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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 FINAL  
JUDGMENT, PREJUDGMENT INTEREST,  
STATUTORY ATTORNEYS’ FEES, AND  
COSTS**

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 entry of final judgment under Federal Rule of Civil Procedure 54(b).

This case has proceeded with the certified class claims being tried first and the remaining individual, non-certified claims having been held in abeyance. With the certified California, North Carolina, and Idaho Class claims having now been tried, and with post-trial motion practice complete, Plaintiffs ask that the Court enter a final judgment with respect to these claims under Rule 54(b). As part of that final judgment, Plaintiffs request prejudgment interest under California, Idaho, and North Carolina law, as well as postjudgment interest under 28 U.S.C. § 1961. Plaintiffs also requests that costs be awarded under Rule 54, and additional costs awarded to the California and Idaho Class members under the Song-Beverly Consumer Warranty Act and the Idaho Consumer Protection Act. In addition to costs, Plaintiffs request that the Court award statutory attorneys' fees to the California and Idaho Class members under the Song-Beverly Act and the Idaho Consumer Protection Act. Finally, Plaintiffs request that the Court approve the supplemental digital notice campaign and payment plan, proposed below.

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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### **STATEMENT OF ISSUES TO BE DECIDED**

1. With this case proceeding in two phases—the Class claims being tried first and the remaining individual, non-certified, claims having been held in abeyance—should the Court enter a final judgment under Fed. R. Civ. P. 54(b) with respect to the Class claims?

2. Are the Class members entitled to prejudgment interest on their jury-awarded damages under relevant California, Idaho, and North Carolina law?

3. Should costs be awarded under Rule 54, on a *pro rata* basis, to each of the California, Idaho, and North Carolina Class members?

4. Should additional costs be awarded, on a *pro rata* basis, to each California and Idaho Class member under the Song-Beverly Act and the Idaho Consumer Protection Act?

5. Should attorneys' fees be awarded to each California Class member under the Song-Beverly Act, and, if so, is a 2X multiplier of Plaintiffs' counsel's lodestar appropriate?

6. Should attorneys' fees be awarded to each Idaho Class member under the Idaho Consumer Protection Act, and, if so, is a 2X multiplier of Plaintiffs' counsel's lodestar appropriate?

7. Should the Court authorize a supplemental notice campaign to reach Class members that cannot be identified through registration data?

8. Should the Court order direct payment to the Class members once they are specifically identified?

## I. INTRODUCTION

On December 19, 2016, Plaintiffs filed a class action complaint in this matter alleging an oil consumption defect in GM’s Generation IV 5.3 liter V8 Vortec LC9 (“Gen IV”) engine. For almost six years, GM denied this defect. On October 4, 2022, in a matter of hours, a jury unanimously sided with Plaintiffs. For Plaintiff Tarvin and the California Class, the jury found that GM had breached the implied warranty of merchantability under the Song-Beverly Consumer Warranty Act (“Song-Beverly Act”). (ECF No. 566.) For Plaintiff Del Valle and the Idaho Class, the jury found that GM violated the Idaho Consumer Protection Act (“ICPA”). (*Id.*) For Plaintiff Davis and the North Carolina Class, the jury found that GM breached the implied warranty of merchantability under North Carolina law. (*Id.*) The jury awarded each Class member the full \$2,700 in damages that Plaintiffs requested at trial. (*Id.*)

In litigating this action, Plaintiffs reviewed 23,774 documents, deposed ten GM engineers and three GM experts, and defended eleven Plaintiffs’ depositions. Plaintiffs’ discovery revealed, for example, GM’s internal “Red-X” report recognizing the oil consumption defect even before it sold the Class Vehicles and emails from GM engineers (*e.g.*, “Gen IV still has problems”) discussing how GM’s engine modifications failed to remedy the defect. (*See, e.g.*, ECF No. 597 at 2-3.) GM’s internal documents showed that Plaintiffs’ uniform experiences with unreliable, poorly performing vehicles were the result of an inherent engine defect.

In order to even reach the jury trial stage, Plaintiffs Tarvin, Del Valle, and Davis overcame two motions to dismiss and four motions for summary judgment. (ECF Nos. 47, 70, 184, 291, 397, 428.) Not only did they reach the jury, but, having achieved class certification, they brought with them the claims of thousands of their fellow purchasers. (ECF Nos. 237 and 320.) Before trial, GM moved, or attempted to move, for decertification on four separate occasions. (ECF Nos. 247, 325, 347, 397.) Following the trial, GM filed over 120 pages of briefing seeking decertification, judgment as a matter of law, and a post-trial mechanism disregarding the jury’s findings. (ECF Nos. 592, 594, 606, 607, 642.) In separate orders, the Court rejected these motions and affirmed the finality of the jury’s verdict. (ECF Nos. 634 and 653.)

With this case now near the finish, Plaintiffs respectfully request that the Court advance it further by: (a) entering a Rule 54(b) final judgment; (b) awarding the Class members prejudgment interest;

(c) awarding costs; (d) awarding statutory attorneys' fees to the California and Idaho Class members; (e) approving a payment plan; and (f) including the requisite Rule 23(c)(3) language describing the Classes within the judgment.

## **II. THE COURT SHOULD ISSUE A PARTIAL FINAL JUDGMENT AS TO THE CLASS CLAIMS.**

This case is proceeding in two phases, with the Class claims<sup>1</sup> being tried first, and the remaining individual claims, which were not certified, proceeding second. (ECF No. 385, ECF No. 476 at 1.) Now that the Class claims have been tried and extensive post-trial briefing resolved, the Court should issue a Rule 54(b) final judgment as to the Class claims, prior to resolving the remaining individual claims.<sup>2</sup>

Under Fed. R. Civ. P. 54(b), a district court "may direct entry of a final judgment as to one or more, but fewer than all, claims or parties . . . if the court expressly determines that there is no just reason for delay." Fed. R. Civ. P. 54(b). The judgment must be based on "a decision upon a cognizable claim for relief," and it must represent "an ultimate disposition of an individual claim entered in the course of a multiple claims action." *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 7 (1980). In determining whether there is any "just reason for delay," a district court should consider "the interest of sound judicial administration," *Wood v. GCC Bend, LLC*, 422 F.3d 873, 878 (9th Cir. 2005), and the "equities involved," *Curtiss-Wright*, 446 U.S. at 8.

Here, with liability and damages having been decided, and post-trial motions resolved, there has been an ultimate disposition of the Class claims. The Court recognized as much when, in affirming the finality of the jury verdict, it stated: "The Court shall proceed to final judgment." (ECF No. 653 at 30.) It is in the interest of sound judicial administration to grant a partial final judgment with respect to those Class claims. The reason, at least in part, that the Court proceeded with a two-phased proceeding was the recognition that the Class claims are the driving force in this litigation. When the Class claims are

<sup>1</sup> These claims include the California Song-Beverly implied warranty claim, the North Carolina implied warranty claim, and the Idaho Consumer Protection Act claim.

<sup>2</sup> The following Plaintiffs have pending individual claims that survived summary judgment, but which were not certified for class adjudication: Del Valle (Idaho), Davis (North Carolina), Byrge (Tennessee), Smith (Massachusetts), Graziano (Pennsylvania), Tarvin (California), Raul Siqueiros (California), Todd and Jill Cralley (California), and Rudy Sanchez (Texas). (ECF Nos. 237, 320, 474)

1 finally resolved, the two sides will, hopefully, be able to reach an efficient resolution of the relatively  
2 low value individual claims.

3 Finally, the equities clearly favor partial final judgment. The Class members' meritorious claims  
4 were filed in December 2016, more than seven years ago. Any additional delay in payment on those  
5 claims is prejudicial. *See Morazan v. Aramark Unif. & Career Apparel Grp., Inc.*, 2013 WL 4734061,  
6 at \*4 (N.D. Cal. Sept. 3, 2013) ("class members will be prejudiced . . . [where] monetary payments will  
7 be delayed."). Payment to the thousands of Class members should not be delayed until after the claims  
8 of just nine more individuals can be tried and resolved.

9 **III. THE COURT SHOULD DIRECT A JUDGMENT THAT INCLUDES DAMAGES,**  
10 **PREJUDGMENT INTEREST, AND ATTORNEYS' FEES AND COSTS.**

11 As explained below, the final judgment award should include the following: (a) the damages  
12 awarded by the jury; (b) the appropriate amount of pre-judgment interest for each claim; (c) recoverable  
13 costs; and (d) fees pursuant to the Song-Beverly Act and Idaho Consumer Protection Act.

14 **A. The Jury Award**

15 The jury awarded each Class member \$2,700. (ECF No. 566.)

16 **B. Prejudgment Interest**

17 Each member of the North Carolina, California, and Idaho Classes is also entitled to payment of  
18 prejudgment interest in addition to the \$2,700 awarded by the jury. Under each state's laws, prejudgment  
19 interest begins to run on the date on which a Class member's Class Vehicle was first sold by GM.

20 In **North Carolina**, prejudgment interest is calculated from the date of the breach of the implied  
21 warranty of merchantability, which is at the time the defective product is sold. N.C. Gen. Stat. § 24-5  
22 (providing that a judgment "bears interest from the date of breach"); *Steelcase, Inc. v. Lilly Co.*, 379  
23 S.E.2d 40, 44–45 (N.C. App. 1989) (awarding prejudgment interest from the date of breach in action for  
24 breach of implied warranty of merchantability). Pre-judgment interest in North Carolina is calculated at  
25 a rate of 8% per annum (simply, not compounded). N.C. Gen. Stat. Ann. § 24-1.

26 In **Idaho**, the date from which prejudgment action should run in a breach of warranty action is  
27 the time of "acceptance" of the goods:

28 Rather, an award of prejudgment interest, in order to fulfill its compensatory purpose,  
should run from the date the damages amount first becomes "fixed" or "ascertainable."

The amount awarded as damages in a breach of warranty action is normally measured as the difference between the value of the goods as warranted and the value of the goods as accepted. These values are “fixed,” or “ascertainable,” at the time of acceptance. Thus, in cases where damages are calculated using the differential formula, prejudgment interest should run from the date of acceptance.

*Meldco, Inc. v. Hollytex Carpet Mills, Inc.*, 796 P.2d 142, 147 (Idaho App. 1990). Thus, for Idaho Class members, prejudgment interest also runs from the date their Class Vehicle was first sold. Idaho employs a mandatory 12% calculation for prejudgment interest per annum. Idaho Code § 28-22-104.

For those North Carolina and Idaho Class members who were not the original owners of their Class Vehicles, prejudgment interest should still be calculated from the date the Class Vehicle was sold to its first owner. This Court recognized that “prior owners or lessees may have been harmed by paying more for their vehicles than they would have had.” *Sloan v. Gen. Motors LLC*, 2020 WL 1955643, at \*48 (N.D. Cal. Apr. 23, 2020). However, to ensure that the current owners could receive the full extent of any recovery, this Court limited the Classes to the Class Vehicles’ current owners (as of the date of class notice). *Id.*; see also *Siqueiros v. Gen. Motors LLC*, 2023 WL 3933344, at \*3–5 (N.D. Cal. June 8, 2023). Because any entitlement to a recovery that the prior owners may have had was passed down to the subsequent purchasers, the entitlement to prejudgment interest passed down as well. Otherwise, used purchasers would receive less in prejudgment interest than new purchasers, a difference for which there is no justification.

In **California**, prejudgment interest on damages that are “certain” is mandatory under Cal. Civ. Code § 3287(a). “Courts generally apply a liberal construction in determining whether a claim is certain, or liquidated.” *Howard v. Am. Nat’l Fire Ins. Co.*, 187 Cal. App. 4th 498, 535 (2010). A claim is certain when “the defendant knew the amount of damages owed to the claimant or could have computed that amount from reasonably available information,” and certainty is lost “only when the amount of damages turns on disputed facts.” *Id.* Here, the \$2,700 damages per California Class member are certain because they were computed from reasonably available information—GM’s own warranty cost study. (See Levitt Decl., Ex D, TT 890:24–891:7.) While GM has disputed liability, it has never put forward any competing damages calculation of its own. See *Howard*, 187 Cal. App. 4th at 535 (“Uncertainty as to liability is irrelevant. ‘A dispute concerning liability does not preclude prejudgment interest in a civil action.’”) (quoting *Boehm & Assocs. v. Workers’ Comp. Appeals Bd.*, 76 Cal.App.4th 513, 517 (1999)).

Cal. Civ. Code § 3287(a) further provides that prejudgment interest should run from the day that the right to recover is vested, which for an implied warranty claim is when the defective product is sold. *See Asghari v. Volkswagen Group of Am., Inc.*, 42 F. Supp. 3d 1306, 1339 (C.D. Cal. 2013) (holding that “a product is rendered unmerchantable, and the warranty of merchantability is breached, by the existence of the unseen defect, not by its subsequent discovery”) (quoting *Ehrlich v. BMW of N. Am., LLC*, 801 F. Supp. 2d 908, 922 (C.D. Cal. 2010)).<sup>3</sup> The prejudgment interest rate is calculated at 7% per annum. Cal. Civ. Code § 3287(c).

In order to determine the date from which prejudgment interest begins to run for each Class member, Plaintiffs propose the use of the date the vehicle was first registered. As discussed below and in the Motion for Authorization of Release of Class Identification Information, these dates are readily available using Polk data and will provide the basis for a conservative calculation of prejudgment interest. The need for additional data to calculate prejudgment interest does not preclude issuance of a final judgment. *See Apex Fountain Sales, Inc. v. Kleinfeld*, 27 F.3d 931, 936 (3d Cir. 1994) (“[A]n order is final even if it does not reduce the damages to a sum certain if the order sufficiently disposes of the factual and legal issues and any unresolved issues are sufficiently ministerial that there would be no likelihood of further appeal.”). Plaintiffs respectfully request that the Court endorse its proposed methodology for calculating prejudgment interest.

If Plaintiffs’ request for prejudgment interest is granted, the following examples show the prejudgment interest to which a Class member who owns a vehicle first registered on July 1, 2012 would be entitled for the 139 months through February 1, 2024:

North Carolina: \$2,502 in prejudgment interest for a total payment (\$2,700 in damages + \$2,502 in prejudgment interest) of \$5,202.

Idaho: \$3,753 in prejudgment interest for a total payment (\$2,700 in damages + \$3,753 in prejudgment interest) of \$6,453.

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<sup>3</sup> Alternatively, should this Court determine that prejudgment interest should not be calculated as of the time that each Class Vehicle is sold, Plaintiffs request that prejudgment interest still be awarded as of the date this action was first filed, December 19, 2016. *See* Cal. Civ. Code § 3287(b) (providing for prejudgment interest on an unliquidated contract claim calculated from as early as the date the action was filed)



California: \$2,189.25 in prejudgment interest for a total payment (\$2,700 in damages + \$2,189.25 in prejudgment interest) of \$4,889.25.

### C. Costs

#### 1. Rule 54(d)

Federal Rule Civ. P. 54(d)(1) provides that “costs—other than attorney’s fees—should be allowed to the prevailing party.” Taxable costs recoverable under Rule 54 include:

(1) fees of the clerk and marshal; (2) fees for printed or electronically recorded transcripts necessarily obtained for use in the case; (3) fees and disbursements for printing and witnesses; (4) fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case; (5) docket fees under § 1932 of this title; and (6) compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under § 1828 of this title.

28 U.S.C. § 1920; *see also* *Kalitta Air L.L.C. v. Cent. Texas Airborne Sys. Inc.*, 741 F.3d 955, 957-58 (9th Cir. 2013); *Alflex Corp. v. Underwriters Labs., Inc.*, 914 F.2d 175, 178 (9th Cir. 1990); *Evanow v. M/V Neptune*, 163 F.3d 1108, 1118 (9th Cir. 1998); *Alyeska Pipeline Serv. Co. v. Wilderness Soc’y*, 421 U.S. 240, 259 n. 31 (1975).

Here, Plaintiffs incurred \$59,184.23 in costs recoverable under Rule 54. Levitt Decl. ¶ 22, Ex. C. These costs should be awarded, *pro rata*, to each California, North Carolina, and Idaho Class member.

#### 2. The Song-Beverly Act and the Idaho Consumer Protection Act.

The Song-Beverly Act, under which the California Class recovered, states that “[i]f the buyer prevails in an action under this section, the buyer *shall* be allowed by the court to recover as part of the judgment a sum equal to *the aggregate amount of costs and expenses, including attorney’s fees* based on actual time expended, determined by the court to have been reasonably incurred by the buyer in connection with the commencement and prosecution of such action.” Cal. Civ. Code § 1974(d) (emphasis added); *see also* *Forouzan v. BMW of N. Am., LLC*, 390 F. Supp. 3d 1184, 1187 (C.D. Cal. 2019) (“The California Legislature has demonstrated a similar ‘special interest’ in permitting prevailing Song-Beverly

plaintiffs to recover costs and expenses under section 1794.”). California courts routinely hold that reimbursement of costs and expenses are not limited by Federal law.<sup>4</sup>

The Idaho Consumer Protection Act similarly taxes costs and fees against the defendant. *See* Idaho Code § 48-608(5) (“*Costs shall be allowed to the prevailing party unless the court otherwise directs.*”) (emphasis added).

The costs recoverable under the Song-Beverly Act and the ICPA are more expansive than Fed. R. Civ. P. 54. They include, among other things, reimbursement of reasonable expenses for:

(1) Electronic and paper filing fees; (2) postage, courier, and copying costs; (3) expenses for travel, meals, and lodging; (4) long-distance telephone calls; (5) mediation costs; (6) document scanning; (7) preparation of models, maps, pictures, and other exhibits; (8) electronic document hosting expenses; (9) court transcript fees; (10) deposition expenses including court reporter fee, transcription, and copies; (11) computer legal research; (12) expenses for certified or registered interpreters; service of process; (13) expert witness fees including expert reports, travel, testimony, and inspection costs; (14) visual equipment costs including costs of rental equipment and electronic formatting; (16) and other out of pocket expenses required to be awarded to the prevailing party pursuant to statute as an incident to prevailing in the action at trial or on appeal.

Cal. Civ. Proc. Code § 1033.5.<sup>5</sup>

Courts interpreting these fee shifting statutes regularly hold that these costs are reimbursable to the prevailing party. *See, e.g., Davis v. City & County of San Francisco*, 976 F.2d 1536, 1556 (9th Cir. 1992) (affirming that “out-of-pocket” expenses like “travel, courier and copying costs” are reimbursable); *Keegan v. Am. Honda Motor Co.*, 2014 WL 12551213, at \*29 (C.D. Cal. Jan. 21, 2014) (concluding \$300,000 in experts costs was reasonably incurred); *Rutti v. Lojack Corp., Inc.*, 2012 WL 3151077, at

<sup>4</sup> *See Clausen v. M/V NEW CARISSA*, 339 F.3d 1049, 1064 (9th Cir. 2003) (holding that a state damages provision with an explicit measure for reimbursement is a substantive right “inseparably connected with the right of action.”); *Base v. FCA US LLC*, 2020 WL 363006 at \*6 (N.D. Cal. Jan. 22, 2020); *Obrien v. FCA US LLC*, 2019 WL 5295066 (N.D. Cal. Oct. 18, 2019) (rejecting defendant’s argument that costs are limited to those under federal law); *Zomorodian v. BMW of N. Am., LLC*, 332 F.R.D. 303, 306-07 (C.D. Cal. 2019) (“[S]uch an express legislative intent as reflected in section 1794(d) be upheld as substantive law, the Court shall apply section 1794(d) instead of FRCP 54”).

<sup>5</sup> *See also* I.R.C.P. 54(d)(1)(C) (prevailing party entitled to reimbursement of filing fees, witness fees, travel expenses, document expenses, expert witness fees, expenses for preparation of exhibits, and process server fees as a matter of right); I.R.C.P. 54(d)(1)(D) (“Additional items of cost not enumerated in, or in an amount in excess of that listed in subpart (C), may be allowed on a showing that the costs were necessary and exceptional costs, reasonably incurred, and should in the interest of justice be assessed against the adverse party.”).

\*12 (C.D. Cal. July 31, 2012) (“Expenses such as reimbursement for travel, meals, lodging, photocopying, long-distance telephone calls, computer legal research, postage, courier service, mediation, exhibits, documents scanning, and visual equipment are typically recoverable.”); *Smalley v. Subaru of America, Inc.*, 87 Cal. App. 5th 450, 457 (2022) (“In a claim under the Song-Beverly Act, a prevailing plaintiff is entitled to recover costs and expenses; for purposes of that statute, expenses encompasses out-of-pocket expenses beyond the costs identified in Code of Civil Procedure section 1033.5.”) (citing *Jensen v. BMW of N. Am., Inc.* (1995) 35 Cal. App. 4th 112, 137-138, (1995)); *Jurosky v. BMW of N. Am., LLC*, 2020 WL 5033584, at \*8-10 (S.D. Cal. Aug. 25, 2020) (noting that “costs and expenses related to travel are not necessarily limited by Rule 54(d) or by Local Rule 54.1”); *Rueda v. FCA US LLC*, 2020 WL 469333, at \*8 (E.D. Cal. Jan. 29, 2020) (reimbursing travel costs “that were reasonably incurred in prosecuting this action”); *Hellenberg v. Ford Motor Co.*, 2020 WL 1820126, at \*6 (S.D. Cal. Apr. 10, 2020) (finding that “costs and expenses to travel for a deposition and vehicle inspection in Texas are not limited by Rule 54(d) or by Local Rule 54.1”); *see also Bauman v. Ford Motor Co.*, 2021 WL 2792310 (C.D. Cal. Feb. 3, 2021) (finding that plaintiffs’ expert witness fees in Song-Beverly case were recoverable); *In re Wiggins*, 273 B.R. 839, 886 (Bankr. D. Idaho 2001) (“Plaintiffs are entitled to an award of reasonable attorneys fees and costs incurred in prosecuting this action.”); *Nalen v. Jenkins*, 741 P.2d 366, 369-70 (Idaho Ct. App 1987) (quoting *Warren v. LeMay*, 142 Ill.App.3d 550, 491 N.E.2d 464 (1986)) (The ICPA should be liberally interpreted “to compensate a prevailing party for all fees and costs reasonably incurred.”).

Plaintiffs incurred \$1,094,344.80 in costs recoverable under the Song-Beverly Act and the ICPA, not including those that were also recoverable under Rule 54. Levitt Decl. ¶ 22. These costs should be awarded *pro rata* to each California and Idaho Class member as prevailing parties under the statutes.

## D. Attorneys' Fees<sup>6</sup>

As stated above, both the California Song-Beverly Act and the Idaho Consumer Protection Act provide that prevailing plaintiffs shall be awarded reasonable attorneys' fees as part of a judgment. *See* Idaho Code § 48-608(5) ("Costs shall be allowed to the prevailing party unless the court otherwise directs. *In any action brought by a person under this section, the court shall award, in addition to the relief provided in this section, reasonable attorney's fees to the plaintiff if he prevails.*") (emphasis added); Cal. Civ. Code § 1974(d) ("If the buyer prevails in an action under this section, the buyer *shall* be allowed by the court to recover *as part of the judgment* a sum equal to *the aggregate amount of costs and expenses, including attorney's fees* based on actual time expended, determined by the court to have been reasonably incurred by the buyer in connection with the commencement and prosecution of such action.").

The California and Idaho Class members, having won at trial, are clearly "prevailing parties" within the meaning of the two statutes. Accordingly, each is entitled to recover, "as part of the judgment," Cal. Civ. Code § 1974(d), their share of reasonable fees.

### 1. Lodestar

In determining the amount of attorneys' fees that should be awarded under the Song-Beverly Act and the ICPA, courts first ascertain the plaintiffs' attorneys' lodestar. *See Rahman v. FCA US LLC*, 594 F. Supp. 3d 1199, 1204 (C.D. Cal. 2022); *Edmark Auto, Inc. v. Zurich Am. Ins. Co.*, 2021 WL 780903, at \*3-4 (D. Idaho Mar. 1, 2021). Lodestar is "calculated by multiplying the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996).

#### a. Time Expended

Plaintiffs recognize that this action has involved more claims than just the Song-Beverly Act and ICPA claims. In such cases, where a plaintiff files multiple claims—some claims subject to statutory fee

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<sup>6</sup> As explained in Plaintiffs' Motion for Common Fund Attorneys' Fees and Costs ("Common Fund Motion"), filed concurrently herewith, the calculation of a statutory fee subject to fee shifting does not prejudice counsel's right to an attorney fee drawn from the common fund. *Ridgeway v. Wal-Mart Stores Inc.*, 269 F. Supp. 3d 975, 999 (N.D. Cal. 2017) ("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.").

shifting, others not—a court will deduct fees for time spent on claims “spent on legal theories relating to other [non-fee-shifting] causes of action to the extent possible.” *Kreidler v. Pixler*, 2011 WL 39054, at \*2 (W.D. Wash. Jan. 3, 2011). However, where a “plaintiff’s claims [that are not subject to fee shifting] share a common core of operative facts and a theory with the fee shifting claims,” the plaintiff is entitled to recover for all time expended, including all “discovery, investigative time, and trial time for all claims,” even if that time was to support *both* fee-shifting and non-fee shifting claims. *Id.* As the Second Circuit explained: “Hours spent on legal work that furthers both fee-shifting and non-fee-shifting claims may be included in the lodestar calculation because they would have been expended even if the plaintiff had not included non-fee-shifting claims in his complaint.” *Millea v. Metro-N. R. Co.*, 658 F.3d 154, 168 (2d Cir. 2011).<sup>7</sup> When a court finds that apportionment is appropriate, that apportionment rests within the “court’s sound discretion.” *Bradstreet v. Wong*, 2008 WL 1736063, at \*3 (Cal. Ct. App. Apr. 16, 2008).

Here, all of the claims ever asserted in this litigation arose from, and required proof of, the Oil Consumption Defect. Issues in this litigation that were common to fee-shifting and non-fee shifting claims include: proof that the Oil Consumption Defect exists in the Class Vehicles, proof that the Oil Consumption Defect was a safety defect, GM’s awareness of the Oil Consumption Defect prior to the sale of the Class Vehicles, GM’s concealment of the Oil Consumption Defect, and damages arising from the Oil Consumption Defect. All of the work that Plaintiffs’ counsel did in pleading these issues, arguing these issues, conducting discovery into these issues, and trying these issues was necessary for the California Class and Idaho Class to prevail on their fee-shifting claims. *See Miller*, 658 F.3d at 168 (“Hours spent on legal work that furthers both fee-shifting and non-fee-shifting claims may be included in the lodestar calculation because they would have been expended even if the plaintiff had not included

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<sup>7</sup> See also *Erhart v. Bofi Fed. Bank*, 2023 WL 6382460, at \*8 (S.D. Cal. Sept. 28, 2023) (awarding fees for a defamation cause of action where such claim is “related to [plaintiff’s] successful, fee-shifting . . . claim” since claim “stemmed from” same basic facts); *Webb v. Sloan*, 330 F.3d 1158, 1168 (9th Cir.2003) (“Claims are closely related for fee-shifting purposes if they “involve a common core of facts *or* are based on related legal theories.”) (emphasis in original); *Barati v. Metro-N. R. Co.*, 939 F. Supp. 2d 153, 158 (D. Conn. 2013) (where claims were “inextricably intertwined in that they both relied on the same core facts relating to the circumstances of Plaintiff’s injury and Defendant’s response to that injury...[and] depended on the same evidence at trial,” the court did “not apportion the requested fees between the [fee shifting] and [non-fee-shifting] claims.”).

non-fee-shifting claims in his complaint.”); *Fifty-Six Hope Rd. Music, Ltd. v. A.V.E.L.A., Inc.*, 915 F. Supp. 2d 1179, 1189 (D. Nev. 2013) (“Discovery, in particular, is not amenable to apportionment among the various claims, as the factual predicate for the various claims is based on a common core of facts.”).

Plaintiffs, however, do not seek fees for time spent on work that related only to claims of non-California and Idaho plaintiffs. Specifically, Plaintiffs do not seek fees for the time that counsel spent preparing for and defending the depositions of the non-California and Idaho plaintiffs. Plaintiffs also do not seek fees for the time spent on the following work:

- Plaintiffs’ motion for reconsideration of the Courts’ 2018 order on GM’s motion to dismiss, which dealt with an Ohio claim. (ECF No. 101)
- Plaintiffs’ motion to amend the complaint to substitute Ohio Plaintiff Szep, as well as the preparation of the Fifth Amended Complaint that added Plaintiff Szep. (ECF Nos. 141 and 157.)
- GM’s motion to dismiss Ohio Plaintiff Szep. (ECF No 158.)
- GM’s motion to dismiss the Second Amended Complaint, as this briefing concerned the Court’s jurisdiction over non-California and Idaho plaintiffs. (ECF No. 221.)
- GM’s motion to dismiss the Magnuson-Moss Warranty Act claims. (ECF No. 255.)
- GM’s motion to decertify the Texas and North Carolina classes. (ECF No. 325.)
- The parties’ stipulation regarding the filing of a Fourth Amended Complaint, which substituted a North Carolina plaintiff, or the preparation of that complaint. (ECF Nos. 121, 123.)
- The parties’ stipulation regarding the filing of a Sixth Amended Complaint, which concerned changes relating to the claims of non-California and Idaho plaintiffs, as well as the preparation of that complaint. (ECF No. 244.)

The total lodestar for the time that Plaintiffs have proactively removed from their fee-shifting request is \$742,702.70. Further, Plaintiffs’ counsel spent some time on tasks that were directly related to the advancement of the California Class’s claims, and some time on tasks directly related to the advancement of the Idaho Class’s claims. Specifically, Plaintiff spent 600.3 hours on the following tasks directly related to California time:

- 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)



Plaintiff spent 77.8 hours on the following work related solely to the prevailing Idaho claim: GM's motion for reconsideration of the Court's order granting class certification with respect to the Idaho Consumer Protection Act. (ECF No. 324.)

Removing the time that was dedicated to non-fee shifting claims, and properly apportioning time dedicated to only one of the California or Idaho claims, Plaintiff's counsel spent at least 21,725.4 hours to prevail on the California Song-Beverly and 21,202.9 hours to prevail on the Idaho Consumer Protection Act claims. *See* Levitt Decl. at ¶¶ 19-21.<sup>8</sup>

Notably, Plaintiff's counsel's efficiency stands out when compared to the time expended by plaintiffs' counsel in other class action automobile cases. *See In re Chrysler Dodge Jeep Ecodiesel Mktg., Sales Practices, and Prods. Liab. Litig.*, Case No. 17-md-02777-EMC (ECF No. 561, Feb. 11, 2019) (Chen, J.) (approving as reasonable an attorney fee request whereby attorneys spent 95,951.4 hours over the course of two years of litigation that never approached trial); *In re Volkswagen "Clean Diesel" Mktg., Sales Practices, & Prods. Liab. Litig.*, 2017 WL 3175924, at \*4 (N.D. Cal. July 21, 2017) [("Class Counsel expended 120,418 hours while litigating and settling claims on behalf of the 3.0-liter Class Members and implementing the Settlement."); *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, & Prods. Liab. Litig.*, 2013 WL 12327929, at \*32 (C.D. Cal. July 24, 2013) (Here, "class counsel have expended at least 165,930 hours and spent over \$27 million in litigation costs, all at the risk of receiving no compensation whatsoever."); *In re MyFord Touch Consumer Litig.*, 2019 WL 6877477 (N.D. Cal. Dec. 17, 2019) (Chen, J.) (Plaintiffs' counsel accrued over \$31 million in lodestar in a case that settled short of trial).

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<sup>8</sup> The declaration comports with this District's Procedural Guidance for Class Action Settlements. *See* Procedural Guidance, Attorneys' Fees ("Declarations of class counsel as to the number of hours spent on various categories of activities related to the action by each biller, together with hourly billing rate information may be sufficient, provided that the declarations are adequately detailed."); *see also Volkswagen*, 2017 WL 1047834, at \*5, n.5 (finding that class counsel had complied with similar pretrial order and overruling objection that more lodestar information was necessary in similar fee application because "it is well established that '[t]he lodestar cross-check calculation need entail neither mathematical precision nor bean counting . . . [courts] may rely on summaries submitted by the attorneys and need not review actual billing records.'") (quoting *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D. 245, 264 (N.D. Cal. 2015)).

**b. Hourly Rates**

Plaintiffs' counsel should be awarded fees at their current, or last-billed, rate. *See, e.g., Ellis v. Costco Wholesale Corp.*, No. C04-3341 EMC, 2014 WL 12641574, at \*3 (N.D. Cal. May 27, 2014) (Chen, J.). Fees are recoverable for paralegals as well as attorneys. *Bd. of Trustees v. Charles B. Harding Constr., Inc.*, No. C-14-1140 EMC, 2014 WL 7206890, at \*6 (N.D. Cal. Dec. 18, 2014), *amended*, No. 14-CV-01140-EMC, 2015 WL 8752561 (N.D. Cal. Dec. 15, 2015). Plaintiffs' billing rates range from \$1675 for a senior partner with over 30 years of complex class action experience to \$350 for a paralegal. Counsel's rates are as follows:<sup>9</sup>

Seniority	Billing Rate
Senior Partner (minimum 20 years' experience)	\$1450-\$1675
Partner (minimum 8 years' experience)	\$950-\$1525
Senior Counsel (minimum 8 years' experience)	\$1150
Associate Attorney (between 5-8 years' experience)	\$760-950
Associate Attorney (between 1-4 years' experience)	\$490-\$621
Staff Attorney	\$445
Paralegal	\$250-\$415

Rates along these lines have been deemed reasonable in other comparable matters, including, *e.g., In re Facebook Internet Tracking Litigation*, 12-md-02314-EJD (Order Granting Motion for Final Approval of Class Action Settlement; Granting Motion For Attorneys' Fees, Expenses, And Service Awards; Judgment) (ECF No. 289) (Nov. 10, 2022); *In re Fairlife Milk Products Marketing and Sales Practices Litigation*, MDL No. 2909, No. 19-cv-3924 (Order Granting Plaintiffs' Motion for Final Approval of Class Action Settlement and Judgment And Awarding Attorneys' Fees, Costs, And Service Awards) (ECF No. 180) (September 28, 2022); *Calhoun, et al. v. Google LLC*, No. 4:20-cv-5146-YGR-

<sup>9</sup> *See* Levitt Decl. at Ex. B (summarizing fees by timekeeper)



SVK (N.D. Cal.) (Order for Sanctions In Re Third Party E&Y Production) (ECF No. 685) (June 6, 2022); *In re Navistar MaxxForce Engines Mktg., Sales Practices, and Prods. Liab. Litig.*, No. 1:14-CV-10318 (N.D. Ill.) (Order Granting Final Approval Of Class Action Settlement, Award of Attorneys' Fees and Costs and Named Plaintiff Service Awards) (ECF No. 746) (January 1, 2020); *In re Equifax Inc. Customer Data Security Breach Litig.*, 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.) (Order On Motion for Final Approval and Certification of Settlement Class and Motion for Attorneys' Fees, Expenses, and Service Awards) (ECF No. 137) (June 10, 2019).<sup>10</sup>

In total, Plaintiffs' counsel's current lodestar with respect to the litigation of the prevailing California Song-Beverly Act claim is \$23,575,445.80, and current lodestar with respect to the litigation of the prevailing ICPA claim is \$22,972,445.8.<sup>11</sup>

## 2. California Lodestar Enhancement

As stated above, Plaintiffs' counsels' lodestar relating to the California Song-Beverly Act claim is \$23,575,445.80. While this is the starting point for determining a reasonable fee under the Song-Beverly Act, California courts consider the following factors in determining whether an enhancement is appropriate: "(1) the novelty and difficulty of the questions involved, (2) the skill displayed in presenting

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<sup>10</sup> Plaintiffs also note that comparable and often higher rates have been approved for opposing counsel. For example, in 2019, Richard Godfrey, Defendant's lead trial attorney here, billed \$1,545 per hour in *In re Windstream*, No. 19-22312 (Bankr. S.D.N.Y.). First Interim Fee Application of Kirkland & Ellis LLP and Kirkland & Ellis International LLP, Attorneys for the Debtors and Debtors in Possession, for the Period from February 25, 2019 Through and Including June 30, 2019, ECF No. 941, August 14, 2019 at \*69. Moreover, according to a July 20, 2022 filing, for "complex corporate, securities, and litigation matters," Kirkland & Ellis'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. *In re Voyager Digital Holdings Inc.*, No. 22-10943 (S.D.N.Y. Bank.) (Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective as of July 5, 2022) (ECF No. 116) at \*6.

<sup>11</sup> The total lodestar for this matter is \$24,424,860.5. Levitt Decl. at ¶ 13. Class counsel proactively removed \$742,702.70 from its fee shifting request for both claims, leaving \$23,682,457.8 in total funds to be shifted. *Id.* at 20. In addition, Class counsel identified \$710,012 in lodestar attributable solely to prosecution of the California action, and \$107,012 in lodestar attributable solely to prosecution of the Idaho action. *Id.* at 21. This means that, prior to calculation of any multiplier, *both* California and Idaho classes, *together*, are owed \$22,865,433.80. The California class, however, is owed an additional \$710,012, while the Idaho class an additional \$107,012.

1 them, (3) the extent to which the nature of the litigation precluded other employment by the attorneys,  
 2 (4) the contingent nature of the fee award.” *Wu v. BMW of N. Am., LLC*, 2022 WL 2802979, at \*5 (N.D.  
 3 Cal. July 18, 2022) (quoting *Ketchum v. Moses*, 24 Cal. 4th 1122, 1132 (Cal. 2001)). All of these factors  
 4 support the conclusion that reasonable attorneys’ fees, in this action, require a lodestar multiplier.

5 (1) *The Case Presented a Number of Complex and Difficult Issues*

6 This was not a routine Song-Beverly Act case with relatively low stakes and a plaintiff needing  
 7 to prove only that her vehicle, and her vehicle alone, was defective. Rather, this was a class action that  
 8 required Plaintiffs to conduct extensive factual discovery to prove the existence of a common defect  
 9 across thousands of vehicles and prove that the statutes of limitations on thousands of Class members’  
 10 claims were tolled by GM’s fraudulent concealment of the defect.<sup>12</sup>

11 The difficulty in prevailing on the claim is evident from the sheer number of issues relating to the  
 12 Song-Beverly claim that were hotly contested over the years and across the briefing on two motions to  
 13 dismiss, two class certification motions, three pre-trial decertification motions, three summary judgment  
 14 motions, *Daubert* motions as to both Plaintiffs’ experts, nine motions *in limine*, and the extensive post-  
 15 trial briefing. These issues included: whether the Oil Consumption Defect was a safety defect, whether  
 16 GM knew about the Oil Consumption Defect prior to selling the Class Vehicles, whether GM intended  
 17 to conceal the Oil Consumption Defect, whether GM actively concealed the defect, Class members’  
 18 ability to learn of the Oil Consumption Defect, the Class members’ Article III standing, whether  
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20 <sup>12</sup> See *Cerdes v. Cummins Diesel Sales Corp.*, 2010 WL 2835755, at \*4 (E.D. La. July 15, 2010) (“This  
 21 is not a routine products liability case. Plaintiffs’ counsel worked to gather evidence as to the alleged  
 22 product defect, which was denied by Cummins, through discovery and investigation and spent significant  
 23 amounts of time negotiating settlement.”) (awarding 2.5 lodestar multiplier); *In re MI Windows & Doors*  
 24 *Inc. Prod. Liab. Litig.*, 2015 WL 4487734, at \*3 (D.S.C. July 23, 2015) (“These are complex cases, which  
 25 have required multiple hotly-contested motions to dismiss and involved the laws of many states. These  
 26 cases presented causation defenses, economic loss doctrine arguments, and limitations of remedies and  
 27 warranties. MIWD mounted a vigorous defense including arguments regarding causation, class  
 28 certification, and application of the economic loss rule. Moreover, the nature of these cases required  
 Homeowner Plaintiffs’ counsel to consult with experts and inspect and test Windows nationwide.”)  
 (awarding 2.5 lodestar multiplier); *Chamberlan v. Ford Motor Co.*, 2005 WL 6154898, at \*1 (N.D. Cal.  
 Oct. 7, 2005) (finding that automobile defect case presented novel and difficult questions relating to  
 statute of limitations and liability); *Cleveland v. Whirlpool Corp.*, 2022 WL 2256353, at \*10 (D. Minn.  
 June 23, 2022) (“Consumer class actions such as this one raise complex and highly contested legal  
 issues.”).

plaintiff's liability expert was qualified, the need for expert testimony to prove a defect, and the reliability of Plaintiffs' damages model. (See ECF No. 62, order on GM's first motion to dismiss; ECF No. 99, order on GM's second motion to dismiss, ECF No. 237, order denying summary judgment and granting class certification with respect to Song-Beverly Act claim; ECF No. 278, order denying motion to decertify California Class; ECF No. 320, order denying summary judgment on Song-Beverly Act claims, ECF No. 354, order denying GM's motion to decertify all classes for lack of standing; ECF No. 395, Court's *Daubert* rulings; ECF No. 400, order denying GM's motion for leave to file motions for summary judgment and decertification; ECF No. 474, order denying GM's motion for summary judgment on California Plaintiff Tarvin's claims; ECF No. 476, ruling on motions *in limine*; ECF No. 634, order denying GM's post-trial motions to decertify and for judgment as a matter of law; ECF No. 653, order on finality of jury's findings as to statute of limitations.) This was a complex and difficult case.

(2) *Plaintiffs' Counsel Demonstrated Substantial Skill*

Less than one percent of civil cases filed in federal court go to trial.<sup>13</sup> Not only did Plaintiffs' counsel take this case through trial, they did so on behalf of a certified California Class, and they achieved a complete victory on behalf of the certified Class, with the jury awarding the Class every dollar requested. This achievement stands out when compared to other plaintiffs' results in automobile defect class action cases that have gone to trial since Plaintiffs' verdict. See *FCA US LLC Monostable Elec. Gearshift Litig.*, No. 16-cv-02744 (E.D. Mich.) (jury verdict for the defendant); *Costa, et al. v. FCA US LLC*, No. 20-cv-11810 (D. Mass.) (jury verdict for the defendant); *Quackenbush, et al. v. American Honda Motor Co. Inc., et al.*, No. 20-cv-05599 (N.D. Cal.) (jury verdict for defendant on California CLRA claim); *Nuwer v. FCA US LLC*, No. 20-cv-60432 (S.D. Fla.) (no damages awarded by jury). Plaintiffs submit that their recovery is all the more impressive because many of the California Class members had claims that would otherwise have been barred by the statute of limitations, if not for counsels' foresight and skill in showing that GM fraudulently concealed the Oil Consumption Defect. (See, e.g., ECF Nos. 566, 634, 653.) A further testament to the skill shown by Plaintiffs' counsel is that

<sup>13</sup> See 2023 Federal Judicial Caseload Statistics, Table C-4, Mar. 31, 2023, available at <https://www.uscourts.gov/statistics/table/c-4/federal-judicial-caseload-statistics/2023/03/31>

they achieved their victory in the face of opposition from four different, high-quality law firms retained by GM over the course of this litigation: Halpern May Ybarra Gelberg LLP, Isaacs Clouse Crose & Oxford LLP, Crowell & Moring LLP, and Kirkland & Ellis LLP.

(3) *This Litigation Precluded Other Employment*

As stated above, Plaintiffs’ counsel collectively spent over 20,000 hours litigating the Song-Beverly Act claim. A number of attorneys—Clay Barnett, John Tangren, Dan Ferri, and Mitch Williams—each spent over 1,700 hours litigating that claim. That is roughly a year of billable time, and a year of their careers.

(4) *Plaintiffs Counsel Litigated on a Contingency Basis*

Plaintiffs’ counsel litigated on a contingency basis, with the understanding that they would receive a percentage of any recovery. Levitt Decl. at ¶ 9. Plaintiffs’ counsel also paid all costs associated with this litigation, in the amount of at least \$1,153,529.03 understanding that they would only be reimbursed for those costs if they prevailed. *Id.* at ¶22. Courts recognize that when plaintiffs’ counsel operates on a contingency, a multiplier may be appropriate to ensure that the statutory attorney fee is “fixed at a fair market value for the particular action.” *Robertson v. Fleetwood Travel Trailers of California, Inc.*, 144 Cal. App. 4th 785, 819 (Cal. Ct. App. 2006); *see also Mirzayan v. Jaguar Land Rover N. Am., LLC*, 2023 WL 5722634, at \*5 (C.D. Cal. Aug. 7, 2023) (“The Court considers the risk associated with the contingent nature of this case only with respect to awarding a multiplier, not with respect to the reasonable rate . . .”).

Plaintiffs’ counsel litigated this complex case against high-priced defense counsel. Plaintiffs’ counsel did so, however, without any assurance that they would be paid. Moreover, Plaintiffs’ counsel funded the case out of their own pockets. In particular, Plaintiffs’ counsel chose to pay a significant amount of money to fund the weeks long trial in San Francisco, rather than accept a pre-trial settlement offer that would not have provided fair value to the Class. Given that Plaintiffs’ counsel not only risked litigating for years without getting paid, but also risked losing over a million dollars of their own money, the “fair market value” of Plaintiffs’ counsel’s work is multiples more than if they had received assured payment, such as from a billable arrangement. Put another way—Plaintiffs’ counsel provided *significant value* to Plaintiffs and the Class not just by litigating, but through their willingness to litigate without

assurance of payment and by funding the case. That value must be recognized when deciding a reasonable fee.

Considering the various enhancement factors, California law supports a lodestar multiplier of 2.0. This is consistent with what California courts have awarded in other cases that have gone through trial. *See, e.g., Santana v. FCA US, LLC*, 270 Cal. Rptr. 3d 335, 350-51 (Cal. Ct. App. 2020) (2.0 multiplier for Song-Beverley Act win affirmed); *Rodriguez v. Cnty. of Los Angeles*, 891 F.3d 776, 809 (9th Cir. 2018) (affirming 2.0 state law multiplier where court considered counsel's "substantial financial risk," "the difficulty of representing prisoners with the ... highest security classifications," and "the opportunity costs the years-long litigation" required); *Sargent v. Bd. of Trustees of Cal. State Univ.*, 276 Cal. Rptr. 3d 1, 13 (Cal. Ct. App. 2021) (affirming 2.0 multiplier based on "novelty and difficulty of the questions presented, the skill displayed in presenting them, and the extent to which the nature of the litigation precluded other employment").

### 3. Idaho Lodestar Enhancement

Courts also consider a variety of factors in determining whether to enhance attorneys' lodestar when awarding fees under the ICPA. *See W. Mortg. & Realty Co. v. KeyBank Nat'l Ass'n*, 2019 WL 5873455, at \*3 (D. Idaho Jan. 2, 2019); *Edmark Auto, Inc.*, 2021 WL 780903, at \*2. These factors, which are listed in Idaho Rule of Civil Procedure 54(e)(3), are as follows:

- (A) the time and labor required;
- (B) the novelty and difficulty of the questions;
- (C) the skill requisite to perform the legal service properly and the experience and ability of the attorney in the particular field of law;
- (D) the prevailing charges for like work;
- (E) whether the fee is fixed or contingent;
- (F) the time limitations imposed by the client or the circumstances of the case;
- (G) the amount involved and the results obtained;
- (H) the undesirability of the case;
- (I) the nature and length of the professional relationship with the client;
- (J) awards in similar cases;
- (K) the reasonable cost of automated legal research (Computer Assisted Legal Research), if the court finds it was reasonably necessary in preparing a party's case;
- (L) any other factor which the court deems appropriate in the particular case.

A “trial court is not required to make specific findings demonstrating how it employed any of the factors in Rule 54(e)(3),’ [but] it is required to consider those factors when determining the amount of the fees to award.” *Edmark Auto*, 2021 WL 780903, at \*2 (quoting *Sun Valley Potato Growers, Inc. v. Texas Refinery Corp.*, 139 Idaho 761, 769, 86 P.3d 475 (Idaho 2004)).

**Factors A and D:** *the time and labor required, and the prevailing charges for like work.* These factors are discussed above, in connection with Plaintiffs’ counsels’ lodestar. *See* Section III.D.1, *supra*.

**Factor B:** *the novelty and difficulty of the questions.* This factor is discussed above, in connection with the California lodestar enhancement. *See* Section III.D.2, *supra*.

**Factor C:** *the skill requisite to perform the legal service properly and the experience and ability of the attorney in the particular field of law.* The skill demonstrated by Plaintiffs’ counsel is discussed above, in connection with the California lodestar enhancement. *See* Section III.D.2, *supra*. Further, Plaintiffs’ counsel is comprised of highly-experienced class action litigators, many of whom have dedicated substantial portions of their practice to multistate, automotive defect litigation. *See* Levitt Decl. at ¶ 17.

**Factor E:** *whether the fee is fixed or contingent.* This factor is discussed above, in connection with the California lodestar enhancement. *See* Section III.D.2, *supra*.

**Factors F and H:** *the time limitations imposed by the client or the circumstances of the case and the undesirability of the case.* The clients did not impose a time limitation, and litigating the ICPA claim, in and of itself, was not undesirable. However, these factors nevertheless support a lodestar enhancement. GM mounted an extremely aggressive defense in this case, which has caused this litigation to continue for seven years and counting. This has not been an easy case for Plaintiffs’ counsel, and no attorney desires to work seven years without payment.

**Factor G:** *the amount involved and the results obtained.* This factor weighs in favor of a lodestar enhancement. The exact amount of Idaho Class members is presently unknown, but at the class notice stage, GM provided the VINs for 5,049 Class Vehicles sold by GM-authorized dealerships in Idaho. The jury awarded Plaintiffs’ counsel the full \$2,700 that they asked for on behalf of the Class. With prejudgment interest, the amount is significantly greater. As discussed above at Section II, an owner



with a purchase date of July 1, 2012 will receive \$6,453. Plaintiffs' counsel thus obtained millions of dollars on behalf of the Idaho Class.

**Factor I:** *the nature and length of the professional relationship with the client.* Because this is a class action, this factor should be irrelevant. However, Plaintiff Del Valle has served as a plaintiff in this case for over seven years without any payment, and thus should be awarded maximal attorneys' fees.

**Factor J:** *awards in similar cases.* As discussed in Plaintiffs' Common Fund Motion at 5-6, filed concurrently herewith, the "market" for like work would lead to a substantial multiplier on the prevailing lodestar—with "multipliers in the 3–4 range are common in lodestar awards for lengthy and complex class action litigation." *Van Vranken v. Atlantic Richfield Co.*, 901 F. Supp. 294, 298 (N.D. Cal. 1995).

**Factor K:** *the reasonable cost of automated legal research (Computer Assisted Legal Research), if the court finds it was reasonably necessary in preparing a party's case.* This factor weighs in favor of a lodestar enhancement. Given the extensive briefing in this litigation, Plaintiffs' counsel had no choice but to use computer assisted legal research sources, such as Westlaw. Plaintiffs' counsel needed to pay those costs throughout the last seven years.

When all factors are considered, a 2X lodestar enhancement of is warranted under Idaho law.

#### IV. RULE 23(c)(3) JUDGMENT

When entering a judgment in a Rule 23(b)(3) class action, like this one, Rule 23(c)(3) requires that the judgment "include and specify or describe those to whom Rule 23(c)(3) notice was directed, who have not requested exclusion, and whom the court finds to be Class members." This Rule "requires only that the final judgment describe the class; it need not identify individual class members." *In re Motor Fuel Temperature Sales Pracs. Litig.*, 271 F.R.D. 263, 280, n. 24 (D. Kan. 2010) (citing 1 *Newburg on Class Actions* § 2:4 (4th ed. 2002)).

Here, the classes are defined as follows:

**Idaho Class:** "All current owners or lessees of a Class Vehicle that was purchase or leased in the State of Idaho from a GM-authorized dealer." (ECF. No. 349.)

**California Class:** "All current owners or lessees of a Class Vehicle who purchased or leased the vehicle in new condition in the State of California." (ECF No. 288.)

**North Carolina Class:** “All current owners or lessees of a Class Vehicle that was purchased or leased in the State of North Carolina.” (ECF No. 237.)

The term “Class Vehicle” is defined to mean: 2011-2014 Chevrolet Avalanches, 2011-2014 Chevrolet Silverados; 2011-2014 Chevrolet Suburbans; 2011-2014 Chevrolet Tahoes; 2011-2014 GMC Sierras; 2011-2014 GMC Yukons; and the 2011-2014 GMC Yukon XLs with LC9 engines manufactured on or after February 10, 2011, with any vehicle that has already received under-warranty piston replacement (i.e. upgraded piston rings) being excluded from the definition. (ECF No. 237.)

Notice was directed to as many of the Class members as reasonably practicable, as described in the notice plan filed with the Court on March 21, 2022 (ECF No. 396), and approved by the Court on March 28, 2022 (ECF No. 399). One potential class member requested exclusion. (Declaration of Ryan Aldridge at ¶ 6.)

## **V. PAYMENT TO CLASS MEMBERS**

Once judgment is entered, the Class members must be paid. As this Court has recognized, in consumer class actions, payments should be sent directly to class members, without a “claims-made process,” when possible. *In re MyFord Touch Consumer Litig.*, 2018 WL 10539266, at \*2 (N.D. Cal. June 14, 2018). Here, as described below, checks can, and should, be mailed directly to the vast majority of Class members.

### **A. The California Class**

Vehicle registration data will allow for the identification of all California Class members so that checks can be sent to them directly. The California Class includes people who purchased a new Class Vehicle in California and owned that vehicle as of May 23, 2022. (ECF No. 633, Order Granting Motion to Clarify Class Definition, at 13.) At the class notice phase of the case, GM provided Vehicle Identification Numbers (“VINs”) for all Class Vehicles sold new in California. (ECF No. 396 at 3.) Polk Automotive Solutions (“Polk”),<sup>14</sup> which maintains vehicle registration data, provided the identity of registrants for these Class Vehicles. (*Id.*) Specifically, the Polk data allowed for the identification of 6,581 people who were the only registrants of Class Vehicles sold new in California. These people, in

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<sup>14</sup>Formerly, R.L. Polk & Co.



other words, are those that bought a Class Vehicle new in California and never sold it as of the date when Polk provided the registration data. Updated registration data, which Plaintiffs request the Court authorize in their Motion for Authorization of Release of Class Identification Information, filed concurrently herewith, will allow Plaintiffs' counsel and P&N,<sup>15</sup> the proposed payment administrator, to confirm that these people remained Class members as of May 23, 2022. (Aldridge Decl. at ¶¶ 9-12.) After P&N performs a check for updated addresses, it can send the confirmed Class members a check for their share of the judgment, less attorneys' fees and costs (*see* Common Fund Motion, filed concurrently herewith).

#### **B. The Idaho Class**

The Idaho Class includes Class Vehicle owners who purchased their Class Vehicle from a GM-authorized dealer in Idaho and were a current owner as of May 23, 2022. (ECF No. 633 at 13.) At the class notice phase of the case, GM provided VINs for 5,049 Class Vehicles sold from an authorized dealership in Idaho. (ECF No. 396 at 3.) These VINs, along with additional information from Polk, will allow for checks to be sent directly to all Idaho Class members.

Plaintiffs, through P&N, will ask Polk to provide complete registration data (*i.e.*, the entire registration history) for all Class Vehicles sold from authorized GM dealerships in Idaho. (Aldridge Decl. at ¶¶ 13-15.) Similar to the California Class, people who purchased from an authorized GM dealership in Idaho and continued to own the vehicle as of May 23, 2022 are the Idaho Class members. (*Id.*) After P&N performs a check for updated addresses, it can send the confirmed Class members a check for their share of the judgment, less attorneys' fees and costs (*see generally* Motion for Common Fund Attorneys' Fees and Costs, filed concurrently herewith).

#### **C. The North Carolina Class**

The North Carolina Class includes all Class Vehicle owners who purchased a Class Vehicle in North Carolina and were the current owner as of May 23, 2022. (ECF No. 633 at 6-8.) Unlike the California and Idaho Classes, the North Carolina Class thus includes people who did not purchase their

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<sup>15</sup> The class notice administrator, Postlethwaite & Netterville, APAC, has since been acquired by EisnerAmper. Plaintiffs' counsel is working with the same team of individuals that it worked with for class notice.

vehicles from a GM dealership. GM has not provided VINs for Class Vehicles that were sold in North Carolina at non-GM dealerships. Thus, Plaintiffs do not have the VINs for all Class Vehicles sold in North Carolina. However, as discussed below, it is possible to send checks directly to what is likely the vast majority of North Carolina Class members.

First, for Class Vehicles sold by an authorized GM dealership (whether new or used) in North Carolina, the process will be the same as for California and Idaho. With complete registration data from Polk, Plaintiff will be able to identify those vehicles that have had only one registrant until May 23, 2022, since the purchase from the GM dealership. (Aldridge Decl. at ¶ 18.) These registrants are all in the Class, and checks can be sent to them directly.

But the process will have to be different for those who purchased their Class Vehicles from a non-GM dealership because GM has not provided VINs for these vehicles. To identify these Class members, P&N intends to receive data from Polk showing all Class Vehicles registered in North Carolina as of May 23, 2022, as well as complete registration history data for these vehicles. (*Id.* at ¶ 18.) This will allow EisnerAmper 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. (*Id.*) 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. (*Id.* at ¶ 20.)

In this way, checks can be sent directly to the vast majority of North Carolina Class members for their share of the judgment, less attorneys' fees and costs (*see* Motion for Common Fund Attorneys' Fees and Costs, filed concurrently herewith).

#### **D. Supplemental Notice Campaign**

To reach any remaining Class members who cannot be located through the methods described above, P&N will also run a digital notice campaign, consistent with what was done at the class notice stage. (ECF No. 396-1 at 5-7.) 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. (*Id.* at ¶¶ 21-23.). 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. The website will include contact information for Class Counsel, who can receive proof of purchase and an attestation that GM has not provided covered piston repair from potential Class members. Class Counsel will present covered claims to GM for payment. The digital notice campaign, and the updated website, will inform Class members that there is a cut-off date of August 30, 2024 to notify Class Counsel that they are Class members.

#### **E. Payment Process**

1. P&N can administer the payments to the Class members through the creation of funds for each of the California, Idaho, and North Carolina Classes. (Aldridge Decl. at ¶¶ 24-32.) P&N will provide GM with the necessary bank account information to receive funds. (*Id.* at ¶ 26.) Once P&N has received the necessary information, as described above, P&N will identify Class members and identify the amount that each Class member is owed, consistent with the Court's judgment and the Court's ruling on the Common Fund Motion. (*Id.* at ¶ 27.) P&N will provide this information to GM, who will provide the funds to P&N within fourteen days of receiving the information. P&N will then send checks directly to each Class member.<sup>16</sup> (*Id.* at ¶¶ 29-30.) Each check issued by P&N will be in the amount of the Class member's share of the judgment (including prejudgment interest), less their *pro rata* share of the fees and costs awarded to Class Counsel. Any uncashed checks will be treated as unclaimed property. (*Id.* at ¶ 31.) The estimated cost for the additional research needed to specifically identify class members and to administer the proposed payment plan is \$208,828. GM should pay the costs associated with this payment plan directly to P&N. *Hunt v. Imperial Merch. Servs., Inc.*, 560 F.3d 1137, 1144 (9th Cir. 2009).

#### **VI. CONCLUSION**

For the reasons stated above, Plaintiffs respectfully request that the Court:

- (A) Enter final judgment in favor of the California, Idaho, and North Carolina Classes under Rule 54(b);
- (B) Award \$2,700 in damages to each California, Idaho, and North Carolina Class member;

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<sup>16</sup> Before doing so, EisnerAmper will email or mail each Class member a W-9. If it is not returned, Eisner will withhold the applicable taxes after consultation with its tax consultants.

- (C) Grant prejudgment interest, under their respective state laws, to the California, Idaho, and North Carolina Class members;
- (D) Award costs under Rule 54 in the amount of \$59,184.23 to the California, Idaho, and North Carolina Class members;
- (E) Award additional costs in the amount of \$1,094,344.80 to the California and Idaho Class members under the Song-Beverly Act and the Idaho Consumer Protection Act;
- (F) Award statutory attorneys' fees in the amount of \$45,730,867.60 together to the Idaho and California Classes under the California Song-Beverly Act and Idaho Consumer Protection Act, to be allocated to each Class in proportion with the number of members in each Class;
- (G) Award additional statutory attorneys' fees in the amount of \$214,024 to the Idaho class under the Idaho Consumer Protection Act;
- (H) Award additional statutory attorneys' fees in the amount of \$1,420,024 to the California class under the Song-Beverly Act;
- (I) Award post-judgment interest under 28 U.S.C. § 1961;
- (J) Include the necessary Rule 23(c)(3) language within the entry of judgment; and
- (K) Appoint P&N to administer Class member payments and approve the proposed payment plan.

Dated: February 9, 2024

/s/ Adam J. Levitt

Adam J. Levitt (*pro hac vice*)

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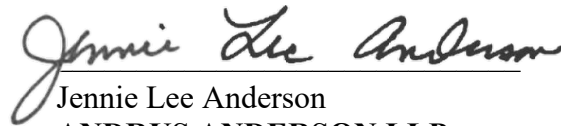
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***Additional Counsel for Plaintiffs and the  
Classes***

**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**,<sup>1</sup> 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:

<sup>1</sup> 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.<sup>2</sup>

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 <sup>2</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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, 19<sup>th</sup> 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, 19<sup>th</sup> 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, 19<sup>th</sup> 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)<sup>1</sup>;
- 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)<sup>2</sup>.

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<sup>1</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>2</sup> 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)<sup>3</sup>;
- 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)<sup>4</sup>;
- 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);<sup>5</sup>
- 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);<sup>6</sup>
- 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).

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<sup>3</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>4</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>5</sup> Beasley Allen was appointed as interim MDL Class counsel.

<sup>6</sup> 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 discovery<sup>7</sup>;
- 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;

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<sup>7</sup> 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**

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**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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**EDUCATION**University 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

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**EDUCATION**Harvard 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

**EMAIL**

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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

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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.

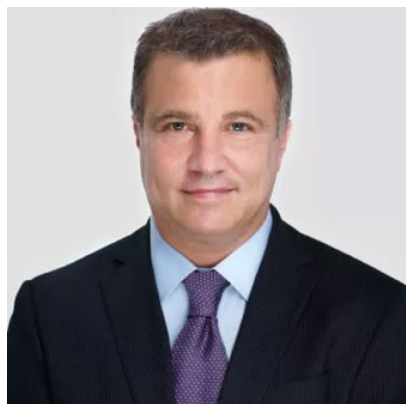
Nate opened the firm's San Diego office, bringing an impressive level of knowledge and helping to build our robust Securities Litigation practice. His experience in litigating high-profile securities fraud cases includes:

- *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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**EDUCATION**The 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*

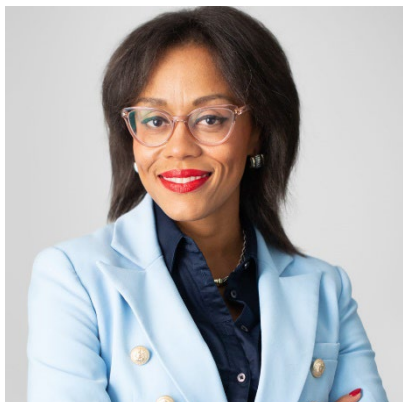
Patrick W. Daniels is the managing partner of the San Diego office and co-founder and chair of the Securities and Financial Services Litigation practice.

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**  
Partner

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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**  
Partner

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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**

### **Partner**

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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**

Partner

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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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**EDUCATION**Indiana 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

### EMAIL

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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 against 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 predicable 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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**EDUCATION**California 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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**EDUCATION**DePaul 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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**EDUCATION**Benjamin 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**

### **Partner**

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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

Partner

### EMAIL

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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

### Partner

#### EMAIL

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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

### EMAIL

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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**  
Partner

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**EDUCATION**

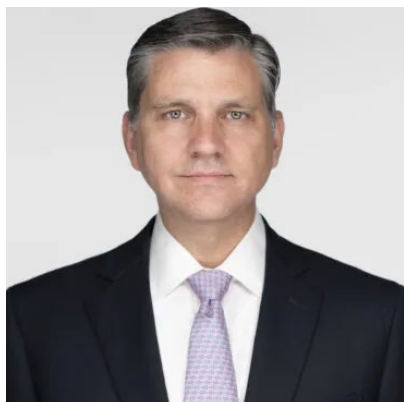
Drake University School of Law, J.D.,  
with honors

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**  
Partner

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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****EMAIL**

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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**  
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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**  
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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**

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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,  
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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,  
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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**  
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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**  
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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**  
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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**

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**EDUCATION**The 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**  
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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**

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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**

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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**

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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**

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**EDUCATION**University 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**  
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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**  
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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**

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**EDUCATION**Case 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

**EMAIL**

alaird@dicellolevitt.com

**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

**EMAIL**

mlocascio@dicellolevitt.com

**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**  
Associate

**EMAIL**

jparks@dicellolevitt.com

**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

**EMAIL**

gpatterson@dicellolevitt.com

**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**

jshaw@dicellolevitt.com

**EDUCATION**

Fordham 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

**EMAIL**

mstombaugh@dicellolevitt.com

**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

**EMAIL**

bstubbs@dicellolevitt.com

**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

**EMAIL**

julwick@dicellolevitt.com

**EDUCATION**Loyola 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

### **EMAIL**

jveeser@dicellolevitt.com

### **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

**EMAIL**

pwhite@dicellolevitt.com

**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.



BIRMINGHAM  
205.855.5700

CHICAGO  
312.214.7900

CLEVELAND  
440.953.8888

NEW YORK  
646.933.1000

SAN DIEGO  
619.923.3939

WASHINGTON, DC  
202.975.2288



# 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 \$
<b>Pleadings</b>	Attorney AG	505.9	\$1,110.00	\$ 561,549.00
	Paralegal	150	\$ 250.00	\$ 37,500.00
<b>Discovery</b>	Attorney AG	31	\$1,110.00	\$34,410.00
	Paralegal	17.05	\$ 250.00	\$ 4,262.50
<b>Depositions</b>	Attorney AG	13.7	\$1,110.00	\$ 15,207.00
	Paralegal	8	\$ 250.00	\$ 2,000.00
<b>Related Research</b>	Attorney AG	17.9	\$1,110.00	\$ 19,869.00
	Paralegal	11.993	\$ 250.00	\$2,998.25
<b>Correspondence</b>	Attorney AG	6.8	\$1,110.00	\$ 7,548.00
	Paralegal	1.7	\$ 250.00	\$ 425.00
<b>Email Communications</b>	Attorney AG	40.5	\$1,110.00	\$ 44,455.20
	Paralegal	34.435	\$ 250.00	\$ 8,608.75
<b>Total</b>		<b>838.528</b>		<b>\$ 738,833.00</b>

# 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
<b>PARTNERS</b>									
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
<b>ASSOCIATES</b>									
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
<b>STAFF ATTORNEY</b>									
Baldwin, Chris	6.6		501.8				508.4	\$700.00	\$355,880.00
<b>PARALEGALS</b>									
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
<b>LAWCLERKS</b>									
Various			158.2				158.2	\$415.00	\$65,653.00
<b>TOTALS</b>	<b>1766.9</b>	<b>829.1</b>	<b>3614.6</b>	<b>300.4</b>	<b>3660.4</b>	<b>875.6</b>	<b>11047</b>		<b>\$11,581,055.50</b>

# 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
<b>TOTAL</b>	<b>\$ 512,078.43</b>
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
<b>TOTAL</b>	<b>\$ 17,995.58</b>

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
<b>TOTAL</b>	<b>\$ 600,767.76</b>
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
<b>TOTAL</b>	<b>\$ 22,687.26</b>

# 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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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 RAUL SIQUEIROS, *et al.*

12 Plaintiff,

13 v.

14 GENERAL MOTORS LLC,

15 Defendant.  
16  
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19  
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23  
24  
25  
26  
27  
28

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)<sup>1</sup>. 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”)<sup>2</sup>.

### 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](http://www.pncclassandmass.com).

26 <sup>1</sup> 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.

<sup>2</sup> 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.

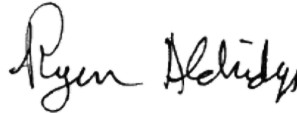
#### **CONCLUSION**

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 7<sup>th</sup> day of February, 2024 in Baton Rouge, Louisiana.

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9 Ryan Aldridge  
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# EXHIBIT

## A



**assurance – consulting – tax – technology**

**pncpa.com**

## Exhibit A: Exclusions

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**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

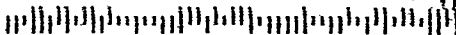
**RETURN REQUESTED**

*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 FINAL  
JUDGMENT, PREJUDGMENT INTEREST,  
STATUTORY ATTORNEY'S FEES, AND  
COSTS**

Having considered Plaintiffs' Motion for Final Judgment, Prejudgment Interest, Statutory Attorneys' Fees, and Costs, and for good cause shown, **IT IS HEREBY ORDERED** that the Motion is **GRANTED** and:

- (A) Final judgment is entered in favor of the California, Idaho, and North Carolina Classes under Rule 54(b);
- (B) \$2,700 in damages is awarded to each California, Idaho, and North Carolina Class member;
- (C) Prejudgment interest is granted, under their respective state laws, to the California, Idaho, and North Carolina Class members from the date that their Class Vehicle was first registered;
- (D) Costs are awarded under Rule 54 in the amount of \$59,184.23 to the California, Idaho, and North Carolina Class members;
- (E) Additional costs are awarded in the amount of \$1,094,344.80 to the California and Idaho Class members under the Song-Beverly Act and the Idaho Consumer Protection Act;
- (F) Statutory attorneys' fees are awarded in the amount of \$45,730,867.60 together to the Idaho and California Classes under the California Song-Beverly Act and Idaho Consumer Protection Act, to be allocated to each Class in proportion with the number of members in each Class;
- (G) Additional statutory attorneys' fees are awarded in the amount of \$214,024 to the Idaho class under the Idaho Consumer Protection Act;
- (H) Additional statutory attorneys' fees are awarded in the amount of \$1,420,024 to the California class under the Song-Beverly Act;
- (I) Post-judgment interest is awarded under 28 U.S.C. § 1961; and

- (J) P&N is appointed to administer Class member payments in accordance with the payment plan proposed by Plaintiffs.

In accordance with Rule 23(c)(3), notice was directed to the members of the following defined classes:

**Idaho Class:** “All current owners or lessees of a Class Vehicle that was purchase or leased in the State of Idaho from a GM-authorized dealer.” (ECF No. 349.)

**California Class:** “All current owners or lessees of a Class Vehicle who purchased or leased the vehicle in new condition in the State of California.” (ECF No. 288.)

**North Carolina Class:** “All current owners or lessees of a Class Vehicle that was purchased or leased in the State of North Carolina.” (ECF No. 237.)

The term “Class Vehicle” is defined to mean: 2011-2014 Chevrolet Avalanches, 2011-2014 Chevrolet Silverados; 2011-2014 Chevrolet Suburbans; 2011-2014 Chevrolet Tahoes; 2011-2014 GMC Sierras; 2011-2014 GMC Yukons; and the 2011-2014 GMC Yukon XLs with LC9 engines manufactured on or after February 10, 2011, with any vehicle that has already received under-warranty piston replacement (i.e. upgraded piston rings) being excluded from the definition. (ECF No. 237.) One potential class member, the Norsung Family Trust, requested exclusion.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2024

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EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE