Idaho Consumer Protection Act;

(5) Service awards of \$30,000 each for Plaintiffs Tarvin, Del Valle, and Davis.

Dated: February 9, 2024

/s/ Adam J. Levitt

Adam J. Levitt (*pro hac vice*)

John E. Tangren (*pro hac vice*)

Daniel R. Ferri (*pro hac vice*)

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⁷ See also generally Levitt Decl. ¶¶ 26-28.

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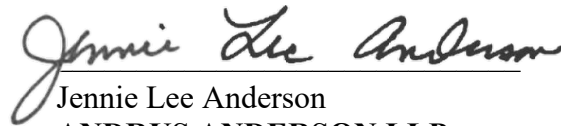
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ECF ATTESTATION

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that the other signatory has concurred in the filing of this motion which shall serve in lieu of their signature on the declaration. The original signed motion, to support this concurrence, is available for subsequent production for the Court, if so ordered, or for inspection upon request by a party, until one year after the final resolution of this action (including appeal, if any).



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Class Counsel
(additional counsel appear on signature page)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RAUL SIQUEIROS, *et al.*,

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

Case No.: 16-cv-07244-EMC

DECLARATION OF ADAM J. LEVITT

I, ADAM J. LEVITT, declare and state as follow:

1. I am a co-founding partner of the law firm of DiCello Levitt LLP (“DiCello Levitt”). DiCello Levitt’s firm “resume” is attached hereto as **Exhibit A**. Also included within Exhibit A is the firm “resume” of our co-counsel, Beasley Allen, Cros, Methvin, Portis & Miles, P.C. (“Beasley Allen”). I have personal knowledge of the facts stated herein. I am admitted to practice in the States of Illinois, New York, New Mexico, and Arizona. I have also been admitted to federal courts in the States of California, Colorado, Illinois, Indiana, Michigan, Minnesota, New York, Texas, and Wisconsin, as well as the United States Courts of Appeals for First, Second, Third, Fourth, Seventh, Eighth, Ninth, and Eleventh Circuits. I submit this Declaration in support of Plaintiffs’ Motion for

1 Final Judgment, Prejudgment Interest, and Statutory Attorneys Fees and Costs, and Motion for an
 2 Award of Attorneys' Fees and Costs, and Service Awards, and in connection with services rendered
 3 and expenses incurred by my firm and my co-counsel in connection with this litigation.

4 2. Over the last seven years, I, along with Dee Miles of Beasley Allen, have been
 5 leading this litigation on behalf of plaintiffs and the classes. In addition to work by our firms,
 6 attorneys from the law firms Andrus Anderson LLP and AG Law have contributed to this litigation.
 7 I refer to our law firms collectively herein as "class counsel."

8 3. This Declaration provides a general summary of the work performed by class
 9 counsel for the Class Members in this litigation. In short, class counsel have successfully prosecuted
 10 this litigation from the case's inception through trial and to the present day.

11 4. The Declaration further describes the costs incurred by class counsel in prosecuting
 12 this case. As explained below, over seven years' litigation, class counsel have incurred at least
 13 \$1,051,948.96 in costs.

14 5. Finally, the Declaration describes in detail the time attorneys spent on this litigation.
 15 This description includes (1) a calculation of the total lodestar applicable to counsel's work on this
 16 case, and (2) a calculation of the lodestar reasonably subject to fee shifting by operation of
 17 California's Song-Beverly Act and Idaho's Consumer Protection Act.

18 **COUNSEL'S WORK ON BEHALF OF THE CLASS**

19 6. I have been working on this matter since before founding my current law firm. The
 20 matter began on June 21, 2016, with a conversation between myself and Dee Miles regarding this
 21 case. At the time, I was a partner at the law firm Grant & Eisenhofer P.A. ("G&E"). I resigned from
 22 G&E and co-founded DiCello Levitt in late March 2017. Both my partners John Tangren and
 23 Daniel Ferri likewise moved to DiCello Levitt at that time. My team, and Dee's team, have been
 24 consistently moving this matter forward against substantial opposition since then.

25 7. My firm, in collaboration with co-counsel Beasley Allen and our other co-counsel,
 26 performed the following work for the benefit of the prevailing Plaintiffs and Classes:

- 27 a. Conducted a thorough investigation into the Oil Consumption Defect and
 28 whether GM's conduct surrounding that defect was legally actionable;

- b. Vetted potential plaintiffs to serve as class representatives for the class action complaint;
- c. Researched and filed the class action complaint on December 19, 2016 (ECF No. 2), and multiple amended complaints (ECF Nos. 29, 67, 107, 123, 157, 250, 286, 412);
- d. Researched, wrote, and filed oppositions to multiple motions to dismiss (ECF Nos. 57, 73, 263) and at least one motion to reconsider the Court's Orders with respect to motions to dismiss (ECF No. 232);
- e. Overcame four motions for summary judgment (ECF Nos. 474, 400, 320, 237);
- f. Achieved class certification on behalf three statewide classes and thousands of class members;
- g. Overcame multiple pre-trial motions for class decertification and a motion for reconsideration of Idaho class certification (ECF No. 400, 354, 349) ;
- h. Took 13 depositions, including multiple expert depositions ;
- i. Reviewed in detail 23,774 documents comprising approximately 600,000 pages produced by GM, including, e.g., GM's own warranty cost study, TT 890:24-891:7, included herein as **Exhibit D**, showing that the \$2700 damages per class member are certain because they were computed from reasonably available information;
- j. Defended 11 plaintiffs' depositions, including the named plaintiffs who appeared at trial;
- k. Collaborated with Postlethwaite & Netterville, APAC ("P&N") to create a plan for class notice and carried out said plan;
- l. Led a seven-day trial against experienced trial counsel from two national defense firms;
- m. Proved each claim through trial, leading to full relief for the classes;

n. Defeated multiple post-trial motions, including a motion for Judgment Notwithstanding the Verdict and for decertification.

8. In summary, over the course of more than seven years, Class Counsel has thoroughly and successfully prosecuted this case. Our commitment has naturally forced our attorneys to forego work on other matters.

LODESTAR CALCULATION

9. Class counsel litigated this matter on a purely contingency basis, with an understanding that there existed a substantial risk that despite years of work and substantial costs there could be no recovery whatsoever.

10. Charts summarizing class counsel's legal services and billable time performed on behalf of Plaintiffs in this case are attached hereto as **Exhibit B**. Before finalizing this submission, each class counsel firm carefully reviewed and eliminated any possibly redundant or unnecessary entries.

11. The submission was derived from contemporaneous daily time records compiled in this matter, which are recorded in class counsel's computerized databases. Each class counsel firm requires regular and contemporaneous recording of time records, which occurred in this matter. These records will be made available to the Court should it wish to review them *in camera*.

12. As of January 31, 2024, and as detailed further in **Exhibit B**,¹ class counsel expended 22,371.9 hours on this case, broken down by firm as follows:

- a. Grant & Eisenhofer: 490.6 hours
- b. AG Law: 838.5 hours
- c. Andrus Anderson: 365.9 hours
- d. DiCello Levitt: 9,629.9 hours
- e. Beasley Allen: 11,047 hours

13. In total, multiplying the total hours expended by each timekeeper's individual rate, leads to a total lodestar of \$24,424,860.5, broken down by each firm as follows:

¹ Exhibit B contains a summary of each class counsel's billing records. Class counsel are prepared to submit detailed time entries to the Court for its *in camera* review should it so require them.

- a. Grant & Eisenhofer: \$278,543.50
- b. Andrus Anderson: \$256,634.50
- c. AG Law: \$738,833.00
- d. DiCello Levitt: \$11,569,744
- e. Beasley Allen: \$11,581,055.50

14. The hourly rates used to generate these lodestar figures are the usual and customary lodestar rates charged by each firm. For example, for DiCello Levitt, they are the usual and customary lodestar rates charged in Chicago, Illinois and the national venues in which DiCello Levitt typically handles cases for each individual doing the type of work performed in this litigation. Additionally, DiCello Levitt has been retained on hourly matters at these or similar rates and I have personally been paid retainers based upon these or similar rates. Further, these rates are commensurate with the prevailing market rates of attorneys of comparable experience and skill handling complex litigation. DiCello Levitt's rates in this range have accordingly been approved in multiple litigations. *See, e.g., In re Fairlife Milk Products Marketing and Sales Practices Litigation*, MDL No. 2909, No. 19-cv-3924; *Calhoun, et al. v. Google LLC*, No. 4:20-cv-5146-YGR-SVK (N.D. Cal.); *In re Navistar MaxxForce Engines Mktg., Sales Pracs., and Prods. Liab. Litig.*, No. 1:14-CV-10318 (N.D. Ill.); *In re Equifax Inc. Customer Data Security Breach Litig.*, No. 17-md-2800, 2020 WL 256132 (N.D. Ga. Mar. 17, 2020) *Simerlein, et al. v. Toyota Motor Corp. et al.*, No. 3:17-cv-1091 (VAB) (D. Conn.).

15. I note as well that class counsel's rates are largely below the average rates typically charged by Defense counsel based in Chicago. For example, in 2019, GM's counsel Richard Godfrey billed at \$1,585 per hour. *See in re Windstream Holdings Inc.*, No. 19-22312 (Dkt. No. 941 at *279)). Kirkland & Ellis's rates have increased since Mr. Godfrey was charging \$1,545 per hour on their behalf in 2019. According to a Kirkland July 20, 2022 filing, for "complex corporate, securities, and litigation matters," Kirkland's partners are paid up to \$1,995 per hour, its Of Counsel up to \$1,845 per hour, and its associates up to \$1,245 per hour (it is well known within the industry that Kirkland's associates are limited to those who have been out of law school six years or fewer). *In re Voyager Digital Holdings Inc.*, No. 22-10943 (S.D.N.Y. Bank.) (Debtors' Application for

1 Entry Of An Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and
 2 Kirkland & Ellis International LLP As Attorneys For the Debtors and Debtors in Possession
 3 Effective As Of July 5, 2022) (Dkt. 116) at *6.

4 16. Those rates are themselves likely out of date. In the *In re Voyager* motion, Kirkland
 5 further notes that its “hourly rates are set at a level designed to compensate Kirkland fairly for the
 6 work of its attorneys and paraprofessionals and to cover fixed and routine expenses,” and that
 7 “Kirkland typically increases the hourly billing rate of attorneys and paraprofessionals twice a
 8 year...” *Id.* at 6-7.

9 17. Class Counsel is comprised of highly-experienced class action litigators, many of
 10 whom have dedicated substantial portions of their career to multistate, automotive defect litigation.²

11 18. In my opinion, and based on my significant experience in prosecuting a significant
 12 number of class action cases on behalf of consumers nationwide, the time expended and incurred in
 13 prosecuting this action was reasonably and necessary for the diligent litigation of this seven-year-
 14 old matter. It is also likely that dozens if not hundreds of further hours will necessarily be spent
 15 prosecuting this matter, as class counsel work both to ensure that class members are paid what they
 16 are owed, and that their verdict is protected against appeal.

17 **HOURS REMOVED FOR PURPOSES OF**
 18 **FEE SHIFTING UNDER CALIFORNIA AND IDAHO LAW**

19 19. While it is Class Counsel’s contention that every hour expended on this matter
 20 should be subject to the fee-shifting required under both California and Idaho law, out of an
 21 abundance of caution Class Counsel have proactively removed hours from their fee-shifting request
 22 that are related to the parties’ attempts to mediate the dispute, and that comprise legal research or
 23 discovery work arguably separable from the California and/or Idaho claims. The following time is
 24 not being sought for purposes of either California and Idaho fee shifting:

- 25 • Time relating to mediation, settlement, and research supporting the same;

26
 27
 28 ² As noted above, attached herein as Exhibit A is DiCello Levitt’s firm resume, which details some of this experience.

- Time relating to legal research regarding issues readily separable from California or Idaho law; and
- Time relating to discovery that is arguably not directly related to California or Idaho claims, including, e.g., defense of non-California or Idaho plaintiffs' depositions

20. Class counsel identified 568.7 hours of work that it will proactively remove from its fee-shifting request with respect to both claims, for a lodestar of \$742,702.7.

21. Further, DiCello Levitt and Beasley Allen have analyzed their time records in order to identify time spent exclusively on Idaho or California items. This includes at least the following:

- Motions to substitute California Class representatives. (ECF Nos. 246, 259, 401)
- GM's motion for decertification of the California Class. (ECF No. 247)
- Plaintiff's motions for determination of new plaintiffs' adequacy to serve as California Class representative. (ECF Nos. 289, 413)
- The parties' stipulation to modify the California Class definition. (ECF No. 285)
- GM's motion for reconsideration of the Court's order granting class certification with respect to the Idaho Consumer Protection Act. (ECF No. 324).

In total, Class Counsel spent 77.8 hours on work solely relating to the Idaho claims (for a lodestar of \$107,628.5), 600.3 hours on work solely related to the California claims (for a lodestar of \$710,012). Class counsel are prepared to submit their time records, which reflect each timekeeper's daily entries, separately for in camera review.

EXPENSES

22. As of January 31, 2024, class counsel's expenses in this case amount to \$1,153,529.03. These expenses are reflected in the books and records regularly kept and maintained by DiCello Levitt and Beasley Allen. They have also been separated out into expenses typically paid under Rule 54 of the Federal Rules of Civil Procedure, which total here \$59,184.23, and other typical litigation expenses, which total an additional \$1,094,344.80. They were expended by

1 Plaintiffs' counsel with the understanding that they would be reimbursed only in the event Plaintiffs
2 prevailed in this action.

3 23. Before submitting these expenses, DiCello Levitt and Beasley Allen have carefully
4 reviewed their records, and eliminated or reduced any expenses that appeared either unnecessary or
5 excessive.

6 24. Further, DiCello Levitt's attorneys are based in Chicago, meaning that every trip for
7 an in-Court appearance required a flight to San Francisco and overnight accommodations. The
8 Beasley Allen attorneys are based outside of California as well. As a result, class counsel made
9 every effort to use the Court's Call option to call in remotely to hearings where possible, and thus
10 avoid unnecessary costs. On the occasions where an attorney from outside of California was needed
11 at an in-person appearance, every effort was made to purchase cost-efficient travel and lodging
12 arrangements.

13 25. Finally, the expenses are under-inclusive, as they do not account for any expenses
14 invested after January 31, 2024. A detail of case expenses is included herein as **Exhibit C**.

15 **CLASS REPRESENTATIVE SERVICE**

16 26. Each of the class representatives was essential to the Class members' victory at trial.
17 Plaintiffs Tarvin (California), Del Valle (Idaho), and Davis (North Carolina) all conferred with
18 Class Counsel, searched for and produced documents, made their vehicles available for inspection,
19 and sat for deposition.

20 27. Each also spent days or weeks away from home attending trial on behalf of their
21 respective Classes. They testified in front of the jury on direct examination and on highly
22 adversarial cross-examination. Plaintiffs Davis and Del Valle attended every single day of trial,
23 including opening and closing arguments. Plaintiff Tarvin was there for the majority of trial days,
24 leaving once for a long-planned family vacation, but returning again. Plaintiff Del Valle has served
25 as a plaintiff in this action since its commencement more than seven years ago (ECF No. 2).
26 Plaintiff Davis served for more than five years (ECF No. 123). Finally, Plaintiff Tarvin joined this
27 case not long before trial, having stepped in to serve as a Class Representative for the California
28 class, preventing the class from being decertified (ECF No. 412).

1 28. I respectfully suggest that a service award of \$30,000 each is fair to them given the
2 hundreds of hours they spent on this matter and the size of the Class recovery. Such an award would
3 also serve to incentivize other individuals to serve as class representatives in similar matters in the
4 future.

5 Dated: February 9, 2024

/s/ Adam J. Levitt

Adam J. Levitt

EXHIBIT

A-1

RESUMÉ

beasley
allen

LAW FIRM

I. Background of Beasley Allen

In 1979, Jere Locke Beasley founded the firm now known as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (“Beasley Allen”), which is located in Montgomery, AL; Atlanta, GA; Mobile, AL and Dallas, TX. From 1970 through 1978, Jere served as Lieutenant Governor of the State of Alabama, and for a short period as Governor. In 1979, he re-entered the private practice of law representing plaintiffs and claimants in civil litigation. This was the genesis of the present law firm, which is now made up of ninety-six attorneys and approximately two-hundred forty-two support staff representing clients all over the country. Beasley Allen has sixty-six principals, one managing attorney, six supervising attorneys, five Board of Directors, and five non-attorney supervisors. Our support staff includes full time legal secretaries, paralegals, nurses, investigators, an Information Technology Team, and a marketing team. Beasley Allen is adequately qualified, prepared, and equipped to handle complex litigation on a national scale.

II. Experience of Beasley Allen

Beasley Allen’s highly qualified attorneys and staff work tirelessly for clients throughout the country, representing plaintiffs and claimants in the following areas: Personal Injury, Products Liability, Consumer Fraud, Class Actions, Business Litigation, Employment, Toxic Torts, and Mass Torts Litigation. We have handled cases involving verdicts and settlements amounting to nearly \$30 billion. For instance, Beasley Allen has played an integral role in this nation’s most important consumer litigation such as Vioxx MDL, BP MDL, Toyota SUA MDL, VW MDL, Chrysler Fiat MDL and many others. Beasley Allen has recovered multi-million dollar verdicts for our clients against many corporate wrongdoers, many of which are in the healthcare industry, including AstraZeneca, \$216 million, GSK, \$83 million, Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., and Imerys Talc America, Inc., \$72 million in February of 2016, \$55 million in May of 2016, \$70 million in October of 2016, and \$110 million in May of 2017, as well as Exxon, \$11.9 billion, and General Motors, \$155 million, just to name a few.

Beasley Allen has extensive experience handling complex litigation, attorney general litigation, multi-district litigation throughout the U.S., including district and federal courts, *qui tam* litigation, and class-action lawsuits all involving matters in the healthcare, pharmaceutical, and medical device industry. Our attorneys have also represented clients testifying before U.S. Congressional committees on Capitol Hill in Washington, D.C. Beasley Allen has also been appointed to the Plaintiff’s Steering Committee in many complex litigations.

i. Beasley Allen’s Involvement as Lead or Co-Lead Counsel Representing States in Complex Litigation, as well as our Qui Tam and Class Action Litigation Experience

Beasley Allen is a proven leader in complex litigation on a national level. Beasley Allen has successfully represented the states of Alabama, Louisiana, Mississippi, Alaska, Hawaii, South Carolina, Kansas, Utah, and Kentucky involving various issues within the healthcare arena, and has confidentially investigated matters for several other Attorneys General. Beasley Allen’s experience representing states with complex legal theories involves investigating wrongdoing,

advising the states as to whether litigation should be pursued, handling all aspects of filed litigation, negotiating the Attorney General's claims in settlement discussions, and trying the litigations before a judge and jury. Our firm's experience with Attorney General cases involves litigating violations of Medicaid fraud, antitrust violations, consumer protection statutes, false claims act violations, fraud, false advertising, negligence, unjust enrichment, breach of contract, and unfair and deceptive trade practices with respect to the provision of healthcare goods and services. Beasley Allen's Attorney General litigation background includes the Average Wholesale Price litigations on behalf of eight states concerning the fraudulent pricing of prescription drugs, the representation of four states against McKesson Corporation for its fraudulent and unfair practices involving prescription drugs, the Fresenius litigation on behalf of two states involving the medical device GranuFlo, the Unapproved Drugs litigations on behalf of two states concerning the states' reimbursement of drugs with a fraudulently obtained Medicaid reimbursement approval status, the Usual and Customary litigations regarding the false reporting of pharmacy price lists by the nation's largest chain pharmacies, the Actos litigation, and many other investigations. Beasley Allen's attorneys serve or served as lead counsel in the following cases:

- a. *State of Louisiana, ex rel. v. Fresenius Medical Care Holdings, Inc., et al.*, Suit No. 631,586, Div. "D"; 19th JDC; Parish of East Baton Rouge, Judge Janice Clark;
- b. *In Re: Alabama Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Circuit Court of Montgomery, Alabama, Master Docket No. CV-2005-219, Judge Charles Price;
- c. *In Re: Kansas Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the District Court of Wyandotte County, Kansas, Master Docket No. MV-2008-0668, Division 7, Judge George A. Groneman;
- d. *In Re: Mississippi Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Chancery Court of Rankin County, Mississippi, Master Docket No. 09-444, Judge W. Hollis McGehee;
- e. *The State of Utah v. Apotex Corporation, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 08-0907678, Judge Tyrone E. Medley;
- f. *The State of Utah v. Abbott Laboratories, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0915690, Judge Robert Hilder;
- g. *The State of Utah v. Actavis US, et al.*, filed in Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0913717, Judge Kate A. Toomey;
- h. *The State of Louisiana, et al. v. Molina Healthcare, Inc., et al.*, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 631612, Judge Janice Clark;

- i. *The State of Louisiana, et al. v. Takeda Pharmaceuticals America, Inc., et al.*, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 637447, Judge R. Michael Caldwell;
- j. *The State of Mississippi v. CVS Health Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01392, Judge Mitchell M. Lundy, Jr.;
- k. *The State of Mississippi v. Fred's, Inc., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01389, Judge Mitchell M. Lundy, Jr.;
- l. *The State of Mississippi v. Rite Aid Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01390, Judge Percy L. Lynchard, Jr.;
- m. *The State of Mississippi v. Walgreen Co., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01391, Judge Mitchell M. Lundy, Jr.;
- n. *In the Matter of the Attorney General's Investigation*, AGO Case No. AN2014103885, Alaska Pay-for-Delay Antitrust Investigation;
- o. *State of Louisiana v. Pfizer, Inc., et al.*, Docket No. 625543, Sec. 24, 19th Judicial District Court, Parish of East Baton Rouge, Judge R. Michael Caldwell;
- p. *State of Louisiana v. Abbott Laboratories, Inc., et al.*, Docket No. 596164, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- q. *State of Mississippi v. McKesson Corporation and First Databank, Inc.*, Cause No. 69540; Rankin County Chancery Court, Division 20, Judge John S. Grant, III;
- r. *State of Louisiana v. McKesson Corporation*, Docket No. 597634, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- s. *State of South Carolina v. Abbott Laboratories, Inc., et al., In Re: South Carolina Pharmaceutical Pricing Litigation*, Master Caption Number: 2006-CP-40-4394, State of South Carolina, County of Richland, Fifth Judicial Circuit, Judge J. Cordell Maddox, Jr.;

- t. *State of Alaska v. Alpharma Branded Products Division, Inc., et al.*, Case No.: 3AN-06-12026, Superior Court for the State of Alaska, Third Judicial District at Anchorage, Judge William F. Morse;
- u. *State of Alaska v. McKesson Corporation and First DataBank, Inc.*, Case No. 3AN-10-11348-CI, Superior Court for the State of Alaska, Third Judicial Circuit of Anchorage, Judge Peter A. Michalski;
- v. *State of Kansas, ex rel. v. McKesson Corporation, et al.*, Case No. 10-CV-1491, Division 2, District Court of Wyandotte County, Kansas, Judge Constance Alvey;
- w. *State of Hawaii, ex rel. v. Abbott Laboratories, Inc., et al.*, Civil Action No. 06-1-0720-04, State of Hawaii, First Circuit, Judge Eden Elizabeth Hifo;
- x. *State of Hawaii, ex rel. v. McKesson Corporation, et al.*, Civil Action No. 10-1-2411-11, State of Hawaii, First Circuit, Judge Gary W. B. Chang;
- y. *Commonwealth of Kentucky. v. Fresenius Medical Care Holdings, Inc., et al.*, Civil Action No. 16-CI-00946, Franklin Circuit Court, Div. 2, Judge Thomas D. Wingate;
- z. *State of Mississippi v. Actavis Pharma, Inc., et al.*, Civil Action No. 17-cv-000306, Hinds County Chancery Court, District 1, Judge Patricia D. Wise;
- aa. *State of Mississippi v. Barr Laboratories, Inc., et al.*, Civil Action No. 17-cv-000304, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- bb. *State of Mississippi v. Camline, L.L.C. (f/k/a PamLab, L.L.C.)*, Civil Action No. 17-cv-000307, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- cc. *State of Mississippi v. E. Claiborne Robins Company, Inc., et al.*, Civil Action No. 17-cv-000305, Hinds County Chancery Court, District 1, Judge Denise Owens;
- dd. *State of Mississippi v. Endo Pharmaceuticals, Inc.*, Civil Action No. 17-cv-000309, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- ee. *State of Mississippi v. United Research Laboratories, Inc., et al.*, Civil Action No. 17-cv-000308, Hinds County Chancery Court, District 1, Judge Denise Owens;

- ff. *State of West Virginia v. Merck-Medco*, Civil Action No. 02-C-2944, Circuit Court of Kanawha County, West Virginia, Judge Jennifer F. Bailey;
- gg. *State of Alabama, ex. rel. Troy King, Attorney General v. Transocean, Ltd., et al.*, Civil Action No. 2:10-cv-691-MHT-CSC, Middle District of Alabama, Northern Division, Judge Myron H. Thompson;
- hh. *State of Alabama v. Purdue Pharma, LP, et al.*, Civil Action No. 03-CV-2019-901174, Circuit Court of Montgomery County, Alabama, Judge J.R. Gaines;
- ii. *State of Georgia v. Purdue Pharma, et al.*, Civil Action No. 19-A-00060-2, Superior Court of Gwinnett County, Georgia, Judge Tracie H. Cason; and
- jj. *State of Louisiana v. Abbott Laboratories, Inc., et al.*, Suit No. 624,522, Sec. 26; Parish of East Baton Rouge, Judge Donald R. Johnson.
- kk. *State of Alabama, ex. rel. Luther Strange, Attorney General v. BP, PLC., et al.*, MDL No. 2179, E.D. La., Judge Carl Barbier

Through the various representations of the states listed in the previous paragraph, our firm has recovered billions of dollars for the states, with over \$1.5 billion pertaining to recoveries involving state funds. Beasley Allen continues to represent states with complex litigation involving the manufacture and marketing of pharmaceuticals and pharmaceutical devices, including, but not limited to, allegations of Medicaid fraud, antitrust, consumer protection violations, false claims, fraud, unjust enrichment, false advertising, and unfair and deceptive trade practices with respect to the manufacture, marketing, pricing, and sale of pharmaceuticals, pharmaceutical devices, and the general provision of goods and services in the healthcare industry.

In addition to representing states, Beasley Allen is one of the nation's leading firms in *qui tam* litigation, especially in the healthcare industry. Beasley Allen, with the cooperation of the U.S. Department of Justice (DOJ), settled one of the most important *qui tam* cases in recent history against U.S. Investigations Services, Inc. (USIS), a private government contractor, for \$30 million. The case is *United States ex rel. Blake Percival v. U.S. Investigations Services, Inc.*, Civil Action No. 2:11-cv-527-WKW, (M.D. Ala.). Beasley Allen also represented one of six whistleblowers jointly responsible for a \$39 million settlement in a False Claims Act case alleging illegal kickbacks and off-label marketing against Daiichi-Sankyo Company, Ltd. The case was *United States, et al., ex rel. Jada Bozeman v. Daiichi-Sankyo Company*, Civil Action No. 14-cv-11606-FDS. Beasley Allen's *qui tam* cases involve a variety of complex legal issues, including but not limited to violations of the Anti-Kickback Statute, Stark Law, Medicare/Medicaid fraud, military contractor fraud, abuse of Title IV funds, federal grant fraud and government contracting malfeasance.

Beasley Allen is also a leader in complex class action litigation. Beasley Allen has successfully brought a number of class actions, some of which were subsequently transferred to multidistrict litigation, which we originally filed in federal and state courts, including: *Ace Tree*

Surgery, Inc. v. Terex Corporation, et al., Case No. 1:16-cv-00775-SCJ D (N.D. Ga., filed July 22, 2015); *In Re: Polaris Marketing, Sales Practices, and Products Liability Litigation*, Case No. 0:18-cv-00939-WMW-DTS (D. Minn., filed April 5, 2018); *Scott Peckerar et al. v. General Motors, LLC*, Case No. 5:18-cv-02153-DMG-SP (C.D. Cal., filed December 9, 2018); *Jason Compton et al v. General Motors, LLC*, Case No. 1:19-cv-00033-MW-GRJ (N.D. Fla., filed February 21, 2019); *Simerlein v. Toyota Motor Corporation et al.*, Case No. 3:17-cv-01091-VAB (D. Conn., filed June 30, 2017); *Kerkorian et al v. Nissan North America, Inc.*, Case No. 18-cv-07815-DMR (N.D. Cal., filed December 31, 2018); *Monteville Sloan, Jr. v. General Motors LLC*, Case No. 3:16-cv-07244-EMC (C.D. Cal., filed December 19, 2016); *William Don Cook v. Ford Motor Company*, Case No. 2:19-cv-00335-ECM-GMB (M.D. Ala., filed May 8, 2019); *Sigfredo Rubio et al., vs. ZF-TRW Automotive Holdings Corp., et al.*, Case No. 2:19-cv-11295-LVP-RSW (E.D. Mich., filed May 3, 2019); *Weidman, et al. v. Ford Motor Co.*, Case No. 2:18-cv-12719 (E.D. Mich., filed August 30, 2018); *Gerrell Johnson v. Subaru of America, Inc. et al.*, Case No. 2:19-cv-05681-JAK-MAA (C.D. Cal., filed June 28, 2019); *Thondukolam et al., vs. Corteva, Inc., et al.*, Case No. 4:19-cv-03857 (N.D. Cal., filed July 3, 2019); *Dickman, et al. v. Banner Life Insurance Company, et al.*, Case No. 1:16-cv-00192-WMN (D. Md., filed January 19, 2016); *Lesley S. Rich, et al. v. William Penn Life Insurance Company of New York*, Case No. 1:17-cv-02026-GLR (D. Md., filed July 20, 2017); *Vivian Farris, et al. v. U.S. Financial Life Insurance Company*, Case No. 1:17-cv-417 (S.D. Ohio, filed June 19, 2017); *In Re: Apple Inc. Device Performance Litigation*, Case No. 5:18-md-02827-EJD (N.D. Cal., filed April 5, 2018); *Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, Case No. 3:18-md-02828 (D. Or., filed April 5, 2018); *In Re: The Home Depot, Inc., Customer Data Security Breach Litigation*, Case No. Case 1:14-md-02583-TWT (N.D. Ga., filed November 13, 2014); *In Re: German Automotive Manufacturers Antitrust Litigation*, Case No. 3:17-md-02796-CRB (N.D. Cal., filed October 5, 2017); *In Re: Domestic Airline Travel Antitrust Litigation*, Case No. 1:15-mc-01404-CKK (D.D.C., filed October 13, 2015); *In Re: Facebook, Inc., Consumer Privacy User Profile Litigation*; Case No. 5:18-md-02827-EJD (N.D. Cal., filed June 6, 2018); *Estrada v. Johnson & Johnson, et al.*, Case No. 2:14-cv-01051-TLN-KJN (E.D. Cal., filed April 28, 2014); *Larry Clairday, et al. v. Tire Kingdom, Inc., et al.*, No. 2007-CV-020 (S.D. Ga.); *Wimbeth Chism, et al. v. The Pantry, Inc. d/b/a Kangaroo Express*, No. 7:09-CV-02194-LSC (N.D. Ala.); *Danny Thomas, et al. v. Southern Pioneer Life Insurance Company*, No. CIV-2009-257JF, in the Circuit Court of Greene County, State of Arkansas; *Dolores Dillon v. MS Life Insurance Company n/k/a American Bankers Life Assurance Company of Florida*, No. 03-CV-2008-900291, in the Circuit Court of Montgomery County, Alabama; *Coates v. MidFirst Bank*, 2:14-cv-01079 (N.D. Ala., certified July 29, 2015); *Walls v. JP Morgan Chase Bank, N.A.*, 3:11-cv-00673 (W.D. Ky., certified October 13, 2016); *In Re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litig.*, 3:15-md-02672 (N.D. Cal., settlements approved October 25, 2016 and May 17, 2017); *In Re: Takata Airbag Products Liability Litig.*, 1:15-md-02599 (S.D. Fla.); *Bolooki et al., vs. Honda Motor Co. Ltd. et al.*, 2:22-cv-04252-MCS-SK (C.D. Cal.); and *In Re: ARC Airbag Inflators Products Liability Litigation*, 22-md-03051-ELR (N.D. Ga.). Beasley Allen's class action cases involve a variety of complex legal issues.

ii. Beasley Allen's Additional Experience as Lead or Co-Lead Counsel in Nationwide Complex Litigation

Beasley Allen is one of the country's leading firms involved in complex civil litigation on behalf of claimants, having represented hundreds of thousands of people. Attorneys from Beasley Allen have been selected by Federal Courts as lead counsel or co-lead counsel in the following complex multidistrict litigations:

- a. *In Re: Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657; (Andy Birchfield, Shareholder of Beasley Allen);
- b. *In Re: Reciprocal of America (ROA) Sales Practices Litigation*, United States District Court for the Western District of Tennessee, Judge J. Daniel Breen, MDL No. 1551; (Dee Miles and Jere Beasley, both Shareholders in Beasley Allen);
- c. *In Re: American General Life and Accident Insurance Company Industrial Life Insurance Litigation*, United States District Court for the District of South Carolina, Judge Cameron McGowan Currie, MDL No. 11429; (Dee Miles, Shareholder of Beasley Allen);
- d. *In Re: Dollar General Corp. Fair Labor Standards Acts Litigation*, United States District Court for the Northern District of Alabama, Western Division, Judge U.W. Clemon, MDL No. 1635; (Dee Miles, Shareholder of Beasley Allen);
- e. *In Re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- f. *In Re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the District of New Jersey, Judge Freda L. Wolfson, MDL No. 2738 (Leigh O'Dell, Shareholder of Beasley Allen);
- g. *Bruner et al v. Polaris Industries, Inc. et al*, United States District Court for the District of Minnesota, Judge David T. Schultz Case 0:18-cv-00939-WMW-DTS, 0:18-cv-00975-WMW-DTS (Dee Miles, Shareholder of Beasley Allen)¹;
- h. *Weidman et al v. Ford Motor Company*, United States District Court of the Eastern District of Michigan, Judge Gershwin A. Drain, 2:18-cv-12719 (Dee Miles, Shareholder of Beasley Allen)².

¹ Beasley Allen was appointed as interim co-lead counsel.

² Beasley Allen was appointed as interim co-lead counsel.

- i. *Sharon Cheng, et al. v. Toyota Motor Corporation, et al.*, United States District Court, Eastern District of New York, Judge William F. Kuntz, II, 1:20-cv-00629-WFK-CLP (Dee Miles, Shareholder of Beasley Allen)³;
- j. *Simerlein v. Toyota Motor Corporation et al.*, United States District Court District of Connecticut, Judge Victor A. Bolden, Case No. 3:17-cv-01091-VAB (Dee Miles, Shareholder of Beasley Allen);
- k. *Tucker Oliver, et al. v. Honda Motor Company Limited, et al.*, United States District Court, Eastern District of Alabama, Judge Madeline Hughes Haikala, 5:20-cv-006666-MHH (Dee Miles, Shareholder of Beasley Allen)⁴;
- l. *The K's Inc. v. Westchester Surplus Lines Insurance Company*, United States District Court, Northern District of Georgia, Judge William M. Ray, II, 1:20-cv-1724-WMR (Dee Miles, Shareholder of Beasley Allen);
- m. *In Re: Johnson & Johnson Aerosol Sunscreen Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Raag Singhal, MDL No. 3015 (Andy Birchfield and David Byrne, both Shareholders of Beasley Allen);⁵
- n. *Hamid Bolooki et al., vs. Honda Motor Co. Ltd. et al.*, United States District Court, Central District of California, Judge Mark C. Scarsi, 2:22-cv-04252-MCS-SK (H. Clay Barnett, III, Principal of Beasley Allen);⁶
- o. *In Re: Social Media Cases*, JCCP No. 5255, Judge Carolyn Kuhl, Department SS12, Los Angeles Superior Court, Lead Case 22STCV21355 (Joseph VanZandt, Principal of Beasley Allen);
- p. *In Re: ARC Airbag Inflators Products Liability Litigation*, United States District Court, Northern District of Georgia, Judge Eleanor L. Ross, 22-md-03051-ELR (Demet Basar, Principal of Beasley Allen); and
- q. *Cohen v. Subaru Corporation et al.*, United States District Court of New Jersey, Judge Joseph R. Rodriguez, Case No. 1:20-cv-08442-JHR (Dee Miles, Shareholder of Beasley Allen).

³ Beasley Allen was appointed as interim co-lead counsel.

⁴ Beasley Allen was appointed as interim co-lead counsel.

⁵ Beasley Allen was appointed as interim MDL Class counsel.

⁶ Beasley Allen was appointed as interim Class counsel.

iii. *Beasley Allen's Leadership Appointments on Executive and/or Plaintiff Steering Committees in Complex Multidistrict Litigation*

Beasley Allen has been appointed to the Plaintiff's Executive Committee and/or Steering Committee in many complex litigations. All of these multidistrict litigations involved multiple claims against multiple defendants, which required excellent organization and leadership from our attorneys. Beasley Allen has been appointed to leadership committees in the following MDL complex litigation cases:

- a. *In Re: Social Media Adolescent Addiction/Personal Injury Product Liability Litigation*, Civil Action No. 4:22-md-03047-YGR, MDL No. 3047;
- b. *In Re: Motor Fuel Temperature Sales Practices Litigation*, United States District Court for the Middle District of Kansas, Judge Kathryn Vratil, MDL No. 1840;
- c. *In Re: Bextra/Celebrex, Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, United States District Court for the Northern District of California, Judge Charles R. Breyer, MDL No. 1699;
- d. *In Re: Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657;
- e. *In Re: Actos (Pioglitazone) Products Liability Litigation*, United States District Court for the Western District of Louisiana, Judge Rebecca F. Doherty, MDL No. 2299;
- f. *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, United States District Court for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe, MDL No. 2342;
- g. *In Re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)*, United States District Court District of New Jersey, Judge Garrett E. Brown, Jr., MDL No. 2243;
- h. *In Re: Fosamax Products Liability Litigation*, United States District Court, Southern District of New York, Judge John F. Keenan, MDL No. 1789;
- i. *In Re: Depuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, United States District Court for the Northern District of Ohio, Judge David A. Katz, MDL No. 2197;
- j. *In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, US District Court for the Northern District of Texas, Judge Ed Kinkeade, MDL No. 2244;

- k. *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation*, US District Court for the Northern District of Indiana, Judge Robert L. Miller, Jr., MDL No. 2391;
- l. *In Re: Prempro Products Liability Litigation*, United States District Court, Eastern District of Arkansas, Western Division, Judge Billy Roy Wilson, MDL No. 1507;
- m. *In Re: Mirena IUD Products Liability Litigation*, United States District Court, Southern District of New York, Judge Cathy Seibel, MDL No. 2434;
- n. *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, United States District Court, District of Massachusetts, Judge Douglas P. Woodlock, MDL No. 2428;
- o. *In Re: American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of Ohio, Judge Joseph R. Goodwin, MDL No. 2325;
- p. *In Re: C.R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2187;
- q. *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of West Virginia, Judge Joseph R. Goodwin, MDL No. 2326;
- r. *In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2327;
- s. *In Re: Coloplast Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2387;
- t. *In Re: Google Inc. Gmail Litigation*; United States District Court for the Northern District of California, San Jose Division, Judge Lucy H. Koh, MDL No. 2430;
- u. *In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Central District of California, Judge James V. Selna, MDL No. 2151;
- v. *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*; California Northern District (San Francisco), Hon. Charles R. Breyer, Case No. 3:15-md-02672-CRB;

- w. *In Re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- x. *In Re: Target Corporation Customer Data Security Breach Litigation*, United States District Court for the District of Minnesota, Judge Paul A. Magnuson, MDL No. 2522;
- y. *In Re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the District of South Carolina, Judge Richard M. Gergel, MDL No. 2502;
- z. *In Re: Blue Cross Blue Shield Antitrust Litigation*, United States District Court for the Northern District of Alabama, Judge R. David Proctor, MDL No. 2406;
- aa. *In Re: Androgel Products Liability Litigation*, United States District Court for the Northern District of Illinois, Judge Matthew F. Kennelly, MDL No. 2545;
- bb. *In Re: The Home Depot, Inc., Customer Data Security Breach Litigation*, United States District Court for the Northern District of Georgia, Judge, Thomas W. Thrash, Jr., MDL No. 2583;
- cc. *In Re: Takata Airbag Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Federico A. Moreno, MDL No. 2599, serving on a discovery committee responsible for two Auto Manufacturer's discovery⁷;
- dd. *In Re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the Northern District of California, Judge Edward Chin, MDL No. 2777;
- ee. *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, United States District Court of the Eastern District of Louisiana, Judge Carl J. Barbier, MDL No. 2179;
- ff. *In Re: Invokana (Canagliflozin) Products Liability Litigation*, United States District Court District of New Jersey, Judge Lois H. Goodman, MDL No. 2750;
- gg. *In Re: Proton-Pump Inhibitor Products Liability Litigation*, United States District Court District of New Jersey, Judge Claire C. Cecchi, MDL No. 2789;

⁷ Discovery Committee appointment only.

- hh. *In Re: Apple Inc. Device Performance Litigation*, United States District Court for the Northern District of California, Judge Edward J. Davila, MDL 2827;
- ii. *In Re: JUUL Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, United States District Court for the Northern District of California, Judge William H. Orrick, MDL 2913;
- jj. *In Re: ZF-TRW Airbag Control Units Products Liability Litigation*, United States District Court Central District of California, Judge John A. Kronstadt, MDL No. 2905;
- kk. *In Re: Zantac (Ranitidine) Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Robin L. Rosenberg, MDL No. 2924;
- ll. *In Re: Rock 'N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Western District of New York, Judge Geoffrey Crawford, MDL No. 1:19-mc-2903;
- mm. *In Re: Robinhood Outage Litigation*, United States District Court for the Northern District of California, Judge James Donato, Case No. 20-cv-01626-JD;
- nn. *In Re: Paraquat Products Liability Litigation*, United States District Court for the Southern District of Illinois, Judge Nancy J. Rosenstengel, Case No. 3:21-md-03004-NJR;
- oo. *In Re: Camp Lejeune Water Litigation*, United States District Court for the Eastern District of North Carolina, Judge Robert B. Jones, Jr, Case No. 7:23-cv-897;
- pp. *In Re: Hair Relaxer Marketing, Sales Practices, And Products Liability Litigation*, United States District Court for the Northern District of Illinois, Judge Mary M. Royland, MDL No. 3060;
- qq. *In Re: Stryker Rejuvenate & ABG II Modular Hip Implant Litigation*, Superior Court of New Jersey Law Division: Bergen County, Judge Rachelle L. Harz, Case No. 296 Master Docket No. BER-L-936-13-MCL.

III. Qualifications of Beasley Allen Attorneys

Beasley Allen is comprised of highly qualified attorneys and staff that are well-equipped to be the co-lead counsel in handling any investigation and litigation. Our attorneys are some of the most qualified and experienced attorneys in the country.

On a firm-wide basis, national publications have profiled several Beasley Allen lawyers, including Forbes, Time Magazine, BusinessWeek, The New York Times, The Wall Street Journal, Jet Magazine, The National Law Journal, The ABA Journal, and Lawyers Weekly USA. Beasley Allen has also appeared nationally on Good Morning America, 60 Minutes, The O'Reilly Factor, CNN Live at Daybreak, CNN Headline News, ABC Evening News, CBS Evening News, NBC Evening News, FOX, National Public Radio, and Court TV.

Additionally, Beasley Allen attorneys have some of this country's largest verdicts and settlements in the following categories:

- a. Largest verdict against an oil company in American history, \$11,903,000,000, in *State of Alabama v. Exxon*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-99-2368, Judge Tracy S. McCooley;
- b. *Tolbert v. Monsanto*, private environmental settlement, \$750,000,000, filed in the United States District Court for the Northern District of Alabama, Civil Action No. CV-01-1407PWG-S, Judge Paul W. Greene;
- c. Largest predatory lending verdict in American history \$581,000,000, in *Barbara Carlisle v. Whirlpool*, filed in the Circuit Court of Hale County, Alabama, Case No. CV-97-068, Judge Marvin Wiggins;
- d. Largest average wholesale price litigation verdict, \$215,000,000, in *State of Alabama v. AstraZeneca*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.10, Judge Charles Price (Dee Miles as Co-Lead Counsel);
- e. Second largest average wholesale price litigation verdict, \$114,000,000, in *State of Alabama v. GlaxoSmithKline - Novartis*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.52, Judge Charles Price (Dee Miles as Co-Lead Counsel);
- f. Third largest average wholesale price litigation verdict, \$78,000,000, in *State of Alabama v. Sandoz, Inc.*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.65, Judge Charles Price (Dee Miles as Co-Lead Counsel);
- g. Average wholesale price litigation verdict, \$30,200,000, in *State of Mississippi v. Sandoz, Inc.*, filed in the Chancery Court of Rankin County, Mississippi, Case No. 09-00480, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);
- h. Average wholesale price litigation verdict, \$30,262.052, in *State of Mississippi v. Watson Laboratories, Inc., et al.*, filed in the Chancery Court

of Rankin County, Mississippi, Case Nos. 09-488, 09-487, and 09-455, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);

- i. Hormone Therapy Litigation Verdict, \$72,600,000, in *Elfont v. Wyeth Pharmaceuticals, Inc., et al.*, *Mulderig v. Wyeth Pharmaceuticals, Inc., et al.*, *Kalenkoski v. Wyeth Pharmaceuticals, Inc., et al.*, filed in the County of Philadelphia, Court of Common Pleas, Case Nos. July Term 2004, 00924, 00556, 00933, Judge Gary S. Glazer;
- j. Hormone Therapy Litigation Verdict, \$5,100,100, in *Okuda v. Wyeth Pharmaceuticals, Inc.*, filed in the United States District Court of Utah, Northern Division, Case No. 1:04-cv-00080-DN, Judge David Nuffer;
- k. Talcum Powder Litigation Verdict, \$72,000,000, in *Fox v. Johnson & Johnson, et al.*, filed in the Circuit Court of St. Louis City, Case No. 1422-CC03012-01, Judge Rex M. Burlison; and
- l. Talcum Powder Litigation Verdict, \$55,000,000, in *Ristesund v. Johnson & Johnson, et al.*, filed in the Circuit Court of St. Louis City, Case No. 1422-CC03012-01, Judge Rex M. Burlison.

Additionally, Beasley Allen maintains a full-time Information Technology department comprised of eight professionals who have successfully passed rigorous industry certification exams. The technological advancements not only allow Beasley Allen to successfully present the case for our clients at hearings and trial, but they allow our firm to stay in the forefront of multi-media and case management.

EXHIBIT

A-2



DICELLO LEVITT

Justice in all its
DIMENSIONS

Overview

Representing institutional investors, individuals, businesses, and public clients, DiCello Levitt's attorneys have successfully prosecuted and settled numerous complex cases and class actions, resulting in billions of dollars in recoveries for their clients.

Partners Mark DiCello and Adam Levitt lead an impressive roster of professionals, with a deep bench of experience in numerous types of litigation. Based in Birmingham, Chicago, Cleveland, New York, San Jose, and Washington, D.C., with a nationwide practice, the firm's attorneys have successfully led—and are presently leading—some of the most complex cases in the country, achieving victories against Apple, Boeing, Coca-Cola, General Motors, Equifax, Ford, and other Fortune 500 companies.

In addition to their consumer advocacy and public client work, the firm also represents businesses and investors in arbitrations and litigation in multiple courts across the country. Through more than \$20 billion in recoveries, DiCello Levitt's attorneys has raised the bar for corporate accountability and responsibility.

Practice Areas

- Agriculture and Biotechnology
- Antitrust and Competition Litigation
- Civil and Human Rights Litigation
- Class Action Litigation
- Commercial Litigation
- Environmental Litigation
- Labor and Employment Litigation
- Mass Tort
- Personal Injury
- Privacy, Technology, and Cybersecurity
- Product Liability
- Public Client
- Securities and Financial Services Litigation
- Whistleblower, Qui Tam, and False Claims Act

Members of the Firm

Our attorneys are litigators and trial lawyers, and have tried cases to verdict—successfully—on a number of cases across the spectrum of complex commercial litigation, financial fraud and securities litigation, public client litigation, class actions, defective drug and device cases, catastrophic injuries, and other areas of law.



Mark A. DiCello
Partner

EMAIL:
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EDUCATION
Cleveland-Marshall College of Law,
J.D.

University of Dayton, B.A.

After 20 years of jury trials and serving in lead roles in some of the largest personal injury cases in Ohio and around the country, Mark DiCello co-founded DiCello Levitt to create a first-of-its kind firm that brought together top talent in the most important areas of complex litigation.

Beginning his career as an Assistant County Prosecutor, Mark honed his trial skills, streamlining and simplifying issues being presented to juries. After representing the state in criminal matters, Mark wanted to turn his attention to ensuring that victims were represented in others ways: via the private civil justice system.

Mark's clients range from individuals suffering catastrophic personal injuries to groups of plaintiffs harmed by medical devices, pharmaceutical products, chemicals, automobiles, and more. He has led headline-grabbing mass tort and product liability cases and co-led massive multidistrict litigations. As a result of his efforts, Mark has been recognized by a number of different organizations, including being ranked as a Super Lawyer and receiving both the Crisis Management Trailblazer and Elite Boutique Trailblazer awards from *The National Law Journal*. *Lawdragon* has also recognized Mark as one of the 500 Leading Plaintiff Consumer Lawyers, and *Benchmark Litigation* recognizes Mark as a "Litigation Star" in Product Liability and Personal Injury. Mark is also rated an "AV" Preeminent Attorney by Martindale-Hubbell, and a member of The Summit Council, a national group of noted trial lawyers across the United States with several multi-million-dollar jury verdicts.

Understanding that technology often evolves at a faster pace than the law, Mark frequently teaches other lawyers about how to best use new tools in discovery to counter some of the most sophisticated arguments presented by "big tech" defendants. For example, Mark is a frequent lecturer on using trial science to reach jurors, modeling damages for large-scale litigation, and leveraging technology to develop discovery in some of the most difficult, scorched-earth litigation. By developing cutting-edge techniques to represent those individuals hurt by large corporations, Mark is able to present their stories after a vigorous focus-group and mock-trial process, in coordination with DiCello Levitt's Trial Advocacy Center.

Mark presently represents thousands of individual service members and their families who were injured at the U.S. Marine Corps Base Camp Lejeune, North Carolina, by exposure to drinking water contaminated with industrial solvents, benzene, and other chemicals. Leading the charge to hold the government accountable for his clients' catastrophic injuries and losses, Mark employs his decades of experience in leading mass torts and complex litigation to achieve justice for those willing to make the ultimate sacrifice.

Mark continues to lead with vision and, together with co-founder Adam Levitt, has built a diverse and fearless team of lawyers focused on some of the most important litigation of our time.

**Adam Levitt****Partner****EMAIL**

alevitt@dicellolevitt.com

EDUCATION

Northwestern University School of Law, J.D.

Columbia College, Columbia University, A.B., *magna cum laude*

Adam Levitt is one of the nation's leading advocates for plaintiffs in complex, multidistrict, class action, public client, mass tort, and commercial litigation. Drawing on his extensive experience pursuing and obtaining justice for those who have been wronged by powerful defendants, he co-founded DiCello Levitt to create a top-tier complex issues and trial firm founded on excellence, trust, and respect.

In his decades-long career, Adam has scored numerous significant and precedent-setting victories, delivering more than \$20 billion in recoveries to clients in biotechnology, financial services, securities, insurance coverage, consumer protection, automotive defects, agricultural products, and antitrust disputes. He has been appointed to leadership positions in many historic and headline-grabbing litigations, including three of the largest biotechnology class actions in U.S. history, where he served as co-lead counsel, helped recover more than \$1.7 billion on behalf of plaintiffs, and created a crop contamination damages model that set the modern industry standard. He was also retained by multiple State Attorneys General to hold some of the world's largest chemical companies accountable for widespread environmental contamination from their "forever chemicals" known as PFAS (per- and polyfluoroalkyl substances). Also, as part of a leadership group characterized as a "class action dream team," Adam helped secure a \$16 billion settlement in litigation arising from Volkswagen's emissions scandal, and, in a rare class action trial, he and his fellow co-lead counsel secured a milestone \$102.6 million jury verdict against General Motors for hiding engine defects from consumers.

Adam is also a leader in the legal profession and a frequent speaker on multidistrict litigation, consumer protection, automotive litigation, biotechnology, corporate governance, securities litigation, and internet privacy. Nationally recognized as an authority on class action litigation, Adam writes a monthly class action column in *The National Law Journal*, has testified before the Illinois Supreme Court Rules Committee on class action practice, and chairs an annual class action litigation conference in Chicago.

As a founding partner of DiCello Levitt, Adam has cultivated a diverse roster of skilled litigators to advance the cause of justice for individuals, businesses, and public clients through class action, business-to-business, whistleblower, personal injury, civil rights, and mass tort litigation. With a long history of working with public clients, Adam and his partners understand the wants and needs of government officials and their teams, and, as experts in trial practice and jury persuasion, they consistently achieve best-in-class results for their clients.

Adam's own groundbreaking work on behalf of plaintiffs has been recognized locally and nationally in prestigious ranking directories and publications, including *Chambers USA*, *Benchmark Litigation*, *The National Law Journal*, *Crain's Chicago Business*, and *Lawdragon*.



Kenneth Abbarno
Partner

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EDUCATION

Cleveland-Marshall College of Law,
J.D.

Canisius College, B.A.

Toxic exposure to chemicals goes hand in hand with truck crash cases. Ken Abbarno saw that early in his career. More than 20 years ago, Ken found himself called to the scene of a major truck crash. As a young lawyer, he witnessed what really happens in the aftermath of that kind of tragedy. He saw how truck companies protect their drivers. He saw a small police department struggle with securing a crime scene and preserving evidence. He saw how people in cars don't stand a chance when a truck driver loses control. And he saw the impact that a spilled tanker can have on the environment and how toxic exposure can change lives in a matter of minutes. That experience shaped the rest of his professional career.

As a former defense lawyer, Ken was recruited by the most accomplished plaintiff-side law firms in the United States. Ken chose to join DiCello Levitt, understanding that he would have unique and unrivaled access to resources not available at any of the traditional personal injury firms. Since joining the firm, Ken has set himself apart as a leader who coordinates complex medical malpractice, birth injury, truck crash, and toxic exposure cases, all while mentoring young lawyers advancing in the trial bar and serving as the firm's General Counsel. Ken is also the Managing Partner of the Firm's Cleveland office.

Over the past three decades, Ken has been recognized as a top-tier trial attorney handling cases in multiple jurisdictions across the United States. Throughout his career, Ken has been recognized by the numerous industry organizations and his peers as an elite trial lawyer.

Ken is a sought-after voice in the litigation space, and has published articles in several publications and has presented at conferences across the United States about the intricacies of trial practice. He was recently named to *Lawdragon's* "500 Leading Plaintiff Consumer Lawyers," and has also been recognized as a "Plaintiffs' Lawyers Trailblazer" by *The National Law Journal*. Ken has also been selected as an *Ohio Super Lawyer* every year since 2010 and he is recognized in *The Best Lawyers in America®*, for Transportation Law.

**Mark M. Abramowitz****Partner****EMAIL**

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EDUCATIONUniversity of Toledo College of Law,
J.D.

University of Guelph, B.A.

Mark Abramowitz has demonstrated expertise in leveraging cutting-edge technology in DiCello Levitt's modern and evolving trial practice to achieve what were previously believed to be impossible results for his clients. An Internet technology expert, he is a student of integrating technology into the practice of law. He has been selected to serve on national discovery review teams and is regularly consulted on cloud-based systems, discovery technology, the Internet of Things, and litigation concerning data storage and security. He has also testified before the Ohio State Legislature multiple times on data security and related issues.

Mark is a respected litigator and trial lawyer who has recouped life changing compensation for clients around the country. He has expertise and experience ranging from defective products to Internet technology disputes. Mark is recognized for breaking barriers in medical malpractice litigation through groundbreaking work in exposing electronic medical record alterations and successfully expanding states' damages caps in joint replacement surgery cases.

Mark was a member of the trial team that, in 2022 secured a 102.6 million dollar verdict in the class action case *Raul Siqueiros, et al. v. General Motors LLC*, Case No. 3:16-cv-07244, in the U.S. District Court for the Northern District of California.

Mark brings a unique voice to the Sedona Conference's Data Security and Privacy Liability working group and is one of the authors of Sedona's Biometric Privacy Primer. He has also served as a Trustee of the Ohio Association for Justice since 2014. Mark is currently Editor-in-Chief of *Ohio Trial* and is a member of *Law360's* Personal Injury Editorial Advisory Board.

**F. Franklin Amanat**

Partner

EMAIL

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EDUCATIONHarvard Law School, J.D., *cum laude*The University of Pennsylvania, B.A.,
summa cum laude

Frank Amanat is a highly decorated litigator with more than 30 years' experience in a broad range of complex legal matters. Frank specializes in representing whistleblowers, as well as victims of fraudulent and illegal conduct, governmental entities, and other plaintiffs, in a wide range of high-impact litigation, including class actions and multidistrict litigation. His practice focuses on financial and securities fraud, health care and pharmaceutical fraud, antitrust, civil rights, mass torts, and complex commercial litigation. He also has expertise in constitutional and administrative law, environmental litigation, litigation against governmental actors, and appellate and policy litigation. A veteran of 19 trials and arbitrations and dozens of appeals, Frank has led some of the largest and most consequential civil litigation in the United States, and he has amassed a remarkable track record delivering successful outcomes to his clients.

Prior to joining DiCello Levitt, Frank spent 24 years at the U.S. Department of Justice (DOJ), including more than two decades as an Assistant United States Attorney and then Senior Counsel at the U.S. Attorney's Office for the Eastern District of New York (Brooklyn), plus stints at the Office of Legal Policy (OLP) and the Office of Immigration Litigation. At DOJ, Frank handled over 400 cases, both affirmative and defensive, on behalf of more than 70 federal agencies. From 2013 to 2018, he served as lead counsel for the Government in the successful investigation and prosecution of Barclays Bank and two of its former executives for fraud in connection with the sale of residential mortgage-backed securities. The \$2 billion settlement remains the largest single recovery the DOJ has ever obtained in a civil penalty action filed under FIRREA.

For his work at OLP developing regulations implementing the Prison Rape Elimination Act, Frank was awarded in 2012 the Attorney General's Award for Distinguished Service, the second highest award conferred by the DOJ. In September 2020, Frank received the EOUSA Director's Award for Superior Performance as an Assistant United States Attorney (Civil) for his work on financial fraud and public policy cases, as well as several immigration policy class actions. In 2018, Frank received the Henry L. Stimson Medal, an award given annually by the New York City Bar Association to honor outstanding Assistant U.S. Attorneys in the EDNY and SDNY for their integrity, fairness, courage, and superior commitment to the public good.



Greg Asciolla

Partner

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EDUCATION

Catholic University of America, J.D.

Boston College, B.A., *cum laude*

Greg Asciolla is a partner in DiCello Levitt's New York office, where he serves as Chair of the Firm's Antitrust and Competition Litigation Practice, Managing Partner of the New York Office, and Co-Chair of the DEI Committee. Greg focuses on representing businesses, public pension funds, and health and welfare funds in complex antitrust and commodities class actions, including price-fixing, monopolization, commodities manipulation, pay-for-delay agreements, and other anticompetitive practices. He also has successfully represented, pro bono, three Ugandan LGBTQ clients seeking asylum in the United States.

Recovering billions on behalf of his clients, Greg leads extensive investigations into potential anticompetitive conduct, often resulting in first-to-file cases. Prior to joining DiCello Levitt, Greg chaired a nationally recognized antitrust practice group as a partner and oversaw significant growth in group size, leadership appointments, cases filed, investigations, and reputation. He also served as a partner in the antitrust practice group at a top-ranked AmLaw100 firm. Greg began his career as an attorney at the U.S. Department of Justice's Antitrust Division.

Greg is regularly appointed to leadership positions in major antitrust cases in federal courts throughout the United States, including *Generic Drugs Pricing Antitrust Litigation*, *European Government Bonds Antitrust Litigation*, *Platinum and Palladium Antitrust Litigation*, *Surescripts Antitrust Litigation*, *Crop Inputs Antitrust Litigation*, *Opana ER Antitrust Litigation*, *Borozny v. Raytheon*, *Fusion Elite v. Varsity Brands*, and *Novartis and Par Antitrust Litigation*.

Named a "Titan of the Plaintiffs Bar" and "Competition/Antitrust MVP" by *Law360* as well as a leading plaintiffs' competition lawyer by *Global Competition Review* and Chambers & Partners USA, Greg is often recognized for his experience and involvement in high-profile cases. He has been named one of the "Leading Plaintiff Financial Lawyers in America" by *Lawdragon*, a "Distinguished Leader" by *New York Law Journal*, a "Litigation Star" by *Benchmark Litigation*, and a "Leading Lawyer" and a "Next Generation Lawyer" by *The Legal 500*, with sources describing him as "very effective plaintiffs' counsel" and "always act[ing] with a good degree of professionalism."

Greg makes substantial contributions to the antitrust bar. In 2016, he was elected to the Executive Committee of the New York State Bar Association Antitrust Law Section, where he currently serves as the Finance Officer. He also currently serves as Vice-Chair of the ABA's Diversity/Advanced Committee, Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association, and Treasurer and Membership Director of the Committee to Support the Antitrust Laws. Greg is an annual invitee of the exclusive Antitrust Forum, serves as the U.S. representative to the Business & Banking Litigation Network, and is on the Advisory Board of the American Antitrust Institute.



Jamie Baskin
Partner

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EDUCATION

University of Texas School of Law,
J.D.

Austin College, B.A.

DiCello Levitt Partner Jamie Baskin litigates and tries complex securities and financial cases for public and private plaintiffs. Known for his driven work ethic and legal intellect, Jamie leverages his more than 40 years of experience and imaginative, out-of-the-box thinking to achieve extraordinary results for his clients.

Jamie has been centrally involved in the prosecution of some of the largest, most complex and successful class action cases ever. These include *in re Enron Corp. Securities Litigation*, *in re Dynegy Inc. Securities Litigation*, and *in re Global Crossing ERISA Litigation*. He has also handled complex non-class/derivative cases for both plaintiffs and defendants, including a number of complex matters in the wake of the financial crisis. Some of these cases involved esoteric structures such as collateralized debt obligations, residential mortgage-backed securities, and structured investment vehicles.

Jamie has taken cases to trial in courtrooms across the U.S. on issues including, among others, federal securities claims; corporate control, governance and finance; fiduciary duty; banking; oil and gas; partnerships; real property; and electronic commerce.

Jamie and his wife Liz live in Austin and Santa Fe. They enjoy traveling, art, food and wine, time with friends, and having fun generally. They are both deeply committed to civil and human rights activities; Jamie is involved in ADL's Global Leadership Council and Liz is a national director of Human Rights Campaign.

**Nathan W. Bear**

Partner

EMAIL

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EDUCATION

University of San Diego School of Law, J.D.

University of California at Berkeley, B.A.

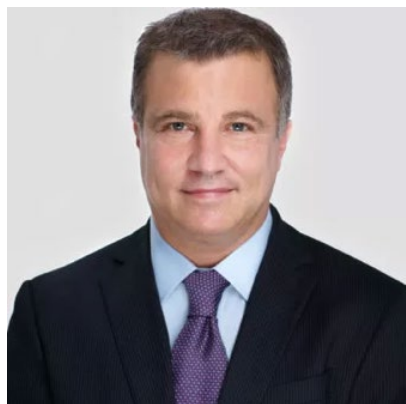
Nathan Bear has played an integral role in securities fraud class action litigations resulting in over \$1 billion in recoveries for investors globally. Nate passionately represents clients who have been impacted by the financial misdeeds of others, from successful stockholder actions against large pharmaceutical companies to landmark settlements against the chief credit rating agencies following the 2008 financial crisis.

Nate opened the firm's San Diego office, bringing an impressive level of knowledge and helping to build our robust Securities Litigation practice. His experience in litigating high-profile securities fraud cases includes:

- *In re Cardinal Health, Inc. Sec. Litig.*; resulting in a \$600 million for settlement for shareholders following the misclassification of revenue.
- *Jones v. Pfizer Inc.*; ending with a \$400 million settlement against the world's largest pharmaceutical manufacturer over illegal off-label marketing.
- *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*; resulting in the first major ruling upholding fraud allegations against the chief credit rating agencies and leading to additional cases and landmark settlements.

Outside of the United States, Nate's experience includes Australian class actions, potential group actions in the United Kingdom, settlements in the European Union under the *Wet Collectieve Afwikkeling Massaschade* (WCAM), the Dutch Collective Mass Claims Settlement Act, as well as representative actions in Germany utilizing the *Kapitalanlegermusterverfahrensgesetz* (KapMuG), the Capital Market Investors' Model Proceeding Act, and the *Wet Afwikkeling Massaschade in Collectieve Actie* (WAMCA), the Dutch Act on redress of mass damages in a collective action.

After receiving a bachelor's degree in political science from the University of California, Berkeley, Nate gained valuable business finance experience working as a management consultant for PricewaterhouseCoopers (PwC) advising Fortune 500 companies and counseling venture-backed software companies acquired by publicly traded corporations. He then earned his law degree from the University of San Diego School of Law and served as judicial extern to the Hon. Richard D. Huffman of the California Court of Appeal.

**Bruce D. Bernstein**

Partner

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EDUCATIONThe George Washington University
Law School, J.D.University of Vermont, B.S., *cum
laude*

Bruce Bernstein has substantial experience handling a wide range of commercial litigations, including suits against large banks, mortgage lenders, automobile manufacturers, pharmaceutical manufacturers, insurers, and healthcare systems. He successfully litigated these matters at all levels, including before the U.S. Supreme Court.

As a Trial Attorney in the Civil Fraud Section of the U.S. Department of Justice, Bruce investigated, litigated, and resolved complex *qui tam* actions asserting claims under the False Claims Act. In addition, he oversaw the litigation of a large action on behalf of the United States, pending in Germany, that asserted securities fraud-type claims against a multinational automobile manufacturer. The case was brought to recover losses incurred by the Federal Thrift Savings Plan, one of the largest defined contribution plans in the world. In private practice, he successfully litigated some of the largest securities fraud actions ever filed. For example, Bruce was a pivotal member of the team that secured significant decisions from the Third Circuit and U.S. Supreme Court in the securities class action against Merck & Co., Inc., which arose out of Merck's alleged misrepresentations about the cardiovascular safety of its painkiller drug, Vioxx. Ultimately resolved for more than \$1 billion, this case was the largest securities recovery ever achieved on behalf of investors against a pharmaceutical company at the time of its resolution.

Bruce has also served as an adjunct professor at The George Washington University Law School, where he taught written and oral advocacy. Separately, he has authored and co-authored several articles on developments in the federal securities laws, including co-authoring, along with several former colleagues, the first chapter of LexisNexis's seminal industry guide, *Litigating Securities Class Actions* (2010 and 2012).



David D. Burnett

Partner

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EDUCATION

University of Virginia School of Law,
J.D.

University of Texas at Austin, M.A.,
American Studies

University of Virginia, B.A.

David Burnett is a partner in DiCello Levitt's Washington, D.C., office. His practice includes commercial litigation, product liability mass torts, securities class actions, and environmental cases.

For sixteen years, David has represented plaintiffs of all kinds—Fortune 100 companies, U.S. states and counties, classes of shareholders, and individuals—against Wall Street banks, pharmaceutical companies, and technology companies in cases alleging fraud, negligence, breach of contract, securities fraud, public nuisance, and other corporate wrongdoing.

During a decade at one of the world's largest business litigation law firms, David represented Allstate, Prudential, and other insurance companies in litigation against Wall Street banks arising from the 2007-2008 financial crisis. The cases alleged fraud in the sale of mortgage-backed securities and collateralized debt obligations. As part of a small team, he helped recover hundreds of millions of dollars in dozens of favorable settlements for investors.

David recently represented U.S. states, counties, and cities in litigation arising from the nationwide opioid crisis, taking and defending dozens of depositions of experts and government employees and working closely with epidemiologists and economists to quantify the cost of social services programs to abate the epidemic. He also has represented investors in complex securities fraud class actions against Amazon, AbbVie, Alexion, Qualcomm, and the NYSE, Nasdaq, and BATS stock exchanges. He has worked with victims of the September 11 terrorist attacks to tell their stories of being injured at Ground Zero, helping them obtain tens of millions of dollars in monetary judgments through a victims' compensation fund.

David also previously worked as a vice president of underwriting at a leading litigation finance firm, where he evaluated the legal and economic merits of potential investments in lawsuits and monitored active litigation investments.

Outside of work, David volunteers as the president of the Abenaki Tower and Trail Association, a century-old conservation organization in New Hampshire. He has served on the Board of Advisors of the Appalachian Mountain Club, the nation's oldest conservation nonprofit, since 2014. Before law school, David worked with at-risk youths for Outward Bound, worked in a hut on the Appalachian Trail, interned at the Wilderness Society, and bicycled across the country for charity. He was born in the Philippines, the son of a Navy lawyer. David lives in Old Town Alexandria, Virginia, with his wife, Taylor.



Patrick W. Daniels
Partner

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EDUCATION

University of San Diego School of Law,
J.D.

University of California – Berkeley,
B.A. *cum laude*

Patrick W. Daniels is the managing partner of the San Diego office and co-founder and chair of the Securities and Financial Services Litigation practice.

Patrick is widely recognized as a leading corporate governance and investor advocate. *Daily Journal*, the leading legal publisher in California, named him one of the 20 most influential lawyers in California under 40 years of age. Additionally, the Yale School of Management's Millstein Center for Corporate Governance and Performance awarded Patrick its "Rising Star of Corporate Governance" honor for his outstanding leadership in shareholder advocacy and activism.

Patrick is an advisor to political and financial leaders throughout the world. He counsels private and state government pension funds and fund managers in the United States, United Arab Emirates, Kuwait and Oman, the United Kingdom, and the European Union on issues related to corporate fraud in the United States securities markets and "best practices" in the corporate governance of publicly traded companies.

In advancing international standards on human rights, Patrick was a lead counsel in an international coalition of attorneys and human rights groups that won a historic settlement with major U.S. clothing retailers and manufacturers, including The Gap, Ralph Lauren, Donna Karan, and Calvin Klein. The settlement was on behalf of a class of over 50,000 predominantly female Chinese garment workers on the island of Saipan in an action seeking to hold the Saipan garment industry responsible for creating a system of indentured servitude and forced labor in the island's garment factories. The coalition obtained an unprecedented agreement for supervision of working conditions in the Saipan factories by an independent nongovernmental organization as well as a substantial multimillion-dollar compensation award for the workers.

Patrick has been named a Leading Plaintiff Financial Lawyer by *Lawdragon*, 2019-2023.



**Diandra “Fu” Debrosse
Zimmerman**
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EDUCATION

Case Western Reserve University
School of Law, J.D.

City College of the City University of
New York, B.A., *summa cum laude*

Diandra “Fu” Debrosse Zimmermann is Managing Partner of DiCello Levitt’s Birmingham office, and Co-Chair of the firm’s Mass Tort division. Fu is also a member of the firm’s Public Client, Environmental, Personal Injury, Civil Rights, and Trial practice groups. Widely known for her relentless client advocacy, Fu represents individuals and public entities injured by wrongful conduct, whether from defective medical devices or drugs, environmental contamination, corporate misconduct, or civil rights abuse. Nationally recognized as a powerhouse in mass torts, class actions, products liability, discrimination, and sexual assault claims, Fu has secured hundreds of millions of dollars in client damages.

Fu holds prominent leadership positions for several multidistrict litigations, including Co-Lead Counsel of *In re: Abbott Laboratories, et al., Preterm Infant Nutrition Products Liability Litigation*; Co-Lead Counsel of *In re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation*; Plaintiffs’ Executive Committee for *In re: Paraquat Products Liability Litigation*; Plaintiffs’ Steering Committee for *In re: Social Media Adolescent Addiction/ Personal Injury Products Liability Litigation*; Plaintiffs’ Steering Committee for *In re: Smith & Nephew Birmingham Hip Resurfacing Hip Implant Liability Litigation*. She also represents municipalities in both *In re: National Prescription Opiate Litigation* and *In re: McKinsey & Company Inc., National Prescription Opiate Consultant Litigation*, and is counsel in *In re: Proton Pump Inhibitor Litigation*. Fu formerly held a seat on the Plaintiffs’ Steering Committee for *In re: Higher One Account Marketing and Sales Practices Litigation* and has represented plaintiffs in many other MDLs. Fu also leads many systematic civil rights and sexual assault cases and represents states and municipalities in litigation.

In 2022 and 2023, *Lawdragon* recognized Fu as one of the 500 Leading Consumer Lawyers. *Chambers USA* 2022 ranked the firm’s Litigation: Mainly Plaintiffs team among the top five in Alabama. The *Birmingham Business Journal* honored Fu with a Best of the Bar Award and Who’s Who in the Law recognitions in 2021 and 2022.

Fu is a founding member of Shades of Mass, an organization dedicated to encouraging the appointment of black and brown attorneys in national mass tort actions. She is a board member of Public Justice, the Southern Trial Lawyers Association, and a member of the Birmingham Bar Foundation. Fu previously served as a hearing officer for the Alabama State Bar, held leadership roles in the American Association for Justice and the Alabama Access to Justice Commission, and acted as Alabama State Bar vice president and commissioner.

Fu is fluent in French and Haitian Creole and functional in Spanish. Her steadfast pursuit of justice is motivated in large part by her experience as a mother of two young girls.



Chuck Dender
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EDUCATION

Cornell Law School, J.D.

New York University Stern School of
Business, MBA

Temple University, B.A.

Chuck Dender is an experienced litigator who has practiced at two of the country's largest law firms. With a demonstrable record of excellence and a track record of success for his clients, the foundation of Chuck's broad litigation experience was formed while defending some of the most significant commercial litigation matters in the United States over the last two-plus decades. While Chuck began his litigation career on the defense side of the table, he is a plaintiffs' attorney at heart. He now represents plaintiffs exclusively. With a background that includes membership in the International Brotherhood of Teamsters, Chuck has personally experienced what it's like to be a plaintiff in need of outstanding legal representation.

Chuck's legal expertise is enhanced by his MBA, with a specialization in finance and quantitative finance from the New York University Stern School of Business. This additional accreditation and education gives Chuck a unique advantage when it comes to identifying issues related to financial crimes and damages issues, including working with economists and other expert witnesses. As proof of this point, Chuck played a key role in presenting the damages model of one of the largest financial institutions in the world after the collapse of Lehman Brothers Holding, Inc.

Chuck represents aggrieved investors (both individuals and entities) in all aspects of complex litigation against players in the financial services industry, as well as other public and private companies. He also represents whistleblowers who cooperate with government agencies in their efforts to shine the light on corporate malfeasance.

In whistleblower matters, Chuck has a keen understanding of both the types of information that government agencies are looking for and the best methods for presenting that information to the agencies so they can act and wield justice from corporate wrongdoers. Chuck has authored compelling whistleblower submissions on behalf of both corporate insiders and interested outsiders. He has the good fortune of learning this complicated dance under the tutelage of the principal architect of the Security and Exchange Commission's (SEC) Whistleblower Program. Chuck has also presented whistleblowers and supporting witnesses in front of the highest-ranking members of the SEC's Whistleblower Program during multiple-day interviews.

Chuck is experienced in a wide range of legal disciplines, with a specific focus representing clients in litigation involving the financial services industry or any matter where the calculation and presentation of damages is anything but a run-of-the-mill issue.



Bobby DiCello

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EDUCATION

Cleveland-Marshall College of Law,
J.D.

Northwestern University, M.A.

University of Dayton, B.A.

Bobby DiCello's practice encompasses locally and nationally significant cases across a broad range of topics, with a focus on restoring the human dignity stolen by civil rights abuses, catastrophic injuries, defective products, and corporate misconduct.

Bobby is a force in the trial bar. He has obtained record verdicts in cases thought unwinnable, while, at the same time, leading cutting-edge research into juror decision-making in the politically polarized jury system. Bobby has successfully tried, as a first-chair trial lawyer, catastrophic injury and death cases, civil rights cases, medical malpractice cases, mass tort bellwether cases, *qui tam* cases, and financial services cases, as well as major felony prosecutions, major criminal defense actions, and a variety of other cases that have branded him as one of the nation's best modern-day trial lawyers.

Notably, ABC News tapped Bobby to analyze and comment on the most anticipated civil rights trial in recent history: the trial of Officer Derek Chauvin for George Floyd's murder in its series, *The Death of George Floyd—Derek Chauvin on Trial*. Recognizing the need for an authority on high-profile trials to provide opinions on the case to a national and international audience, ABC selected Bobby due to his immense expertise in the art of trial and his reputation as a fierce and skillful trial lawyer. Between focus group preparation for a major pharmaceutical trial and research into the psychology of modern jurors, Bobby made himself available for weeks of real-time commentary and insight into the trial process.

In 2021, Public Justice awarded Bobby its prestigious Trial Lawyer of the Year award for his work in the landmark *Black v. Hicks* police brutality and corruption case in the City of East Cleveland, Ohio. Public Justice presents this annual award to attorneys who promote the public interest by trying a precedent setting, socially significant case. Bobby tried the *Black* case to a jury that awarded Mr. Black a record \$50 million—a verdict that has since been sustained up to the U.S. Supreme Court. *The National Law Journal* has also recognized Bobby, twice, as an "agent of change" in its annual list of Plaintiffs' Lawyers Trailblazers, a rare honor.

Having taught trial lawyers across the country, Bobby is also known for his dedication to improving the art of trial practice. Bobby is routinely asked to assist lawyers from across the United States on cases. He consults on all aspects of trial preparation and motion practice, including theme building, case framing, case messaging, and the creation of visuals for courtroom presentation and exhibits. He develops his approach through DiCello Levitt's Trial Center, where he leads focus groups, mock trials, and jury decision-making research. Bobby's work sets DiCello Levitt apart as a truly rare law firm: a plaintiffs' firm with an in-house focus group and mock trial practice that creates powerful presentations and—most importantly for our clients—meaningful verdicts.



Nada Djordjevic

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EDUCATION

University of Illinois College of Law,
J.D., *summa cum laude*, Order of the
Coif

Grinnell College, B.A.

Nada Djordjevic brings justice for those who are harmed by consumer fraud, unfair business practices, data privacy breaches, deceptive insurance sales practices, and other egregious acts. With more than two decades of experience representing plaintiffs in class actions and complex commercial litigations, Nada zealously protects the interests of aggrieved clients throughout the United States.

From individuals or groups of consumers to businesses of all sizes, including national and multinational corporations, Nada's clients benefit from her skilled and varied litigation practice. In addition to consumer protection and class actions, she represents clients in issues related to securities fraud, ERISA violations, deceptive insurance sales practices, and *qui tam* cases under the False Claims Act.

Nada's litigation successes include a \$25 million settlement on behalf of 800,000 people in a class action lawsuit. The action involved claims of violations of state consumer protection and deceptive practices laws against a major athletics event organizer. She also represented a multi-state plaintiff class in a data breach case that resulted in one of the largest breach-related settlements in healthcare. Nada was also part of the litigation team that negotiated settlements worth more than \$275 million for universal life insurance policy holders in two nationwide class actions alleging improper monthly policy charges.

**Daniel R. Ferri**

Partner

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EDUCATION

University of Illinois College of Law,
J.D., *magna cum laude*

New York University, B.A., *cum laude*

Dan Ferri is a litigator whose practice focuses on fraud, breach of contract, and intellectual property theft claims. He has achieved tens of millions of dollars in recoveries on behalf of individual, small business, and public clients.

This past year, Dan helped win a jury trial in a class action that, after appeal, may provide over \$100 million to purchasers of defective GM trucks and sport-utility vehicles. He also concluded a multi-year litigation on behalf of the State of New Mexico that successfully resolved claims against AbbVie for the deceptive advertising of a potentially dangerous pharmaceutical.

Dan's other recent work includes successfully representing the State of New Mexico in cases arising from Volkswagen's use of "defeat devices" to cheat emissions standards and other automakers' sales of vehicles containing dangerous Takata airbag inflators; achieving a substantial settlement for a class of consumers who purchased Toyota minivans with defective sliding doors; and successfully settling, after a bench trial, a patent infringement claim against GoDaddy.

Dan is a member of the Northern District of Illinois Trial Bar.

**Daniel R. Flynn**

Partner

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EDUCATIONIndiana University Maurer School of Law, J.D., *cum laude*

Illinois Wesleyan University, B.A.

Dan Flynn represents governmental entities, individual consumers, and corporate clients—all with one primary goal in mind: ensuring the protection of human health and the environment. His stewardship not only ensures that polluters be held responsible for contamination and clean-up, but that corporate entities understand their responsibilities under state and federal environmental laws. As a result of his advocacy in advising corporations on compliance, Dan's clients lead their respective industries in environmental stewardship efforts under a number of rules and regulations, including the Clean Water Act, the Clean Air Act, the Comprehensive Environmental Response, the Compensation and Liability Act, the Emergency Planning and Community Right-to-Know Act, and the Resource Conservation and Recovery Act.

Dan assists corporate entities, governmental agencies, and the public by ensuring that companies that have contaminated the environment and violated regulations take responsibility for their actions. Through contribution and cost-recovery actions, common law claims, citizen suits, enforcement actions, and proper due diligence and contract negotiation, he ensures polluters and bad actors remediate the harm they have caused.

Dan is part of the DiCello Levitt team working with several states in investigating and addressing poly- and perfluoroalkyl substance ("PFAS") contamination. DiCello Levitt's PFAS team, along with other Special Assistant Attorneys General and the Illinois Attorney General, most recently filed a lawsuit against 3M for PFAS contamination from its facility in Cordova, Illinois. Cases involving these "forever chemicals" will have wide-reaching implications for state governments and their residents.

Dan also works with communities that have been impacted by years of exposure to polluted air, water, and soil. Recently, Dan and DiCello Levitt's environmental team joined with co-counsel in representing several residents and former residents of Union, Illinois in filing suit against companies responsible for polluting the groundwater with carcinogenic chlorinated solvents. Dan also serves as interim co-lead counsel in a class action on behalf of the residents of Rockton, Illinois and surrounding communities for property damages they sustained following a catastrophic fire at a local chemical factory.

In addition to his environmental work, Dan frequently counsels clients on developing and maintaining state-of-the-art safety and health programs that ensure all employees enjoy safe and healthful workplaces. He works closely with both his clients and the Occupational Safety and Health Administration ("OSHA") to enhance employee safety and health well beyond OSHA's minimum requirements.



Karin Garvey

Partner

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EDUCATION

Northwestern University Pritzker
School of Law, J.D.

Harvard University, A.B.

Karin E. Garvey is a partner in the New York office of DiCello Levitt and a member of the Antitrust and Competition practice group. With more than twenty-five years of litigation experience, Karin focuses on representing businesses and public pension funds in complex antitrust class actions.

Having spent 18 years on the defense side, Karin is uniquely able to deploy the knowledge she gained as defense counsel to the strategic advantage of her clients on the plaintiffs' side. Karin brings significant experience to managing complex, multi-jurisdictional cases from initial case development through resolution and appeal and has engaged in all phases of trial preparation and trial and has briefed and argued appeals.

Karin has been appointed lead or co-lead counsel in multiple antitrust class actions, including *Fusion Elite All Stars v. Varsity Brands, LLC* (W.D. Tenn.) (representing a proposed class of direct purchasers in a case alleging monopolization and conspiracy to monopolize again the largest producer of All Star Cheerleading events and the sport's governing body); *In re Sensipar (Cinacalcet HCl) Antitrust Litigation* (D. Del.) (representing a proposed class of indirect purchasers of the drug Sensipar in a case alleging that defendants conspired to delay the entry of generic competition for that drug); and *In re Surescripts Antitrust Litigation* (N.D. Ill.) (representing a proposed class of pharmacies who have charged the largest provider of e-prescription services of anticompetitive conduct). Karin was also appointed to the Plaintiff's Steering Committee in *In re Xyrem (Sodium Oxybate) Antitrust Litigation* (N.D. Cal.) and *In re Crop Inputs Antitrust Litigation* (E.D. Mo.). Karin recently tried a case to verdict on behalf of the end-payor plaintiff class in *In re Opana ER Antitrust Litigation* (N.D. Ill.), playing a large role at the jury trial, including delivering significant portions of the plaintiffs' opening statement and closing argument. While on the defense side, Karin led the defense of a branded pharmaceutical company in *In re Skelaxin (Metaxalone) Antitrust Litigation* (E.D. Tenn.) up through a jury verdict in a pay-for-delay case.

Karin is recommended by *Chambers & Partners USA*, Band 2 for Antitrust Mainly Plaintiff in New York, and *The Legal 500* for excellence in the antitrust practice. She has been described as "an experienced and thoughtful litigator. She has been in the trenches and knows how to work through complex issues." She has also been recognized by *Lawdragon* as one of the "Leading Plaintiff Financial Lawyers in America." Karin is regularly asked to participate on panels at class action and antitrust conferences, and she serves as an adjunct faculty member in the trial advocacy program at Northwestern University Pritzker School of Law.

**Greg G. Gutzler**

Partner

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EDUCATION

University of Michigan, J.D.

University of California – Berkeley,
B.A.

Greg Gutzler is an experienced trial lawyer with a track record of billions in recoveries in high-stakes cases. Before joining DiCello Levitt, Greg litigated extensively on both the plaintiff and defense side, including working at his own boutique firm, one of the nation's most prestigious plaintiffs' firms, and as a partner of an Am Law 100 defense firm. He is a trusted advocate chosen by clients when they need candid, creative, and aggressive approaches to business solutions and decisive litigation strategy. Greg believes that the law is more than a means to pursue justice—it is the foundation of a society in which people are free to create, thrive, and feel protected. Beliefs become action through creativity, technical excellence, knowledge, and discipline.

Greg is a go-to advocate for any type of complex commercial litigation, business disputes, whistleblower cases, and sexual abuse cases. Clients seek out Greg for his expertise in contract, ownership, and valuation disputes. Whistleblowers also rely on Greg's experience and creativity in prosecuting SEC, False Claims Act, FIRREA, IRS, and FCPA matters. Greg's practice areas focus on ensuring that innovation thrives and creates competitive marketplaces. One of his clients, a major biotechnology company, spent billions of dollars to create a groundbreaking technology. When a competitor improperly exploited his client's intellectual property, Greg led his client's suit against the competitor, tried the case in federal court, and won a jury verdict of \$1 billion in damages. This was the fourth-largest patent infringement jury verdict in United States history—and hammered home the point that competition, no matter how intense, must always remain fair and honorable.

Greg has litigated more than a dozen high-profile securities actions against international investment banks for misrepresentations they made to investors in connection with residential mortgage-backed securities, recovering more than \$4.5 billion on behalf of his clients. When important investments and resources are at stake, hedge funds, private equity funds, venture capitalists, individuals, companies, and governmental entities turn to Greg because he is a fearless advocate in complex lawsuits in federal and state court and arbitration.

Greg is also on the front lines in protecting women and men from sexual abuse, discrimination, and exploitation. He is lead counsel in a civil suit involving the world's largest-ever sex trafficking case, which spans six countries and fifty years of abuse. On December 10, 2021, Dateline NBC featured Greg in its revered news magazine program in an episode titled, *The Secrets of Nygard Cay*.

Greg's grasp of the nuances of common law—the influence of jurisdictions, who's on the bench, and more—converge in a simple insight: The system never dispenses justice based on predictable formulas, so legal professionals must fight to achieve justice. He views DiCello Levitt as the right firm to advance that fight for its clients, drawing on a shared vision of commitment, creativity, and loyalty.



Eli Hare
Partner

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EDUCATION

Tulane University School of Law, J.D.

University of Alabama, University
Honors College, B.A., *cum laude*

Eli Hare is a trial attorney focusing on mass torts, civil and human rights violation cases, personal injury, environmental contamination, and employment discrimination disputes. He represents people and public entities victimized by companies that cause harm by manufacturing and selling defective products, chemicals, and medical devices. People who have had their constitutional rights trampled on by governmental institutions and those who have suffered discrimination in the workplace because of their race, gender, or sexuality also rely on Eli to provide effective, hands-on legal counsel.

Deeply involved in every stage of litigation, Eli's experience includes briefing and arguing motions, leading complex discovery, overseeing expert work, and managing the review of millions of documents produced in discovery. Eli is involved in litigation in state and federal courts across the United States, as well as before administrative bodies and in alternative dispute resolution forums.

Eli was recently appointed to the Leadership Development Committee *In re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation*.

Prior to joining DiCello Levitt, Eli worked with a prominent, national plaintiff's-side law firm, where he represented people injured by wrongful conduct, environmental contamination, and civil rights abuses. He also worked at a large defense firm, where he represented businesses, municipalities, and nonprofit organizations through all stages of litigation. Prior to beginning his legal practice, Eli served as a judicial extern to a federal judge in the U.S. District Court for the Northern District of Alabama.



Justin J. Hawal
Partner

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EDUCATION

Cleveland Marshall College of Law,
J.D., *cum laude*

Saint Louis University, B.A., *cum
laude*

Justin Hawal's work spans a broad range of practice areas, with special expertise in complex catastrophic injury, civil rights abuse, mass tort, and class action litigations.

Justin's practice also encompasses police misconduct, human trafficking, and sex abuse. He currently represents dozens of women in the largest international sex trafficking lawsuit in United States history against Peter Nygard and his companies. Justin was integral to the consumer plaintiffs' success in the Equifax data breach multidistrict litigation, the largest consumer data breach settlement in United States history.

Justin was recently one of only 40 attorneys nationwide to be named a 2021 *National Law Journal* "Elite Trial Lawyers: Rising Star." Justin was also awarded *Public Justice's* 2021 "Trial Lawyer of the Year" for his work on the trial team in *Black v. Hicks*, a groundbreaking civil rights case involving shocking police misconduct and resulting in a \$50 million jury award. During law school, Justin was selected as a member of the Cleveland State Law Review and published a scholarly article regarding independent tort actions for spoliation of evidence under Ohio law. He was also an active member of the civil litigation clinic, through which he represented an asylum-seeking immigrant from Honduras fleeing gang violence.



Brian Hogan
Partner

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EDUCATION

Chicago-Kent College of Law, J.D.

Indiana University, B.A.

In challenging monopolistic practices and cartel activity by corporations, Brian Hogan protects businesses and consumers from unjust and unfair business practices. He brings deep experience to complex litigation and antitrust litigation with a focus on major class actions. From agriculture to transportation to financial sectors, Brian has litigated a broad scope of matters across a wide range of industries.

Brian argues and tries cases in both state and federal courts across the United States. He is hands-on at every stage of the litigation process, including briefing motions, leading discovery in complex cases, overseeing complex econometric modeling and expert work, and managing the review of millions of documents produced in discovery. Brian has been part of numerous trial teams before state and federal court juries and has worked on briefing and appellate arguments before the U.S. Court of Appeals for the Seventh Circuit.

Brian has played a prominent role on leadership teams in many recent antitrust class actions, including *In re Automotive Parts Antitrust Litigation* (E.D. Mich.) (an unprecedented multidistrict litigation stemming from the largest criminal antitrust investigation in U.S. history and consisting of more than 25 direct purchaser class action cases that were resolved for settlements totaling over \$550 million); *In re Peanut Farmers Antitrust Litigation* (E.D. Va.) (represented peanut farmers accusing peanut shelling companies of price-fixing which resolved for \$102.75 million); *Fusion Elite All Stars v. Varsity Brands, LLC* (W.D. Tenn.) (represented direct purchasers in a case alleging monopolization and conspiracy to monopolize again the largest producer of All Star Cheerleading events and the sport's governing body which resolved for \$43.5 million and significant injunctive relief).

He is currently a member of the leadership teams in *In re Surescripts Antitrust Litigation* (N.D. Ill.), where he represents pharmacies alleging monopolization of the e-prescribing market through the use of restrictive loyalty payments and deals with other industry players and *In re European Government Bonds Antitrust Litigation* (S.D.N.Y.) which alleges that traders at major banks conspired through chats to manipulate the primary and secondary market for European government bonds to widen the bid-ask spreads which inflated bond prices while increasing trading fees.

**Steve Jodlowski**

Partner

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EDUCATIONCalifornia Western School of Law,
J.D., *cum laude*University of Central Oklahoma,,
B.M.

For nearly 20 years, Steve Jodlowski has been actively involved in a variety of cases involving securities fraud, antitrust, competition, corporate takeover, consumer fraud, and commercial litigation. Representing investors, shareholders, and policyholders, he has recovered nearly \$2 billion for clients around the world.

Steve has represented institutional and individual shareholders in corporate takeover actions and breach of fiduciary litigation in state and federal court. He has handled pre- and post-merger litigation stemming from the acquisition of publicly listed companies in the biotechnology, oil and gas, information technology, specialty retail, electrical, banking, finance and real estate industries, among others.

In recent years, he has specialized in representing investors in a series of antitrust actions involving the manipulation of benchmark rates, including the ISDAfix Benchmark litigation, which resulted in the recovery of \$504.5 million on behalf of investors, and the *SSA Bonds Antitrust Litigation*, which resulted in the recovery of \$95.5 million on behalf of investors. He served as co-lead class counsel in *Thompson v. 1-800 Contacts, Inc.*, where he helped recover \$40 million in settlements from various contact lens retailers. Steve also served on the trial team in an antitrust monopolization case against a multinational computer and software company and represented more than 100 newspaper publishers in the *Google Digital Advertising Antitrust Litigation*.

Steve was named a “Rising Star” by *Super Lawyers* for five straight years. He was also named a finalist for Consumer Attorneys of California’s Attorney of the Year Award for his work in *Negrete v. Allianz Life Insurance Co. of North America* and more recently was recognized by the American Antitrust Institute’s Antitrust Enforcement Awards for the category of Outstanding Antitrust Litigation Achievement in Private Law Practice. Based in part on his work in the ISDAfix and SSA Bonds litigation, his antitrust group was named by *Law360* as Competition Practice Group of the Year for 2019 and recognized by *The National Law Journal* as a finalist in its list of 2020 Elite Trial Lawyers in the antitrust category.



Amy Keller

Partner

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EDUCATION

John Marshall Law School, J.D.
(n/k/a The University of Illinois at
Chicago School of Law)

University of Michigan, B.A.

Amy Keller has held leadership positions in a variety of complex litigations across the nation, where she successfully litigated high-profile and costly data security and consumer privacy cases. As the Managing Partner of the firm's Chicago office and the Privacy, Technology, and Cybersecurity practice chair, she is the youngest woman ever appointed to serve as co-lead class counsel in a nationwide class action. In the multidistrict litigation against Equifax related to its 2017 data breach, Amy represented nearly 150 million class members and helped to secure a \$1.5 billion settlement, working alongside federal and state regulators to impose important security practice changes to protect consumer data.

Amy has represented consumers against industry titans like Apple, Marriott, Electrolux, and BMW, securing victories against each. She has been appointed to leadership positions in more multidistrict litigations than any other woman in the past eight years, each case requiring sophistication in not only understanding complex legal theories, but also in presenting multifaceted strategies and damages modeling to ensure favorable results. For example, in leading a nationwide class action related to a data breach that exposed the confidential information of over 300 million individuals, Amy worked with her team to develop an argument recognized by the trial court that the loss of someone's personal information, alone, could trigger financial liability, and later secured a rare victory, certifying that case to proceed as a class action to trial. In another matter, Amy defended her team's victory all the way to the U.S. Supreme Court, ensuring that consumers would be able to band together as a class when a company defrauds them for small amounts individually that are worth millions of dollars in the aggregate.

Amy is rated by *Chambers & Partners* for her work in cybersecurity litigation and is an elected member of the American Law Institute. She serves on the Steering Committee of the Sedona Conference's Working Group 11, which focuses on advancing the law on issues surrounding technology, privacy, artificial intelligence, and data security, and she is also on drafting teams for both Model Data Breach Notification Principles and Statutory Remedies and the California Consumer Privacy Act. Her work in cybersecurity and privacy has been recognized many times over—in both 2021 and 2022, she was honored as one of Benchmark Litigation's Top 250 Women in Litigation; in 2020 and 2021, she was named by *The National Law Journal* as one of the Elite Women in the Plaintiffs' Bar; and the practice group which she chairs has won Practice Group of the Year in 2020, 2021, and 2022 by *Law360* and in 2020 by *The National Law Journal*. Amy is also recognized by Illinois Super Lawyers as a "Rising Star," and was named a "trailblazer" by *The National Law Journal*. In 2022, Amy was named to the "40 Under 40" list for *Crain's Chicago* for her leadership in litigation roles and promoting diversity and inclusivity in the bar.

Amy proudly holds leadership positions in both the American Association for Justice and the Public Justice Foundation, organizations which both focus on access to the courts for civil litigants.



Molly Knobler

Partner

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EDUCATION

Stanford Law School, J.D.

Pomona College, B.A., *cum laude*

Molly Knobler is proud to represent whistleblowers who stand up against unsafe, unfair, and corrupt business practices that endanger consumer and patient welfare and drain precious funds from government coffers. The brave few who blow the whistle on fraud impacting the government, investors, patients, and consumers serve a vital purpose in our society. They are frequently thanked for their service with retribution and reprisal. Molly works tirelessly to protect these whistleblowers, ensure their stories are heard, and advocate for their just compensation.

Her experience includes *qui tam* matters involving Medicare and Medicaid fraud, as well as customs fraud and other frauds against the government. She also handles Physician Self-Referral Law (Stark law) violations, health care industry kickback schemes, government contractors' overcharging, and cybersecurity issues in technology products.

Molly also represents clients in connection with whistleblower claims with the IRS' and the U.S. Securities and Exchange Commission's whistleblower programs, including violations of the Foreign Corrupt Practices Act.

On behalf of whistleblowers, Molly has secured hundreds of millions of dollars in settlements. This includes a \$118.7 million settlement against Adventist Health Systems for alleged Stark violations and billing fraud; a \$37.5 million settlement against Prime Healthcare and its CEO and a cardiologist for an alleged kickback scheme and other allegations; and an \$11.75 million settlement with Science Applications International Corporation for allegedly inflating the costs of a government-funded program.

Before joining DiCello Levitt, Molly practiced at Phillips and Cohen LLP and Constantine Cannon LLP, two of the largest whistleblower practices in the United States.

Molly serves as a Taxpayers Against Fraud Young Lawyer's Division Board member. While earning her law degree at Stanford Law School, she served as Submissions Editor and Co-Editor In Chief of the *Stanford Journal of Animal Law and Policy*. She earned Class Prizes for Outstanding Performance in: Torts, Evidence, Administrative Law, Trusts and Estates, Intellectual Property, and Environmental Law Clinic. In addition, Molly served as President and Director of the Animal Legal Defense Fund, interned with the Physicians Committee for Responsible Medicine, and worked as a law clerk at a legal services clinic that represented low-income and chronically ill clients.

**Brian O'Mara**

Partner

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EDUCATIONDePaul University College of Law,
J.D.

University of Kansas, B.G.S.

Brian O'Mara is a partner in DiCello Levitt's San Diego office. His practice focuses on complex securities, antitrust, and consumer protection litigation in state and federal courts across the United States.

Over the past 20 years, Brian has served as lead or co-lead counsel in numerous shareholder, consumer protection, and antitrust actions involving companies in the financial services, technology, pharmaceutical, entertainment and gaming, and telecommunications industries, which have yielded billions of dollars in recoveries. He has helped institutional investors protect their fund investments by securing leadership positions in dozens of securities and antitrust actions and has been responsible for a number of significant trial and appellate court rulings in the securities and antitrust space.

Prior to joining DiCello Levitt, Brian was a partner at a leading complex litigation law firm and served as chief underwriter officer for a global private equity and advisory firm specializing in litigation finance, judgment enforcement, asset recovery, and related strategies serving claimants, law firms and other professional service firms, and businesses across the globe. In this capacity, Brian was responsible for directing the firm's underwriting process for prospective investments and managing the firm's investment portfolio, which included litigation and arbitration disputes in jurisdictions around the world.

Brian has been twice recognized by the American Antitrust Institute's Antitrust Enforcement Awards for the category of Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in the ISDAfix price-fixing litigation and the EpiPen class action alleging antitrust and RICO violations. He has also been named a Super Lawyer by *Super Lawyers Magazine* for the past six consecutive years and recognized as a Leading Plaintiff Financial Lawyer by *Lawdragon*.

Brian graduated from the University of Kansas with a degree in economics, and he received his law degree from DePaul University College of Law, where he was the recipient of a CALI Excellence for the Future Award in securities regulation.

**Matthew Perez****Partner****EMAIL**

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EDUCATIONBenjamin N. Cardozo School of Law,
J.D.

Swarthmore College, B.A.

Matthew Perez represents individuals, businesses, public pension funds, and insurers in complex antitrust class actions. His practice spans a wide range of industries but with particular focus on pharmaceuticals and financial services. He currently litigates several pay-for-delay antitrust actions on behalf of consumers, health plans, and insurers alleging delayed generic entry for Opana ER, Bystolic, Sensipar, Xyrem, and Zetia. He has or is currently representing investors in financial services and commodity markets, including pension funds and traders in foreign exchange, international sovereign bonds, interest rate and credit derivatives, and commodity futures markets.

Matt previously worked for a nationally-recognized class action law firm and the New York State Office of the Attorney General Antitrust Bureau. He received the Louis J. Lefkowitz Memorial Award for his work investigating bid rigging and other illegal conduct in the municipal bond derivatives market, resulting in more than \$260 million in restitution to municipalities and nonprofit entities. He also investigated pay-for-delay matters involving multinational pharmaceutical companies.

Matt has been named a “Rising Star” by The Legal 500. In law school, he received the Jacob Burns Medal for Outstanding Contribution to the Law School. He was an intern for Judge Richard B. Lowe, III, in the New York Supreme Court Commercial Division.

Matt is also a member of the New York State Bar Association Antitrust Section’s Executive Committee. He also serves as the chair of the Antitrust Section’s Class Action and Private Litigation Committee.



Roxana Pierce

Partner

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EDUCATION

Thomas Jefferson School of Law, J.D.

Pepperdine University, B.A.

Sorbonne University, France, *with Honors*

Roxana Pierce is an international attorney who brings a unique level of diversity and experience to her litigation practice, protecting investor rights and the rights of victims of consumer fraud, waste, and abuse.

Representing governmental and private pension funds, large institutional investors, attorneys general, international banks, asset managers, foreign governments, multi-national corporations, sovereign wealth funds and individuals, Roxana has served clients from more than 20 states and 82 countries, with extensive experience in the Middle East, Europe, and Asia. Zealous and passionate, Roxana advocates for her clients through litigation, arbitration, mediation, and in negotiations.

Roxana represents clients in consumer protection, securities, products liability, contracts, and other claims in private, group, and class actions. Prior to joining DiCello Levitt, Roxana became a seasoned attorney through her experience working on cases against the world's largest pharmaceutical and automobile manufacturers as well as litigation concerning the 2008 global financial crisis. In addition, Roxana's background includes contract negotiations for hundreds of projects, including several valued at more than \$1 billion, with governmental and corporate leaders both foreign and domestic.

Deeply committed to serving her community, Roxana serves as Director and Board member to The Invisible Hand Foundation, Inc., which provides funding to Washington, D.C. and Maryland-area residents facing hardships. For her work with that organization, Roxana was honored by the National Center for Children and Families with the Humanitarian Spirit Award for Advocacy.

Roxana studied French at the Sorbonne University in France before earning her bachelor's degree in international affairs and international relations from Pepperdine University. She is fluent in Farsi and proficient in French and Turkish. Roxana began her legal career as a Paralegal with focus on corporate law, receiving her certificate from the University of San Diego. She earned her Juris Doctor from Thomas Jefferson School of Law, where she focused on international law.



Adam Prom
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EDUCATION

The University of Texas School of Law,
J.D.

Marquette University, B.A., *magna
cum laude*

Adam Prom has contributed significantly to and led a variety of complex litigations that have resulted in settlements worth hundreds of millions of dollars, including class actions and multi-district litigation (MDLs). He has represented consumers, small and large businesses, whistleblowers, and public entities in all manner of cases, including those involving consumer protection, privacy, product liability and automotive defects, environmental contamination, False Claims Act *qui tam*, and business disputes. Adam's broad knowledge base and experience sets him apart and allows him to successfully traverse any practice area at the firm, all the while focusing on redressing harm caused by others' unscrupulous business practices. Adam has represented consumers and businesses against industry titans like Google, Meta, CVS, Nissan, Navistar, and Peloton. He has been listed annually since 2019 as an Illinois Rising Star by *Super Lawyers*, and he is part of the firm's Cybersecurity & Privacy team, which Law360 recognized as "Group of the Year" for three consecutive years (2020-2022).

In addition to monetary recoveries for their clients, Adam also pursues important injunctive relief to correct business practices moving forward. In one case, in addition to a settlement fund of \$21 million, Adam served as part of a team that obtained an agreed injunction to ensure the humane treatment of animals. In other cases involving privacy and cybersecurity, Adam and his colleagues are at the forefront of not only pursuing and obtaining large settlements but also the deletion of ill-gotten personal data and prevention of other personal intrusions.

Beyond his class action work, Adam has substantial trial experience in state and federal court, and he has successfully led and won multiple arbitrations for individual consumers and businesses, including a multi-day arbitration against a multi-billion dollar group of trusts.

Adam has demonstrated a commitment to public service, and is active in multiple legal advocacy organizations including Public Justice, the American Association for Justice, and other state and federal bar associations. Adam also serves on the Chicago Bar Association's Judicial Evaluation Committee. He also volunteers his time to organizations that provide assistance to Africans denied due process including prisoners and those suffering from modern day slavery, and he has been a mentor for high school students at the Legal Prep Charter Academy in Chicago.



Corban Rhodes

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EDUCATION

Fordham University School of Law,
J.D., *cum laude*

Boston College, B.A., History, *magna cum laude*

Corban Rhodes is a seasoned litigator who has recovered more than a billion dollars for consumers and investors in some of the country's largest and most historic cybersecurity, data privacy and securities fraud cases. Working at the intersection of law and technology, Corban focuses on cases that involve the intentional misuse or misappropriation of consumer data and data breaches.

As co-lead plaintiffs' counsel in the *Facebook Biometric Information Privacy Litigation* matter, Corban helped secure a landmark \$650 million settlement, in one of the first cases asserting consumers' biometric privacy rights under Illinois law. He has litigated cases of negligence or malfeasance leading to data breaches, including securing a settlement with Yahoo for one of the largest known data breach in history that affected nearly 3 billion consumers. Continuing his groundbreaking work at this critical moment for privacy rights and the law, he currently represents consumers in pivotal web browser privacy cases, including the *Calhoun v. Google* and *Google RTB Consumer Privacy Litigation* matters

Corban also prosecutes complex securities fraud cases on behalf of institutional investors, representing both large public pension funds and individual investors. He successfully resolved dozens of cases against some of the largest Wall Street banks in the wake of the mortgage-backed securities financial crisis. His work in securities fraud cases has held companies accountable to investors for fraud and market manipulation in the banking, pharmaceutical, and manufacturing sectors in some of the largest securities class actions of the last decade.

Corban has been recognized by *Law360* as a Rising Star and one of five attorneys on its Top Attorneys Under 40 for Consumer Protection. He was also named by *Benchmark Litigation* as a Future Star and on its New York 40 Under 40 list and by *Super Lawyers* as a New York Rising Star, and he received a Thurgood Marshall Award for his pro bono representation of a death row inmate appealing from capital punishment. He is an active member of the Sedona Conference Working Group 11 on Data Security and Privacy Liability, and sits on the *Law360* Cybersecurity & Privacy Editorial Board. He is a regular speaker and writer on issues related to protecting the rights of the individual against corporate malfeasance.



Caroline Robert

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EDUCATION

University of San Diego School of Law,
J.D.

University of San Diego, B.A., *magna cum laude*

Caroline Robert is a lead partner in DiCello Levitt's Securities and Financial Services Litigation practice based in San Diego. Her practice is focused on representing institutional investors in complex securities litigation matters. With a history of high-stakes victories against Wall Street banks and large corporations, she has an impressive track record of success for clients impacted by financial misdeeds or securities regulations violations.

In the wake of 2008's worldwide financial crisis, Caroline played an integral role in litigation that secured settlements on behalf of institutional investors against Wall Street banks for their part in structuring residential mortgage-backed securities (RMBS) that subsequently collapsed. These matters included the high-profile action brought by China Development Industrial Bank (CDIB) against Morgan Stanley to recover losses CDIB suffered as a result of its investment in the STACK 2006-1 collateralized debt obligation tied to RMBS. Caroline's experience also includes representation of international institutional investors impacted by Volkswagen and Daimler's defeat device emissions scandal in representative actions in Germany under the Capital Market Investors' Model Proceeding Act (KapMuG).

Prior to joining DiCello Levitt, Caroline represented clients in complex securities litigation matters and also gained experience in real estate litigation and transactions for financial institutions and other related clients.

Committed to *pro bono* work, Caroline has provided legal counsel through the Immigration Legal Clinic at the University of San Diego School of Law and received honor's recognition for her service. She has also provided *pro bono* service through the San Diego Legal Aid Society, which garnered her the State Bar of California's prestigious Wiley W. Manuel Award.

Born and raised in France, Caroline is multilingual; fluent in French, English and Spanish. She holds a bachelor's degree from the University of San Diego, where she double-majored in international relations and Spanish language and literature. Caroline earned her Juris Doctor at the University of San Diego School of Law and is admitted to practice law in California, New York, and the District of Columbia.



Henry Rosen

Partner

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EDUCATION

University of Denver, J.D.

University of California, San Diego, B.A.

Henry Rosen is a results-driven litigator with over three decades of experience recovering money on behalf of institutional and individual investors. A leading attorney in securities fraud class actions, he has obtained more than \$1 billion for investors.

Henry has significant experience running all aspects of large, complex litigation. From ensuring his institutional and individual investor clients are prepared for depositions and court, to overseeing massive document reviews, to handling hundreds of depositions, to preparing pleadings and for oral argument before the court, Henry is a hands-on and meticulous attorney.

Some of Henry's notable representations in large complex securities fraud class actions include:

- *In re Cardinal Health, Inc. Sec. Litig.*: This \$600 million settlement is the largest recovery ever in a securities fraud class action in the Sixth Circuit U.S. Court of Appeals.
- *Jones v. Pfizer Inc.*: A \$400 million settlement was reached on the eve of trial for investors in this misclassification of revenue case.
- *In re FirstEnergy*: Recovered \$89.5 million for investors in a securities fraud class action after this Ohio utility company artificially inflated its stock price through false statements and omissions.

Henry is the lead litigator responsible for the ongoing 2016 Brazilian arbitration against Petrobras before the Bovespa panel in São Paulo, Brazil; a case brought by 24 institutional investors including the largest sovereign wealth funds globally and public pension funds across the United States.



Christopher Stombaugh
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EDUCATION

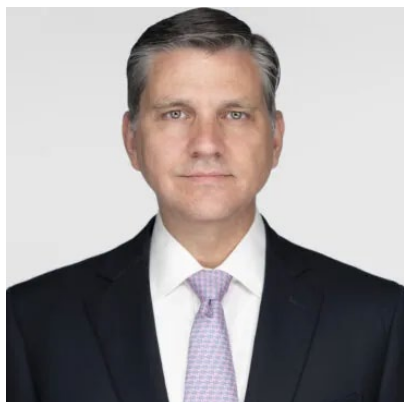
Drake University School of Law, J.D.,
with honors

The University of Wisconsin –
Platteville, B.A.

For more than 30 years, Chris Stombaugh has been devoted to his true passion: advancing the art and science of trial advocacy. Focusing on trial, Chris has successfully tried to verdict cases for people around the country injured by hospitals, aircraft manufacturers, insurance companies, agribusiness, construction companies, and truck companies, among many other industries. His approach empowers people to tell their stories in a way that resonates with juries and has led to several record-setting, seven- and eight-figure jury verdicts.

Chris speaks regularly to state bar and trial lawyer associations nationwide on modern and effective trial advocacy and is a key member of DiCello Levitt's Trial Practice Team. In addition to his own successful practice, Chris teaches trial lawyers cognitive neuroscience to benefit their clients.

Chris is the past president of the Wisconsin Association for Justice ("WAJ"), having served as president of the WAJ 2014 term. He has been selected as a Wisconsin Super Lawyer every year since 2010. He is an active member in a number of other trial lawyer associations. Chris is also fluent in Spanish.



David A. Straite, CIPP/US
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EDUCATION

Villanova University School of Law,
J.D., *magna cum laude*, Managing
Editor, Law Review and Order of the
Coif

Tulane University, Murphy Institute
of Political Economy, B.A.

David Straite is the nation's leading voice for the recognition of property rights in personal data, a 10-year effort culminating in the Ninth Circuit's landmark April 2020 decision in *In re: Facebook Internet Tracking Litigation* and the Northern District of California's March 2021 decision in *Calhoun v. Google*, both of which he argued. David also successfully argued for the extraterritorial application of the Computer Fraud and Abuse Act in 2019 in *In re: Apple Device Performance Litigation*, and filed the first-ever data privacy class action under seal to address a dangerous website vulnerability under Court supervision in *Rodriguez v. Universal Property & Casualty Insurance Company*. As M.I.T. Technology Review magazine put it, David is "something of a pioneer" in the field. In September 2022, Law360 named him a Cybersecurity/Privacy "MVP." He also protects investors in securities, corporate governance, and hedge fund litigation in federal court and in the Delaware Court of Chancery, admitted to practice in both New York and Delaware.

David is a former adjunct professor at Yeshiva University's Sy Syms School of Business, teaching Business Law and Ethics every fall semester from 2015 to 2021. He has co-authored *Dobbs Ruling Means It's Time to Rethink Data Collection* in Law360 (2022), *Google and the Digital Privacy Perfect Storm* in E-Commerce Law Reports (UK) (2013), authored *Netherlands: Amsterdam Court of Appeal Approves Groundbreaking Global Settlements Under the Dutch Act on the Collective Settlement of Mass Claims* in The International Lawyer's annual "International Legal Developments in Review" (2009), and was a contributing author for Maher M. Dabbah & K.P.E. Lasok, QC, *Merger Control Worldwide* (2005). He speaks frequently on topics related to both privacy and investor protection.

David co-chairs the firm's Diversity, Equity, and Inclusion Committee, which seeks to promote diversity within the firm and the legal profession, generally. In 2022, David was also appointed to the LGBTQ Rights Committee of the New York City Bar Association, whose mission is to address "legal and policy issues in legal institutions and in the court system that affect lesbian, gay, bisexual, transgender and queer individuals."

Prior to joining the firm, David was a partner with Kaplan Fox & Kilsheimer LLP, and helped launch the U.S. offices of London-based Stewarts Law LLP before that, where he was the global head of investor protection litigation. Prior to joining the plaintiffs' bar, David was an associate with the New York office of Skadden Arps Slate Meagher & Flom LLP.



John E. Tangren
Partner

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EDUCATION

University of Chicago Law School, J.D.
with honors

University of Chicago, B.A. *with honors*

John Tangren has exclusively represented plaintiffs for the past decade in multistate automotive defect class actions. In addition to the hundreds of millions of dollars he's recovered for his clients, he also obtained nearly half a million dollars in sanctions for discovery misconduct in a class action involving unintended acceleration in Ford vehicles. Most recently, John was a member of a trial team and led plaintiffs' presentation on damages in a multi-state class action involving oil consumption of trucks and sports-utility vehicles, in which the jury awarded the class \$102.6 million. The verdict—a rarity in class action litigation—is one of the highest-ever achieved for an automotive defect class action, setting the bar for litigating similar cases across the country. In another case, involving ignition switch defects, John served as Settlement Allocation Counsel in a blockbuster \$121.1 million settlement against General Motors.

John's professional accomplishments are among the most impressive in the country. He has recovered hundreds of millions of dollars in product defect cases, including \$600 million for property damage caused by an herbicide, \$135 million for defective heavy truck engines, and \$45 million and \$40 million in cases involving defective SUV parts, all while setting himself apart as an expert legal writer and tactician.

John's expertise in legal writing is recognized in the community; John frequently presents to other lawyers on how to best communicate their message, present advocacy in compelling ways, and use tools and technology to streamline the process. He also presents on other topics—ranging from communications with absent class members at an annual antitrust conference, to issues related to Article III standing in the federal court system. Some of his other presentations have included a lecture to members of the Chicago Bar Association concerning the Class Action Fairness Act and its impact on litigation since its passage, the use of discovery tools and techniques for electronically-stored information, and how to avoid legal ethics violations and liability for malpractice by following established protocols and procedures.

John has been recognized as an Illinois Super Lawyer, in the National Trial Lawyers "Top 40 Under 40," and as an Emerging Lawyer by the Law Bulletin Publishing Company.



Robin A. van der Meulen

Partner

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EDUCATION

Brooklyn Law School, J.D.

Columbia College, Columbia University,
A.B.

Robin A. van der Meulen is a partner in DiCello Levitt's New York office, where she represents clients in complex antitrust litigation. Prior to joining DiCello Levitt, Robin was a partner in a nationally recognized antitrust practice group, where she gained more than a decade of experience litigating a wide variety of antitrust matters, including price-fixing, monopolization, benchmark and commodities manipulation, pay-for-delay agreements, and other anticompetitive practices.

Robin was appointed co-lead class counsel for end-payor plaintiffs in the *Bystolic Antitrust Litigation*, a pay-for-delay case pending in the Southern District of New York. She is also leading *Borozny, et al. v. RTX, Pratt & Whitney Division, et al.*, a case alleging that six corporations in the aerospace industry conspired to restrict competition in the recruitment and hiring of engineers and other skilled workers. She recently recovered \$30 million for end-payor plaintiffs in *Novartis and Par Antitrust Litigation*, another pay-for-delay case relating to the hypertension drug Exforge. Robin also represents end-payor plaintiffs in the *Generic Pharmaceuticals Pricing Antitrust Litigation*, a massive case against some of the biggest drug companies in the world alleging price-fixing and anticompetitive conspiracies.

Euromoney's Women in Business Law Awards selected Robin as a finalist for Antitrust and Competition Lawyer of the Year. *The Legal 500* recommends her for excellence in the field of Antitrust Civil Litigation and Class Actions, describing her as "persistent, persuasive, and well-respected by peers and opponents alike" and naming her a "Next Generation Partner." Robin has been recognized as "Up and Coming" by *Chambers USA* and as a "Future Star" by *Benchmark Litigation*. She has also been selected to *Benchmark's* "40 & Under Hot List" as one of "the best and brightest law firm partners" and someone who is "ready to take the reins." Additionally, Robin was recognized by *The Best Lawyers in America®* in the Antitrust Law category.

Robin is an active member of the antitrust bar. She is the vice chair and a member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association. Robin is also co-chair of the Insurance and Financial Services Committee of the Antitrust Section of the American Bar Association (ABA). Robin was previously a vice chair of the Antitrust Section's Health Care & Pharmaceutical Committee of the ABA and the Executive Editor of the Committee's *Antitrust Health Care Chronicle*. From 2012 to 2021, Robin was an editor of the *Health Care Antitrust Week-In-Review*, a weekly publication that summarizes antitrust news in the healthcare industry.

Robin was previously an associate at Willkie Farr & Gallagher LLP, where she practiced antitrust and commercial litigation. She also served as a judicial intern in the United States Bankruptcy Court for the Eastern District of New York for Judge Elizabeth S. Stong. While in college, Robin was a member of Columbia University's Division I Track and Field team, specializing in hurdles and sprints.



Li Yu
Partner

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EDUCATION

Columbia University Law School, J.D.

Wesleyan University, B.A.

Li Yu is an experienced trial and appellate lawyer whose practice focuses on health care and pharmaceutical fraud, financial and securities fraud, civil rights, commercial, and other complex litigation. A recognized expert in qui tam and other whistleblower cases, Li has a proven track record of rooting out fraud and securing justice for victims of fraudulent and illegal conduct.

For more than a decade, Li served as an Assistant U.S. Attorney for the Southern District of New York, including four years as the senior counsel to the civil frauds unit, where he led the government's qui tam litigation in cases concerning Medicare Part C, prescription drug marketing, pharmacy billing, medical devices, and other fraud matters. During his AUSA tenure, Li obtained more than a dozen significant civil fraud settlements totaling over \$800 million and secured other important relief for American consumers.

Li has successfully litigated numerous cases to protect vulnerable individuals and ensure the fair and efficient functioning of the economy. For example, in a mortgage fraud case, Li obtained a series of injunctive orders to stop fraudulent flip sales and persuaded a federal district court to hold the fraudster in contempt after a trial for circumventing an injunction. He also spearheaded a series of Fair Housing Act cases against several of the largest real estate developers in the nation, which resulted in retrofits at more than 15,000 rental apartments to improve accessibility for people with disabilities.

Before joining DiCello Levitt, Li worked in securities enforcement at the Financial Industry Regulatory Authority. He also served as senior counsel to the Senate Permanent Subcommittee on Investigations under Sen. Jon Ossoff, where he conducted consequential and headline-grabbing investigations into the mistreatment of military families by a large housing contractor and the sexual abuse of women prisoners by federal prison staff, among other issues. Earlier in his career, Li served as a law clerk for the Hon. Sidney H. Stein of the Southern District of New York and as a litigation associate at two international firms.

Li is a member of the Federal Bar Council and the New York City Bar Association's Federal Courts Committee and is a frequent contributor to Law360, where he provides expert analysis on the False Claims Act and related topics. Outside of work, he is an active volunteer, including with InTandem Cycling, which provides tandem bicycling programs to people who are blind, have low vision, or cannot ride independently due to other disabilities.



Sara Aguiñiga
Senior Counsel

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EDUCATION

American University Washington
College of Law, J.D.

University of Maryland, Baltimore
County, B.S.

Sara Aguiñiga is a trial lawyer focused on mass torts, civil rights, and public entity litigation. With a steadfast dedication to achieving justice for her clients, Sara has helped secure hundreds of millions of dollars in settlements on behalf of plaintiffs.

Prior to joining DiCello Levitt, Sara worked for two prominent national plaintiffs' firms, where she assumed leadership roles of teams litigating product liability cases involving pharmaceutical and agricultural products, led discovery in data privacy and other matters, and was the first point of contact for public clients. She also served as second chair in a major opioids trial against three of the largest pharmaceutical companies in the United States.

Sara earned her law degree from the American University Washington College of Law, where she was a member and managing director of the Mock Trial Honor Society and a Dean's Fellow on the Trial Advocacy Program. She has been recognized as one of the National Trial Lawyers' "Top 40 Under 40," on *Lawdragon's* 500 X list of leading next-generation lawyers, and by Best Lawyers in America among "Ones to Watch" in mass tort and class action litigation.

Sara is a single mother to two young children. She is fluent in Spanish and Portuguese, competed on the Mexican national figure skating team, and serves as a mentor to law students through the Hispanic Bar Association of the District of Columbia. She also has provided *pro bono* representation to unaccompanied minors immigrating to the United States from Central America.



Rachel Bussett
Senior Counsel

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EDUCATION

Oklahoma City University of Law, J.D.

Oklahoma State University, B.S.

Rachel Bussett is a trial attorney focused on complex personal injury and medical malpractice, civil and human rights, and labor and employment litigation. Rachel represents people in a wide range of matters, including catastrophic injury and death cases, property damage claims, insurance disputes, employment discrimination, products liability, government torts, and other disputes. In litigating all of these matters, she has earned a reputation for achieving outstanding results against large corporations and government agencies that have injured and taken advantage of her clients.

After working as a management consultant advising some of the largest retail chains in the United States on supply chain and management operations, Rachel began her legal career defending Fortune 500 companies and government entities in catastrophic personal injury, employment discrimination, and property damage cases. Realizing her true passion was working with everyday people, she left the world of corporate defense job to build a plaintiffs' civil litigation and family practice, trying cases in state, federal, municipal, administrative, and tribal courts.

As a trial lawyer, Rachel has obtained millions of dollars in settlements and verdicts for her clients. She's held overzealous law enforcement accountable; vindicated wrongfully terminated and sexually harassed employees; and fought to ensure injured people get the justice and compensation they deserve.

Prior to joining DiCello Levitt in the firm's Cleveland office, Rachel founded one of the largest all-woman law firms in Oklahoma and was recognized as one of the state's leading legal advocates for children and families in civil and family cases. Rachel is a graduate of the Trial Lawyers College and writes a regular legal column published in three Oklahoma newspapers. She has created, authored materials for, and taught multiple continuing education courses for other attorneys as well as certified public accountants and professionals in the insurance and cannabis industries, among others.

Outside of the office, Rachel dedicates her time to supporting services for children and families, veterans, and pets by serving as a board member and volunteering with various organizations and providing pro bono representation.



Robert J. DiCello
Of Counsel

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EDUCATION

Cleveland-Marshall College of Law, J.D.

John Carroll University, B.A., *magna cum laude*

A co-founder of one of DiCello Levitt's predecessor firms, Robert Robert DiCello has amassed more than 45 years of professional experience and an extensive list of seven- and eight-figure recoveries for victims of injustice. He has deep experience in a wide range of class actions, personal injury cases, complex mass torts, and probate matters. Over his long and successful career, he has won multiple appeals before the Ohio Supreme Court.

Robert put himself through Cleveland-Marshall College of Law while working as a safety director at U.S. Steel Corporation. While in law school, he was selected to join the *Cleveland-Marshall Law Review*. He began his legal career as an assistant prosecutor in the Lake County Prosecutor's Office and later become President of the Lake County Bar Association. He formed his own firm in 1978, managing it with great success over nearly 40 years until its members founded DiCello Levitt.



Mark S. Hamill
Senior Counsel

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EDUCATION

Northwestern University Pritzker
School of Law, J.D., *cum laude*

Washington & Jefferson College, B.A.

Mark Hamill concentrates his practice on commercial, antitrust, securities, and consumer cases, often taking a lead role with expert witnesses on finance, accounting, and economic topics. He also serves as eDiscovery counsel in many of his cases, leveraging his depth of experience in this area as an attorney and as an eDiscovery project manager having served Fortune 500 and major accounting firm clients in large-scale, high-intensity projects.

Mark represents companies, investors, and consumers in a variety of industries as they grapple with the financial and business impacts of unfair trade practices, business torts, oppression, securities fraud, and consumer fraud. He has worked with highly-regarded business valuation experts and economists to develop and present compelling business and damages models in emerging industries.

Mark brings an interdisciplinary perspective to his cases, based on his experience as a CPA and consultant, which allows him to develop a “no surprises” record for trial. Mark is also a U.S. Army veteran, where he served on a multinational peacekeeping force in Sinai, Egypt.



Tricia McCormick
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EDUCATION

University of San Diego School of Law,
J.D., *cum laude*

University of Michigan, B.A.

Tricia McCormick represents institutional investors and individuals in securities class action cases. As a member of a team that maintains contact with clients who wish to become actively involved in securities fraud litigation, Tricia is active in all phases of the firm's lead plaintiff motion practice.

Tricia has litigated numerous cases against public companies in state and federal courts that have recovered hundreds of millions of dollars for investors. She has been instrumental in securing appointment of clients as lead plaintiff in dozens of cases across the United States that have resulted in significant recoveries for the classes.

Before joining DiCello Levitt, Tricia worked for 25 years at a prominent complex litigation firm where she focused on securities litigation, litigated derivative actions, and helped establish the firm's lead plaintiff group.



Larry Peskin

Of Counsel

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EDUCATION

Case Western Reserve University,
J.D..

Wright State University, Psy.D..

Ball State, M.A..

International University, B.A..

Larry Peskin is an experienced litigator and trial lawyer who has represented victims of medical negligence, catastrophic personal injury, and employment discrimination for more than 30 years. As an attorney and licensed clinical psychologist, he brings his interdisciplinary expertise to a variety of complex cases, including class actions, mass torts, and other litigation on behalf of people who have been harmed by corporations' negligent and reckless actions and those who have suffered workplace discrimination.

Throughout his professional life, Larry has been a forceful advocate for chronic pain patients. Before launching his legal career, he was the clinical director of three comprehensive pain rehabilitation clinics. As an attorney, he has represented families who lost loved ones to opioid overdoses and has secured multiple seven-figure settlements and jury verdicts in medical negligence cases. He is also known for taking on—and winning—complex employment disputes against industry giants like Walmart.

Drawing on his extensive psychotherapy practice, Larry has served as a consultant for attorneys and expert witness in personal injury and workers compensation litigation and has presented educational programs to physicians, allied health professionals, rehabilitation consultants, attorneys, and self-insured employers on chronic pain syndromes, rehabilitation of industrially injured workers, disability management strategies for employers, and other related topics.



Laura Reasons
Senior Counsel

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EDUCATION

Chicago-Kent College of Law, J.D.,
Highest Honors

Washington University, St. Louis,
Missouri, B.A.

Laura Reasons leads the firm's labor and employment law practice group, where she focuses on wage and hour class and collective actions across the country. She also serves as DiCello Levitt's Associate General Counsel for Employment Matters. Over the past decade, Laura has litigated the spectrum of employment law claims, including in class, collective, and systemic litigation. She previously counseled clients—from small businesses through Fortune 100 companies—on wage and hour compliance, discrimination claim avoidance, and day-to-day employment issues.

Laura's passion for representing individuals has translated into a strong *pro bono* resume. Her *pro bono* clients include an incarcerated individual, asylum seekers, transgender individuals seeking to change their legal names and gender markers, and Deferred Action for Childhood Arrivals applicants. Laura was a Public Interest Law Initiative Fellow at the Domestic Violence Legal Clinic in Cook County, Illinois, working for more than 10 years to represent clients seeking protective orders.

Prior to joining DiCello Levitt, Laura was part of the labor and employment practice group of an international, management-side law firm, where she defended some of the largest companies in the United States in employment law cases, including in high-stakes class and collective litigation. She brings that experience, combined with her passion for service and representing individuals, to the firm. While in law school, Laura served as a judicial extern to the Honorable George W. Lindberg of the U.S. District Court for the Northern District of Illinois.



Dan Schwartz
Senior Counsel

EMAIL

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EDUCATION

New York University School of Law,
J.D., *magna cum laude*

Brandeis University, Ph.D.
Candidate, M.A.

Vassar College, B.A.

Dan Schwartz works for individuals, small businesses, and public clients in complex multidistrict, commercial, public client, and class action litigations and arbitrations. An experienced litigator with deep knowledge of a wide range of matters, Dan has successfully represented clients in high stakes disputes involving, among other things, affirmative and defensive antitrust claims, fraud, the False Claims Act, consumer privacy, FLSA class and collective actions, trade secret misappropriation, the Anti-Kickback Statute, defamation, securities fraud, toxic tort, bankruptcy, the Affordable Care Act, and patent matters.

Dan has also represented clients on appeal in a number of significant cases in state and federal courts, including arguing a First Amendment matter of first impression in the Seventh Circuit Court of Appeals. He previously worked for several major international law firms and clerked for the Honorable Carlos T. Bea of the U.S. Court of Appeals for the Ninth Circuit.

Dan graduated magna cum laude from New York University School of Law and was elected to the Order of the Coif. Prior to his legal career, Dan graduated Phi Beta Kappa from Vassar College and earned a Master of Arts from Brandeis University. He is a proficient Russian speaker.



Anna Claire Skinner
Senior Counsel

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EDUCATION

Vanderbilt University Law School, J.D.,
Order of the Coif

Washington and Lee University,
B.A., *cum laude*

Anna Claire represents governmental entities, individual consumers, and corporate clients, with the primary purpose of the protection of human health and the environment. She has litigated cases in both administrative tribunals and state and federal court from inception through settlement and trial. She has experience with numerous environmental statutes and regulations, including the Clean Water Act, the Clean Air Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Emergency Planning and Community Right-to-Know Act, and the Resource Conservation and Recovery Act.

Anna Claire is part of the DiCello Levitt team working with several states in investigating and addressing poly- and perfluoroalkyl substance (PFAS) contamination. DiCello Levitt's PFAS team, along with other Special Assistant Attorneys General and the Illinois Attorney General, most recently filed a lawsuit against 3M for PFAS contamination from its facility in Cordova, Illinois. Cases involving these "forever chemicals" will have wide-reaching implications for state governments and their residents.

Anna Claire also works with communities that have been impacted by years of exposure to polluted air, water, and soil. Recently, Anna Claire and DiCello Levitt's environmental team joined with co-counsel in representing several residents and former residents of Union, Illinois in filing suit against companies responsible for polluting the groundwater with carcinogenic chlorinated solvents. Anna Claire is also part of the team leading a class action on behalf of the residents of Rockton, Illinois and surrounding communities for property damages they sustained following a catastrophic fire at a local chemical factory.

In addition to her environmental work, Anna Claire also helps clients develop and maintain safety and health programs that meet all of the Occupational Safety and Health Administration's (OSHA) regulatory requirements and ensure all employees enjoy safe and healthful workplaces. She regularly counsels clients when compliance and litigation questions arise under OSHA.

Outside of the office, Anna Claire continues her work on environmental-related issues by serving as co-chair of the Kentucky Bar Association's Environment, Energy, and Natural Resources section. She also focuses on giving back to her community through her participation on the executive committee of the Living Arts and Science Center Board of Directors.



Peter is a tireless advocate for clients in and out of the courtroom. He began his career in the public sector, litigating cases on behalf of the government and later representing individuals against the government. He leverages this experience to protect the interests of individuals, businesses, and public entities in a wide range of disputes.

As a graduate of the Trial Lawyer's College and a contributing member of DiCello Levitt's Trial Center, Peter has had repeated success using focus group analysis to distill even the most complex of cases into stories that judge and jury can understand and apply, which has resulted in positive outcomes for clients in a wide variety of disputes.

Peter Soldato

Senior Counsel

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EDUCATION

University of Chicago Law School, J.D.

Butler University, B.A.

**Justin S. Abbarno**

Associate

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EDUCATIONThe Ohio State University Moritz
College of Law, J.D.The University of Dayton, B.A.,
summa cum laude

Justin Abbarno is an aggressive, creative, results-oriented trial lawyer whose practice focuses primarily on medical malpractice, nursing home neglect, catastrophic injury, sexual assault, product liability, and mass torts. He is steadfast in his devotion to seeking justice and works to hold individuals and businesses accountable for the harms that his clients have suffered.

Justin has litigated multiple jury and bench trials to verdict, as well as multiple arbitrations to final decision. An advocate for advancing the craft of trial practice, he is a contributing member of the DiCello Levitt Trial Center, where he helps attorneys fine-tune their cases through focus groups and mock trials.

During law school, Justin was a key member of The Ohio State University's award-winning Moritz College of Law's Mock Trial Team. He also received the Michael F. Colley Award, as a top mock trial performer in the 2020 graduating class, and was named Best Attorney during the 2019 Ohio Attorney General's Mock Trial Competition. Before law school, Justin graduated from the University of Dayton, *summa cum laude*, where he was elected to serve the undergraduate student body as a representative for the UD Student Government Association and was appointed to serve as the Speaker of the Student Body Senate. During his undergraduate studies, Justin worked on a successful Senate campaign and was an intern in the United States House of Representatives. Justin was also a member of UD's NCAA Division 1 FCS Football program and was named to the Pioneer Football League's All-Academic Team.



J. Gordon Bergstresser
Associate

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EDUCATION

New England School of Law, J.D.

Lycoming College, B.A.

Gordon Bergstresser's passion for ESI flows from his recognition that every case litigated by the firm, from the largest data breach class action to an individual tort victim, is brought because someone was harmed by another's wrongful conduct. Gordon experience includes in-depth collection and review of ESI in a number of industries, including data privacy, internet tracking, mobile devices, cryptocurrency, securities exchange platforms, automotive, pharmaceutical, security contractors, and food labeling. This wide range of hands-on experience gives him a wealth of knowledge to draw upon when new cases with pressing ESI issues come through the door.

Gordon's approach builds advantages into the ESI workflow at the outset of a case. When the time comes for the litigation team to marshal the ESI needed to achieve the best outcome for a client, Gordon has already created the infrastructure so that important evidence can be quickly located and presented.

Gordon's background includes working in review rooms to produce ESI for civil defendants, giving him unique insight in his current work receiving document productions on behalf of plaintiffs. Crafting search terms and leveraging predictive coding is central to Gordon's strategy for finding the smallest of needles in the largest of haystacks. He has experience in all of the major review platforms, including Relativity and Everlaw, ensuring that every case, whether ESI is managed directly by DiCello Levitt or with partner firms, can be brought to successful resolution for our clients.

**Lamiaa Bitar**

Associate

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EDUCATION

Chicago-Kent College of Law, J.D.

University of Houston, B.S.

As part of DiCello Levitt's mass tort practice group, Lamiaa Bitar advocates for people who have been injured or harmed by the negligent, reckless, or deceitful actions of individuals and corporations. Drawing on her background in biological and pharmaceutical sciences, Lamiaa brings an expert's perspective to litigation against some of the world's largest chemical, pharmaceutical, and cosmetics companies.

Prior to joining DiCello Levitt, Lamiaa served as a law clerk for an intellectual property and business services law firm, where she worked on e-commerce arbitration and litigation, trademark applications, and other complex matters involving patent law, intellectual property, and commercial litigation. She also previously served as a law clerk with in-house counsel for a construction services firm, where she conducted regulatory research and contract review, among other responsibilities.

Lamiaa is fluent in Arabic and English and studied pharmacy in her native Syria before moving to the United States. Before earning her law degree from the Chicago-Kent College of Law, Lamiaa worked as a clinical researcher in activity physiology at the University of Houston, where she earned a B.S. in biology.

**Noah Cozad**

Associate

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EDUCATION

University of Minnesota Law School,
J.D.

University of Minnesota, B.A.

Noah is an associate in DiCello Levitt's New York office litigating antitrust class actions against some of the world's largest and most powerful companies across diverse industries, including technology, agriculture, and entertainment. Noah works hard to ensure consumers and businesses can recover from the harms caused by unlawful price-fixing and monopolistic conduct.

Noah has contributed to a number of cases, including multiple class actions brought against meat packing companies for alleged price fixing; a class action brought by pharmacies alleging inflated fees and conspiracy to restrain trade; and a class action against manufactured home community owners for alleged conspiracy to fix home lot rental prices.

In law school, Noah acted as a community mediator in disputes such as parenting and neighbor conflicts. After law school, he worked as a judicial clerk for a trial court judge in Minneapolis. In this position, Noah observed and was actively involved in a large variety of cases, from inception to trial. Noah has also represented clients pro bono, including one case against the federal government regarding an incarcerated individual denied necessary healthcare.

**Jonathan Crevier**

Associate

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EDUCATION

Benjamin N. Cardozo School of Law,
J.D., *cum laude*

New York University, B.A., *magna cum
laude*

Jonathan Crevier is an associate in DiCello Levitt's New York office. Jonathan prosecutes complex antitrust class actions on behalf of institutional investors, businesses, and consumers. He actively litigates cases against a number of the world's largest companies in antitrust matters involving alleged price-fixing, benchmark and commodities manipulation, pay-for-delay, and other anticompetitive practices.

Prior to joining the firm, Jonathan was an associate in a nationally-recognized competition and antitrust litigation group, where he represented plaintiffs in complex antitrust matters. He also previously served as a Judicial Intern for the Honorable Henry Pitman, U.S.M.J., in the District Court for the Southern District of New York.

**Elton H. Darby III**

Associate

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EDUCATIONUniversity of Alabama School of Law,
J.DUniversity of Mississippi, B.A., *magna
cum laude*

Elton Darby is an associate at DiCello Levitt's Birmingham, Alabama office. He believes authenticity, empathy, and understanding are critical to building trust and effectively advocating for his clients. With focus on mass tort, personal injury, and civil and human rights litigation, Elton puts his passion and experience to work for individuals who have suffered injury and injustice at the hands of others.

Prior to joining DiCello Levitt, Elton represented individuals, small companies, small financial institutions, and large corporations in business-related disputes, including general liability, workers' compensation, premises liability, and bankruptcy. He chose his current direction in representing individual clients because he wants to make a difference in the lives of the most vulnerable, rather than defending those with the most power.

Elton received his J.D. from the University of Alabama School of Law. During law school, he worked in the Civil Law Clinic helping students and local residents in West Alabama address legal issues that local law firms would not pursue. He also served as senior editor of the *Civil Rights and Civil Liberties Law Review*.



Éviealle Dawkins
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EDUCATION

Howard University School of Law,
J.D.

University of Maryland, College Park,
B.A.

Éviealle Dawkins has developed deep personal perspectives on justice and responsibility that are foundational to her legal practice. As a DiCello Levitt associate, Éviealle applies her insight to litigation work on behalf of plaintiffs injured by civil or human rights abuses, environmental hazards, and other acts of corporate malfeasance. Prior to joining DiCello Levitt, Éviealle honed her litigation research skills on claims ranging from consumer protection and toxic tort to data and privacy.

While attending Howard University School of Law, Éviealle held an externship with the ADR Consortium Clinic at the Equal Employment Opportunity Commission, where she participated in mediations to resolve employment discrimination claims and assisted parties through the mediation and settlement process. She also served as a summer law clerk for the Maryland Office of the Attorney General's Thurgood Marshall Clerkship Program in the Civil Rights and Legislative Affairs Divisions. As a student attorney in her law school's Fair Housing Clinic, she represented low-income families in D.C. Landlord Tenant Court. A merit scholarship recipient, Éviealle was also a member of the Charles Hamilton Houston National Moot Court Team and served on the Executive Boards of the Student Bar Association and her professional membership organizations.

Between earning her bachelor's degree in English language and literature at the University of Maryland and enrolling in law school, Éviealle worked on electoral and issue-based campaigns as the Operations Director for a Washington D.C.-based political consulting firm. Éviealle served as a White House intern in Spring 2013. She also served as a Congressional Intern for U.S. Congressman Edolphus "Ed" Towns while completing her undergraduate studies.



Hani Farah
Associate

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EDUCATION

University of San Diego School of Law, J.D., *cum laude*

University of California, San Diego, B.A., *cum laude*

Hani Farah is a senior associate in DiCello Levitt's San Diego office and a part of the Securities and Financial Services Litigation practice. Hani advises investors who have suffered losses due to fraud in the securities markets and has nearly 10 years of experience litigating securities fraud class action cases. He also advises and represents institutional investors with respect to individual securities actions, providing investors with options for recovery of their investment losses outside of class actions.

Prior to joining DiCello Levitt, Hani practiced at two leading national securities litigation law firms and collaborated with and learned from some of the best securities fraud class action lawyers in the country. He has served on litigation teams that successfully prosecuted securities fraud class actions against corporations in the insurance, health care, and veterinary industries, securing tens of millions of dollars in settlements. He also played a critical role in the representation of institutional investors in numerous securities opt-out cases, including actions against Valeant Pharmaceuticals, American Realty Capital Properties, Teva Pharmaceuticals, and Symantec Corporation, among others. Additionally, Hani has significant experience advising investors on international securities matters, including shareholder actions in Europe, Asia, South America, and Australia.

Hani graduated *cum laude* from the University of California, San Diego, where he studied political science and history, before earning his law degree from the University of San Diego School of Law in 2015, also graduating *cum laude*.



Joe Fouché III
Associate

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EDUCATION

Thurgood Marshall School of Law,
J.D.

Grinnell College, B.A.

With a diverse professional background that includes technology, public affairs, and project management, Joe Fouché III brings a unique skillset to his law practice. He couples this experience with a passion for fighting for those harmed by the negligence of others, human and civil rights violations, and discrimination, implementing an organized and effective litigation approach for his clients.

Prior to joining DiCello Levitt, Joe worked at a personal injury law firm. Most of his nearly five-year tenure at the firm occurred while simultaneously earning his law degree at Thurgood Marshall School of Law. At the firm, Joe served as a pre-litigation team manager.

Before pursuing a legal career, Joe worked in the public sector, including stints as an administrative associate at the City of Houston's Public Works Department and as a consultant with a public affairs firm, helping municipalities select and implement technology solutions. Joe also served as a project manager for charter schools' transportation logistics, worked as a legislative intern for a Florida state representative, and served as a legal intern for a probate court judge. While earning his bachelor's degree in political science at Grinnell College, Joe supported his father's campaigns for local governmental offices.



Joseph Frate
Associate

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EDUCATION

Case Western Reserve University
School of Law, J.D.

Ohio University, B.A., *cum laude*

Joe Frate's compassion, diligence, and effective communication result in successful case outcomes for his clients.

Joe received his J.D. from Case Western Reserve University School of Law (Case Western). During his time at Case Western, he was a member of the Milton Kramer Health and Human Trafficking Law Clinic, where he represented and assisted disenfranchised citizens in receiving Social Security benefits and criminal record expungements. Joe was also named to the Dean's list during his time at Case Western.

Prior to law school, Joe graduated from Ohio University, *cum laude*, where he was elected to serve as Commissioner for off-campus students for the University's Student Senate.

**Nicholas Horattas**

Associate

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EDUCATIONCase Western Reserve School of Law,
J.D.

University of Akron, B.A.

Nicholas “Niko” Horattas represents individuals as part of DiCello Levitt’s Single Event, Mass Tort, and Class Action practice groups. He advocates for clients who have suffered injuries or harm caused by the wrongful conduct of others, including negligent individuals and corporations as well as unfair and deceptive business practices. He believes strongly that holding businesses accountable and is committed to helping his clients recover damages for injuries suffered at the hands of large corporations that have prioritized profits over their customers’ and surrounding communities’ well-being. Whether he is representing a single client or hundreds of clients in a mass or class action, Niko ensures that each client feels personally represented.

After earning a bachelor’s degree in Corporate Finance and Business Administration at the University of Akron, Niko received his law degree from Case Western Reserve University School of Law where he was recognized as a Law and Leadership Scholar. During law school, he held a judicial clerkship and later served as certified legal intern at the Milton A. Kramer Law Clinic at Case Western Reserve. Prior to becoming an Associate at DiCello Levitt, Niko worked at the firm as a law clerk. He also previously served as a legal clerk for a medical malpractice law firm where he worked on cases involving the professional negligence of healthcare providers.



Anna Laird
Associate

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EDUCATION

Lewis and Clark Law School, J.D.

California Polytechnic State University
– San Luis Obispo, B.S.

Anna Laird represents individuals, governmental entities, and corporate clients to hold accountable those who contaminate our environment and, through accountability, ensure the protection of human health. She has litigated cases in state and federal courts and administrative tribunals under numerous environmental statutes and regulations, including the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation and Liability Act; and the Resource Conservation and Recovery Act.

Prior to joining DiCello Levitt, Anna counseled corporate clients on environmental regulatory compliance, assisted in environmental enforcement litigation at the U.S. Department of Justice and the Oregon Department of Justice, and served as a judicial extern to U.S. Magistrate Judge Stacie F. Beckerman in the United States District Court for the District of Oregon.

During law school, Anna was named an Environmental Law Fellow at Lewis & Clark Law School, served as a student board member of the Northwest Environmental Defense Center, and served as the Ninth Circuit review editor of Environmental Law Review.



Michelle Locascio
Associate

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EDUCATION

Chicago-Kent College of Law, J.D.

University of Wisconsin-Madison, B.A.

Michelle Locascio diligently works to protect consumers and individuals wronged by the malfeasance of big businesses and corporations. With her background in psychology, she is uniquely equipped to understand the needs of her clients because of her ability to actively listen, effectively communicate, and design creative legal strategies in the pursuit of justice.

Prior to joining DiCello Levitt, Michelle served as a Judicial Extern in the Circuit Court of Cook County, where she worked on a wide array of commercial matters. During law school, Michelle served as Executive Articles Editor for the *Chicago-Kent Law Review* and as a Legal Writing Teaching Assistant for first-year students. Michelle was also a member of Chicago-Kent's top-ranked Moot Court Honor Society, where she finished as a finalist in the 2020 National Health Law Moot Court Competition. Michelle additionally received a CALI Award for achieving the highest grade in Constitutional Torts and was named to the Dean's List during her time at Chicago-Kent.

Prior to law school, Michelle graduated from the University of Wisconsin-Madison with a degree in Psychology and a minor in Criminal Justice.



Jordyn Parks
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EDUCATION

Case Western Reserve University
School of Law, J.D.

University of Cincinnati, B.S., *summa
cum laude*

Jordyn Parks represents individuals and classes who have suffered injury and injustice due to police misconduct, corporate malfeasance, discrimination, and other wrongdoing. With a focus on civil and human rights, labor and employment, and class action litigation, Jordyn works to rectify racial, gender, and economic disparities and promote systemic change to advance the cause of equality.

While attending Case Western Reserve University School of Law, she honed her litigation skills through the Kramer Law Clinic's human trafficking and re-entry divisions, helping survivors of human trafficking seek justice against their abusers and assisting formerly incarcerated individuals with criminal record expungements. Also during law school, she was a member of the Black Law Student Association's Executive Board, where she crafted demands toward faculty and staff and advocated for changes to improve the experience of students of color at the law school. Prior to joining DiCello Levitt, Jordyn interned with the Cleveland Municipal Court and the Cuyahoga County Juvenile Court and served as an intern and a law clerk at several Cleveland-area law firms, including a civil rights and criminal defense firm, where she gained valuable experience in litigation involving wrongful imprisonment and other civil rights abuses.

In her capacity as an attorney and in her personal life, Jordyn strives to inspire and create a better world for future generations.



Grant Patterson
Associate

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EDUCATION

Cumberland School of Law, J.D.

Troy University, B.S

Grant Patterson's practice focuses primarily on civil rights, mass tort litigation, and complex personal injuries. He advocates for those with diverse backgrounds and identities in cases involving widespread corporate injustices—from the sale of dangerously defective products to discriminatory employment practices—as well as government actors and institutions that target individuals based on their race, nationality, sexual orientation, gender identity, or religion.

Believing that every person deserves equal access to the rights, benefits, and privileges afforded to them under the law, Grant practices law to seek justice for all—especially communities that the legal justice system has historically left behind.

Prior to beginning his legal practice, Grant clerked at DiCello Levitt while in law school and served as executive editor for the *American Journal of Trial Advocacy*, Vol. 46. He also worked as a judicial intern for a federal judge in the U.S. District Court for the Northern District of Alabama, clerked at a prominent immigration firm, and served as a legislative intern in the Alabama House of Representatives.

**Johnny Shaw**

Associate

EMAIL

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EDUCATIONFordham University School of Law,
J.D., magna cum laude

McGill University, B.A.

Johnny Shaw represents consumers in antitrust class action lawsuits involving price-fixing, monopolization, and other anticompetitive conduct. He has litigated cases against some of the most powerful companies in the pharmaceutical, technology, aerospace, and agriculture industries, among others.

He has contributed to a number of notable cases, including a class action brought against drug makers alleging anticompetitive conduct to delay entry of a generic version of a drug; an ongoing multidistrict litigation against a property management software company and real estate firms for allegedly colluding to inflate rental prices; class actions brought by pharmacies alleging inflated drug prices; and a class action against local television station owners for allegedly participating in a scheme to artificially inflate ad prices.

Johnny's professional experience in law began when he served as legal intern for Rhode Island Legal Services, where he assisted in the representation of indigent clients facing prison time for failing to pay child support. He worked as a paralegal before law school, including for two years as a litigation paralegal at the New York office of one of the world's largest law firms. He also served as a law clerk, investigating and developing antitrust class actions through the entire litigation process.

While gaining valuable legal experience as a paralegal and law clerk, Johnny attended evening classes to pursue his law degree. He graduated from Fordham University School of Law, where he was a member of the Fordham Law Review and served as a research assistant to two law school professors.



Matthew Stombaugh
Associate

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EDUCATION

University of Memphis, Cecil C.
Humphreys School of Law, J.D.

Bryan College, B.A.

For Matt Stombaugh, the first step in advocating for a client is listening to them. This client focused approach allows him to better understand and convey his clients' stories to decisionmakers in a way that empowers and emboldens them to act on his clients' behalf.

Matt has spent the entirety of his legal career fighting for justice in all dimensions for injured people and their families. He has helped resolve hundreds of cases for clients injured as result of others' negligence and has experience litigating complex trucking and medical malpractice cases, including those involving catastrophic injury and wrongful death.

Matt is a proud member of the Academy of Truck Accident Attorneys (ATAA) and a graduate of the ATAA's trucking litigation course taught by Lew Grill and Joe Fried—two of the nation's premier trucking experts. In addition to the ATAA, Matt is also a member of the Trial School—a non-for-profit advocacy group focused on providing free trial advocacy training for lawyers who represent people and groups fighting for social justice.



Blake Stubbs
Associate

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EDUCATION

Drake University Law School, J.D.

Washington University, B.A., *cum laude*

An experienced trial attorney, Blake Stubbs focuses his practice on product defect class actions, particularly those involving the automotive industry. He has also represented people who suffered harm from civil rights violation, sex abuse, automobile accidents, fraud, discrimination, and other types of injuries.

Blake uses the power of class actions to make injured people whole and to hold businesses, the government, and other entities accountable for misconduct, such as concealing product defects, fraud, and failing to protect people's privacy.

Blake is also passionate about defending, upholding, and seeking justice for people whose civil rights are violated by the government. His dedication to this is exemplified by his service as a Vice Chair on the Civil Rights Committee of the Chicago Bar Association Young Lawyers Section.

Prior to joining DiCello Levitt, Blake practiced at two law firms and served as an Assistant State's Attorney for the Boone County State's Attorney's Office. He gained valuable courtroom experience early in his career by prosecuting traffic, DUI, and criminal misdemeanor cases.

**James Ulwick**

Associate

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EDUCATIONLoyola University Chicago, J.D., *cum laude*

Kenyon College, B.A.

James Ulwick is an associate in DiCello Levitt's Chicago office with experience litigating complex commercial cases and actions involving serious injuries. He represents individuals, businesses, and public entities in a wide range of disputes, protecting their interests in state and federal courts across the country.

Prior to joining the firm, James was an insurance defense attorney, representing individuals, corporations, and local municipalities through all stages of litigation.

He has successfully argued for the dismissal of several suits, including their subsequent appeals in multiple state courts of appeal, and has successfully obtained favorable resolutions for his clients through dispositive motions, mediation, and settlement. While this experience was valuable, James joined the firm because he wanted to pivot his focus from defending insurance companies to protecting consumers and those injured by corporate malfeasance.

Outside of the office, James has focused on assisting in the development of the next generation of trial and appellate litigators by coaching the Loyola University Chicago National Health Law Moot Court Team.



Julia Veeseer

Associate

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EDUCATION

Chicago-Kent College of Law, J.D., *cum laude*

University of Michigan, B.A.

A lifelong advocate for others, Julia Veeseer understands the importance of putting clients' needs at the forefront of legal problem solving. With a focus in data privacy and commercial litigation, Julia strives to promote honest business practices and enhance corporate transparency through strategic advocacy and efficient communication.

While in law school, Julia was a notes and comments editor for the *Chicago-Kent Law Review* and served as an executive board member for Chicago-Kent's Moot Court Honor Society. As a CALI Award recipient in privacy law and a Dean's List honoree, Julia's devotion to legal excellence brought her to DiCello Levitt, where she worked as a law clerk before beginning as an associate attorney.

Julia also graduated from the University of Michigan with a double major in political science and Spanish. On top of balancing a rigorous academic schedule, Julia participated in varsity athletics, where she achieved two national cheerleading championships and was a four-time U-M Athletic Academic Achievement Award recipient.



Elizabeth Paige White
Associate

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EDUCATION

University of Florida, Levin College of Law, J.D.

Temple University, B.A.

Paige White's practice currently focuses on civil rights, police brutality, and wrongful death cases. Paige began her career in public service, working as a public defender at the Neighborhood Defender Services of Harlem in New York City, where she handled hundreds of charges from felony narcotics to violent crimes. She later joined the Public Defender Service for the District of Columbia, defending adults and juveniles on serious felony cases, including violent sexual assault and homicide. While working for the Public Defender, she successfully argued a series of writs of habeas corpus over the conditions at the D.C. Central Detention Facility, which subsequently lead to the immediate release of a number of individuals.

Recently, the Bar Association of the District of Columbia named Paige "2022 Young Lawyer of the Year." She is the current President of the Young Lawyer's Division of the Bar Association of the District of Columbia, and is a proud member of Alpha Kappa Alpha Sorority Incorporated, Trial Lawyers for the District of Columbia, and the National Bar Association. She earned her J.D. from the University of Florida's Frederic C. Levin College of Law (UF), where she was the only woman that year to be included in the UF Trial team's "Final Four." During law school, she interned for Congresswoman Frederica Wilson, for whom she created a national campaign to support kidnapped Nigerian schoolgirls. Paige holds a bachelor's degree from Temple University in political science and sociology with a Spanish minor.



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EXHIBIT

B-1

Grant Eisenhofer P.A.

In re General Motors 5.3 Liter Consumer Litigation

Fee Summary
Inception to Janaury 31, 2024

Name	CATEGORY				Total Hours	Rate	Lodestar
	Investigation	Briefing/ Argument	Case Administration	Discovery			
PARTNERS							
Levitt, Adam J.	15.6	46.5	41.8	0.9	104.8	\$925.00	\$96,940.00
SR. COUNSEL & ASSOCIATES							
Ferri, Daniel	102.7	196.5	15.5		314.7	\$475.00	\$149,482.50
Tangren, John	2.4	33.2	5.8		41.4	\$625.00	\$25,875.00
PARALEGALS & LEGAL ASSISTANTS							
Layfield, Jay			14.4		14.4	\$220.00	\$3,168.00
Lebdjiri, Audree		2.3	12.1		14.4	\$200.00	\$2,880.00
Schuster, Trineka			0.9		0.9	\$220.00	\$198.00
TOTALS	120.7	278.5	90.5	0.9	490.6		\$278,543.50

EXHIBIT

B-2



Attorney: Anthony Garcia, Esq. (Fl Bar Admitted 1997 – Fl Bar No. 106909)

Paralegal: Kathleen McGrath, MBA

Subject	Timeline 2016 - 2023	Hours/Yrs.	Hourly Rate	Total \$
Pleadings	Attorney AG	505.9	\$1,110.00	\$ 561,549.00
	Paralegal	150	\$ 250.00	\$ 37,500.00
Discovery	Attorney AG	31	\$1,110.00	\$34,410.00
	Paralegal	17.05	\$ 250.00	\$ 4,262.50
Depositions	Attorney AG	13.7	\$1,110.00	\$ 15,207.00
	Paralegal	8	\$ 250.00	\$ 2,000.00
Related Research	Attorney AG	17.9	\$1,110.00	\$ 19,869.00
	Paralegal	11.993	\$ 250.00	\$2,998.25
Correspondence	Attorney AG	6.8	\$1,110.00	\$ 7,548.00
	Paralegal	1.7	\$ 250.00	\$ 425.00
Email Communications	Attorney AG	40.5	\$1,110.00	\$ 44,455.20
	Paralegal	34.435	\$ 250.00	\$ 8,608.75
Total		838.528		\$ 738,833.00

EXHIBIT

B-3

Andrus Anderson LLP

In re General Motors 5.3 Consumer Litigation

Fee Summary
Inception to January 31, 2024

Name	CATEGORY						Total Hours	Rate	Lodestar
	Briefing/ Argument	Case Administration	Discovery	Settlement	Pre-Trial/Trial Prep/Trial	Post-trial			
PARTNERS									
Lori Andrus		0.9					0.9	\$900.00	\$810.00
Jennie Anderson	109.5	42.5	35.2	7.5	33.8	1.8	230.3	\$900.00	\$207,270.00
ASSOCIATES									
Leland Belew		3.9					3.9	\$450.00	\$1,755.00
Paul Laprairie	25	50.5					75.5	\$390.00	\$29,445.00
PARALEGALS									
Danielle Kidd		0.1					0.1	\$315.00	\$31.50
Jennifer Bolen	2.1	0.9					3	\$305.00	\$915.00
Joann Pham	25.3	21.2		0.4			46.9	\$315.00	\$14,773.50
Kelli Good		3.5					3.5	\$305.00	\$1,067.50
Robyn Nathan	1.8						1.8	\$315.00	\$567.00
Grand Total	163.7	25.7	35.2	7.9	33.8	1.8	365.9		\$256,634.50

EXHIBIT

B-4

DiCello Levitt LLP

In re General Motors 5.3 Liter Consumer Litigation

Fee Summary
Inception to January 31, 2024

Name	CATEGORY						Total Hours	Rate	Lodestar
	Briefing/ Argument	Case Administration	Discovery	Settlement	Pre-Trial/Trial Prep/Trial	Post-Trial			
PARTNERS									
Abramowitz, Mark					596.8	4.0	600.8	\$1,295.00	\$778,036.00
DiCello, Mark	6.2				0.8		7.0	\$1,675.00	\$11,725.00
Ferri, Daniel	1,257.8	37.5	316.8	82.1	632.4	381.5	2,708.1	\$1,300.00	\$3,520,530.00
Levitt, Adam	305.5	61.7	211.3	125.5	267.7	248.6	1,220.3	\$1,675.00	\$2,044,002.50
Stombaugh, Christopher		5.9			659.8	36.5	702.2	\$1,450.00	\$1,018,190.00
Tangren, John	668.0	61.8	221.3	69.2	478.2	344.2	1,842.7	\$1,525.00	\$2,810,117.50
SR. COUNSEL & ASSOCIATES									
Schwartz, Daniel				1.1		147.8	148.9	\$1,150.00	\$171,235.00
Abbarno, Justin					8.3		8.3	\$621.00	\$5,154.30
Allen, Arianna					54.7		54.7	\$490.00	\$26,803.00
Dawkins, Eviealle		2.7					2.7	\$621.00	\$1,676.70
Frate, Joseph	7.1	1.9			397.3	6.0	412.3	\$621.00	\$256,038.30
Levine- Drizin, Jeremy		0.4				12.4	12.8	\$540.00	\$6,912.00
Locascio, Michelle			4.0				4.0	\$621.00	\$2,484.00
Stubbs, Blake	2.0	2.7		1.7	10.0	247.2	263.6	\$874.00	\$230,386.40
CONTRACT ATTORNEYS									
Crespo, Phyliss			370.9				370.9	\$450.00	\$166,905.00
Gurchik, Tamara		2.5	270.0				272.5	\$450.00	\$122,625.00
Rhynard, Helen			493.3				493.3	\$435.00	\$214,585.50
LAW CLERKS									
Bondarenko, Veronika					13.0		13.0	\$415.00	\$5,395.00
Johnson, Aireus					8.3		8.3	\$440.00	\$3,652.00
Smith, Carson						19.4	19.4	\$415.00	\$8,051.00
PARALEGALS & LEGAL ASSISTANTS									
Bussert, Kayla		1.8					1.8	\$335.00	\$603.00
Edwards, Casey	2.0						2.0	\$350.00	\$700.00
Gendrich, Jana	1.3	0.4					1.7	\$250.00	\$425.00
Green, AnnMarie	2.7						2.7	\$335.00	\$904.50
Hauck, Elena		0.4			93.7		94.1	\$477.00	\$44,885.70
Lebdjiri, Audree	21.4	13.4	10.8				45.6	\$300.00	\$13,680.00
Morris, Joyland		10.1			1.5	4.1	15.7	\$477.00	\$7,488.90
Otto, Ashtin	3.8		0.4				4.2	\$335.00	\$1,407.00
Panikulangara, Anne	1.2		242.3				243.5	\$325.00	\$79,137.50
Reda, Samanatha	5.3						5.3	\$335.00	\$1,775.50
Stessney, Rita		2.6					2.6	\$477.00	\$1,240.20
Welch, Rebecca		0.3					0.3	\$477.00	\$143.10
Zigmant, Lindsay						0.4	0.4	\$415.00	\$166.00
Hickman, Alexis			19.0		24.0		43.0	\$288.00	\$12,384.00
Seese, Caitlyn			1.2				1.2	\$250.00	\$300.00
TOTALS	2,284.3	206.1	2,161.3	279.6	3,246.5	1,452.1	9,629.9		\$11,569,744.60

EXHIBIT

B-5

Beasley Allen
In re General Motors 5.3 Liter Consumer Litigation

Fee Summary
Inception:

Name	Category								
	Briefing/ Argument	Case Administration	Discovery	Settlement	Pre-Trial/Trial prep./Trial	Post-trial	Total Hours	Rate	Lodestar
PARTNERS									
Miles, Dee	155.2	45	177	120	215	180	892.2	\$1,675.00	\$1,494,435.00
Barnett, Clay	544.2	229.4	967.4	98.9	872.3	233	2945.2	\$1,450.00	\$4,270,540.00
Gilliland, Rebecca	201.2	13	44.5	14.6	467.5	178.4	919.2	\$1,300.00	\$1,194,960.00
Hawthorne, Ali					67.5		67.5	\$1,100.00	\$74,250.00
Pesica, Leslie		1.7	113.7				115.4	\$1,100.00	\$126,940.00
Grubb, Archie			8				8	\$1,100.00	\$8,800.00
Minder, Rachel	32						32	\$950.00	\$30,400.00
Brashier, Andrew			1.8				1.8	\$950.00	\$1,710.00
ASSOCIATES									
Williams, Mitch	560	117.6	449.7	44.8	796.5	107.2	2075.8	\$950.00	\$1,972,010.00
Martin, Dylan	108.3	28.2	85	16.1	798.5	163.2	1199.3	\$850.00	\$1,019,405.00
Helms, Tyner			343.2				343.2	\$760.00	\$260,832.00
STAFF ATTORNEY									
Baldwin, Chris	6.6		501.8				508.4	\$700.00	\$355,880.00
PARALEGALS									
Russell, Brenda	149.4	380.5	291.9	6	340.1	13.8	1181.7	\$415.00	\$490,405.50
Pugh, Ashley					100		100	\$400.00	\$40,000.00
Abbott, Jessica					3		3	\$400.00	\$1,200.00
Tami Lee	10	13.7	472.4				496.1	\$350.00	\$173,635.00
LAWCLERKS									
Various			158.2				158.2	\$415.00	\$65,653.00
TOTALS	1766.9	829.1	3614.6	300.4	3660.4	875.6	11047		\$11,581,055.50

EXHIBIT C

Case Expense Summary - Beasley Allen (Inception to January 2024)	
Description	Amount
Court Fees / Transcripts	\$ 33,649.14
Research (West Law/Pacer)	\$ 25,736.59
Expert Fees	\$ 174,787.79
Travel- Air	\$ 54,089.80
Travel-Ground	\$ 13,824.48
Travel-Lodging/Meals/Parking	\$ 160,809.81
E-Discovery	\$ 4,475.00
Printing / Copying	\$ 1,012.94
Postage/Shipping	\$ 3,370.51
Administrative and Misc.	\$ 40,322.37
TOTAL	\$ 512,078.43
Case Expense Summary - Andrus Anderson (Inception to January 2024)	
Description	Amount
Court Fees / Transcripts	\$ 503.78
Research (West Law/Pacer)	\$ 1,021.88
Expert Fees	\$ 7,254.09
Travel- Air	\$ 399.30
Travel-Ground	\$ 325.89
Travel-Lodging/Meals/Parking	\$ 1,218.76
Printing / Copying	\$ 5,499.29
Postage/Shipping	\$ 508.12
Administrative and Misc.	\$ 1,264.47
TOTAL	\$ 17,995.58

Expense Summary - DiCello Levitt (Inception through January 2024)	
Description	Amount
Court Fees / Transcripts	\$ 24,721.31
Research (West Law/Pacer)	\$ 53,430.53
Expert Fees	\$ 190,928.64
Focus Groups	\$ 71,788.85
Travel- Air	\$ 38,802.47
Travel-Ground	\$ 15,099.24
Travel-Lodging/Meals/Parking	\$ 98,247.20
Postage/Shipping	\$ 7,373.79
Class Notice and Administration	\$ 75,467.52
Administrative and Misc.	\$ 24,908.21
TOTAL	\$ 600,767.76
Case Expense Summary - AG Law, Inc. (Inception to January 2024)	
Description	Amount
Court Fees / Transcripts	\$ 310.00
Research (West Law/Pacer)	\$ 872.91
Travel- Air	\$ 9,159.71
Travel-Ground	\$ 997.63
Travel-Lodging/Meals/Parking	\$ 8,450.06
Printing / Copying	\$ 547.00
Postage/Shipping	\$ 11.71
Administrative and Misc.	\$ 2,648.24
TOTAL	\$ 22,687.26

EXHIBIT D

GenIV V8 Oil consumption field fix cost progression:

Warranty costs before AFM Shield became available (we replaced pistons, valve seals, and valve covers) ---- based on 2010MY warranty data

Pistons	2300
Valve Seals	263
Valve Cover	101
Total	2664

After AFM Shield became available in service: (These \$ were given by Service)

Step 1: AFM Shield & Piston Cleaning only = \$ 574 @ 2.2% Total Fail Rate (last pull 8/2011). Most warranty claims fall into this category.

Step 2 (if Step 1 not clean kill): Replace pistons & rings = \$2,700 @ 27% of the population that received Step 1 first.

Step 3 (if Step 1 & 2 not effective): Base engine replace = approx. \$6,500

Going forward in GenV – AFM valve has been eliminated, and we have begun Labeco dyno testing for oil consumption.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

11 RAUL SIQUEIROS, *et al.*

12 Plaintiff,

13 v.

14 GENERAL MOTORS LLC,

15 Defendant.
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Case No. 16-cv-07244-EMC

**DECLARATION OF RYAN ALDRIDGE
REGARDING PAYMENT TO CLASS
MEMBERS**

Judge: Hon. Edward J. Chen

1 I, Ryan Aldridge, declare:

2 1. I am an Associate Director for the Class Administrator, Postlethwaite & Netterville, APAC
3 (P&N)¹. I am responsible for leading and managing projects in the areas of class action and mass tort claims
4 administration, and I have served in operational leadership roles for numerous class action and mass tort
5 settlement programs. The following statements are based on my personal knowledge as well as information
6 provided by other experienced employees working under my supervision, my review of information and
7 documents provided by counsel, and Class data obtained from Defendant and S&P Global Mobility (“S&P
8 Global”)².

9 EXPERIENCE

10 2. For 74 years, P&N helped businesses and individuals across the country shape clearer paths
11 forward. P&N is now part of EisnerAmper, a Top 20 accounting and advisory firm with a presence in major
12 business markets across the United States and internationally. Our team at P&N includes experienced
13 professionals with certifications such as Juris Doctor (JD), Project Management Professional (PMP),
14 Certified Public Accountant (CPA), Certified Internal Auditor (CIA), Certified Fraud Examiner (CFE), and
15 Certified Information Systems Security Professional (CISSP).

16 3. P&N routinely develops and executes notice plans and administers a wide variety of class
17 action and mass action settlements, with subject matters including, but not limited to, automotive, privacy,
18 products liability, consumer, mass tort, antitrust, insurance, and healthcare. In our capacity as a court-
19 appointed administrator, our team members have extensive experience developing plans for allocation and
20 disbursement of funds using both traditional and digital means (e.g., PayPal, Zelle, Venmo, etc.). P&N has
21 processed billions of dollars in settlement claims across projects ranging in size from hundreds to millions
22 of claimants. More information about P&N is available at www.pncclassandmass.com.

26 ¹ As of May 21, 2023, the Directors & employees of Postlethwaite & Netterville (P&N), APAC joined EisnerAmper as EAG
27 Gulf Coast, LLC. Where P&N is named or contracted, EAG Gulf Coast, LLC employees will service the work under those
28 agreements. P&N’s obligations to service work may be assigned by P&N to Eisner Advisory Group, LLC or EAG Gulf Coast, LLC, or one of Eisner Advisory Group, LLC’s or EAG Gulf Coast, LLC’s subsidiaries or affiliates.

² R. L. Polk & Co. (“Polk”), acquired by IHS Market in 2013 was acquired by S&P Global Mobility.

OVERVIEW

4. In this case, class notice was sent to members and potential members of the California, Idaho and North Carolina classes consistent with the notice plan submitted to the Court on March 21, 2022. (ECF No. 396.)

5. Notice was intentionally overbroad, particularly with respect to the North Carolina Class.

6. Only one potential Class member, the Norsung Family Trust, requested exclusion. A copy of that exclusion form is attached hereto as **Exhibit A**.

7. Now, with a verdict and a potential judgment, we must receive additional registration information and take other steps, as described below, to identify the specific Class members who are entitled to share in the judgment.

8. Working with Class Counsel, we have crafted the following proposed plan for identifying Class members, determining the amount of prejudgment interest each is due, and paying them their share of the judgment.

California Class

9. At the class notice phase of the case, GM provided Vehicle Identification Numbers (“VINs”) for all Class Vehicles sold new in California.

10. S&P Global, which maintains vehicle registration data, provided the identity of the registrants for these Class Vehicles.

11. The S&P Global data allowed for the identification of 6,581 people who were the only registrants of Class Vehicles sold new in California on or about April 26, 2022, the date when S&P Global provided the data. Class notice was sent to all of these 6,581 people.

12. Complete registration data will allow us to confirm that these people remained Class members as of May 23, 2022.

Idaho Class

13. At the class notice phase of the case, GM provided VINs for 5,049 Class Vehicles sold from an authorized dealership in Idaho. Class notice was sent to all of them.

14. We now intend to ask S&P Global to provide complete registration data (*i.e.* the entire registration history) for these vehicles.

15. This complete registration data will allow us to ascertain the identity of those people who purchased Class Vehicles from an authorized GM dealership in Idaho and continued to own the vehicle as of May 23, 2022; i.e. the Idaho Class members.

North Carolina Class

16. At the class notice phase of the case, GM provided VINs for Class Vehicles sold from an authorized dealership in North Carolina. Class notice was sent to all of them, as well as the owners of all Class Vehicles that were registered in North Carolina at that time. In total, class notice was sent to 36,442 potential North Carolina Class members.

17. We now intend to ask S&P Global to provide complete registration data (*i.e.* the entire registration history) for these vehicles.

18. This complete registration data will allow us to ascertain the identity of those people who purchased Class Vehicles from an authorized GM dealership in North Carolina and continued to own the vehicle as of May 23, 2022; i.e. North Carolina Class members.

19. To identify North Carolina Class members who purchased their Class Vehicles in North Carolina, but not from authorized GM dealerships, we intend to receive data from S&P Global showing all Class Vehicles registered in North Carolina as of May 23, 2022, as well as complete registration data for these vehicles. This will allow us to identify those vehicles owned by a North Carolina registrant as of May 23, 2022, and for which the previous owner was also registered in North Carolina.

20. If a North Carolina registrant purchased the vehicle from a North Carolina registrant, it can be reasonably inferred that the transaction took place in North Carolina and that the latter registrant is thus a North Carolina Class member.

Supplemental Notice Campaign

21. To reach any remaining Class members who cannot be located through the methods described above or for whom we may not have up-to-date contact information, we will also run a digital notice campaign, consistent with what was done at the class notice stage. (ECF No. 396-1 at 5-7.)

22. This digital notice campaign will target potential Class members, as described in the declaration submitted at the class notice stage (*id.*), and inform them that, if they own a Class Vehicle purchased in California, Idaho, or North Carolina they may be entitled to an award of \$2,700 or more.

23. The digital notice campaign will direct potential Class members to the informational website associated with this case, which will be updated to explain to Class members how to submit a claim and the deadline by which to do so.

Payment Process

24. P&N will receive and handle the funds necessary to pay Class members and administer the payment process.

25. We will set up separate interest-bearing accounts for each of the three statewide classes.

26. P&N will provide GM with the necessary bank account information to receive the funds.

27. Once P&N has received the necessary registration information and completes the supplemental digital notice campaign, as described above, P&N will identify Class members and determine the amount that each Class member is owed, consistent with the Court's judgment and the Court's ruling on Plaintiffs' counsels' motion for attorneys' fees and costs.

28. P&N will inform the parties and the Court how much is required to pay the Class members.

29. Prior to mailing checks, P&N will send a notice informing Class members of their share of the judgment and instructions for providing a W-9. The instructions will inform Class members if a W-9 is not returned by the provided deadline, P&N will withhold the applicable taxes as required by the IRS. Notice will be sent via email to Class members with a facially valid email address. For Class members for whom no email is available or whose email is undeliverable, P&N will send notice via postal mail.

30. P&N will send checks directly to each Class member.

31. Any checks that are not cashed will be treated as unclaimed property.

32. P&N will pay Class Counsel, consistent with the Court's judgment and the Court's ruling on Plaintiffs' counsels' motion for attorneys' fees and costs.

33. The estimated cost for the additional research needed to specifically identify class members and to administer the proposed payment plan is \$208,828.

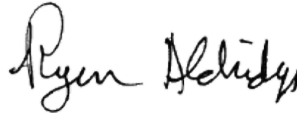
CONCLUSION

34. Although it may be infrequent for a class action to go to trial and for the court to issue final judgment, the proposed approach is derived from standard practices of identifying, noticing, and paying class members that would apply to a class settlement.

1 35. It is my opinion that the proposed plan for identifying and payment of Class members is
2 consistent with other plans of allocation and disbursements we have conducted and has been developed
3 with the consultation of Class Counsel.

4 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge
5 and belief.

6 Executed this 7th day of February, 2024 in Baton Rouge, Louisiana.

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8 _____

9 Ryan Aldridge
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EXHIBIT

A



assurance – consulting – tax – technology

pncpa.com

Exhibit A: Exclusions



Exclusion Request Form**This is NOT a claim form. It EXCLUDES you from this Class Action Lawsuit.**

If you exclude yourself (opt-out), you will not be entitled to share in any relief from any judgment, and possibly from any settlement, from this lawsuit. However, if you exclude yourself, you will not be legally bound by any judgment entered in this lawsuit. You will be able to pursue any legal claims that you have on your own and that are involved in this case, now or in the future.

If you do pursue your own lawsuit after you exclude yourself, you will have to hire and pay your own lawyer, and you will have to prove your claims.

I request to be excluded from the lawsuit. I understand that if I am excluded from the lawsuit, I will not receive any benefits from any judgment in this lawsuit. I understand that if I am excluded from the lawsuit, I will not be bound by any judgment in this lawsuit.

Date: JUNE 6th, 2022

Robert S. Hornung Trustee
(signature)

(You must complete the following information to exclude yourself)

NORWING FAMILY TRUST
Full Name of Class Member

PO Box 5975
Street Address

FRESNO CA 93755
City, State, Zip Code

208 659 9404
Telephone Number

bestemore@MSN.COM
Email Address

If you want to exclude yourself from the lawsuit, you must complete this form and mail it by no later than July 7, 2022, to the following address:

GM 5300 LC9 Class Action
c/o Postlethwaite & Netterville
P.O. Box 5124
Baton Rouge, LA 70821

certified mail 7015 0640 0000 6492 3744

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL

PO Box 5975
Fresno CA 93755



FRESNO
6 JUN 20

CPU



U.S. POSTAGE
\$7.38
FCML 0000
Orig: 93711
Dest: 70821
06/06/22
2000209437 02

7015 0640 0000 6492 3744

RETURN REQUESTED

*Not
6.10.22*

GM 5300 LC9 CLASS ACTION
c/o Postlethwaite & Netterville
PO Box 5124
BATON ROUGE, LA 70821

**RETURN RECEIPT
POSTED**

70821-512424



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAUL SIQUEIROS, *et al.*

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

Case No.: 16-cv-07244-EMC

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR COMMON
FUND ATTORNEYS' FEES AND COSTS,
AND CLASS REPRESENTATIVE SERVICE
AWARDS**

Having considered Plaintiffs' Motion for Common Fund Attorneys' Fees and Costs, and Class Representative Service Awards, and for good cause shown, **IT IS HEREBY ORDERED** that the Motion is **GRANTED** and:

- (A) Class Counsel is awarded a common fund fee award of 38% of the North Carolina Class members' recovery (damages and interest);
- (B) Class Counsel is further awarded payment of the statutory fees awarded under the Song-Beverly Act, as well as a potential additional payment from the California Class fund (damages and interest for the California Class members), such that Class Counsel receives an amount that is no less than 38% of the California Class fund;
- (C) Class Counsel is further awarded payment of any statutory fees awarded under the Idaho Consumer Protection Act, as well as a potential additional payment from the Idaho Class fund (damages and interest for the Idaho Class members), such that Class Counsel receives no less than 38% of the Idaho Class fund;
- (D) Class Counsel is awarded the costs awarded by the Court under Rule 54, the Song-Beverly Act, and the Idaho Consumer Protection Act; and
- (E) Plaintiffs Tarvin, Del Valle, and Davis are awarded \$30,000 each as service awards.

IT IS SO ORDERED.

Dated: _____, 2024

EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE