

James E. Cecchi  
**CARELLA, BYRNE, CECCHI,  
BRODY & AGNELLO, P.C.**  
5 Becker Farm Road  
Roseland, NJ 07068  
Telephone: (973) 994-1700  
Facsimile: (973) 994-1744  
Email: jcecchi@carellabyrne.com

*Class Counsel for the Settlement Class  
(additional counsel on signature page)*

Christopher A. Seeger  
**SEEGER WEISS LLP**  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
Telephone: (973) 639-9100  
Facsimile: (973) 584-9393  
Email: cseeger@seegerweiss.com

W. Daniel "Dee" Miles, III  
**BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES,  
P.C.**  
272 Commerce Street  
Montgomery, Alabama 36104  
Phone: (334) 269-2343  
Facsimile: (334) 954-7555  
Email: Dee.Miles@BeasleyAllen.com

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

**PLAINTIFFS' UNOPPOSED MOTION FOR AN AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND  
CLASS REPRESENTATIVE SERVICE AWARDS**

Plaintiffs, on behalf of themselves and the proposed Class, respectfully submit this unopposed Motion pursuant to Rule 23(h) of the Federal Rules of Civil Procedure for entry of an Order granting Plaintiffs' request for attorneys' fees and reimbursement of expenses, and awarding service awards to the Class Representatives.

In support, Plaintiffs have filed a Memorandum of Law and the Joint Declaration of Class Counsel, with exhibits thereto.

For the reasons set forth in the Memorandum of Law, Plaintiffs respectfully request that the Court grant their Motion and enter the accompanying [Proposed] Order.

Dated: September 30, 2024

Respectfully submitted,

**CARELLA, BYRNE, CECCHI,  
BRODY & AGNELLO, P.C.**

*s/ James E. Cecchi*

James E. Cecchi

Caroline F. Bartlett

5 Becker Farm Road

Roseland, New Jersey 07068

Telephone: (973) 994-1700

jcecchi@carellabyrne.com

cbartlett@carellabyrne.com

W. Daniel "Dee" Miles, III (pro hac vice)

Demet Basar

H. Clay Barnett, III (pro hac vice)

J. Mitch Williams (pro hac vice)

Dylan T. Martin (pro hac vice)  
**BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.**  
272 Commerce Street  
Montgomery, Alabama 36104  
Phone: (334) 269-2343  
Email: Dee.Miles@BeasleyAllen.com  
Email: Demet.Basar@BeasleyAllen.com  
Email: Clay.Barnett@BeasleyAllen.com  
Email: Mitch.Williams@BeasleyAllen.com  
Email: Dylan.Martin@BeasleyAllen.com

Christopher Ayers  
**SEEGER WEISS LLP**  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
Telephone: (973) 639-9100  
Facsimile: (973) 584-9393  
Email: cseeger@seegerweiss.com  
Email: cayers@seegerweiss.com

*Class Counsel for the Settlement Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of September, 2024, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court, is available for viewing and downloading from the ECF system, and will be served by operation of the Court's electronic filing system (CM/ECF) upon all counsel of record.

*s/ James E. Cecchi*

\_\_\_\_\_  
James E. Cecchi



James E. Cecchi  
**CARELLA, BYRNE, CECCHI,  
BRODY & AGNELLO, P.C.**  
5 Becker Farm Road  
Roseland, NJ 07068  
Telephone: (973) 994-1700  
Facsimile: (973) 994-1744  
Email: jcecchi@carellabyrne.com

*Class Counsel for the Settlement Class  
(additional counsel on signature page)*

Christopher A. Seeger  
**SEEGER WEISS LLP**  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
Telephone: (973) 639-9100  
Facsimile: (973) 584-9393  
Email: cseeger@seegerweiss.com

W. Daniel "Dee" Miles, III  
**BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES,  
P.C.**  
272 Commerce Street  
Montgomery, Alabama 36104  
Phone: (334) 269-2343  
Facsimile: (334) 954-7555  
Email: Dee.Miles@BeasleyAllen.com

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL AMERICA,  
INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION  
FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF  
EXPENSES, AND CLASS REPRESENTATIVE SERVICE AWARDS**

**TABLE OF CONTENTS**

<b><u>TITLE</u></b>	<b><u>PAGE(S)</u></b>
TABLE OF AUTHORITIES .....	iii
I. INTRODUCTION .....	1
II. BACKGROUND .....	5
A. The Action – Procedural History.....	5
B. Formal and Informal Discovery .....	12
C. Investigation of Claims and Confirmatory Discovery .....	14
D. Settlement Discussions.....	16
E. The Settlement Relief to the Class .....	17
F. After Preliminary Approval.....	19
III. THE REQUESTED ATTORNEYS’ FEES AND EXPENSES SHOULD BE AWARDED .....	21
A. The Requested Attorneys’ Fees, Expenses, and Service Awards Are Fair, Reasonable, and Should be Awarded. ....	21
1. Class Counsel Obtained a Substantial Benefit for Settlement Class Members.....	25
2. The Absence of Substantial Objections .....	27
3. Skill and Efficiency of Counsel: Class Counsel Brought This Matter to an Efficient Conclusion.....	28
4. The Complexity and Duration of the Litigation .....	30
5. Class Counsel Undertook the Risk of Non-Payment.....	32

6. Class Counsel Devoted Significant Time to This Case .....	34
7. Awards in Similar Cases .....	36
B. The Lodestar Analysis Supports That the Requested Fees and Expenses Are Fair and Reasonable .....	37
C. The Settlement Class Representative Service Awards Should be Approved .....	40
D. Class Counsels' Expenses Are Reasonable and Should Be Approved .....	42
CONCLUSION .....	43

**TABLE OF AUTHORITIES**

<b>Cases</b>	<b>Page(s)</b>
<i>Alin v. Honda Motor Co., Ltd.</i> , 2012 WL 8751045 (D.N.J. April 13, 2012).....	31
<i>In re AremisSoft Corp. Sec. Litig.</i> , 210 F.R.D. 109 (D.N.J. 2002).....	28
<i>In re AT &amp; T Corp.</i> , 455 F.3d 160 (3d Cir. 2006) .....	24, 37
<i>Beneli v. BCA Fin. Servs., Inc.</i> , 324 F.R.D. 89 (D.N.J. 2018).....	25
<i>Bernhard v. TD Bank, N.A.</i> , 2009 WL 3233541 (D.N.J. 2009) .....	41
<i>In re Bristol-Myers Squibb Sec. Litig.</i> , 2007 WL 2153284 (3d Cir. July 27, 2007).....	25
<i>Carroll v. Stettler</i> , 2011 U.S. Dist. LEXIS 121185 (E.D. Pa. Oct. 19, 2011) .....	42
<i>In Re Cendant Corp.</i> , 243 F.3d 722 (3d Cir. 2001) .....	23
<i>Coba v. Ford Mot. Co.</i> , 932 F.3d 114 (3d Cir. 2019) .....	31
<i>Cohen v. Subaru of Am., Inc.</i> , 2022 WL 714795 (D.N.J. Mar. 10, 2022) .....	30
<i>Cohen v. Subaru of Am., Inc.</i> , 2022 WL 721307 (D.N.J. Mar. 10, 2022) .....	30
<i>Demmick v. Cellco P’Ship.</i> , 2015 WL 13646311 (D.N.J. May 1, 2015).....	40
<i>Fox v. Vice</i> , 563 US 826 (2011).....	21

*In re GM Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*,  
55 F.3d 768 (3d Cir. 1995) .....24, 30

*Granillo v. FCA US LLC*,  
2019 WL 4052432 (D.N.J. Aug. 27, 2019) .....21

*Gunter v. Ridgewood Energy Corp.*,  
223 F.3d 190 (3d Cir. 2000) .....*passim*

*Hall v. ProSource Techs., LLC*,  
2016 WL 1555128 (E.D.N.Y. Apr. 11, 2016) .....28

*Henderson v. Volvo Cars of North Am., LLC*,  
2013 WL 1192479 (D.N.J. Mar. 22, 2013) .....24

*Hensley v. Eckhart*,  
461 U.S. 424 (1983).....21

*In re Ikon Office Sol., Inc. Sec. Litig.*,  
194 F.R.D. 166 (E.D. Pa. 2000).....29

*In re Ins. Brokerage Antitrust Litig.*,  
2007 WL 1652303 (D.N.J. June 5, 2007).....22

*Khona v. Subaru of Am., Inc.*,  
2021 WL 4894929 (D.N.J. Oct. 20, 2021) .....23

*Lazy Oil, Co. v. Witco Corp.*,  
95 F. Supp. 2d 290 (W.D. Pa. 1997).....32

*In re LG/Zenith Rear Projection Television Class Action Litig.*,  
2009 WL 455513 (D.N.J. Feb. 18, 2009) .....22, 37

*Luppino v. Mercedes Benz USA*,  
718 Fed. Appx. 143 (3d Cir. 2017).....32

*McBean v. City of N.Y.*,  
233 F.R.D. 377 (S.D.N.Y. 2006) .....22

*McGee v. Cont’l Tire N. Am., Inc.*,  
2009 WL 539893 (D.N.J. Mar. 4, 2009) .....41

*McLennan v. LG Elecs. USA, Inc.*,  
2012 WL 686020 (D.N.J. Mar. 2, 2012) .....39

*In re Mego Fin. Corp. Sec. Litig.*,  
213 F. 3d 454 (9th Cir. 2000) .....42

*In re Mercedes-Benz Emissions Litig.*,  
2021 WL 8053614 (D.N.J. July 12, 2021) .....37

*In re Mercedes-Benz Emissions Litig.*,  
2021 WL 7833193 (D.N.J. Aug. 2, 2021) .....39

*Mirakay v. Dakota Growers Pasta Co.*,  
2014 WL 5358987 (D.N.J. Oct. 20, 2014) .....22

*In re NFL Players’ Concussion Injury Litig.*,  
2018 WL 1658808 (E.D. Pa. Apr. 5, 2018).....40

*In re Ocean Power Techs., Inc.*,  
2016 WL 6778218 (D.N.J. Nov. 15, 2016) .....30, 33

*Oliver v. BMW of N. Am., LLC*,  
2021 WL 870662 (D.N.J. Mar. 8, 2021) .....22, 23, 27

*Pa. v. Del. Valley Citizens’ Council for Clean Air*,  
478 U.S. 546 (1986).....38

*Pro v. Hertz Equip. Rental Corp.*,  
2013 WL 3167736 (D.N.J. June 20, 2013).....22

*In re Prudential Ins. Co. of Am. Sales Prac. Litig.*,  
106 F. Supp. 2d 721 (D.N.J. 2000).....22

*In re Prudential-Bache Energy Income P’ships Sec. Litig.*,  
1994 WL 202394 (E.D. La. May 18, 1994) .....33

*Rieger v. Volkswagen Grp. of Am., Inc.*,  
2024 WL 2207439 (D.N.J. May 16, 2024).....21, 27

*Rossi v. Proctor & Gamble Co.*,  
2013 WL 5523098 (D.N.J. Oct. 3, 2013) .....21, 22, 37

*In re Safety Components, Inc. Sec. Litig.*,  
166 F. Supp. 2d 72 (D.N.J. 2001).....42

*Saint v. BMW of N. Am., LLC*,  
2015 WL 2448846 (D.N.J. May 21, 2015).....24

*In re Schering-Plough Corp. Enhance ERISA Litig.*,  
2012 WL 1964451 (D.N.J. 2012) .....33

*In re Schering-Plough/Merck Merger Litig.*,  
2010 WL 1257722 (D.N.J. Mar. 26, 2010) .....23

*Schwartz v. Avis Rent a Car Sys., LLC*,  
2016 WL 3457160 (D.N.J. June 21, 2016).....24

*Shaw v. Toshiba Am. Info. Sys., Inc.*,  
91 F. Supp. 2d 942 (E.D. Tex. 2000).....29

*Skeen v. BMW of North Am., LLC*,  
2016 WL 4033969 (D.N.J. July 26, 2016) .....24

*In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales  
Pracs., & Prod. Liab. Litig.*,  
2013 WL 12327929 (C.D. Cal. July 24, 2013).....37

*In re Valeant Pharmaceuticals Int’l, Inc.*,  
2020 WL 3166456 (D.N.J. June 15, 2020).....32

*In re Valeant Pharms. Int’l, Inc. Third-Party Payor Litig.*,  
2021 WL 7159892 (D.N.J. Dec. 6, 2021).....31

*Varacallo v. Massachusetts Mut. Life Ins. Co.*,  
226 F.R.D. 207 (D.N.J. 2005).....25

*In re Viropharma Inc. Sec. Litig.*,  
2016 WL 312108 (E.D. Pa. Jan. 25, 2016).....32

*In re Volkswagen & Audi Warranty Extension Litig.*,  
89 F. Supp. 3d 155 (D. Mass. 2015).....37

*In re Volkswagen Timing Chain Prod. Liab. Litig.*,  
2018 WL 11413299 .....41

*In re Warner Comm'ns Sec. Litig.*,  
618 F. Supp. 735 (S.D.N.Y. 1985) .....29, 33

*Yaeger v. Subaru of America, Inc.*,  
2016 WL 4541861 (D.N.J. Aug. 31, 2016) .....31

**Federal Rules**

Fed. R. Civ. P. 23(h) ..... 1

Fed. R. Civ. P. 23(f) .....31

Fed. R. Civ. P. 26(f) .....8, 9



## I. INTRODUCTION

Plaintiffs,<sup>1</sup> on behalf of themselves and all others similarly situated, by and through their counsel, respectfully submit this memorandum of law in support of their motion, pursuant to Federal Rule of Civil Procedure 23(h), for an award of attorneys' fees and expenses in the amount of \$15,500,000, and for service awards of \$2,500 or \$3,750 (if deposited) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. ("Subaru") and Denso International America, Inc. ("Denso"), do not oppose the Motion.

After three and a half years of hard-fought, complex litigation and twelve months of informed, good faith, arm's-length negotiations among experienced counsel, the Parties have reached a Settlement that, if approved, provides substantial relief to the nearly 2.2 million current and former owners and lessees of the nearly 1.4 million Subaru vehicles that are eligible to participate in this nationwide Settlement.

---

<sup>1</sup> Gilles Cohen, Muhammad Adnan, Donny Woo, Benjamin Moore, Mary Lou Plante, Meredith Mein De Vera, Dan Rosenthal, Alexandra Efantis, Blaise Fontenot, John Micklo, Katherine Mutschler, Benjamin Christensen, Jennifer Lilley, Steven Biondo, Chantel Nelson, Jacqueline Ferguson, Jacqueline Brockman, Marty Brown, Christine King, Kevin King, Paula Weeks, Martin Torresquintero, Cole Sweeton, Christine Schultz, Troy Perry, Katherine Griffin, and David Sroelov (collectively, "Plaintiffs").

The Customer Support Program (CSP) and the Extended Replacement Parts Limited Warranty (Extended Warranty), which are the cornerstones of the Settlement, each provide for free repairs/replacement of Denso Fuel Pumps for a period of 15 years from the In-Service Date of the Additional Vehicles (vehicles that were not recalled but, as a result of Plaintiffs' efforts, are part of the Settlement), and 15 years from the replacement date, or 150,000 miles, whichever comes first, in the case of the Recalled Vehicles. This valuable relief, together with Defendants' agreement to provide loaner vehicles during repairs and towing to the dealership, if necessary, for all of the Covered Vehicles, ensures that Class Members will take advantage of these real-world benefits. All of this relief travels with the Covered Vehicles such that subsequent owners and lessees – as well as the motoring public – will be protected from the potential safety risks posed by defective and potentially defective Fuel Pumps. Overall, nearly 1.4 million Covered Vehicles, as well as the future drivers of the vehicles, will benefit from the CSP and Extended Warranty if the Settlement is approved, adding benefits to persons whose vehicles were subject to the various Recalls and providing protection to those whose vehicles were not included in any of the Recalls. The Settlement also benefits former owners and lessees of the Covered Vehicles who, as is the case with current owners and lessees, can file claims to recover costs of repairs, parts, loaner vehicles and towing incurred in connection with the repair of defective Fuel Pumps.

On July 11, 2024, this Court entered an Order: (i) preliminarily approving the Settlement between Plaintiffs, on behalf of themselves and the Settlement Class, and Defendants Subaru and Denso (collectively “Defendants”), and (ii) conditionally certifying the following class for settlement purposes:

All individuals or legal entities who, at any time as of the Initial Notice Date, own or owned, purchase(d) or lease(d) Covered Vehicles<sup>2</sup> in any of the fifty states, the District of Columbia, Puerto Rico, and all other United States territories and/or possessions.<sup>3</sup>

ECF No. 240 at ¶ 3.

This Settlement follows over 9,677 hours of diligent attorney work investigating, researching, analyzing, and briefing the many complex factual and legal issues involved in this case, as well as substantial formal and confirmatory discovery. Overall, Plaintiffs believe, based on the findings of an independent

---

<sup>2</sup> The Covered Vehicles are the Additional Vehicles and Recalled Vehicles, as identified in Appendix A to Plaintiffs’ Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement. ECF No. 238-1.

<sup>3</sup> Excluded from the Settlement Class are: (a) Subaru, its officers, directors and employees; its affiliates and affiliates’ officers, directors and employees; its distributors and distributors’ officers, directors and employees; and Subaru Dealers and Subaru Dealers’ officers and directors; (b) Denso, its officers, directors and employees; its affiliates and affiliates’ officers, directors and employees; its distributors and distributors’ officers, directors and employees; (c) Plaintiffs’ Counsel; and (d) judicial officers and their immediate family members and associated court staff assigned to this case. In addition, persons or entities are not Class Members once they timely and properly exclude themselves from the Settlement Class, as provided by the Settlement Agreement and this Order, once the exclusion request is finally approved by the Court.

valuation expert, that the Class will receive over \$380 million worth of relief as part of this Settlement. *See* Joint Declaration of Class Counsel in Support of Plaintiffs’ Motion for An Award of Attorneys’ Fees, Reimbursement of Expenses, and Class Representative Service Awards (“Jt. Decl.”), at ¶ 33.

Once the Parties agreed on the substantive relief for the Class under the Settlement, the Parties negotiated attorneys’ fees and unreimbursed expenses, which, if approved, will be paid directly by Defendants and will not affect the benefits to the Class. The proposed fee of \$15,500,000, if approved, amounts to approximately 4% of the estimated economic benefit to the Class of \$380 million, which is well within the range awarded in the Third Circuit.

This class action was complex and risky, especially considering the nationwide and multi-state class claims. Class Counsel assumed that risk without any guarantee of remuneration when they accepted this case on a contingency basis. Because of these risks, the benefits that Class Counsel has obtained for the class through the litigation, and the importance of class actions in society, the Court should approve Class Counsel’s proposed fee.

Moreover, the work performed by the named Plaintiffs made this Settlement possible. The Court should award them each \$2,500 or \$3,750, for their commendable service in this litigation.<sup>4</sup>

For these reasons and those below, the Court should grant Plaintiffs' Motion.

## **II. BACKGROUND**

### **A. The Action – Procedural History**

On April 23, 2020, Plaintiffs Katherine Griffin, Janet Oakley, and Adam Whitley filed the first class action against Defendants seeking damages and equitable relief in connection with their manufacturing, marketing, and sale of Subaru vehicles, which they alleged posed a safety risk because they contained allegedly defective Denso Fuel Pumps. *Katherine Griffin, et al. v. Subaru of America, Inc., et al.*, Case No. 2:20-cv-00563-ACA (N.D. AL). Prior to filing the complaint, counsel conducted a thorough investigation of the facts, researched and analyzed the law, and consulted with an automotive engineering expert.

---

<sup>4</sup> Plaintiffs seek service awards in the amount of Two Thousand Five Hundred Dollars (\$2,500) each to Gilles Cohen, Benjamin Moore, Mary Lou Plante, Meredith Mein de Vera, Blaise Fontenot, Katherine Mutschler, Benjamin Christensen, Jennifer Lilley, Chantel Nelson, Christine King, Paula Weeks, Martin Torresquintero, Cole Sweeton, John Micklo, Jaqueline Ferguson, and Troy Perry, and service awards in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750) each to Muhammad Adnan, Dan Rosenthal, Alexandra Efantis, Steven Biondo, Jacqueline Brockman, Marty Brown, Kevin King, Christine Schultz, David Sroelov, Donny Woo, and Katherine Griffin.

Between April 27, 2020 and June 11, 2020, Denso recalled 2.1 million of its Fuel Pumps installed in various makes and models of vehicles, which included Fuel Pumps installed in Subaru vehicles. ¶¶ 4, 7. On April 16, 2020, Subaru recalled the Denso Fuel Pumps in approximately 188,000 of its model year 2019 Subaru Impreza, Subaru Outback, Subaru Legacy, and Subaru Ascent vehicles. ¶ 9.

Between June 20, 2020 and July 10, 2020, three other putative class actions were filed in different districts (SA, § I.C), and, ultimately, all Plaintiffs voluntarily transferred their cases to this District, where they were consolidated for all purposes on February 3, 2021. ECF No. 32. Plaintiffs filed their 236-page Consolidated Amended Complaint (“CAC”) the same day. ECF No. 33.

In the CAC, Plaintiffs alleged that certain Subaru vehicles equipped with the Denso Fuel Pumps were unsafe to drive because the Fuel Pump’s impeller is made of low-density material that could not withstand its operating environment. *Id.* at ¶¶ 1-20, 199. Fuel Pumps are a key part of a vehicle’s fuel injection system because they regulate the flow of fuel from the fuel tank to the engine and allow the vehicle to be operated as intended by the driver. ¶¶ 1, 195-198. Plaintiffs alleged the low-density impeller in the Denso Fuel Pumps could deform and interfere with the body of the Fuel Pump, causing it to become inoperative, which can result in engine stalls and similar symptoms, and poses a safety risk. ¶¶ 1-20, 199-208. Plaintiffs further alleged that Subaru’s recall was deficient, including because it did not capture all

Subaru vehicles fitted with the allegedly defective Fuel Pumps. ¶¶ 12-16, 211-214, 216-220.

On the basis of these allegations, Plaintiffs asserted: (a) 9 putative nationwide class claims for violations of New Jersey's consumer protection statute, strict liability, and common law fraud against both Defendants, as well as claims for common law breach of contract and breach of covenant of good faith and fair dealing, breach of New Jersey's warranty laws, negligent recall, and unjust enrichment against Subaru; and (b) 50 putative statewide sub-class claims for violations of various state consumer protection statutes, strict liability, and common law fraud against both Defendants, and claims for breach of express and implied warranty, negligent recall, and unjust enrichment against Subaru. ECF No. 125.

In March 2021, Defendants moved to dismiss all of Plaintiffs' claims, which the Parties thoroughly briefed over a period of six months. ECF Nos. 78, 80, 93, 94, 107, 108. Specifically, on March 22, 2021, Denso filed its 54-page brief in support of its motion to dismiss covering 25 legal arguments, including those advocating for the dismissal of Plaintiffs' strict product liability and deception-based claims. ECF No. 78-1. That same day, Subaru filed its 68-page brief in support of its motion to dismiss covering 14 separate arguments, including those challenging the standing of certain named Plaintiffs, Plaintiffs' express and implied warranty claims, and Plaintiffs' statutory consumer protection and common law fraud claims. ECF No.

80-1. On June 30, 2021, Plaintiffs filed their 70-page opposition to Denso's motion to dismiss (ECF No. 94), and their 69-page opposition to Subaru's Motion to Dismiss. ECF No. 93. On September 29, 2021, Defendants filed their 31-page replies in support of their respective motions to dismiss. ECF Nos. 106, 107.

On March 19, 2021, the Parties held the first of many Rule 26(f) conferences, and in advance of those discussions Plaintiffs prepared and served on Subaru and Denso a detailed agenda and topics to be discussed concerning Defendants' custodial and non-custodial sources of potentially relevant information.

On March 19, 2021, Plaintiffs also provided Defendants with a first draft of a state-of-the-art confidentiality agreement and ESI protocol. Over the course of several months, the Parties' engaged in extensive meet-and-confer discussions, negotiated key terms of these proposals, and sought the Court's guidance when disputes arose, including, *inter alia*, the scope of relevancy redactions and privilege logs. ECF No. 109, 110, 150, 160-163, 169. On January 28, 2022, after months of extensive discussions among Counsel, the Parties jointly submitted their ESI Protocol (ECF No. 110). Further, on January 28, 2022, the Parties jointly submitted a letter to the Court containing the Parties' respective positions on, and competing proposed language to, the remaining disputed issues of the Discovery Confidentiality Order. ECF No. 109.



On June 11, 2021, the Parties held a subsequent Rule 26(f) conference and exchanged initial disclosures.

On July 29, 2021, Subaru issued a second recall of 165,026 Subaru vehicles with Denso Fuel Pumps. Subaru twice expanded this Recall in August 2021, ultimately recalling 175,968 additional Subaru vehicles. Altogether, Subaru recalled 359,683 of its vehicles due to the alleged Fuel Pump defect.

On August 13, 2021 and September 8, 2021, after the Parties negotiated and executed a tolling and discovery agreement, Plaintiffs voluntarily dismissed Denso Corporation and Subaru Corporation. ECF No. 98, 104.

In March 2022, the Court issued two lengthy opinions granting in part and denying in substantial part Denso's and Subaru's motions to dismiss. ECF Nos. 111, 113. The Court dismissed 46 of Plaintiffs' claims against Denso and denied Denso's motion to dismiss as to Plaintiffs' other claims: strict liability claims under the laws of 4 states, common law fraud claims under the law of 6 states, and consumer protection claims under the laws of 10 states. ECF No. 112. The Court also dismissed 50 of Plaintiffs' claims against Subaru and denied Subaru's motion to dismiss as to the remainder of Plaintiffs' claims: breach of implied warranty claims under the laws of 8 states, common law fraud claims under the laws of 8 states, and consumer protection and strict liability claims under the laws of 4 states. ECF No. 114. The Court granted Plaintiffs leave to replead some of the dismissed claims.

On May 5, 2022, Plaintiffs filed their SAC, amending their claims for fraudulent concealment/omission under the laws of various states, and for violation of the New Jersey Consumer Fraud Act, N.J. Stat. Ann. § 56:8-1, *et seq.* ECF No. 125. The SAC also included new allegations relating to Subaru’s expanded recall. In June 2022, Subaru and Denso moved to dismiss Plaintiffs’ SAC. ECF Nos. 140, 141. The Parties briefed Defendants’ motions to dismiss the SAC until September 2022 (ECF Nos. 154, 155, 166, 167), and the motion remained *sub judice* until it was administratively terminated on February 27, 2024, by agreement of the Parties, due to the Parties’ continuing negotiations of the prospective Settlement.

On June 22, 2022, while the motions to dismiss were being briefed, the Parties submitted a Joint Proposed Discovery Plan (ECF No. 140), were actively engaged in discovery, met and conferred on various discovery issues, and continued negotiating key issues of the Discovery Confidentiality Order, which required guidance from and rulings by the Court. ECF Nos. 144, 150, 153, 158, 161-163, 169. On October 4, 2022, the Parties filed their Discovery Confidentiality Order, which this Court signed on October 26, 2022. ECF No. 175. On November 1, 2022, the Parties informed the Court that all remaining discovery disputes had been resolved. ECF No. 176.

Plaintiffs served their first requests for production of documents to Subaru of America, Inc. (“SOA”) on November 17, 2020, Denso International of America, Inc.

(“DIAM”) on March 16, 2021, and served SOA with updated requests on March 12, 2021.<sup>5</sup> Plaintiffs and Defendants served their written initial disclosures on June 11, 2021. SOA and DIAM served their responses to Plaintiffs’ requests on June 25, 2021. Plaintiffs served SOA and SC with interrogatories on November 18, 2022, to which SOA served its responses on December 19, 2022.<sup>6</sup> Each round of discovery and demands were followed by extensive conferrals to resolve Defendants’ various objections. Ultimately, Defendants have produced many thousands of documents responsive to Plaintiffs’ requests.

On March 27, 2023, following months of negotiations focused on potential resolution of the Action, including telephonic and video conferences and multiple in-person meetings, the Parties requested the Court stay discovery to allow the Parties to focus exclusively on settlement discussions and confirmatory discovery. ECF No. 210. The Court granted the stay the next day. ECF No. 211. The Parties continued their substantive settlement negotiations, and, after fully negotiating the substance of the Settlement, the Parties negotiated and mediated the issue of Class

---

<sup>5</sup> Plaintiffs served Subaru Corporation (“SC”) and Denso Corporation (“DC”) with requests for production of documents on October 6, 2021 and November 10, 2022. Both entities provided their responses in December 2021 and December 2022.

<sup>6</sup> Subaru Corporation served its responses to Plaintiffs’ interrogatories on January 24, 2023.

Counsel's reasonable attorneys' fees, expenses, and Class Representative Service Awards. *Id.*

On May 30, 2024, after 12 months of exchanging drafts and finalizing the Settlement Agreement and exhibits, Plaintiffs filed their Unopposed Motion for Preliminary Approval of Class Action Settlement ("Preliminary Approval Motion"), ECF No. 238, the Settlement Agreement, ECF No. 238-3, and their declaration and memorandum in support. ECF Nos. 283-1, 283-2.

On July 11, 2024, this Court entered its Order preliminarily approving the Class Settlement, directing notice to the Class, and scheduling a fairness hearing for December 3, 2024. ECF No. 240. The Court also appointed Class Counsel and Class Representatives for purposes of the Settlement. *Id.* On July 18, 2024, at the request of the Parties, the Court ordered the Fairness Hearing be moved to November 18, 2024. ECF No. 242.

### **B. Formal and Informal Discovery**

As part of discovery, Defendants produced, and Plaintiffs processed and reviewed approximately 22,000 documents containing more than 163,000 pages related to the recalls, the design and operation of the Fuel Pumps, warranty data, failure modes, Defendants' investigation into the alleged defect, and the recall countermeasure development and implementation. Additionally, Plaintiffs' automotive engineering consulting expert sourced and inspected over 350 Denso

Fuel Pumps, and analyzed their operation, specifications, and the density of their impellers.

In or around October 2022, the Court ordered Defendants to take the depositions of the named Plaintiffs in December and January. Plaintiffs searched for and produced hundreds of pages of documents and, by March 28, 2023, when the Court stayed discovery in light of the Parties' settlement discussions, Plaintiffs had prepared and defended the depositions of 14 named plaintiffs. *Jt. Decl.* at ¶¶ 25-26; ECF No. 211. Between November 2022 and March 28, 2023, Plaintiffs also conducted extensive document review in preparation for depositions of Defendants' employees, including their engineers and managers. *Id.*

Additionally, Plaintiffs requested and Defendants produced confirmatory discovery in aid of the settlement negotiations. *Id.* ¶¶ 27-28. Class Counsel's rigorous review and analysis of Defendants' productions and subsequent intense negotiations with Defendants culminated in 169,169 "Additional Vehicles" that had not been recalled initially being included in the Settlement and eligible for Settlement benefits, bringing the population of Covered Vehicles to 528,852. *Id.* On that basis, in November 2023, the Parties agreed on the substantive terms of the then operative settlement which were memorialized in a draft settlement agreement. *Id.*

Subsequently, on February 16, 2024, Subaru, again, decided to add another 647,000 Additional Vehicles to the settlement, thus bringing the total number of

Covered Vehicles to approximately 1,175,000. *Id.* ¶ 29. On March 19, 2024, Defendants clarified that the exact number of Covered Vehicles is 1,388,532 (consisting of 359,683 Recalled Vehicles + 1,028,849 Additional Vehicles). *Id.* These substantial, iterative expansions of the proposed Class are the result of the Parties' continued efforts to achieve fulsome, robust relief for the Class in this Settlement, which Plaintiffs are pleased to present to the Court for final approval.

### **C. Investigation of Claims and Confirmatory Discovery**

Prior to filing the Complaints discussed above and during the course of this Action, Plaintiffs' counsel conducted a thorough investigation into the claims and allegations and engaged in meaningful discovery, culminating in a robust Settlement. *Id.* ¶¶ 14-34.

This case was particularly novel and complex when compared to other automotive class actions, as it involved an alleged manufacturing defect, not a design defect. Unlike other class actions where *all* vehicles shared the same allegedly defective design and were therefore included in the Class, Class counsel here had to research, understand, and analyze multiple factors related to the manufacturing process and supply chain distribution to determine if, and to what extent, those factors contributed to the alleged defect. And once those factors were identified, Class counsel had to research and analyze *all* of Denso's manufacturing lots and

crosscheck those with Subaru's manufacturing lots to find the affected vehicles. To that end, Class counsel also:

- Collected, inspected, and tested numerous Denso Fuel Pumps;
- Researched Class Vehicle operation, including factors defendants may have used to limit the affected population;
- Researched and analyzed the industry standards for the manufacturing process of plastic moldings, generally, including different manufacturing options;
- Researched and analyzed Denso's manufacturing process, including potential changes and processes at different plants across the world and at different times;
- Researched and analyzed the resin and other materials Denso used to manufacture the impellers;
- Analyzed highly technical and complex PowerPoints and other reports made by the Defendants, all of which included scores of manufacturing and testing data, including Denso's and Subaru's respective analyses.
- Testing and analyzing the countermeasures to confirm they adequately prevent the same issue that led to the recall occurring in the future.

To craft relief that covered all potentially affected vehicles, Class Counsel also analyzed tens of thousands of warranty claims, including those involving Denso Fuel Pumps that were not included in Defendants' selected manufacturing lots. *Id.* ¶¶ 25-26, 28. After Plaintiffs' presented their substantial technical and empirical analyses, the Parties agreed to the relief memorialized in the Settlement Agreement.

#### **D. Settlement Discussions**

The Parties' negotiations culminating in this Settlement were complex, conducted in good faith and at arms' length over a period of twelve months by informed and experienced counsel. ECF No. 238-1, §§ II, III.B.2. Plaintiffs, with the goal of obtaining immediate valuable benefits for Class Members, and Defendants began to explore the possibility of an early resolution in January 2023 even while Defendants' motions to dismiss the SAC were still pending and the Parties were engaged in substantial fact discovery. *Id.*

During the course of the negotiations, Class Counsel, armed with the knowledge they gained through the informal and confirmatory discovery, as described below, and in consultation with their independent automotive engineering expert, were able to meaningfully assess the reasons for the defect in the Fuel Pumps and the efficacy of the Recall countermeasure. *Id.* Class Counsel and Defendants' counsel had numerous Zoom meetings and multiple in-person meetings, which required long distance travel by some Class Counsel, and, as negotiations intensified, more frequent and lengthier Zoom meetings during which the Parties exchanged their views concerning the settlement terms then under discussion. *Id.* Numerous drafts of the Settlement Agreement and related exhibits were exchanged, which Counsel carefully negotiated and refined before a final agreement could be reached. Ultimately, after vigorous arm's-length negotiations, the Parties came to agree upon



the terms and conditions set forth in the Settlement Agreement, which was fully executed on May 30, 2024. 2023. Jt. Decl. at ¶ 31.

Only after the substantive relief for the Class was negotiated, did the Parties begin negotiating the issue of reasonable attorneys' fees and expenses and, on January 31, 2024, mediated the issue before JAMS mediator, Mr. Bradley A. Winters, Esq. *Id.* ¶ 35. Following the mediation, the Parties continued negotiations, ultimately, reaching an agreement that Class Counsel would seek an award of attorneys' fees and expenses in an amount not to exceed \$15,500,000. *Id.* Any award of attorneys' fees, expenses and Class Representative service awards will be paid directly by Defendants and will not affect, or in any way diminish, the relief to the Class. ECF No. 238-3, § VIII.A.

**E. The Settlement Relief to the Class**

As part of the Settlement, Subaru, among other things, will implement the CSP, the Extended Warranty, the Loaner/Towing Program, and the Out-of-Pocket Claims Process.<sup>7</sup> Under these provisions, Class Members are entitled to the following relief:

---

<sup>7</sup> Pursuant to the Settlement Agreement (SA, § III), Defendants began providing coverage under the CSP on September 24, 2024, in advance of the Final Effective Date.

<p><b>Customer Support Program</b></p>	<p>Coverage for repairs (including parts and labor) needed to correct defects in materials or workmanship in the Fuel Pumps of Additional Vehicles for a period of 15 years from the In-Service Date, (SA, § III.A.1), which is the date that the Additional Vehicle was originally sold or leased by a Subaru dealer. SA, § II.A.26.</p>
<p><b>Extended Replacement Parts Limited Warranty</b></p>	<p>A warranty extension of 15 years, measured from the replacement date, or 150,000 miles, whichever comes first, for the replacement Fuel Pumps installed in the Recalled Vehicles. SA, § III.B.1.</p>
<p><b>Loaner Vehicle/Towing</b></p>	<p>Upon request, Class Members are entitled to a complimentary Loaner Vehicle while their fuel pumps are being replaced or repaired under the Customer Support Program or Extended Replacement Parts Limited Warranty. SA, §§ III.A.2, III.B.2.</p> <p>Class Members can keep the Loaner Vehicle for 24 hours after they drop off their vehicle for repair, or after they are informed by Subaru that their vehicle is repaired, whichever is later.</p> <p>If the Covered Vehicle is inoperable or is exhibiting a dangerous condition, Class Members are entitled to a complimentary tow to a Subaru Dealer upon reasonable notice. SA, §§ III.A.2, III.B.2.</p>
<p><b>Out-of-Pocket Reimbursement</b></p>	<p>Class Members are entitled to submit claims for out-of-pocket expenses incurred to repair or replace a Fuel Pump in their Covered Vehicle(s), as well as rental vehicle and towing costs, that were not otherwise reimbursed and that were incurred prior to the date on which time to appeal from the Final Judgment has expired. SA, § III.C.</p>
<p><b>Technical Training</b></p>	<p>To ensure proper repair, technicians will be required to review technical training videos provided by Subaru, prior to performing any Fuel Pump repairs. SA, § III.G.</p>

The benefits under the CSP and Extended Warranty travel with the Covered Vehicle. SA, §§ II.A-B. In addition to these benefits, the Settlement also provides

for a reconsideration procedure (SA, § III.D), Settlement oversight (SA, § III.F), and a release (SA, § VII.B) which is attached to the Long Form Notice and is posted on the Settlement Website.

The Court granted the Preliminary Approval Motion on July 11, 2024. ECF No. 240. This Order gave preliminary approval to the Settlement, preliminarily certified the Class, appointed Plaintiffs as Class Representatives and Class Counsel as counsel for the Settlement Class, approved the form and method of providing notice to the Class, and set a date for the final approval hearing. *Id.*

#### **F. After Preliminary Approval**

Pursuant to the Preliminary Approval Order, notice of the Settlement was distributed in accordance with the Court-approved Notice Program. *See* Declaration of Gina Intrepido-Bowden, Vice President of JND Legal Administration, LLC, regarding Settlement Notice Plan Implementation, dated September 30, 2024 (“Intrepido-Bowden Decl.”), ECF No. 243-2, at ¶¶ 4-28; *see also* Jt. Decl., at ¶¶ 36-37. The Settlement Website went live on July 29, 2024 and the Court-approved Direct Mail Notice was sent by first-class mail on September 24, 2024, to each person within the Settlement Class who could be identified based on data provided by IHS Automotive, Driven by Polk. Intrepido-Bowden Decl., at ¶¶ 10-11, 19-23. Notice of the Settlement is also being widely distributed via a number of social media and internet channels. *Id.*, ¶¶ 13-18. In addition, the Long Form Notice of the

Settlement and other key documents from this litigation, including the Preliminary Approval Motion and supporting materials, were published on the official settlement website at [www.SubaruFuelPumpsSettlement.com](http://www.SubaruFuelPumpsSettlement.com). *Id.*, ¶ 19. The Long Form Notice specifically described the provisions of the Settlement related to this motion:

The law firms that worked on this Action will file an application with the Court requesting an award of reasonable Attorneys' fees, costs, and expenses ("Fees and Expenses"), separate and apart from any relief provided to the Class, in the collective combined total sum of \$15,500,000. Class Counsel have agreed not to accept any Fees and Expenses in excess of that combined total sum. Plaintiffs' request for Fees and Expenses will be subject to the Court's approval at the Final Approval Hearing, where any Class Member who submits a proper objection will have an opportunity to comment on the propriety of these requests.

Class Counsel will also ask the Court for service awards to each of the Class Representatives, in the amount of either \$2,500 or \$3,750 each.

*See* [www.SubaruFuelPumpsSettlement.com](http://www.SubaruFuelPumpsSettlement.com), Long Form Notice, at §15.

Since July 11, 2024, the date the Court granted preliminary approval, Class Counsel has spent a substantial amount of time working with the Settlement Administrator on getting the Settlement Website up and running by the September deadline in the Preliminary Approval Order; otherwise reviewing and communicating with the Settlement Administrator and others concerning notice and related issues; fielding Class Member questions; conferring with Plaintiffs concerning the Settlement and various other matters; working with other Plaintiffs' Counsel who were also working with their clients, and researching and drafting the

final motion papers to approve the Settlement and related relief. Jt. Decl. at ¶¶ 37-38.<sup>8</sup>

### **III. THE REQUESTED ATTORNEYS' FEES AND EXPENSES SHOULD BE AWARDED**

#### **A. The Requested Attorneys' Fees, Expenses, and Service Awards Are Fair, Reasonable, and Should be Awarded.**

“In a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or *by the parties’ agreement.*” Fed. R. Civ. P. 23(h) (emphasis added); *see Granillo v. FCA US LLC*, 2019 WL 4052432, at \*2 (D.N.J. Aug. 27, 2019). Determining reasonable attorneys’ fees “should not result in a second major litigation,” rather the preference is to allow litigants to resolve fee issues through agreement. *Fox v. Vice*, 563 US 826, 838 (2011) (citation omitted); *see also Hensley v. Eckhart*, 461 U.S. 424, 437 (1983).

As a threshold matter, in this District, “courts routinely approve agreed-upon attorneys’ fees awards paid by the defendant, rather than the class members, especially where that amount is independent of the benefit obtained for the class.” *Rieger v. Volkswagen Grp. of Am., Inc.*, 2024 WL 2207439, at \*6 (D.N.J. May 16, 2024) (citing *Rossi v. Proctor & Gamble Co.*, 2013 WL 5523098, at \*9 (D.N.J. Oct. 3, 2013); *see, e.g., Granillo*, 2019 WL 4052432, at \*2 (D.N.J. Aug. 27, 2019);

---

<sup>8</sup> Because the objection deadline is October 29, 2024, Plaintiffs intend to address objections in their Supplemental memoranda to be filed with the Court on November 13, 2024. ECF No. 240.

*Mirakay v. Dakota Growers Pasta Co.*, 2014 WL 5358987, at \*11 (D.N.J. Oct. 20, 2014); *Pro v. Hertz Equip. Rental Corp.*, 2013 WL 3167736, at \*6 (D.N.J. June 20, 2013); *In re LG/Zenith Rear Projection Television Class Action Litig.*, 2009 WL 455513, at \*8 (D.N.J. Feb. 18, 2009) (approving agreed upon attorneys' fee award that did not diminish settlement fund); *In re Ins. Brokerage Antitrust Litig.*, 2007 WL 1652303, at \*4 (D.N.J. June 5, 2007), *aff'd*, 579 F.3d 241 (3d Cir. 2009); *In re Prudential Ins. Co. of Am. Sales Prac. Litig.*, 106 F. Supp. 2d 721, 732 (D.N.J. 2000) (finding it significant that attorneys' fees would not diminish the settlement fund); *see also McBean v. City of N.Y.*, 233 F.R.D. 377, 392 (S.D.N.Y. 2006) (granting class counsel full amount of fees agreed to by defendant where attorneys' fees were separate from class settlement and did not diminish class settlement).

Where, as here, "the attorneys' fees are paid independent of the award to the class, the Court's fiduciary role in overseeing the award is greatly reduced because there is no potential conflict between the attorneys and class members." *Oliver v. BMW of N. Am., LLC*, 2021 WL 870662, at \*10 (D.N.J. Mar. 8, 2021); *Mirakay*, 2014 WL 5358987, at \*11; *Rossi*, 2013 WL 5523098, at \*9 (citing *McBean*, 233 F.R.D. at 392). Furthermore, "the fact that the award was the product of arm's-length negotiations weighs strongly in favor of approval." *Oliver*, 2021 WL 870662, at \*10 (D.N.J. Mar. 8, 2021) (quoting *Rossi*, 2013 WL 5523098, at \*10). "[T]he benefit of a fee negotiated by the parties at arm's length is that it is essentially a market-set

price—[Defendant] has an interest in minimizing the fee and Class Counsel have an interest in maximizing the fee to compensate themselves for their work and assumption of risk.” *Id.* Where, as here, attorneys’ fees are paid independent of the class relief and the product of arms’ length negotiations, the court’s role in scrutinizing the agreement should be limited. *Khona v. Subaru of Am., Inc.*, 2021 WL 4894929, at \*1 (D.N.J. Oct. 20, 2021) (citations omitted). Because experienced counsel negotiated the fee arrangement in this case at arm’s-length, and engaged in a mediation before a neutral, judicial deference to the Parties’ fee agreement is warranted. *See In re Schering-Plough/Merck Merger Litig.*, 2010 WL 1257722, at \*18 (D.N.J. Mar. 26, 2010) (“[W]ith regard to attorneys’ fees[,] . . . the presence of an arms’ length negotiated agreement among the parties weighs strongly in favor of approval,’ even if it is ‘not binding on the court.’”) (quoting *Weber v. Gov’t. Emps. Ins. Co.*, 262 F.R.D. 431, 451 (D.N.J. 2009)).

Under the law of this Circuit, the negotiated fee amount is a “reasonable fee” for Plaintiffs’ Counsel’s efforts and the excellent benefits secured for the millions of consumers that are eligible to participate in the Settlement. Historically, courts have used two methods for evaluating the reasonableness of an attorneys’ fee request – the lodestar method and the percentage-of-recovery method. *See In Re Cendant Corp.*, 243 F.3d 722, 727 (3d Cir. 2001). However, the lodestar method is generally applied in cases such as this, where there is no common settlement fund from which

to pull fees or a definitive means of calculating the total monetary value of the settlement. *See Schwartz v. Avis Rent a Car Sys., LLC*, 2016 WL 3457160, at \*12 (D.N.J. June 21, 2016); *Saint v. BMW of N. Am., LLC*, 2015 WL 2448846, at \*15 (D.N.J. May 21, 2015) (applying the lodestar method in an automobile defect settlement where the settlement did not create a common fund but included both monetary and non-monetary benefits); *Skeen v. BMW of N. Am., LLC*, 2016 WL 4033969, at \*18 (D.N.J. July 26, 2016) (same); *Henderson v. Volvo Cars of N. Am., LLC*, 2013 WL 1192479, at \*40-58 (D.N.J. Mar. 22, 2013) (same). In other words, the lodestar method is preferable where “the nature of the settlement evades the precise evaluation needed for the percentage-of-recovery method.” *In re GM Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d 768, 821 (3d Cir. 1995).

Whatever method is used, the reasonableness of attorneys’ fee awards in class action cases is traditionally viewed under the factors enunciated in *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 195 n.1 (3d Cir. 2000); *see In re AT & T Corp.*, 455 F.3d 160, 166 (3d Cir. 2006).<sup>9</sup> Each of these factors clearly demonstrate that the requested fee of \$15,500,000 is fair and reasonable.

---

<sup>9</sup> Those factors include: (1) the size of the fund created and the number of persons benefitted; (2) the presence or absence of substantial objections to the settlement terms and/or fees requested by counsel; (3) the skill and efficiency of the attorneys involved; (4) the complexity and duration of the litigation; (5) the risk of nonpayment; (6) the amount of time devoted to the case by plaintiffs’ counsel; and (7) the awards in similar cases. *See Gunter*, 223 F.3d at 195 n.1. Two of these



**1. Class Counsel Obtained a Substantial Benefit for Settlement Class Members**

The first *Gunter* factor, as relevant here (*i.e.*, the number of persons benefitted), plainly weighs in favor of approving the requested attorneys' fees and expenses. *See Beneli v. BCA Fin. Servs., Inc.*, 324 F.R.D. 89, 108 (D.N.J. 2018) (“The first *Gunter* factor ‘consider[s] the fee request in comparison to . . . the number of class members to be benefitted.’”) (quoting *Rowe v. E.I. DuPont de Nemours & Co.*, 2011 WL 3837106, at \*18 (D.N.J. Aug. 26, 2011)).

Class Counsel's proposed fee is well within accepted norms and accords with other fee awards in this Circuit. *See In re Bristol-Myers Squibb Sec. Litig.*, 2007 WL 2153284, at \*3 (3d Cir. July 27, 2007) (affirming award of \$36.6 million in attorneys' fees); *Varacallo v. Massachusetts Mut. Life Ins. Co.*, 226 F.R.D. 207, 248 (D.N.J. 2005) (awarding \$58.2 million in attorneys' fees and expenses, 7.58% of the Settlement value and 2.83 times the lodestar amount).

Not only is Class Counsel's proposed fee within accepted norms, but the circumstances of this case and the substantial relief to the Class further justify the proposed fee. Here, the substantive relief to the Settlement Class – not including the

---

factors—the size of the fund created and the presence or absence of objectors—are irrelevant at this juncture. There is no common fund involved in this settlement and the deadline for filing objections is not until October 29, 2024—30 days after the deadline for filing the instant motion. As such, Plaintiffs will respond separately to any objections and/or opt-outs with supplemental memoranda filed pursuant to the deadlines set in the Preliminary Approval Order (*i.e.*, by November 13, 2024).

Out-of-Pocket Reimbursement program – is estimated to be over \$380 million. *See* Jt. Decl. at ¶ 33.

Through the Settlement’s robust Notice Program, 2,160,643 million individuals were provided direct notice of the proposed Settlement, which informed Class Members of their Settlement rights. Additionally, supplemental digital notice is continuing to be disseminated via email, social media, and online digital advertising. Intrepido-Bowden Decl., ECF No. 243-2, at ¶¶ 7, 10-11, 23. Per the Preliminary Approval Order, (ECF No. 240), the Settlement Administrator will provide updated figures prior to the Fairness Hearing.

As further detailed above, in Class Counsel’s Joint Declaration (Jt. Decl. ¶¶ 30, 32, 34), and in the proposed Settlement Agreement, (ECF No. 283-3 at § III), this Settlement provides substantial benefits to nearly 2.2 million current and former owners and lessees of nearly 1.4 million Covered Vehicles. This relief is coupled with other concrete, real-world benefits that ensure Class Members can take advantage of the Customer Service Program and Extended Replacement Parts Limited Warranty conveniently and without incurring future costs, including free loaner vehicles that Class Members may keep for 24 hours or longer, and free towing if their vehicle is inoperable or unsafe to drive. *Id.* The Settlement also provides a user-friendly, streamlined out-of-pocket claims process under which Class Members

with timely, valid claims will be reimbursed for their past Fuel Pump-related repairs and associated rental vehicles and towing costs, with no cap. *Id.*

Moreover, the relief obtained here far exceeds the relief obtained in other recent automotive class action settlements. *See Rieger*, 2024 WL 2207439, at \*1 (providing warranty extension but capping out-of-pocket reimbursement at 75% of the total repair cost); *In re Subaru Battery Drain Prod. Liab. Litig.*, No. 1:20-CV-03095-JHR-MJS, (D.N.J. Jan. 1, 2023), ECF No. 106 (providing a warranty extension of five years/60,000 miles); *Oliver*, 2021 WL 870662, at \*2 (providing an extended warranty of 7 years/84,000 miles but capping reimbursements for out-of-pocket expenses related to the defect). But here, coverage for the Additional Vehicles is 15-years from in-service date, 15-years/150,000 miles for the Recalled Vehicles, whichever comes first, and uncapped reimbursement for out-of-pocket expenses, including repairs, parts, labor, towing, and rental vehicles.

## **2. The Absence of Substantial Objections**

Further, the second *Gunter* factor—the presence or absence of substantial objections to the settlement terms and/or fees requested by counsel—will be addressed in a subsequent brief on November 13, 2024. Class Counsel will provide a final tally of the exclusions and will respond fully to the substance of any objections in a separate brief after the October 29, 2024 deadline.

**3. Skill and Efficiency of Counsel: Class Counsel Brought This Matter to an Efficient Conclusion**

“When evaluating the quality of representation, ‘courts review, among other things, the recovery obtained, and the backgrounds of the lawyers involved in the lawsuit.’” *Hall v. ProSource Techs., LLC*, 2016 WL 1555128, at \*15 (E.D.N.Y. Apr. 11, 2016) (citation omitted). Here, the recovery obtained is highly favorable, especially considering the substantial risks involved and the nearly 2.2 million Class Members who will benefit. As discussed below, the Settlement here provides more relief to a larger class of persons than other recent automotive class action settlements. *See* “Class Counsel Obtained a Substantial Benefit for Settlement Class Members,” *supra* § III.A.1.

Class Counsel’s efforts in bringing this litigation to a successful conclusion is perhaps the best indicator of the experience and ability of the attorneys involved. *In re AremisSoft Corp. Sec. Litig.*, 210 F.R.D. 109, 132 (D.N.J. 2002) (“The single clearest factor reflecting the quality of the class counsels’ services to the class are the results obtained.”). The quality of the work which has been presented to the Court, the undersigned believe, speaks for itself. Facing the risk of further litigation, as discussed above, Class Counsel’s results here are substantial. Class Counsel have delivered a significant benefit to the Class in the face of numerous potentially fatal obstacles.

The fact that a case settles as opposed to proceeding to trial “in and of itself, is never a factor that the district court should rely upon to reduce a fee award. To utilize such a factor would penalize efficient counsel, encourage costly litigation, and potentially discourage able lawyers from taking such cases.” *Gunter*, 223 F.3d at 198. Further, Class Counsel invested significant time and worked for several years to achieve the Settlement. *See* Jt. Decl., ¶¶ 9-38.

Moreover, Class Counsel in this case is comprised of attorneys and law firms that are national leaders in class action litigation generally, and automotive defect matters specifically. *Id.* at ¶ 44, 47-50; *see also* Firm Declarations, ECF Nos. 244-3 – 244-8. Class Counsel has been recognized by both federal and state courts across the country as being highly skilled and experienced in complex litigation, including successfully leading multiple automotive and consumer fraud class actions. *See* Firm Declarations, ECF Nos. 244-3 to 244-8. The quality of Class Counsel’s representation is also evident when considering the equally high-quality defense attorneys against whom they successfully litigated this case. *See, e.g., In re Ikon Office Sol., Inc. Sec. Litig.*, 194 F.R.D. 166, 194 (E.D. Pa. 2000); *In re Warner Comm’ns Sec. Litig.*, 618 F. Supp. 735, 749 (S.D.N.Y. 1985) (“The quality of opposing counsel is also important in evaluating the quality of plaintiffs’ counsels’ work.”); *Shaw v. Toshiba Am. Info. Sys., Inc.*, 91 F. Supp. 2d 942, 970 (E.D. Tex. 2000). From the outset, Subaru and Denso have been represented by highly capable

attorneys from well-respected law firms, including counsel from Shook, Hardy & Bacon LLP and Butzel Long, respectively, with special expertise in automotive class action litigation. This factor is clearly satisfied and supports the proposed fee.

Class Counsel's ability to obtain the Settlement for the Class in the face of a formidable opponent further confirms the high quality of Class Counsel's representation. Accordingly, Class Counsel respectfully submits that the third *Gunter* factor, the skill and efficiency of the attorneys involved, strongly supports their application.

#### **4. The Complexity and Duration of the Litigation**

The fourth *Gunter* factor is intended to capture “the probable costs, in both time and money, of continued litigation.” *In re Gen. Motors Pick-Up Truck Fuel Tank Prods. Liab. Litig.*, 55 F.3d at 812 (quoting *Bryan v. Pittsburgh Plate Glass Co.*, 494 F.2d 799, 801 (3d Cir. 1974)). Plaintiffs here faced considerable legal and factual hurdles absent settlement. “[E]ven [though] Plaintiffs’ Complaint survived Defendants’ motions to dismiss, their case would have faced additional legal and factual hurdles on summary judgment, at trial, and potentially on appeal.” *In re Ocean Power Techs., Inc.*, 2016 WL 6778218, at \*28 (D.N.J. Nov. 15, 2016) (citation omitted).<sup>10</sup>

---

<sup>10</sup> Defendants have previously achieved dismissal of substantial portions of Plaintiffs’ case before this Court. *See Cohen v. Subaru of Am., Inc.*, 2022 WL

Indeed, continued litigation would have been very costly for both Parties and require a great deal of additional discovery, including multiple depositions in the U.S. and Japan, and expert work, with their concomitant significant expenses, would be required to address key components of the claims and damages. Litigation involving automotive defects especially in class actions generally requires a battle of the experts on key factual issues and, no doubt would involve extensive motion practice under *Daubert* and the Federal Rules of Evidence “that could result in exclusion of the principal evidence supporting Plaintiffs’ claims.” *In re Valeant Pharms. Int’l, Inc. Third-Party Payor Litig.*, 2021 WL 7159892, at \*3 (D.N.J. Dec. 6, 2021), report and recommendation adopted, 2022 WL 525807 (D.N.J. Feb. 22, 2022); *see, e.g., Alin v. Honda Motor Co., Ltd.*, 2012 WL 8751045, at \*12 (D.N.J. April 13, 2012); *Yaeger v. Subaru of America, Inc.*, 2016 WL 4541861, at \*12 (D.N.J. Aug. 31, 2016).

Additionally, there would be significant time and expense in briefing and arguing class certification, potential Rule 23(f) petitions which may result in interlocutory appeals, summary judgment, trial, and litigation of any appeals. The ability to secure class status is a significant risk as evidenced by the many decisions

---

721307, at \*1 (D.N.J. Mar. 10, 2022); *Cohen v. Subaru of Am., Inc.*, 2022 WL 714795, at \*1 (D.N.J. Mar. 10, 2022). Defendants would continue to aggressively defend this action, absent this Settlement, such that further litigation is not without risk.

denying class certification in automobile defect cases. *See Coba v. Ford Mot. Co.*, 932 F.3d 114 (3d Cir. 2019) (affirming denial of class certification in automotive class action for failure to establish commonality and predominance requirements and dismissal of action on summary judgment); *Luppino v. Mercedes Benz USA*, 718 Fed. Appx. 143 (3d Cir. 2017) (same).

Even if Plaintiffs would have recovered a large judgment at trial on behalf of the Settlement Class Members, their actual recovery would likely be postponed for years. *Lazy Oil, Co. v. Witco Corp.*, 95 F. Supp. 2d 290, 337 (W.D. Pa. 1997), *aff'd*, 166 F.3d 581 (3d Cir. 1999). There is also the possibility that Plaintiffs would recover nothing. The Settlement Agreement secures a recovery for the Settlement Class now, rather than the “speculative promise of a larger payment years from now.” *In re Viropharma Inc. Sec. Litig.*, 2016 WL 312108, at \*16 (E.D. Pa. Jan. 25, 2016). These high expenses and delays weigh strongly in favor of the recovery secured by Class Counsel. *See In re Valeant Pharmaceuticals Int’l, Inc.*, 2020 WL 3166456, at \*7 (D.N.J. June 15, 2020) (finding “the risks, costs, and delay that continued litigation, trial, and appeal would inevitably impose favor[s] settlement”). Thus, the fourth *Gunter* factor weighs in favor of approval.

#### **5. Class Counsel Undertook the Risk of Non-Payment**

Class Counsel undertook this action on an entirely contingent fee basis, assuming a substantial risk that the litigation would yield no, or very little, recovery



and leave them uncompensated for their time as well as for their substantial out-of-pocket expenses. Courts across the country have consistently recognized that the risk of receiving little or no recovery is a major factor in considering an award of attorneys' fees. *See, e.g., Warner Comm'ns*, 618 F. Supp. at 747-49 (citing cases).

As one court stated:

Counsel's contingent fee risk is an important factor in determining the fee award. Success is never guaranteed and counsel faced serious risks since both trial and judicial review are unpredictable. Counsel advanced all of the costs of litigation, a not insubstantial amount, and bore the additional risk of unsuccessful prosecution.

*In re Prudential-Bache Energy Income P'ships Sec. Litig.*, 1994 WL 202394, at \*6 (E.D. La. May 18, 1994); *see also In re Ocean Power Techs., Inc.*, 2016 WL 6778218, at \*28 ("Courts across the country have consistently recognized that the risk of receiving little or no recovery is a major factor in considering an award of attorneys' fees.") (citation omitted); *In re Schering-Plough Corp. Enhance ERISA Litig.*, 2012 WL 1964451, at \*7 (D.N.J. 2012) ("Courts routinely recognize that the risk created by undertaking an action on a contingency fee basis militates in favor of approval.") (citations omitted). Class Counsel has litigated this case for more than four years without pay and has shouldered the risk that the litigation would yield little to no recovery. Despite the litigation risks, Class Counsel were able to forge a resolution that provides significant relief to the Class. Thus, there is little doubt that Class Counsel undertook a significant risk here and the fee award, respectfully,

should reflect that risk. Accordingly, the fifth *Gunter* factor weighs in favor of approving the attorneys' fees request.

**6. Class Counsel Devoted Significant Time to This Case**

The sixth *Gunter* factor looks at counsel's time devoted to the litigation. *Gunter*, 223 F.3d at 199. As described above and in the Joint Decl., Class Counsel dedicated considerable time and effort investigating the claims at issue in this case, crafting the complaints, analyzing the Defendants' various arguments, reviewing many relevant documents, retaining and working/consulting with experts, and negotiating the Settlement. More specifically, Class Counsel, among many other things, spent considerable time: investigating the technical issues prior to filing this Action; tracking and investigating Defendants' Recalls; interviewing clients about their experiences; studying Plaintiffs' relevant documents researching complex issues of law; preparing and filing the initial and Amended Complaints; researching, drafting and reviewing thousands of pages of pleadings, including responding to Defendants' comprehensive Motions to Dismiss; successfully consolidating multiple similar cases filed across the country; drafting and conferring on discovery requests; briefing and arguing numerous discovery disputes; acquiring and studying, with expert assistance, the relevant parts; collecting and producing documents for Plaintiffs and responding to written discovery; defending numerous depositions of the Plaintiffs; reviewing over 163,000 pages of document discovery; conducting

informal, confirmatory discovery; retaining and consulting with experts in the fields of engineering; negotiating this hard-fought settlement for over a year; documenting the Settlement; researching and briefing issues relating to the preliminary approval of the Settlement; working with the Settlement Administrator to effectuate Notice; and responding to Class Member inquiries. *Jt. Decl.*, ¶¶ 9-38. In total, Class Counsel have devoted over 9,677 hours to this case through September 20, 2024, yielding a lodestar of \$7.4 million. *Id.*, ¶¶ 9, 45-49. Although Class Counsel worked efficiently and resolved this case prior to the class certification stage, this extremely favorable resolution would not have been possible without the careful work that went into the case at the outset and throughout.

These hours are reasonable for a complex class case like this one. *Id.*, ¶¶ 45-54. Moreover, Class Counsel expects to expend a significant amount of time on this case until it is fully resolved. *Id.*, ¶ 55. Class Counsel has already spent many hours preparing and finalizing the voluminous motion papers. *Id.* Between now and the Fairness Hearing set for November 18, 2024, Class Counsel will continue to do a significant amount of work, including, among other things, (i) conferring with Defendants' counsel on Settlement-related issues; (ii) conferring with the Settlement Administrator about notice, objectors and opt-out requests; (iii) working with Plaintiffs' experts, including, potentially, on additional expert declarations; (iv) fielding calls from Class Members, including potential objectors; (v) researching and

drafting supplemental briefs and declarations by the November 13, 2024 deadline; (vi) preparing for the Fairness Hearing; (vii) traveling to and from New Jersey; (viii) presenting oral argument at the Fairness Hearing; and (ix) communicating with Class Representatives. *Id.* Based on prior experience and recent billings, Class Counsel expects to expend another 350 hours on this litigation until the end of 2024, which yields a lodestar of nearly \$385,000. *Id.* Together with the lodestar of \$7,400,818.25 million billed through September 20, 2024, the expected billings of about \$385,000, would yield a lodestar of approximately \$7,785,818 million. *Id.* This further supports the reasonableness of the fee request. Counsel's submission today does not include time to be spent going forward—both in preparing and presenting arguments on final approval, defending the Settlement from any appellate or other attacks that may result, and assisting Class Members with further inquiries and the claims process. *Id.*, ¶ 56.

Thus, the sixth *Gunter* factor also weighs in favor of approving the attorneys' fees request.

#### **7. Awards in Similar Cases**

With regard to the seventh *Gunter* factor, the \$15,500,000 attorneys' fee award and reimbursement of costs sought by Plaintiffs is similar to awards approved in similar cases. *See, e.g., Cheng v. Toyota Motor Corp.*, 1:20-cv-00629-JRC (E.D.N.Y. Dec. 20, 2022), ECF No. 192, at ¶¶ 15-16 (granting attorneys' fee award

of \$28,500,000 in similar settlement, which resolved claims related to Denso fuel pumps in certain 2013-2020 Toyota and Lexus vehicles); *In re Mercedes-Benz Emissions Litig.*, 2021 WL 8053614, at \*5 (D.N.J. July 12, 2021) (granting attorneys' fees request of \$80 million, where the fees were paid by the Mercedes defendants in addition to the compensation to the class); *In re Volkswagen & Audi Warranty Extension Litig.*, 89 F. Supp. 3d 155, 166-71 (D. Mass. 2015) (on remand, granting enhanced fees of \$15,468,000, using base lodestar of \$7,734,000, where settlement resolved claims of improprieties in automobile manufacturer's warranty extension and reimbursement program, and involved allegations of engine defects); *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Pracs., & Prod. Liab. Litig.*, 2013 WL 12327929, at \*28 (C.D. Cal. July 24, 2013) (awarding attorneys' fees of \$200 million, where the fee award was paid by Toyota separate and apart from the class settlement funds).

**B. The Lodestar Analysis Supports That the Requested Fees and Expenses Are Fair and Reasonable**

Even though the fact that a fee is negotiated weighs in favor of approval, the Court may also perform a lodestar analysis to determine the reasonableness of the fee. *Rossi*, 2013 WL 5523098, at \*10; *LG/Zenith Rear Projection*, 2009 WL 455513, at \*8.

In determining the lodestar for a fee request, the Court need not engage in a "full-blown lodestar inquiry." *In re AT&T Corp.*, 455 F.3d at 169 n.6 (citation

omitted). To calculate the lodestar amount, counsel’s reasonable hours expended on the litigation are multiplied by counsel’s reasonable rates. *See Pa. v. Del. Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 565 (1986).

In this case, Class Counsel and their staff, and additional counsel, have expended over 9,677 hours on this case, resulting in a lodestar amount of \$7,400,818.25 million, broken down as follows:

<b>Firm</b>	<b>Hours</b>	<b>Lodestar</b>
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.	3,586.3	\$2,814,075.00
Carella, Byrne, Cecchi, Brody & Agnello, P.C.	2,038.8	\$1,869,075.00
Seeger Weiss LLP	3,329.5	\$2,115,600.00
Hagens Berman Sobol Shaprio LLP	158.9	\$106,380.00
Blood Hurst & O’Reardon LLP	282.7	\$188,589.25
Dicello Levitt LLC	281.4	\$307,099.00

The hours recorded were incurred on matters for the benefit of the litigation and representation of their clients as detailed *supra* regarding the sixth *Gunter* factor.

Given the effort expended and the complexity of the legal and factual issues involved, the hours incurred are entirely reasonable.

Moreover, the hourly rates vary appropriately between attorneys and between paralegals, experience level, and locale of the particular attorney. *Id.* ¶¶ 48-50. The rates for each attorney and paralegal are set forth in Class Counsel’s Joint Declaration, the Firm Declarations, and the charts and exhibits thereto. *Id.* The lodestar rates are based on a reasonable hourly billing rate for such services given the geographical area, the nature of the services provided, and the experience of the lawyer. *Gunter*, 223 F.3d at 195.

Taking into account the several factors discussed above, including the economic benefits of the Settlement, the complexity and risk of the litigation, and the skill and experience of counsel, these billing rates are reasonable in this case. Altogether, this yields a collective lodestar of over \$7.4 million in attorney time, and \$347,319.59 in expenses which will be paid entirely by the Defendant. Notably, the fee sought represents a modest multiplier of 2.04, which is well within the range of appropriate multipliers for complex contingent litigation such as this. *See In re Mercedes-Benz Emissions Litig.*, 2021 WL 7833193, at \*15 (D.N.J. Aug. 2, 2021) (“While multipliers of one to four are a common baseline, courts in the Third Circuit recognize that larger settlements or earlier settlements can – and often do – produce higher multipliers.”) (citing cases); *McLennan v. LG Elecs. USA, Inc.*, 2012 WL

686020, at \*10 (D.N.J. Mar. 2, 2012) (awarding multiplier of 2.93 and citing cases noting that the range of multipliers in this circuit is between 1 and 4).

Accordingly, Class Counsel's fee request represents a modest 4% of the estimated value of the relief being made available to the Class. As the Court is well aware, this percentage is well below the norm of 33.3%, which is frequently utilized in this Circuit in common fund cases. *See Demmick v. Cellco P'Ship.*, 2015 WL 13646311, at \*3 (D.N.J. May 1, 2015) ("Many district courts in this Circuit have chosen to award attorneys' fees at the 33.33% level—which is the approximate median of the range recognized as acceptable by the Third Circuit.") (citing cases); *cf. In re NFL Players' Concussion Injury Litig.*, 2018 WL 1658808, at \*3 & n.3 (E.D. Pa. Apr. 5, 2018).

Thus, the lodestar analysis confirms that the proposed fee is fair and reasonable.

**C. The Settlement Class Representative Service Awards Should be Approved**

Service awards for Class Representatives promote the public policy of encouraging individuals to undertake the responsibility of representative lawsuits. The efforts of the Class Representatives were instrumental in achieving the Settlement on behalf of the Class and justify the awards requested here. The Class Representatives came forward to prosecute this litigation for the benefit of the Class as a whole. They sought successfully to remedy a widespread wrong and have



conferred valuable benefits upon their fellow Class Members. The Class Representatives provided a valuable service to the Class by: (a) providing information and input in connection with the drafting of the Complaints; (b) overseeing the prosecution of the litigation; (c) participating in discovery and preparing for their depositions; (d) agreeing to make their Class Vehicles available for inspection; (e) consulting with counsel during the litigation; and (f) offering advice and direction at critical junctures, including the Settlement of the litigation. *Id.*, ¶ 59. Service awards of \$2,500 or \$3,750 (if deposed) for each of the Settlement Class Representatives in recognition of their services to the Class is modest under the circumstances, and well in line with awards approved by federal courts in New Jersey and elsewhere. *In re Volkswagen Timing Chain Prod. Liab. Litig.*, 2018 WL 11413299 (awarding class representatives \$2,500 service awards under similar circumstances to the present matter); *Bernhard v. TD Bank, N.A.*, 2009 WL 3233541, at \*2 (D.N.J. 2009) (“Courts routinely approve incentive awards to compensate named plaintiffs for services they provided and the risks they incurred during the course of the class action litigation.”); *McGee v. Cont’l Tire N. Am., Inc.*, 2009 WL 539893, at \*18 (D.N.J. Mar. 4, 2009) (quoting *In re Lorazepam & Clorazepate Antitrust Litig.*, 205 F.R.D. 369, 400 (D.D.C. 2002)) (“Incentive awards are ‘not uncommon in class action litigation and particularly where . . . a common fund has been created for the benefit of the entire class.’”); *Bezio*, 655 F. Supp. 2d at 168

(incentive awards in the amount of \$5,000 each are “within the range of awards found acceptable for class representatives”).

Moreover, the relief to the Settlement Class is significant considering their claims and actual damages, and the award of service payments will not reduce the relief available to Class members. Modest and fair service payments promote public policy by encouraging individuals to participate as class representatives in class actions and by compensating them for their service to the class. *See, e.g., In re Mego Fin. Corp. Sec. Litig.*, 213 F. 3d 454, 463 (9th Cir. 2000); *see also* Manual for Complex Litig., § 21.62 n.971 (4th ed. 2004).

Plaintiffs and Class Counsel respectfully request that the service awards provided for in Section VIII of the Settlement Agreement be approved.

**D. Class Counsels’ Expenses Are Reasonable and Should Be Approved**

In addition to being entitled to reasonable attorneys’ fees, it is well-settled that prevailing Plaintiffs’ attorneys are “entitled to reimbursement of reasonable litigation expenses.” *See, e.g., Carroll v. Stettler*, 2011 U.S. Dist. LEXIS 121185, at \*26 (E.D. Pa. Oct. 19, 2011) (citing *In re Gen. Motors*, 55 F.3d at 820 n.39); *see also In re Safety Components, Inc. Sec. Litig.*, 166 F. Supp. 2d 72, 108 (D.N.J. 2001) (“Counsel for a class action is entitled to reimbursement of expenses that were adequately documented and reasonably and appropriately incurred in the

prosecution of the class action.”) (citing *Abrams v. Lightolier, Inc.*, 50 F.3d 1204, 1225 (3d Cir. 1995)).

Class Counsel’s out-of-pocket expenses incurred in this litigation currently total \$347,319.19. Jt. Decl., ¶¶ 52-54. The expenses are of the type typically billed by attorneys to paying clients in the marketplace and include such costs as copying fees, expert fees, computerized research, travel in connection with this litigation, and discovery expenses. *Id.* All of the expenses were reasonable and necessary for the successful prosecution of this case and should be approved. *Id.*

Finally, Class Counsel will incur additional expenses on this case going forward, including working with JND Legal Administration (the Settlement Administrator), communicating with Class Members, and attending the Final Approval Hearing. *Id.*, ¶ 56.

Class Counsel respectfully requests that the Court approve the request of \$15,500,000, which covers attorneys’ fees as well as reimbursement of all past and future expenses.

### **CONCLUSION**

Because the award of attorneys’ fees, reimbursement of expenses, and Plaintiffs’ service awards are reasonable and justified, Plaintiffs respectfully request that they be approved and awarded by the Court.

Dated: September 30, 2024

Respectfully submitted,

**CARELLA, BYRNE, CECCHI,  
BRODY & AGNELLO, P.C.**

*s/ James E. Cecchi*

---

James E. Cecchi  
Caroline F. Bartlett  
5 Becker Farm Road  
Roseland, New Jersey 07068  
Telephone: (973) 994-1700  
jcecchi@carellabyrne.com  
cbartlett@carellabyrne.com

Christopher A. Seeger  
Christopher Ayers  
**SEEGER WEISS LLP**  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
Telephone: (973) 639-9100  
Facsimile: (973) 584-9393  
Email: cseeger@seegerweiss.com  
Email: cayers@seegerweiss.com

W. Daniel "Dee" Miles, III (pro hac vice)  
Demet Basar  
H. Clay Barnett, III (pro hac vice)  
J. Mitch Williams (pro hac vice)  
Dylan T. Martin (pro hac vice)  
**BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.**  
272 Commerce Street  
Montgomery, Alabama 36104  
Phone: (334) 269-2343  
Email: Dee.Miles@BeasleyAllen.com  
Email: Demet.Basar@BeasleyAllen.com  
Email: Clay.Barnett@BeasleyAllen.com  
Email: Mitch.Williams@BeasleyAllen.com  
Email: Dylan.Martin@BeasleyAllen.com

*Class Counsel for the Settlement Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of September, 2024, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court, is available for viewing and downloading from the ECF system, and will be served by operation of the Court's electronic filing system (CM/ECF) upon all counsel of record.

*s/ James E. Cecchi*  
\_\_\_\_\_

James E. Cecchi

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

---

**JOINT DECLARATION OF CLASS COUNSEL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND CLASS REPRESENTATIVE  
SERVICE AWARDS**

---

W. DANIEL “DEE” MILES, III, JAMES E. CECCHI, AND CHRISTOPHER A. SEEGER hereby declare under penalty of perjury pursuant to U.S.C. § 1746 as follows:

1. I, W. Daniel “Dee” Miles, III, duly licensed to practice law in the State of Alabama and admitted *pro hac vice* in this Action, am a partner at the law firm of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C (“Beasley Allen”), co-lead interim class counsel, and one of the Court-appointed Class Counsel in this Action.

2. I, James E. Cecchi, duly licensed to practice law in the State of New Jersey, and admitted to practice in this Court, am a partner at Carella, Byrne, Cecchi, Brody & Agnello, P.C (“Carella Byrne”), co-lead interim class counsel, and one of the Court-appointed Class Counsel in this Action.

3. I, Christopher A. Seeger, duly licensed to practice law in the State of New Jersey, and admitted to practice in this Court, am a partner at Seeger Weiss LLP (“Seeger Weiss”), co-lead interim class counsel, and one of the Court-appointed Class Counsel in this Action.

4. Beasley Allen, Carella Byrne, and Seeger Weiss represent Plaintiffs in this Action, all of whom were appointed Class Representatives by this Court in its Order Granting Preliminary Approval of Class Action Settlement (“Preliminary Approval Order” or “Order”) dated, July 11, 2024. ECF No. 240. In the same Order, we were appointed Class Counsel for the Settlement Class. *Id.*

5. We respectfully submit this Joint Declaration in support of Plaintiffs’ Motion for Award of Attorneys’ Fees, Reimbursement of Expenses, and Class Representative Service Awards (“Motion for Attorneys’ Fees”) (ECF No. 244). We have personal knowledge of the matters set forth herein and are competent to testify regarding the same.<sup>1</sup>

6. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys’ fees and expenses in the amount of \$15,500,000, and (2) for service awards of \$2,500 or \$3,750 (if deposited) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. (“Subaru”) and Denso International America, Inc. (“Denso”) (“Subaru” and “Denso” are collectively referred to as “Defendants”) do not oppose the Motion.

### **INTRODUCTION**

7. This Action and the Settlement involve owners and lessees of certain Subaru vehicles equipped with Denso-made low-pressure fuel pumps (“Fuel Pumps”), which are identified in Exhibits 1 and 2 to the Settlement Agreement as well as Appendix A to the Long Form Notice (the “Covered Vehicles”).

---

<sup>1</sup> Unless otherwise defined herein, capitalized terms have the same meaning as set forth in the Settlement Agreement. ECF No. 238-3.



8. The allegedly defective Fuel Pumps are installed in nearly 1.4 million Subaru vehicles. *See* Declaration of Gina Intrepido-Bowden, Vice President of JND Legal Administration, LLC, regarding Settlement Notice Plan Implementation, dated September 30, 2024 (“Intrepido-Bowden Decl.”) at ¶¶ 6-12. Because a particular Covered Vehicle inevitably would have been owned by more than one person, notice was sent to 2,160,643 potential Class Members. *Id.* at ¶¶ 7, 10-11.

9. From April 2020 to September 20, 2024, Class Counsel has expended 9,677.6 hours of work in connection with this litigation. Based upon our customary rates in this type of litigation, the lodestar value of that time is \$7,400,818.25, at current rates.

### **BACKGROUND**

10. Plaintiffs allege that Subaru marketed and sold the Covered Vehicles as safe, reliable, and durable without disclosing to consumers that the vehicles were equipped with allegedly defective Fuel Pumps, a critical component that supplies fuel to the vehicles’ fuel injection system while the engine is in operation. These allegedly defective Fuel Pumps, all of which were manufactured by Denso, can cause the affected vehicles to run rough, unexpectedly stall, fail to accelerate, lurch and even to lose engine power while in operation, increasing the risk of a crash—as was the case for Plaintiffs and many Class Members.

11. Due to the presence of these Fuel Pumps in certain Subaru vehicles, on

April 16, 2020, Subaru recalled nearly 190,000 Subaru vehicles manufactured between June 18, 2018 and February 25, 2019.

12. On April 27 and June 11, 2020, Denso recalled over 2 million of its Fuel Pumps in various makes and models of vehicles, which included the vehicles equipped with the Fuel Pumps recalled by Subaru.

13. Subsequently, on July 29, 2021, Subaru issued a second recall covering another 165,026 Subaru vehicles. Subaru amended its recall report on August 10, 2021, and again on August 25, 2021 (collectively, the “Subaru Recall(s)”). Altogether, Subaru recalled 359,683 of its vehicles due to the alleged Fuel Pump defect.

14. Prior to commencing litigation, Class Counsel conducted a comprehensive investigation into the underlying facts of this case. We thoroughly studied the recall notice, brought our automotive engineering expertise to reviewing and analyzing recall-related information on the NHTSA website, and other public sources. We conferred extensively with vehicle owners and consulted them about their own experiences with their vehicles’ Fuel Pumps. Class Counsel carefully studied the customer complaints and reports on the NHTSA website as well as other publicly available information as part of this inquiry. Class Counsel retained and conferred with an independent automotive engineering expert (“Automotive Expert”) to better understand the causes of the Fuel Pump problems and to explore

potential remedies.

15. Class Counsel also conducted legal research to determine the viability of asserting various claims, including claims under the consumer protection statutes of potential clients' home states as more individuals began to reach out to Class Counsel. Class Counsel interviewed the potential clients about the internet and other research they did prior to purchasing or leasing their vehicles, and examined Defendants' marketing and advertising materials in various media outlets to assess whether they could properly allege that Defendants made material misrepresentations and/or omissions. Class Counsel researched the viability of common law claims and a nationwide claim for violation of the Magnuson-Moss Warranty Act.

16. After Class Counsel satisfied themselves that viable claims could be asserted against Defendants, they conferred with and got approval from their clients to commence litigation.

17. On April, 23, 2020, Plaintiffs Katherine Griffin, Janet Oakley, and Adam Whitley filed a putative class action complaint in the United States District Court for the Northern District of Alabama, *Katherine Griffin, et al. v. Subaru of America, Inc., et al.*, Case No. 2:20-cv-00563-ACA (N.D. AL.), against Subaru seeking damages and equitable relief individually and on behalf of class members, each of whom purchased or leased an affected vehicle. ECF No. 25. In the complaint,

these Plaintiffs asserted consumer protection and other claims against Subaru for marketing and selling these vehicles as safe and dependable when they are equipped with the Fuel Pumps. *Id.* at ¶18. Plaintiffs also alleged that Subaru’s Recalls were deficient because additional Subaru vehicles shared the same allegedly defective Fuel Pumps that are prone to sudden and unexpected failure. *Id.* at ¶¶ 17, 214, 358.

18. Between June 20, 2020 and July 10, 2020, three other putative class actions were filed in other federal courts making substantially similar allegations as to those in *Griffin*. These other cases were: *Gilles Cohen, et al v. Subaru Corporation, et al.*, Case No. 1:20-cv-09082-JHR-AMD (D.N.J.) (filed on July 7, 2020); *Muhammad Adnan v. Subaru Corporation*, Case No. 1:10-cv-09082-JHR-AMD (D. N.J.) (filed on July 17, 2020); and *Anderson v. Subaru of America, Inc., et al.*, Case No. 1:20-cv-00290-HG-WRP) (D. Haw.) (filed on June 26, 2020).

19. On October 19, 2020, the *Griffin* court, *sua sponte*, consolidated *Griffin* and *Anderson*, designating *Griffin* as the lead case and directing the plaintiffs to file an amended complaint. On December 19, 2020, in the interest of judicial economy, the *Griffin* plaintiffs filed a motion to transfer to the U.S. District Court for the District of New Jersey where the *Cohen* action was being litigated. *Griffin* was transferred on January 19, 2021, consolidated on February 3, 2021, and Plaintiffs filed their Consolidated Amended Complaint (“CAC”) on February 3, 2021.

20. All in all, the CAC asserted: (a) 9 putative nationwide class claims for violations of New Jersey's consumer protection statute, strict liability, and common law fraud against both Defendants, as well as claims for common law breach of contract and breach of covenant of good faith and fair dealing, breach of New Jersey's warranty laws, negligent recall, and unjust enrichment against Subaru; and (b) 50 putative statewide sub-class claims for violations of various state consumer protection statutes, strict liability, and common law fraud against both Defendants, and claims for breach of express and implied warranty, negligent recall, and unjust enrichment against Subaru. ECF No. 125.

21. On March 22, 2021, Defendants served Plaintiffs with their motions to dismiss the CAC, to which Plaintiffs served responses on June 30, 2021 and Defendants replied on September 29, 2021. ECF Nos. 78, 80, 93-94, 106-108. The briefing included over 430 total pages of detailed legal and factual analyses of complex issues covering 33 Plaintiffs and 59 causes of action from 23 states related to issues such as the Defendants' knowledge of the defect and their duty to disclose it; whether the economic loss doctrine barred Plaintiffs' claims; statutes of limitations and whether the claims could be tolled; and vertical privity with a vehicle manufacture and part supplier, among other issues.

22. Specifically, on March 22, 2021, Denso filed its 54-page brief in support of its motion to dismiss covering 25 legal arguments, including those

advocating for the dismissal of Plaintiffs' strict product liability and deception-based claims. ECF No. 78-1. That same day, Subaru filed its 68-page brief in support of its motion to dismiss covering 14 separate arguments, including those challenging the standing of certain named Plaintiffs, Plaintiffs' express and implied warranty claims, and Plaintiffs' statutory consumer protection and common law fraud claims. ECF No. 80-1. On June 30, 2021, Plaintiffs filed their 70-page opposition to Denso's motion to dismiss (ECF No. 94), and their 69-page opposition to Subaru's Motion to Dismiss. ECF No. 93. On September 29, 2021, Defendants filed their 31-page replies in support of their respective motions to dismiss. ECF Nos. 106, 107.

23. In March 2022, the Court issued two lengthy opinions granting in part and denying in substantial part Denso's and Subaru's motions to dismiss. ECF Nos. 111, 113. The Court dismissed 46 of Plaintiffs' claims against Denso and denied Denso's motion to dismiss as to Plaintiffs' other claims: strict liability claims under the laws of 4 states, common law fraud claims under the law of 6 states, and consumer protection claims under the laws of 10 states. ECF No. 112. The Court also dismissed 50 of Plaintiffs' claims against Subaru and denied Subaru's motion to dismiss as to the remainder of Plaintiffs' claims: breach of implied warranty claims under the laws of 8 states, common law fraud claims under the laws of 8 states, and consumer protection and strict liability claims under the laws of 4 states.

ECF No. 114. The Court granted Plaintiffs leave to replead some of the dismissed claims.

24. On May 5, 2022, Plaintiffs filed their SAC, amending their claims for fraudulent concealment/omission under the laws of various states, and for violation of the New Jersey Consumer Fraud Act, N.J. Stat. Ann. § 56:8-1, *et seq.* ECF No. 125. The SAC also included new allegations relating to Subaru's expanded recall in July and August 2021. In June 2022, Subaru and Denso moved to dismiss Plaintiffs' SAC. ECF Nos. 140, 141. The Parties briefed Defendants' motions to dismiss the SAC until September 2022 (ECF Nos. 166, 167), and the motion remained *sub judice* until it was administratively terminated on February 27, 2024, by agreement of the Parties, due to this pending Settlement.

25. As the case progressed, the Parties submitted a Joint Proposed Discovery Plan (ECF No. 138), and actively engaged in negotiating various discovery issues, including an ESI Protocol and Discovery Confidentiality Order, which required guidance from and rulings by the Court. ECF Nos. 144, 150, 153, 158, 161-163, 169. Plaintiffs and Defendants served their written initial disclosures on June 11, 2021 and, between November 2020 and March 28, 2023, the Parties were engaged in extensive written and oral discovery, which required extensive conferrals between Counsel. Additionally, Plaintiffs' Counsel prepared and defended the depositions of 14 named Plaintiffs and conducted extensive document

review in preparation for depositions of Defendants' employees, including their engineers and managers.

26. As part of formal discovery, Defendants produced, and we processed and reviewed approximately 22,000 documents containing more than 163,000 pages of documents related to the Recall, the design and operation of the Defective Fuel Pumps, warranty data, failure modes, Defendants' investigation into the defect, and the Recall countermeasure development and implementation. Additionally, Plaintiffs' Automotive Expert sourced and inspected over 350 Denso Fuel Pumps, and analyzed their operation, specifications, and the density of their impellers.

#### **SETTLEMENT NEGOTIATIONS AND RELIEF**

27. As detailed in our Joint Declaration in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (ECF 238-1), we engaged in intensive, hard-fought, arms' length negotiations with Defendants that lasted over a period of 12 months, during which we participated in multiple in-person meetings with Defendants' counsel, frequent lengthy conference calls, exchanged numerous drafts of the Settlement Agreement and painstakingly negotiated and refined alterations before a final agreement could be reached.

28. During the negotiation process, Defendants produced hundreds of pages of informal and confirmatory electronic document discovery. Class Counsel extensively reviewed and analyzed Defendants' productions, which aided Class



Counsel in subsequent intense negotiations with Defendants regarding the adequacy of Subaru's Recalls and countermeasures, as well as the scope of a potential Settlement Class. These negotiations, informed by Class Counsel's rigorous review and analysis of Defendants' documents, resulted in 169,169 "Additional Vehicles" initially being included in the Settlement, bringing the population of Covered Vehicles to 528,852.

29. On February 16, 2024, Subaru agreed to add another 647,000 Additional Vehicles to the settlement, thus bringing the total number of Covered Vehicles to approximately 1,175,000. On March 19, 2024, Defendants clarified that the exact number of Covered Vehicles is 1,388,532 (consisting of 359,683 Recalled Vehicles + 1,028,849 Additional Vehicles).

30. As a result of Class Counsel's efforts, the Parties were successful in reaching a Settlement that provides concrete substantial benefits to the nearly 2.2 million Class Members, who own(ed) or lease(d) the nearly 1.4 million Covered Vehicles included in the Settlement Class.

31. The Parties finalized all the terms and conditions of the Settlement, which was executed on May 30, 2024, and submitted to this Court the same day along with Plaintiffs' Unopposed Motion for Preliminary Approval Of Class Action Settlement ("Motion for Preliminary Approval"). ECF No. 238.

32. The Settlement achieved here provides valuable relief for all current and former owners or lessees of the 1,028,849 Additional Vehicles (vehicles that were not recalled but are part of the Settlement) and the 359,683 Recalled Vehicles. The Settlement also provides relief to future owners and lessees of the Covered Vehicles because the benefits under the Customer Support Program and Extended Replacement Parts Limited Warranty travel with the Covered Vehicles.

<p><b>Customer Support Program</b></p>	<p>Coverage for repairs (including parts and labor) needed to correct defects in materials or workmanship in the Fuel Pumps of Additional Vehicles for a period of 15 years from the In-Service Date, (SA, § III.A.1), which is the date that the Additional Vehicle was originally sold or leased by a Subaru dealer. SA, § II.A.26.</p>
<p><b>Extended Replacement Parts Limited Warranty</b></p>	<p>A warranty extension of 15 years, measured from the replacement date, or 150,000 miles, whichever comes first, for the replacement Fuel Pumps installed in the Recalled Vehicles. SA, § III.B.1.</p>
<p><b>Loaner Vehicle/Towing</b></p>	<p>Upon request, Class Members are entitled to a complimentary Loaner Vehicle while their fuel pumps are being replaced or repaired under the Customer Support Program or Extended Replacement Parts Limited Warranty. SA, §§ III.A.2, III.B.2.</p> <p>Class Members can keep the Loaner Vehicle for 24 hours after they drop off their vehicle for repair, or after they are informed by Subaru that their vehicle is repaired, whichever is later.</p> <p>If the Covered Vehicle is inoperable or is exhibiting a dangerous condition, Class Members are entitled to a complimentary tow to a Subaru Dealer upon reasonable notice. SA, §§ III.A.2, III.B.2.</p>

<b>Out-of-Pocket Reimbursement</b>	Class Members are entitled to submit claims for out-of-pocket expenses incurred to repair or replace a Fuel Pump in their Covered Vehicle(s), as well as rental vehicle and towing costs, that were not otherwise reimbursed and that were incurred prior to the date on which time to appeal from the Final Judgment has expired. SA, § III.C.
<b>Technical Training</b>	To ensure proper repair, technicians will be required to review technical training videos provided by Subaru, prior to performing any Fuel Pump repairs. SA, § III.G.

33. Utilizing warranty repair data provided during discovery and pro-rating for the age of the vehicles, and vehicle attrition rates, Class Counsel understands that the value of the Customer Support Program and the Extended Replacement Parts Limited Warranty is estimated at over \$380 million. This amount is in addition to the total value of reimbursements for out-of-pocket expenses submitted by Class Members through the Out-of-Pocket Claims Process.

34. In addition to these benefits, the Settlement provides for a reconsideration procedure in connection with the CSP and the Extended Warranty (SA, § III.D) and Settlement oversight by the Settlement Administrator. *Id.*, at §III.F. The CSP and the Extended Warranty will benefit the owners and lessees of nearly 1.4 million Subaru vehicles nationwide and will continue providing relief up through 2035 in some cases.

35. Only after the substantive relief for the Class was negotiated, did the Parties begin negotiating the issue of reasonable attorneys' fees and expenses and, on January 31, 2024, mediated the issue before JAMS mediator, Mr. Bradley A.

Winters, Esq. Following the mediation, the Parties continued negotiations, ultimately, reaching an agreement that Class Counsel would seek an award of attorneys' fees and expenses in an amount not to exceed \$15,500,000.

36. The Court granted preliminary approval of the Settlement on July 11, 2024. ECF No. 240. This Order gave preliminary approval to the Settlement, preliminarily certified the Class, appointed Plaintiffs as Class Representatives and Class Counsel as counsel for the Settlement Class, approved the form and method of providing notice to the Class, and set a date for the Fairness Hearing. *Id.*

37. In accordance with the Preliminary Approval Order, Class Notice of the Settlement was distributed in accordance with the Court-approved Notice Program. The approved Direct Mail Notice was sent by first-class mail on a rolling basis beginning on about September 24, 2024, to each person within the Settlement Class who could be identified based on data provided by IHS Automotive, Driven by Polk. *Id.* Notice of the Settlement was also distributed via a number of social media, and Internet channels. *Id.* In addition, the Long Form Notice of the Settlement and other key documents from this litigation, including the Preliminary Approval Motion and supporting materials, were published on the official settlement website at [www.SubaruFuelPumpsSettlement.com](http://www.SubaruFuelPumpsSettlement.com). *Id.* The Long Form Notice specifically described the provisions of the Settlement related to this motion:

The law firms that worked on this Action will file an application with the Court requesting an award of reasonable Attorneys' fees, costs, and

expenses (“Fees and Expenses”), separate and apart from any relief provided to the Class, in the collective combined total sum of \$15,500,000. Class Counsel have agreed not to accept any Fees and Expenses in excess of that combined total sum. Plaintiffs’ request for Fees and Expenses will be subject to the Court’s approval at the Final Approval Hearing, where any Class Member who submits a proper objection will have an opportunity to comment on the propriety of these requests.

Class Counsel will also ask the Court for service awards to each of the Class Representatives, in the amount of either \$2,500 or \$3,750 each.

*See* [www.SubaruFuelPumpsSettlement.com](http://www.SubaruFuelPumpsSettlement.com), Long Form Notice, at §15.

38. Since the Court granted Preliminary Approval on July 11, 2024, Class Counsel has spent a substantial amount of time working with the Settlement Administrator on getting the Settlement Website up and running by the deadline in the Preliminary Approval Order; otherwise reviewing and communicating with the Settlement Administrator and others concerning notice and related issues; fielding Class Member questions; conferring with Plaintiffs concerning the Settlement and various other matters; working with other Plaintiffs’ Counsel who were also working with their clients, and researching and drafting the final motion papers to approve the Settlement and related relief.

### **THE MOTION**

39. The Motion seeks fees and expenses in the amount of \$15,500,500 for all Plaintiffs’ Counsel in this consolidated Action, who together represent a total of 27 named Plaintiffs, all of whom have now been appointed Class Representatives.

ECF No. 240. All Class Representatives endorse the Settlement and Plaintiffs' Counsel's Motion for Attorneys' Fees.

40. If the Court grants the Motion, any awarded amounts will be paid by Defendants separate and apart from the relief to the Class.

41. As outlined above, the Parties did not discuss appropriate compensation for Plaintiffs' Counsel until after the the Parties reached agreement on the substantive terms of the Settlement relief. After that date, the Parties engaged in a mediation with Mr. Winters, to assist with the fee negotiations based on his knowledge of the case, the Parties' litigation efforts, and his overall efficacy. The Parties were eventually able to reach agreement. In particular, Defendant agreed to pay—subject to the Court's approval—up to \$15,500,000 in attorneys' fees and expenses, and Class Representative Service Awards in the amounts of \$2,500 each for Gilles Cohen, Benjamin Moore, Mary Lou Plante, Meredith Mein de Vera, Blaise Fontenot, Katherine Mutschler, Benjamin Christensen, Jennifer Lilley, Chantel Nelson, Christine King, Paula Weeks, Martin Torresquintero, Cole Sweeton, John Micklo, Jaqueline Ferguson, and Troy Perry, and \$3,750 each for Muhammad Adnan, Dan Rosenthal, Alexandra Efantis, Steven Biondo, Jacqueline Brockman, Marty Brown, Kevin King, Christine Schultz, David Sroelov, Donny Woo, and Katherine Griffin, for a combined total amount of \$81,250.

42. The Court is well aware of the risks attendant to prosecuting high-dollar value contingent cases. This case was no different and presented an array of complex engineering and proof issues that Counsel had to overcome to achieve the results we did. All Counsel are proud of the way the case was litigated, the way the settlement was negotiated, and most importantly, with the relief obtained for the Class.

43. The Court is also well aware of the risks of continued litigation. If required to certify a litigation class, Plaintiffs' Counsel would have been expected to establish the elements of each claim for each state law claim brought on behalf of Plaintiffs. We believe our efforts were well organized and efficiently managed—indeed, Plaintiffs' Counsel had no incentive to do otherwise as this is a contingency matter. Each hour Plaintiffs' Counsel devoted to this case was at risk and indeed, is still at risk, until the Court grants final approval and determines the fee award.

44. Plaintiffs' Counsel is comprised of attorneys from Beasley Allen, Carella Byrne, and Seeger Weiss, each of which was appointed Interim Co-Lead Class Counsel (ECF Nos. 19, 181) and later appointed Class Counsel for the Settlement Class (ECF No. 240); and Plaintiffs' Counsel Hagens Berman Sobol Shapiro LLP ("Hagens Berman"); Blood Hurst & O'Reardon LLP ("BHO"); and DiCello Levitt LLC ("DiCello Levitt").

45. The requested fee and expense amount of \$15,500,000, if approved, amounts to only 4% of the estimated value of the relief being made available to the

Class under the Settlement, which is well below the norm of 33% that is frequently awarded in this Circuit. As set forth above, Plaintiffs’ Counsel logged 9,677.6 hours of work performed on this case since the inception of this litigation, all of which was performed on a contingent basis without any compensation or reimbursement.

46. Based on our customary rates in this type of litigation, Plaintiffs’ Counsels’ lodestar value is \$7,400,818.25, at current rates. The lodestar of each firm is set forth as follows:

<b>Firm</b>	<b>Hours</b>	<b>Lodestar</b>
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.	3,586.3	\$2,814,075.00
Carella, Byrne, Cecchi, Brody & Agnello, P.C.	2,038.8	\$1,869,075.00
Seeger Weiss LLP	3,329.5	\$2,115,600.00
Hagens Berman Sobol Shapiro LLP	158.9	\$106,380.00
Blood Hurst & O’Reardon LLP	282.7	\$188,589.25
Dicello Levitt LLC	281.4	\$307,099.00
<b>TOTAL:</b>	<b>9,677.6</b>	<b>\$7,400,818.25</b>



47. Contained in the concurrently-filed individual Firm Declarations (ECF Nos. 244-3 – 244-8) are true and accurate summaries identifying the attorneys, paralegals, and staff who have worked on this Action, the number of hours those individuals have worked, their regular hourly billing rates, and their respective lodestar values.

48. As set forth in the individual Firm Declarations, the hourly rates for attorneys, paralegals, and staff who worked on this litigation are the usual and customary lodestar rates charged in the firms' respective locations, and the national venues in which the firms typically handle cases for each individual doing the type of work performed in this litigation. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.

49. The lodestar summary reflects Plaintiffs' Counsels' expertise in class action litigation, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services. Plaintiffs' Counsel has been recognized by both federal and state courts across the country as being highly skilled and experienced in complex litigation including successfully leading multiple automotive and consumer fraud class actions. *See* Firm Declarations, ECF Nos. 244-3 – 244-8.

50. In support of the hourly rates, Class Counsel submit that as experienced attorneys with practices in the field of class action litigation, who practice regularly in this District and who are highly experienced in the field, and who maintain offices within this District, that the hourly rates for experienced lawyers providing services may be as high as, or exceed, those requests herein. Class Counsel further opine that, being familiar with the hourly rates regularly charged by firms practicing in this field before the federal and state courts of New Jersey, the hourly rates sought by Plaintiffs' Counsel for the services rendered to Plaintiffs and the Settlement Class in the above-referenced Litigation are in line with the prevailing hourly rates currently being charged by New Jersey attorneys with comparable skill, experience, and reputation for the legal services rendered in class action litigation in the federal courts of this District.

51. The total amount of fees sought represents a modest 2.04 multiplier on counsel's lodestar. This multiplier is certainly on the low end of multipliers in successful national class actions that, as here, are litigated on an entirely contingent basis.

52. During the course of the Litigation, Plaintiffs' Counsel incurred expenses of \$347,319.59. The itemization of these expenses for each firm are set forth in each of their respective Firm Declarations, ECF Nos. 244-3 – 244-8. Among other costs, in this Litigation, Plaintiffs' Counsel retained experts to inspect various

Class Vehicles and/or parts and interacted with Plaintiffs’ Counsel in describing their analysis and findings. The expenses incurred herein were reasonable and necessary for the prosecution of the Litigation, are the types of expenses that Plaintiffs’ Counsel typically incur in complex litigation, and for which Plaintiffs’ Counsel are typically reimbursed when the Litigation results in a Settlement and is finally approved. These expenses will be paid separately from, and in addition to, the benefits made available to the Class. The breakdown of these expenses by firm are as follows:

<b>Firm</b>	<b>Expenses</b>
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.	\$128,055.37
Carella, Byrne, Cecchi, Brody & Agnello, P.C.	\$84,894.08
Seeger Weiss LLP	\$92,799.08
Hagens Berman Sobol Shapiro LLP	\$2,146.42
Blood Hurst & O’Reardon LLP	\$15,734.90
Dicello Levitt LLC	\$23,689.74
<b>TOTAL:</b>	<b>\$347,319.59</b>

53. As set forth in the Firm Declarations, these amounts were derived from contemporaneous daily time and expense records compiled on this matter, which are

recorded in our computerized databases. The firms require regular and contemporaneous recording of time and expense records, which occurred in this case.

54. In our opinion, the time expended and the expenses incurred in prosecuting this Action were reasonable and necessary for the diligent litigation of this Action and the valuable Settlement that was ultimately achieved.

55. Moreover, we expect to expend a significant amount of time in this case until it is fully resolved. Since July 11, 2024, Class Counsel has already spent many hours preparing and finalizing the voluminous motion papers that are being filed today. Between now and the final approval hearing set for November 18, 2024, we will continue to do a significant amount of work, including, among other things, (i) conferring with Defendants' counsel on Settlement-related issues; (ii) conferring with the Settlement Administrator about notice, objectors and opt-out requests; (iii) working with other Plaintiffs' Counsel; (iv) working with Plaintiffs' experts, including, potentially, on additional expert declarations; (v) fielding calls from Class Members, including potential objectors; (vi) researching and drafting supplemental briefs and declarations by the November 13, 2024 deadline; (vii) preparing for the Fairness Hearing; (viii) traveling to and from New Jersey; (ix) presenting oral argument at the Fairness Hearing; and (x) communicating with Class Representatives. Based on prior experience and recent billings, we expect to expend

another 350 hours on this litigation until the end of 2024 which, multiplied by an average rate of \$1,100, yields a lodestar of nearly \$385,000.00. Together with the lodestar of \$7,400,818.25 through September 20, 2024, the expected billings of \$385,000, would yield a lodestar of approximately \$7,785,818.00.

56. In addition, if the Court grants final approval of the Settlement, as Settlement Class Counsel, we will continue to expend time and resources overseeing the Settlement administration, assisting Class members, and tending to any other issues may arise related to the Settlement. Indeed, some of our future obligations are set forth in the Settlement Agreement itself. For example, under the Settlement Agreement, if a Class Member disputes the rejection of all or part of her Claim, or if a Class Member has an unresolved dispute concerning any benefit under the Settlement, Class Counsel will be involved in the resolution of the dispute, including by communicating with the Class Member, conferring with Defendants' Counsel, and the Settlement Administrator, as the case may be, and may need to make written recommendations in connection with the dispute. SA, §§ III.C.5.c, III.F.1. Notably, some of the Covered Vehicles have coverage under the Extended Replacement Parts Limited Warranty until 2035. In addition, the Settlement Administrator is to provide status reports to Class Counsel every six months until the distribution of the last check under the Out-of-Pocket Claims Process, together with copies of all rejection notices, which Class Counsel will review and monitor. SA, § III.C.6. During the 12

months after the Final Effective Date, the Settlement Administrator, with cooperation of Defendants' Counsel, will also provide quarterly reports to Class Counsel concerning the implementation of and Class Member participation in the CSP. SA, § III.F.2. In addition to these delineated duties, Class Counsel will field numerous Class Member inquiries and otherwise communicate with Class Members as we are identified as the only lawyers Class Members should contact on the Settlement Website.

57. We submit the requested fee and expense amount of \$15,500,000 is reasonable when viewed in relation to the substantial recovery obtained for the Class and in light of: (1) the tremendous amount of time and effort spent litigating this Action; (2) the magnitude and complexity of this Action; (3) the tremendous risk inherent in complex litigation such as this, especially when on a purely contingent basis; (4) the task of litigating against some of the best defense firms in the county; (5) the unique complexities involved with litigating claims against multiple defendants involved in the automotive industry; (6) the requested fees' relation to the Settlement, which provides better relief to a larger class than most recent automotive class action settlements; and (7) the public policy favoring the granting of reasonable attorneys' fees that will attract qualified plaintiffs' counsel and encourage plaintiffs' counsel to zealously enforce state laws.

58. We submit that the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions, satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

59. We also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 (if deposed) each, as listed below. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

### **CONCLUSION**

60. For the reasons set forth herein, and in the Motion and Memorandum in Support, we respectfully submit that the Court award: (1) attorneys' fees and expenses of \$15,500,000; and (2) Class Representative Service Awards of \$2,500 per representative to Gilles Cohen, Benjamin Moore, Mary Lou Plante, Meredith Mein de Vera, Blaise Fontenot, Katherine Mutschler, Benjamin Christensen, Jennifer Lilley, Chantel Nelson, Christine King, Paula Weeks, Martin Torresquintero, Cole Sweeton, John Micklo, Jaqueline Ferguson, and Troy Perry; and (3) Class Representative Service Awards of \$3,750 per representative to

Muhammad Adnan, Dan Rosenthal, Alexandra Efantis, Steven Biondo, Jacqueline Brockman, Marty Brown, Kevin King, Christine Schultz, David Sroelov, Donny Woo, and Katherine Griffin.

61. We declare under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2024

s/ James E. Cecchi

James E. Cecchi

**CARELLA, BYRNE, CECCHI,  
BRODY & AGNELLO, P.C.**

5 Becker Farm Road

Roseland, New Jersey 07068

Telephone: (973) 994-1700

jcecchi@carellabyrne.com

s/ Christopher A. Seeger

Christopher A. Seeger

**SEEGER WEISS LLP**

55 Challenger Road, 6th Floor

Ridgefield Park, NJ 07660

Telephone: (973) 639-9100

Facsimile: (973) 584-9393

Email: cseeger@seegerweiss.com

s/ W. Daniel Miles, III

W. Daniel "Dee" Miles, III (*pro hac vice*)

**BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.**

272 Commerce Street

Montgomery, Alabama 36104

Phone: (334) 269-2343

Email: Dee.Miles@BeasleyAllen.com

*Class Counsel for the Settlement Class*



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

---

**DECLARATION OF W. DANIEL “DEE” MILES, III  
IN SUPPORT OF PLAINTIFFS’ MOTION FOR AN AWARD OF  
ATTORNEYS’ FEES, REIMBURSEMENT OF EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

---

I, W. DANIEL “DEE” MILES, III, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Dee Miles, am a principal of the law firm Beasley, Allen, Crow, Methvin, Portis & Miles, P.C (“Beasley Allen”), located in Montgomery, Alabama and Atlanta, Georgia, and serve as the firm’s Consumer Fraud and Commercial Litigation Section Head. I am duly licensed to practice law in the State of Alabama and admitted *pro hac vice* in this Action, co-lead interim class counsel, and one of the Court-appointed Class Counsel in this Action. I have also been admitted to

practice in the United States District Courts of the Middle District of Alabama, the Southern District of Alabama, Northern District of Alabama and the Eastern District of Michigan, as well as the United States Court of Appeals for the Eleventh Circuit.

2. Beasley Allen represents Plaintiffs in this Action, all of whom were appointed Class Representatives Court in its Order Granting Preliminary Approval of Class Action Settlement (“Preliminary Approval Order” or “Order”) dated, July 11, 2024. ECF No. 240. In the same Order, we were appointed Class Counsel for the Settlement Class. *Id.*

3. I respectfully submit this declaration in support of Plaintiffs’ Motion for An Award of Attorneys’ Fees, Reimbursement of Expenses, and Class Representative Service Awards. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

4. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys’ fees and expenses in the amount of \$15,500,000, and (2) for service awards of \$2,500 or \$3,750 (if deposed) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. (“Subaru”) and Denso International America, Inc. (“Denso”) (“Subaru” and “Denso” are collectively referred to as “Defendants”) do not oppose the Motion.

5. From April 23, 2020 through September 20, 2024, my firm has expended 3583.3 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$2,782,875.00.

6. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following: investigated the Recalls and Plaintiffs' potential claims; drafted and filed the *Griffin* complaint in the Northern District of Alabama on April 23, 2020; coordinated with Defendants' Counsel after filing the *Griffin* case; moved to transfer the *Griffin* action to this Court in December 2020, after working collegially with the attorneys at Seeger Weiss and Carella Byrne to organize the case; investigated claims and collected documents from other potential clients with affected vehicles, including Mr. Sroelov, who was ultimately included in the consolidated amended complaint; regularly interfaced with Beasley Allen's clients to review relevant materials with them and keep them informed regarding the prosecution of the litigation; participated in regular meetings with the other Interim Co-Lead Class Counsel and the other Plaintiffs' Counsel regarding the case status, strategy, experts and ongoing assignments; worked closely with other Interim Co-Lead Class Counsel in drafting and finalizing the consolidated amended complaints; reviewed defendants' motions to dismiss and researched and drafted portions of the oppositions to said motions; coordinated discovery, including

participating in the drafting and negotiating of an ESI Protocol and Discovery Confidentiality Order, collecting documents from Beasley Allen's clients, drafting and serving responses to Defendants' discovery requests, worked closely with other Interim Co-Lead Class Counsel in preparing and defending the depositions of 14 named Plaintiffs, propounding and serving multiple rounds of Plaintiffs' discovery requests to Defendants, reviewing Defendants' responses to Plaintiffs' discovery requests, conferring with Defendants' Counsel regarding numerous discovery disputes, collecting and reviewing Defendants' documents; drafted, revised, and negotiated, over the span of a year, the Settlement Agreement, and all exhibits thereto, including the Class Notice, drafted and revised the preliminary approval papers; conducted extensive research throughout the litigation and settlement negotiations; drafted, revised, and reviewed the final approval papers, application for attorneys' fees, expenses, and Class Representative service awards, including the accompanying memoranda, declarations, and supporting materials; reviewed the final Settlement Agreement with Beasley Allen's clients and sought and received approval from Beasley Allen's clients regarding the terms of the Settlement.

7. Our firm's work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

8. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours those individuals have worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

9. The hourly rates, shown below, are the usual and customary lodestar rates charged in Montgomery, Alabama and in Atlanta, Georgia, and the national venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New York, where Ms. Basar resides and works, and New Jersey where this Action is pending. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.

<b>Name:</b>	<b>Rate:</b>	<b>Hours:</b>	<b>Fees:</b>
Wilson D. Miles, III	\$1,150.00	311.8	\$381,570.00
Demet Basar	\$975.00	723.6	\$705,510.00
H. Clay Barnett, III	\$950.00	528.5	\$502,075.00
Rebecca D. Gilliland	\$950.00	1.1	\$1,045.00

Mitch Williams	\$750.00	639.4	\$479,550.00
Dylan Martin	\$650.00	736.5	\$478,725.00
Lydia Reynolds	\$650.00	164	\$106,600.00
Tyner Helms	\$650.00	34	\$22,100.00
Trent Mann	\$550.00	16.8	\$9,240.00
David Dubose	\$350.00	49.9	\$17,465.00
Grayson Asire	\$350.00	26.5	\$9,275.00
Jason Kingry	\$350.00	13.2	\$4,620.00
Brenda Russell	\$300.00	321	\$96,300.00
<b>TOTAL:</b>		<b>3586.3</b>	<b>\$2,814,075.00</b>

10. The lodestar summary reflects Beasley Allen’s expertise in class action litigation, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services. Beasley Allen has been recognized by both federal and state courts across the country as being highly skilled and experienced in complex litigation including successfully leading multiple automotive and consumer fraud class actions. Beasley Allen has been appointed to over 30 Executive and/or Plaintiff Steering Committee positions in MDL and other class action cases in federal courts across the country. In September 2022, Beasley Allen attorneys

obtained a favorable \$102.6 million jury verdict in an automotive class action against General Motors, LLC pending in the Northern District of California. Additionally, in December 2022, Beasley Allen attorneys obtained a final approval of a favorable settlement, valued at \$287 million, in an automotive class action against Toyota Motor North America, Inc. and Denso International America, Inc. involving the same Fuel Pump defect alleged in this Action.

11. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving billions of dollars in recoveries for consumers.

12. My firm has also advanced a total of \$128,055.37 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

<b>Beasley, Allen, Crow, Methvin, Portis &amp; Miles, P.C.</b>	
<b>CATEGORY</b>	<b>AMOUNT</b>
Assessment (Litigation Fund)	\$78,104.95
Federal Express/Local Courier, etc.	\$429.57
Postage Charges	\$49.23
Long Distance	\$1.59
In-House Photocopying	\$29.97
Campaign Fee	\$1,083.33

E-Discovery	\$7,671.77
Lexis/Westlaw	\$6,027.89
Court Fees	\$5,170.14
Investigative Research	\$131.04
Depositions	\$2,143.65
Hotels	\$9,325.88
Meals	\$2,720.93
Air Travel	\$11,931.52
Ground Transportation (i.e., Rental, Taxis, etc.)	\$3,233.91
<b>TOTAL</b>	<b>\$128,055.37</b>

13. These amounts were derived from contemporaneous daily time and expense records compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records and expenses, which occurred in this case.

14. In my opinion, the time expended and expenses incurred in prosecuting this Action as interim Co-Lead Class Counsel and, later, as Settlement Class Counsel, were reasonable and necessary for the diligent litigation of this matter and the valuable Settlement that was ultimately reached.

15. Moreover, we expect to expend a significant amount of time in this case until it is fully resolved. Since July 11, 2024, Class Counsel has already spent many



hours preparing and finalizing the voluminous motion papers that are being filed today. Between now and the Fairness Hearing set for November 18, 2024, we will continue to do a significant amount of work. *See* Joint Declaration of Class Counsel in Support of Plaintiffs' Motion for An Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards, ¶ 56, contemporaneously filed herewith.

16. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs' claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso Fuel Pumps at issue in this litigation.

17. This case was litigated over the course of over three-and-a-half years and nearly 12 months of informed, good faith, arms'-length negotiations among experienced counsel. Class Representatives fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation,

including by reviewing and approving pleadings, the Settlement Agreement and related motions, and provided documents and information as necessary.

18. I submit the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions and in relation to the substantial recovery obtained for the Class, is reasonable and satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

19. I also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 each, as reflected in the Settlement Agreement and the Motion. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

20. I declare under penalty of perjury that the foregoing is true and correct.

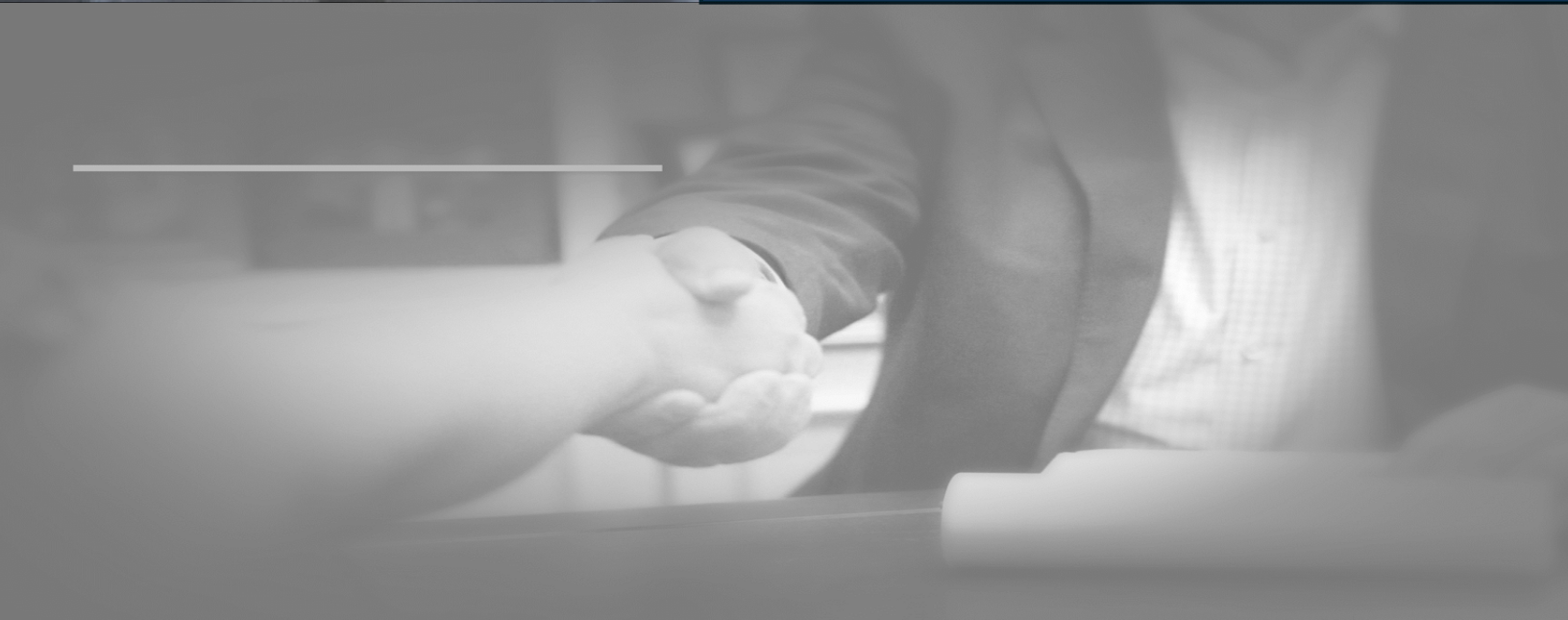
Dated: September 30, 2024



W. DANIEL "DEE" MILES, III



Since 1979, Beasley Allen has been committed to “helping those who need it most.” Our attorneys have helped thousands of clients get the justice they desperately needed and deserved.



BRADY WALLACE  
WALLACE WALLACE  
MILLS, P.C.

## About the Firm

---

ATTORNEYS AT LAW

## ABOUT THE FIRM:

In 1979, Jere Locke Beasley, former Alabama lieutenant governor, decided to leave politics and return to law practice. He founded what is known today as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., or the Beasley Allen Law Firm.

For more than four decades, our firm has been at the forefront of driving positive change, keeping in line with Jere's unwavering mission of "helping those who need it most." With 100 attorneys and hundreds of support staff, we handle complex litigation cases in state and federal courts across the U.S.

### *Helping those who need it most, since 1979*

Our cases have been featured in major national media outlets such as Time Magazine, Business Week and Forbes. We've represented clients testifying before U.S. congressional committees and have garnered over \$32 billion in verdicts and settlements. With a commitment to justice and a passion for helping those harmed by the actions of others, Beasley Allen has become a trusted and respected leader in the legal community.

## Case History

---



## CASE HISTORY:

---

Beasley Allen's highly qualified attorneys and staff work tirelessly for clients throughout the country. We have a proven track record of successfully representing plaintiffs and claimants in various areas, including Business Litigation, Class Actions, Consumer Protection, Employment Law, Insurance Litigation, Qui Tam Litigation, Mass Torts, Personal Injury, Products Liability and Toxic Torts.

Our team has extensive experience handling complex litigation, attorney general litigation, qui tam litigation, class-action lawsuits and multi-district litigation throughout the U.S., including district and Federal courts.

---

***Our team has extensive experience in  
handling complex litigation***

---

We have played an integral role in consumer multi-district litigation in numerous cases, including those against Vioxx, BP, Toyota SUA, Blue Cross Blue Shield, VW, Chrysler Fiat and others. We have obtained billions in verdicts for our clients against some of this country's largest corporate wrongdoers, including AstraZeneca, GSK, Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., Imerys Talc America, Inc., Exxon and General Motors.

# Top Result Summary

---



## TOP RESULT SUMMARY:

Beasley Allen has a proven track record as lead or co-lead counsel in complex legal cases. We have achieved some of the largest verdicts and settlements in the country of their time in various categories. The firm has achieved successful client outcomes, resulting in numerous multi-million-dollar settlements and verdicts:

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);

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. 09-487, 09-488, and 09-455, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);

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;

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;

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);

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;

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. McCooey;

**TOP RESULT SUMMARY:**

---

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);

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;

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;

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);

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; and

Siqueiros v. General Motors, LLC, largest auto defect class action verdict, **\$102,600,000**, filed in United States District Court for the Northern District of California, Civil Action No. 3:16 cv-07244-emc.

# Lead / Co-Lead MDL & Class Actions

---

## LEAD /CO-LEAD MDL & CLASS ACTIONS:

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 multi-district and class actions litigations:

**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);

**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);

**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);

**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);

**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);

**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);

**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);

**LEAD /CO-LEAD MDL & CLASS ACTIONS:**

**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);

**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.19-mc-2903 (Demet Basar, Principal of Beasley Allen);

**In Re: Social Media Cases**, JCCP No. 255, Judge Carolyn Kuhl, Department SS12, Los Angeles Superior Court, Lead Case 22STCV21355 (Joseph VanZandt, Principal of Beasley Allen);

**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);

**In Re: Xarelto (Rivaroxaban) Products Liability Litigation**, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;

**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);

**Simerlein v. Toyota Motor Corporation et al.**, United States District Court District of Connecticut, Judge Victor Bolden, Case No. 3:17-cv-01091-VAB (Dee Miles, Shareholder of Beasley Allen);

**The K's Inc. v. Westchester Surplus Lines Insurance Company**, United States District Court, Northern District of Georgia, Judge William Ray, II, 1:20-cv-1724-WMR (Dee Miles, Shareholder of Beasley Allen);

**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-00666-MHH (Dee Miles, Shareholder of Beasley Allen); and

**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).

# PEC / PSC MDL & Class Actions

---

## PEC / PSC MDL & CLASS ACTIONS

Beasley Allen has been appointed to the Plaintiff's Executive Committee and/or Steering Committee in many complex litigations. All of these multidistrict litigations and class actions 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 and class actions litigations:

**In Re: Actos (Pioglitazone) Products Liability Litigation**, United States District Court for the Western District of Louisiana, Judge Rebecca F. Doherty, MDL No. 2299;

**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;

**In Re: Androgel Products Liability Litigation**, United States District Court for the Northern District of Illinois, Judge Matthew F. Kennelly, MDL No. 2545;

**In Re: Apple Inc. Device Performance Litigation**, United States District Court for the Northern District of California, Judge Edward J. Davila, MDL 2827;

**In Re: AT&T Inc Customer Data Security Breach Litigation**, United States District Court, Northern District of Texas, Judge Ada Brown, Case No. 3:24-cv-00757-E;

**In Re: Baby Food Products Liability Litigation**, United States District Court for the Northern District of California, Judge Jacqueline S. Corley, MDL 3101.

**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;

**In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation**, United States District Court for the Northern District of Indiana, Judge Robert L. Miller, Jr., MDL No. 2391;

**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;

## PEC / PSC MDL & CLASS ACTIONS

**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;

**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;

**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;

**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;

**In Re: Coloplast Corp. Pelvic Repair Systems Products Liability Litigation,** United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2387;

**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;

**In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation,** United States District Court for the Northern District of Texas, Judge Ed Kinkeade, MDL No. 2244;

**In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation,** United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2327;

**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;

**In Re: Fosamax Products Liability Litigation,** United States District Court, Southern District of New York, Judge John F. Keenan, MDL No. 1789;

**In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation,** United States District Court, District of Massachusetts, Judge Douglas P. Woodlock, MDL No. 2428;



## PEC / PSC MDL & CLASS ACTIONS

**In Re: Glucagon-like Peptide-1 Receptor Agonists (GLP-A RAS) Products Liability Litigation**, United States District Court for the Eastern District of Pennsylvania, Judge Gene E. K. Pratter, MDL 3094;

**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;

**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;

**In Re: Invokana (Canagliflozin) Products Liability Litigation**, United States District Court District of New Jersey, Judge Lois H. Goodman, MDL No. 2750;

**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;

**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;

**In Re: Mirena IUD Products Liability Litigation**, United States District Court, Southern District of New York, Judge Cathy Seibel, MDL No. 2434;

**In Re: Motor Fuel Temperature Sales Practices Litigation**, United States District Court for the Middle District of Kansas, Judge Kathryn Vratil, MDL No. 1840;

**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;

**In Re: Paraquat Products Liability Litigation**, United States District Court for the Southern District of Illinois, Judge Nancy J. Rosenstengel, Case No. :21-md-03004-NJR;

**In Re: Prempro Products Liability Litigation**, United States District Court, Eastern District of Arkansas, Western Division, Judge Billy Roy Wilson, MDL No. 1507;

## PEC / PSC MDL & CLASS ACTIONS

**In Re: Proton-Pump Inhibitor Products Liability Litigation**, United States District Court District of New Jersey, Judge Claire C. Cecchi, MDL No. 2789;

**In Re: Robinhood Outage Litigation**, United States District Court for the Northern District of California, Judge James Donato, Case No. 20-cv-01626-JD;

**In Re: Social Media Adolescent Addiction/Personal Injury Product Liability Litigation**, Civil Action No. :22-md-03047-YGR, MDL No. 3047;

**In Re: Stryker Rejuvenate & ABG II Modular Hip Implant Litigation**, Superior Court of New Jersey Law Division: Bergen County, Judge Rachelle Harz, Case No. 296 Master Docket No. BER-L-936-13-MCL;

**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;

**In Re: Target Corporation Custom-er Data Security Breach Litigation**, United States District Court for the District of Minnesota, Judge Paul A. Magnuson, MDL No. 2522;

**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;

**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 Selna, MDL No. 2151;

**In Re: Vioxx Products Liability Litigation**, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657;

**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;

**In Re: Xarelto (Rivaroxaban) Products Liability Litigation**, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;

## PEC / PSC MDL & CLASS ACTIONS

---

**In Re: Zantac (Ranitidine) Products Liability Litigation**, United States District Court for the Southern District of Florida, Judge Robin L. Rosenberg, MDL No. 2924;

**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; and

**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.

# Attorney General Litigation

---

## ATTORNEY GENERAL LITIGATION:

Beasley Allen is a proven leader in Attorney General Litigation on a national level. We have provided legal representation to several states, including Alabama, Alaska, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Mississippi, South Carolina, Utah and West Virginia. The firm has also confidentially investigated matters for other attorneys general.

Our experience in these complex legal cases involves conducting thorough investigations to determine if litigation is necessary, providing counsel to the states on whether to pursue legal action, managing all aspects of litigation once it is filed, negotiating the Attorney General's claims during settlement discussions, and presenting the case in court before a judge and jury and even handling the case on appeal.

### ***Our firm has recovered billions of dollars or multiple states***

We have a track record of recovering billions of dollars for various states, with over \$1.5 billion related to state funds. We specialize in representing states and attorneys general in various litigation cases, including cases related to Medicaid fraud, antitrust, consumer protection violations, false claims, fraud, unjust enrichment, false advertising, negligence, breach of contract, nuisance abatement and unfair and deceptive trade practices.

We have handled cases involving fraudulent pricing of prescription drugs on behalf of eight states with Average Wholesale Price issues, represented four states against McKesson Corporation for its fraudulent and unfair practices involving prescription drugs, represented two states in the Fresenius litigation case involving the medical device GranuFlo, and tackled the Unapproved Drugs litigations on behalf of two states concerning the states' reimbursement of drugs with fraudulently obtained Medicaid reimbursement approval status. Additionally, we have dealt with the Usual and Customary litigations regarding the false reporting of pharmacy price lists by the nation's largest chain pharmacies, the Actos litigation, and conducted many other investigations related to consumer protection issues, and states claims against opioid defendants, the manufacture, marketing, pricing, and sale of pharmaceuticals, pharmaceutical devices, and the general provision of goods and services in the healthcare industry.

## ATTORNEY GENERAL LITIGATION:

Beasley Allen attorneys were lead counsel in the following Attorney General cases:

**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;

**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;

**State of Alabama, ex. rel. Luther Strange, Attorney General v. BP, PLC., et al.,** MDL No. 2179, E.D. La., Judge Carl Barbier;

**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;

**In Re: The Attorney General's Investigation,** AGO Case No. AN2014103885, Alaska Pay-for-Delay Antitrust Investigation;

**State of Alaska v. Alharma 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;

**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;

**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;

**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;

**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;

## ATTORNEY GENERAL LITIGATION:

**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;

**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;

**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;

**State of Louisiana v. Abbott Laboratories, Inc., et al.**, Suit No. 624, 522, Sec. 6; Parish of East Baton Rouge, Judge Donald R. Johnson;

**State of Louisiana v. Abbott Laboratories, Inc., et al.**, Docket No. 596164, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;

**State of Louisiana v. McKesson Corporation**, Docket No. 597634, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;

**State of Louisiana v. Pfizer, Inc., et al.**, Docket No. 625543, Sec. 24, 19th Judicial District Court, Parish of East Baton Rouge, Judge R. Michael Caldwell;

**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;

**State of Louisiana, et al. v. Molina Healthcare, Inc., et al.**, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 631612, Judge Janice Clark;

**State of Louisiana, et al. v. Takeda Pharmaceuticals America, Inc., et al.**, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 637447, Judge R. Michael Caldwell;

**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;

**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;

## ATTORNEY GENERAL LITIGATION:

**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;

**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;

**State of Mississippi v. Endo Pharmaceuticals, Inc.,** Civil Action No. 17-cv-000309, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;

**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;

**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.;

**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;

**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.;

**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.;

**State of Mississippi v. Walgreen Co., et al.,** DeSoto County, Third Chancery District, Trial Court No. 16-cv-01391, Judge Mitchell M. Lundy, Jr.;

**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 Cordell Maddox, Jr.;

**State of West Virginia v. Merck-Med-co,** Civil Action No. 02-C-2944, Circuit Court of Kanawha County, West Virginia, Judge Jennifer F. Bailey;



## ATTORNEY GENERAL LITIGATION:

---

**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;

**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; and

**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 Medley.

# Practices: Class Actions

---

## PRACTICES: CLASS ACTIONS

Beasley Allen is also a leader in complex class action litigation. We have successfully brought several class actions, some transferred to multidistrict litigation filed in federal and state courts.

**Ace Tree Surgery, Inc. v. Terex Corporation, et al.**, Case No.1:16-cv-00775-SCJD (Northern District of Georgia, filed July 22, 2015);

**Coates v. MidFirst Bank**, 2:14-cv-01079 (Northern District of Alabama, certified July 29, 2015);

**Danny Thomas, et al. v. Southern Pioneer Life Insurance Company**, No. CIV-2009-257JF, in the Circuit Court of Greene County, State of Arkansas;

**Dickman, et al. v. Banner Life Insurance Company, et al.**, Case No. 1:16-cv-00192-WMN (District of Maryland, filed January 19, 2016);

**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;

**Estrada v. Johnson & Johnson, et al.**, Case No. 2:14-cv-01051-TLN-KJN (Eastern District of Alabama, filed April 28, 2014);

**Gerrell Johnson v. Subaru of America, Inc. et al.**, Case No. 2:19-cv-05681-JAK-MAA (Central District of California, filed June 28, 2019);

**Thondukolam et al., vs. Corteva, Inc., et al.**, Case No. 4:19-cv-03857 (Northern District of California, filed July 3, 2019);

**In Re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation**, 3:15-md-02672 (Northern District of California, settlements approved October 25, 2016, and May 17, 2017);

**In Re: Apple Inc. Device Performance Litigation**, Case No. 5:18-md-02827-EJD (Northern District of California, filed April 5, 2018);

**In Re: ARC Airbag Inflators Products Liability Litigation**, 22-md-03051-ELR (Northern District of Georgia). Beasley Allen’s class action cases involve a variety of complex legal issues;

**PRACTICES: CLASS ACTIONS**

**In Re: Domestic Airline Travel Antitrust Litigation**, Case No. 1:15-mc-01404-CKK (District Court for the District of Columbia, filed October 13, 2015);

**In Re: Facebook, Inc., Consumer Privacy User Profile Litigation**, Case No. 5-18-md-02827-EJD (Northern District of California, filed June 6, 2018);

**In Re: German Automotive Manufacturers Antitrust Litigation**, Case No.:17-md-02796-CRB ((Northern District of California, filed October 5, 2017);

**In Re: Polaris Marketing, Sales Practices, and Products Liability Litigation**, Case No. 0:18-cv-00939-WMW-DTS (District of Minnesota, filed April 5, 2018);

**In Re: Takata Airbag Products Liability Litigation**, 1:15-md-02599 (Southern District of Florida);

**In Re: The Home Depot, Inc., Customer Data Security Breach Litigation**, Case No. Case 1:14-md-02583-TWT (Northern District of Georgia, filed November 13, 2014);

**Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation**, Case No. 3:18-md-02828 (District of Oregon, filed April 5, 2018);

**Jason Compton et al v. General Motors, LLC**, Case No. 1:19-cv-00033-MW-GRJ (Northern District of Florida, filed February 21, 2019);

**Kerkorian et al v. Nissan North America, Inc.**, Case No. 18-cv-07815-DMR ((Northern District of California, filed December 31,2018);

**Larry Clairday, et al. v. Tire Kingdom, Inc., et al.**, No. 2007-cv-020 (Southern District of Georgia);

**Lesley S. Rich, et al. v. William Penn Life Insurance Company of New York**, Case No. 1:17-cv-02026-GLR (District of Maryland, filed July 20, 2017);

**Monteville Sloan, Jr. v. General Motors LLC**, Case No. 3:16-cv-07244-EMC (Central District of California, filed December 19,2016);

**Scott Peckerar et al. v. General Motors, LLC**, Case No. 5:18-cv-02153-DMG-SP (Central District of California, filed December 9, 2018);

**PRACTICES: CLASS ACTIONS**

---

**Sigfredo Rubio et al., vs. ZF-TRW Automotive Holdings Corp., et al.**, Case No. 2:19-cv-11295-LVP-RSW (Eastern District of Michigan., filed May 3, 2019);

**Vivian Farris, et al. v. U.S. Financial Life Insurance Company**, Case No. 1:17-cv-417 (Southern District of Ohio, filed June 19, 2017);

**Walls v. JP Morgan Chase Bank, N.A.**, 3:11-cv-00673 (Western District of Kentucky, certified October 13, 2016);

**Weidman, et al. v. Ford Motor Co.**, Case No. 2:18-cv-12719 (Eastern District of Michigan, filed August 30, 2018);

**William Don Cook v. Ford Motor Company**, Case No. 2:19-cv-00335-ECM-GMB (Middle District of Alabama, filed May 8, 2019); and

**Wimbreth Chism, et al. v. The Pantry, Inc. d/b/a Kangaroo Express**, No. 7:09-cv-02194-LSC (Northern District of Alabama).

# Qui Tam Litigation

---

## QUI TAM LITIGATION

---

Beasley Allen's qui tam cases involve various complex legal issues, such as 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 specializes in qui tam litigation. For example, our firm settled a significant qui tam case against U.S. Investigations Services, Inc. (USIS), a private government contractor, for \$30 million in collaboration with the U.S. Department of Justice (DOJ). 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 is also a leader in complex class action litigation.***

---

In another case, Beasley Allen represented one of six whistleblowers responsible for a \$39 million settlement in a False Claims Act case. The case, *United States, et al., ex rel. Jada Bozeman v. Daiichi-Sankyo Company*, Civil Action No. 14-cv-11606-FDS, alleged illegal kickbacks and off-label marketing against Daiichi-Sankyo Company, Ltd.

# Firm Resource Summary

---



## FIRM RESOURCE SUMMARY

Beasley Allen's primary offices are located in Atlanta, Georgia; Mobile, Alabama; and Montgomery, Alabama, although our firm has attorneys and clients throughout the country. We have over one hundred attorneys nationwide and over double the amount of support staff. In addition to our litigation teams, Beasley Allen maintains a full-time information technology department and a marketing department, allowing our attorneys to present cases for our clients at hearings and trials with help from the latest technology. This keeps our firm at the forefront of multi-media and case management.

We advocate for better business practices, resulting in positive outcomes for clients and communities. This has led to significant benefits for Americans in the workplace, the automotive industry, healthcare, consumers and the use of daily products.

For more information on our cases, consumer safety topics and original interviews with our attorneys and clients, please visit our website, [BeasleyAllen.com](http://BeasleyAllen.com).



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

---

**DECLARATION OF JAMES E. CECCHI  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

---

I, JAMES E. CECCHI, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, James E. Cecchi, am a shareholder of the law firm Carella, Byrne, Cecchi, Brody & Agnello, P.C (“Carella Byrne”), located in Roseland, New Jersey. I am duly licensed to practice law in the State of New Jersey and I am co-lead interim class counsel, and one of the Court-appointed Class Counsel in this Action.

2. I respectfully submit this declaration in support of Plaintiffs’ Motion for An Award of Attorneys’ Fees, Reimbursement of Expenses, and Class

Representative Service Awards. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

3. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys' fees and expenses in the amount of \$15,500,000, and (2) for service awards of \$2,500 or \$3,750 (if deposed) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. ("Subaru") and Denso International America, Inc. ("Denso") ("Subaru" and "Denso" are collectively referred to as "Defendants") do not oppose the Motion.

4. From July 7, 2020 through September 20, 2024, my firm has expended 2,038.80 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$1,869,075.00.

5. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following: investigate and draft complaint and amended complaints, respond to motions to dismiss, perform legal research, review the Court's opinions, attend Court conferences, engage in discovery, brief and argue discovery disputes, work with experts, review documents, prepare plaintiffs for depositions, defend depositions of plaintiffs, strategize with co-counsel, engage in settlement negotiations and settlement-related motion practice.

6. Our firm’s work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

7. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

8. The hourly rates, shown below, are the usual and customary lodestar rates charged in venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New Jersey. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.

<b>Carella Byrne</b>			
<b>Name:</b>	<b>Rate:</b>	<b>Hours:</b>	<b>Fees:</b>
J M AGNELLO	\$1,300.00	5.1	\$6,630.00
J E CECCHI	\$1,300.00	293.4	\$381,420.00

G G TROUBLEFIELD	\$900	3.6	\$3,240.00
D A ECKLUND	\$975	9.7	\$9,457.50
Z S BOWER	\$950	491.4	\$466,830.00
C F BARTLETT	\$975	395.4	\$385,515.00
M A INNES	\$950	12	\$11,400.00
K G COOPER	\$900	4.1	\$3,690.00
J A O'BRIEN	\$900	178.9	\$161,010.00
Z A JACOBS	\$875	14.7	\$12,862.50
J H ALPERSTEIN	\$950	1.6	\$1,520.00
R J LILLIE	\$900	265.8	\$239,220.00
C V PATEL	\$550	4	\$2,200.00
J M STEELE	\$600	18.5	\$11,100.00
B F O'TOOLE	\$600	67.3	\$40,380.00
F FONTE	\$550	204	\$112,200.00
LAURA TEMPESTA	\$300	46.1	\$13,830.00
JEFFREY FALDUTO	\$300	6.8	\$2,040.00
M E RAGO	\$300	5.4	\$1,620.00
L EICHER	\$300	3.8	\$1,140.00
H DAVANTES	\$300	1.6	\$480
P WAY	\$300	1.7	\$510
W MANORY	\$200	3.9	\$780
<b>TOTAL:</b>		<b>2,038.80</b>	<b>\$1,869,075.00</b>

9. These amounts were derived from contemporaneous daily time records compiled on this matter which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

10. The lodestar summary reflects my firm’s experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

11. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving billions of dollars in recoveries for consumers.

12. My firm has also advanced a total of \$84,894.08 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

<b>CARELLA BYRNE</b>	
<b>CATEGORY</b>	<b>AMOUNT</b>
Assessment (Litigation Fund)	\$71,371.63
Federal Express/Local Courier, etc.	\$201.71
Lexis/Westlaw	\$578.50
Experts	\$3,750.00
Mediator	\$4,252.98
Court Fees	\$300.00
Depositions	\$1,816.65
Hotels	\$560.03
Meals	\$117.15

Air Travel	\$1,945.43
<b>TOTAL</b>	<b>\$84,894.08</b>

13. These expenses are reflected in the books and records regularly kept and maintained by my firm.

14. In my opinion, the time expended and expenses incurred in prosecuting this Action as interim Co-Lead Class Counsel and, later, as Settlement Class Counsel, were reasonable and necessary for the diligent litigation of this matter and the valuable Settlement that was ultimately reached.

15. Moreover, we expect to expend a significant amount of time in this case until it is fully resolved. Since July 11, 2024, Class Counsel has already spent many hours preparing and finalizing the voluminous motion papers that are being filed today. Between now and the Fairness Hearing set for November 18, 2024, we will continue to do a significant amount of work. *See* Joint Declaration Of Class Counsel in Support of Plaintiffs’ Motion for An Award of Attorneys’ Fees, Reimbursement of Expenses, and Class Representative Service Awards, ¶ 56, contemporaneously filed herewith.

16. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs’ claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained

by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso Fuel Pumps at issue in this litigation.

17. This case was litigated over the course of over three-and-a-half years and nearly 12 months of informed, good faith, arms'-length negotiations among experienced counsel. Class Representatives fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. All Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation, including by reviewing and approving pleadings, the Settlement Agreement and related motions, and provided documents and information as necessary.

18. I submit the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions and in relation to the substantial recovery obtained for the Class, is reasonable and satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

19. I also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 each, as reflected in the Settlement Agreement and the Motion. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement



would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

20. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2024

Respectfully submitted,

*s/ James E. Cecchi*  
James E. Cecchi



## CLASS ACTION RESUME

Formed in 1976, Carella Byrne is one of the leading law firms in the New Jersey – New York metropolitan area, serving a diverse clientele ranging from small businesses to Fortune 500 corporations. Carella Byrne’s class action practice - founded and led by James E. Cecchi - is the preeminent consumer class action firm in the State of New Jersey and across the United States. Mr. Cecchi has held leadership positions in many of the nation’s most complex and important consumer class actions effecting consumer rights in the last ten years. The most recent examples, to name a few are: (1) *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*; (2) *In re Takata Airbag Product Defect Litigation*; (3) *In re National Prescription Opiate Litigation*; (4); *In re American Medical Collection Agency, Inc., Customer Data Security Breach Litigation*; (5) *In re Mercedes-Benz Emissions Litigation*; (6) *In re Liquid Aluminum Sulfate Antitrust Litigation*; (7) *In re Volkswagen Timing Chain Product Liability Litigation*; (8) *In re Insulin Pricing Litigation*.

### REPRESENTATIVE MATTERS

---

- *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (N.D. Cal.) (Hon. Charles R. Breyer) (James Cecchi appointed to Steering Committee and as Settlement Class Counsel; settlement in excess of \$15,000,000,000 for consumer fraud and warranty claims arising from the use of a defeat device to evade U.S. emissions regulations.)
- *In re: Takata Airbag Products Liability Litigation*, MDL No. 2599 (S.D. Fla.) (Hon. Frederico A. Moreno) (James Cecchi appointed to Steering Committee and as Settlement Class Counsel; settlement in excess of \$1,500,000,000 for consumer fraud and warranty claims arising from use of defective and dangerous airbags; the case is ongoing as it pertains to second-wave defendants, including Mercedes Benz USA.)
- *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, MDL No. 2904 (D.N.J.) (Hon. Madeline Cox Arleo) (James Cecchi appointed sole Lead Counsel in national Multi-District data breach litigation.)
- *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (Hon. Dan A. Polster) (James Cecchi appointed to Plaintiffs’ Executive Committee relating to marketing of opioid drugs. Recent settlements include a proposed \$26 billion settlement with the nation’s largest drug distributors and Johnson & Johnson. Recent trial team victories include Track 3 bellwether of \$650.6 million.)
- *In re: Mercedes-Benz Emissions Litigation*, Civil Action No. 16-cv-881 (D.N.J.) (Hon. Kevin McNulty) (James Cecchi appointed as Interim Co-Lead Counsel for Plaintiffs and the Proposed Class in a case arising out of the alleged use of a defeat device to evade U.S. emissions regulations; settlement with value in excess of \$700,000,000 granted final approval.)

- *In Re: Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1938 (D.N.J.) (Hon. Dennis M. Cavanaugh); *In re Schering-Plough/Enhance Securities Litigation*, Civil Action No.: 08-cv-397 (D.N.J.) (Hon. Dennis M. Cavanaugh); *In re Merck & Co., Inc. Vytorin/Zetia Securities Litigation*, Civil Action No.: 08-cv-2177 (D.N.J.) (Hon. Dennis M. Cavanaugh) (consumer and securities fraud claims arising from marketing and sale of anti-cholesterol drugs Vytorin and Zetia) (Co-Lead Counsel in Consumer Cases which settled for \$41,500,000 and Liaison Counsel in Securities Cases which collectively settled for \$688,000,000.)
- *In re: Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687 (D.N.J.) (Hon. Jose L. Linares) (James Cecchi appointed as Lead Counsel and secured a settlement of greater than \$100,000,000.)
- *In Re Effexor XR Antitrust Litigation*, Civil Action No. 11-cv-5661 (D.N.J.) (Hon. Joel A. Pisano) (claims on behalf of indirect purchasers of brand-name drug alleging that manufacturer obtained patent by fraud and enforced patent by sham litigation to maintain illegal monopoly of brand-name drug. James Cecchi appointed as Chair of Plaintiffs' Indirect Purchaser Executive Committee.)
- *Davis Landscape v. Hertz Equipment Rental*, Civil Action No. 06-cv-3830 (D.N.J.) (Hon. Dennis M. Cavanaugh) (Co-Lead Counsel in settlement valued at over \$50,000,000 on behalf of contested nationwide class asserting claims that HERTZ' loss/damage waiver charges violated the New Jersey Consumer Fraud Act because it provides no benefit to customers.)
- *In Re: Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation*, MDL No. 1658 (D.N.J.) (Hon. Stanley R. Chesler) (securities fraud claims arising from Merck's failure to disclose problems with commercial viability of anti-pain drug Vioxx which settled for more than \$1,000,000,000.)
- *In re: Mercedes-Benz Tele-Aid Contract Litigation*, MDL No. 1914 (Hon. Dickson R. Debevoise) (Co-Lead Counsel in \$40,000,000 settlement of consumer fraud claims arising from Mercedes' failure to notify Tele-Aid customers of mandated change from analog to digital system, and charging customers to replace system Mercedes knew would be obsolete.)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

GILLES COHEN, *et al.*,

individually and on behalf of all others similarly  
situated,

Plaintiffs,

Case No: 1:20-cv-08442-JHR-AMD

v.

SUBARU OF AMERICA, INC. and DENSO  
INTERNATIONAL OF AMERICA, INC.,

Defendants.

---

**DECLARATION OF CHRISTOPHER A. SEEGER IN SUPPORT OF PLAINTIFFS’  
MOTION FOR AN AWARD OF ATTORNEYS’ FEES, REIMBURSEMENT OF  
EXPENSES, AND CLASS REPRESENTATIVE SERVICE AWARDS**

---

I, CHRISTOPHER A. SEEGER, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Christopher A. Seeger, am a founding member of and partner in the law firm of Seeger Weiss LLP, located in Ridgefield Park, New Jersey. I am duly licensed to practice law in the State of New Jersey, and I am co-lead interim class counsel, and one of the Court-appointed Class Counsel in this Action.

2. Seeger Weiss represents Plaintiffs in this Action, all of whom were appointed Class Representatives Court in its Order Granting Preliminary Approval of Class Action Settlement (“Preliminary Approval Order” or “Order”) dated, July 11, 2024. ECF No. 240. In the same Order, we were appointed Class Counsel for the Settlement Class. *Id.*

3. I respectfully submit this declaration in support of Plaintiffs' Motion for An Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

4. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys' fees and expenses in the amount of \$15,500,000, and (2) for service awards of \$2,500 or \$3,750 (if deposited) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. ("Subaru") and Denso International America, Inc. ("Denso") ("Subaru" and "Denso" are collectively referred to as "Defendants") do not oppose the Motion.

5. From July 7, 2020 through September 20, 2024, my firm has expended 3,329.50 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$2,115,600.

6. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following: investigate the Recalls and Plaintiffs' potential claims, investigate claims and collected documents from potential clients with affected vehicles, communicating and interfacing with Plaintiffs, draft complaint and amended complaints, engage and work with experts, respond to motions to dismiss, perform legal research, review the Court's opinions, attend Court conferences, engage in discovery, brief and argue discovery disputes, review documents, prepare plaintiffs for depositions, defend depositions of Plaintiffs, strategize with co-counsel, engage in settlement negotiations and settlement-related motion practice.



7. Our firm’s work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

8. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

9. The hourly rates, shown below, are the usual and customary lodestar rates charged in venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New Jersey. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.

<b>Seeger Weiss LLP</b>			
<b>Name:</b>	<b>Hours:</b>	<b>Current Hourly Rate:</b>	<b>Lodestar:</b>
Adam Zurbriggen	32.3	\$475.00	\$15,342.50
Alexandra Nieves	7.8	\$250.00	\$1,950.00
Audrey Siegel	72.6	\$575.00	\$41,745.00
Brandon Major	182	\$250.00	\$45,500.00
Brian Place	258.5	\$575.00	\$148,637.50
Carly Marie Andersen	41	\$525.00	\$21,525.00
Charles Star	14.3	\$525.00	\$7,507.50
Christopher A. Seeger	4.5	\$1,395.00	\$6,277.50

Christopher Ayers	670.1	\$1,075.00	\$720,357.50
Christopher O Reade	68.4	\$250.00	\$17,100.00
Clarice Garcia-Feliciano	17.5	\$250.00	\$4,375.00
Cynthia Nandram	38	\$250.00	\$9,500.00
Damian Vasquez	55.7	\$250.00	\$13,925.00
Danielle Ehret	0.5	\$275.00	\$137.50
Dion Kekatos	1	\$950.00	\$950.00
Gabriella Salerno	94.1	\$250.00	\$23,525.00
Hector Abreu	122.4	\$250.00	\$30,600.00
Jennifer Flint	65.5	\$250.00	\$16,375.00
Jonathan Aylstock	50.1	\$325.00	\$16,282.50
Leslie Kramer	123.5	\$250.00	\$30,875.00
Lidia Pereira	154	\$250.00	\$38,500.00
Maggie Osafo	20	\$250.00	\$5,000.00
Margaret Hernandez	6.4	\$250.00	\$1,600.00
Michael Sheridan	13.5	\$250.00	\$3,375.00
Natalie Gonzalez	26	\$250.00	\$6,500.00
Nicole Stalmaster	15	\$250.00	\$3,750.00
Nigel Halliday	5.8	\$475.00	\$2,755.00
Sabrina Tyjer	4.1	\$350.00	\$1,435.00
Scott George	771.7	\$975.00	\$752,407.50
Scott Siegel	4.5	\$325.00	\$1,462.50
Sealeiah Berry	388.7	\$325.00	\$126,327.50
<b>TOTAL:</b>	<b>3329.50</b>		<b>\$2,115,600.00</b>

10. These amounts were derived from contemporaneous daily time records compiled on this matter which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

11. The lodestar summary reflects Seeger Weiss’s experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

12. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving billions of dollars in recoveries for consumers.

My firm has also advanced a total of \$92,799.08 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

<b>SEEGER WEISS LLP</b>	
<b>CATEGORY</b>	<b>AMOUNT</b>
Assessment (Litigation Fund)	\$60,000.00
Lexis/Westlaw	\$60.50
Experts	\$18,975.00
Mediator	\$4,227.95
Court Fees	\$334.20
Depositions	\$7,783.65
Hotels	\$83.93
Meals	\$271.58
Air Travel	\$17.68
Ground Transportation (i.e., Rental, Taxis, etc.)	\$1,044.59
<b>TOTAL</b>	<b>\$92,799.08</b>

13. These expenses are reflected in the books and records regularly kept and maintained by my firm.



14. In my opinion, the time expended and expenses incurred in prosecuting this Action were reasonable and necessary for the diligent litigation of this matter and the valuable Settlement that was ultimately reached.

15. Moreover, we expect to expend a significant amount of time in this case until it is fully resolved. Since July 11, 2024, Class Counsel has already spent many hours preparing and finalizing the voluminous motion papers that are being filed today. Between now and the Fairness Hearing set for November 18, 2024, we will continue to do a significant amount of work. *See* Joint Declaration Of Class Counsel In Support Of Plaintiffs' Motion Or An Award Of Attorneys' Fees, Reimbursement Of Expenses, And Class Representative Service Awards, ¶ 58, contemporaneously filed herewith.

16. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs' claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso Fuel Pumps at issue in this litigation.

17. This case was litigated over the course of over three-and-a-half years and nearly 12 months of informed, good faith, arms'-length negotiations among experienced counsel. All Class Representatives fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. All Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation, including by reviewing and approving pleadings, the Settlement Agreement and related motions, and provided documents and information as necessary.

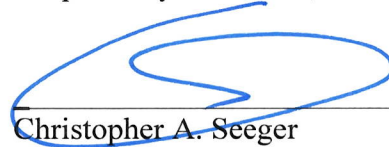
18. I submit the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions and in relation to the substantial recovery obtained for the Class, is reasonable and satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

19. I also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 each, as reflected in the Settlement Agreement and the Motion. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

20. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2024

Respectfully submitted,



Christopher A. Seeger

55 Challenger Road  
Ridgefield Park, NJ 07660  
P: 973-639-9100  
F: 973-679-8656  
seegerweiss.com

# SEEGERWEISS<sub>LLP</sub>

One of the preeminent trial law firms in the nation, Seeger Weiss is best known for its landmark verdicts and settlements in class action and multidistrict litigation on behalf of consumers, veterans, athletes, farmers, municipalities, counties, and other injured parties. Since its founding in 1999, the firm has led and tried some of the most complex and high-profile litigations in the nation, including multiple bellwether trials, in both state and federal courts.

## Team

### Managing partners:

- Christopher A. Seeger
- Stephen A. Weiss
- David R. Buchanan

Total partners: 12

Total lawyers: 50

## Languages

- English
- German
- Hebrew
- Hindi
- Korean
- Russian
- Spanish
- Urdu

## Offices

### New Jersey

55 Challenger Road  
Ridgefield Park, NJ 07660

### New York

100 Church Street  
New York, NY 10007

### Pennsylvania

325 Chestnut Street  
Suite 917  
Philadelphia, PA 19106

### Massachusetts

1280 Centre Street  
Suite 230  
Newton, MA 02459

## Representative Cases

### Data & Technology Disputes

#### *AT&T Inc. Customer Data Security Breach Litigation*

NORTHERN DISTRICT OF TEXAS – MDL No. 3114

Executive Committee in nationwide multi district litigation prosecuting consumer data privacy claims on behalf of over 70 million consumers.

#### *American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2904

Co-lead counsel (Quest Track) in class action prosecuting consumer data privacy claims.

#### *Intel Corp. CPU Marketing, Sales Practices & Products Liability Litigation*

DISTRICT OF OREGON – MDL No. 2828

Co-lead counsel in class action prosecuting consumer fraud, product defect and related claims.

#### *Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*

NORTHERN DISTRICT OF CALIFORNIA – MDL No. 3047

Appointed counsel to the co-leads and settlement counsel in MDL prosecuting product liability, negligence, nuisance, and other claims against social media platforms concerning mental and physical harm to children and impact on schools.

#### *Volkswagen “Clean Diesel” Marketing, Sales Practices, & Products Liability Litigation*

NORTHERN DISTRICT OF CALIFORNIA – MDL No. 2672

Steering Committee in class action arising from consumer fraud. Over \$20 billion settlement on behalf of over 500,000 class members.

#### *Mercedes-Benz Emissions Litigation*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims. \$700 million settlement on behalf of class members.

#### *HealthEC Data Breach*

DISTRICT OF NEW JERSEY

Executive Committee in class action prosecuting consumer data privacy claims on behalf of 4.5 million patients.

*Samsung Data Breach*

DISTRICT OF NEW JERSEY – MDL No. 3055

Executive Committee in class action prosecuting consumer data privacy claims on behalf of millions of consumers.

*Apple Smartphone Antitrust*

DISTRICT OF NEW JERSEY – MDL No. 3113

**Consumer Protection**

*Fenner et al. v. General Motors LLC et al.*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Counts et al. v. General Motors, LLC*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Bledsoe et al. v. FCA US LLC et al.*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Gamboa et al. v. Ford Motor Company et al.*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Rickman v. BMW of North America*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*FieldTurf Artificial Turf Marketing & Sales Practices Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2779

Co-lead counsel prosecuting class action for fraud, product defect, and related claims. Reached multimillion dollar class settlement.

*Chinese-Manufactured Drywall Products Liability Litigation*

EASTERN DISTRICT OF LOUISIANA – MDL No. 2047

Lead trial counsel and trial committee chair in MDL prosecuting fraud, product defect, and related claims. Over \$1 billion settlement on behalf of nearly 5,000 plaintiffs.

**Product Liability**

*3M Combat Arms Earplug Products Liability Litigation*

NORTHERN DISTRICT OF FLORIDA – MDL No. 2885

Co-lead counsel in MDL prosecuting product liability claims arising from product. Over \$6 billion settlement on behalf of 250,000 servicemembers and veterans.

*Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation*

WESTERN DISTRICT OF PENNSYLVANIA – MDL No. 3014

Co-lead counsel in MDL prosecuting claims arising from recalled medical device. Reached \$1.075 billion personal injury settlement, uncapped \$479 million economic loss settlement, and \$25 million medical monitoring settlement for patients and payers impacted by recall.

*Davol, Inc. / C.R. Bard Inc. Polypropylene Hernia Mesh Products Liability Litigation*

SOUTHERN DISTRICT OF OHIO – MDL No. 2846

Executive Committee member in MDL prosecuting product liability claims arising from medical product.

*Depuy Orthopaedics, Inc. ASR Hip Implant Products Multidistrict Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2197

Executive Committee in MDL prosecuting fraud, product defect, and related claims. \$2.5 billion settlement.

**Antitrust**

*Copaxone Antitrust Litigation*

DISTRICT OF NEW JERSEY

Plaintiffs' Liaison Counsel in class action prosecuting antitrust claims on behalf of third-party payors.

*Broiler Chicken Antitrust Litigation*

DISTRICT OF ILLINOIS

Co-Counsel prosecuting antitrust action concerning major commercial purchaser claims held by opt outs.

*Turkey Antitrust Litigation*

DISTRICT OF ILLINOIS

Co-Counsel prosecuting antitrust action concerning major commercial purchaser claims held by opt out.

*Cattle and Beef Antitrust Litigation*

DISTRICT OF MINNESOTA

Co-Counsel prosecuting antitrust action concerning major commercial purchaser claims held by opt outs.

*Pork Antitrust Litigation*

DISTRICT OF MINNESOTA

Co-Counsel prosecuting antitrust action concerning major commercial purchaser claims held by opt outs.

*Fragrance Direct Purchaser Antitrust Litigation*

DISTRICT OF NEW JERSEY

Co-Counsel prosecuting antitrust class action on behalf of direct commercial purchasers.

*Liquid Aluminum Sulfate Antitrust Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2687

Plaintiffs’ Steering Committee member in class action that asserted antitrust claims on behalf of water treatment chemical purchasers. \$33 million settlement.

*Polyurethane Foam Antitrust Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2196

Executive Committee member in class action that asserted antitrust claims on behalf of direct purchasers. Approximately \$428 million settlement.

*Humira (Adalimumab) Antitrust Litigation*

NORTHERN DISTRICT OF ILLINOIS

Executive Committee member in class action that asserted antitrust claims for end-payors.

### *German Automotive Manufacturers Antitrust Litigation*

NORTHERN DISTRICT OF CALIFORNIA – MDL No. 2796

Plaintiffs' Steering Committee member in class action that asserted consumer antitrust claims.

### **Catastrophic Injury**

#### *NFL Players' Concussion Injury Litigation*

EASTERN DISTRICT OF PENNSYLVANIA – MDL No. 2323

Co-lead counsel and chief negotiator for class of former NFL players. Over \$1 billion uncapped settlement fund plus medical testing program on behalf of over 20,000 plaintiffs.

#### *Wildcats Bus Crash Litigation*

NEW YORK SUPREME COURT OF LIVINGSTON COUNTY

Lead counsel. \$2.25 million verdict followed by \$36 million settlement on behalf of 11 plaintiffs.

### **Drug Injury**

#### *Glucagon-like Peptide-1 Receptor Agonists (GLP-1 RAs) Products Liability Litigation*

DISTRICT OF Eastern Pennsylvania – MDL No. 3094

Co-lead counsel in ongoing MDL representing individuals injured by new class of diabetes and weight loss medications.

#### *Proton-Pump Inhibitor Products Liability Litigation (No. II)*

DISTRICT OF NEW JERSEY – MDL No. 2789

Co-lead counsel in ongoing MDL representing individuals injured by gastric acid reduction medication. \$590.4 million in settlements with multiple defendants.

#### *Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2973

Co-lead counsel in MDL representing individuals injured by interstitial cystitis medication.

#### *Testosterone Replacement Therapy Products Liability Litigation*

NORTHERN DISTRICT OF ILLINOIS – MDL No. 2545

Co-lead counsel and lead trial counsel in MDL representing individuals injured by testosterone medication. \$140 million verdict in bellwether case Konrad v. AbbVie Inc. and \$150 million verdict in bellwether case Mitchell v. AbbVie Inc.



*Invokana Products Liability Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2750

Co-lead counsel in MDL representing individuals injured by diabetes medication. Confidential settlement on behalf of plaintiffs.

*Vioxx Products Liability Litigation*

EASTERN DISTRICT OF LOUISIANA – MDL No. 1657

Co-lead counsel in MDL representing individuals injured by pain medication. \$4.85 billion global settlement on behalf of more than 45,000 plaintiffs in approximately 27,000 claims.

*Zyprexa Products Liability Litigation*

EASTERN DISTRICT OF NEW YORK – MDL No. 1596

Liaison counsel. \$700 million first-round settlement and \$500 million second-round settlement.

*Kendall v. Hoffman-La Roche, Inc.*

SUPREME COURT OF NEW JERSEY

Co-trial counsel. \$10.6 million verdict on behalf of plaintiff.

*McCarrell v. Hoffman-La Roche, Inc.*

SUPREME COURT OF NEW JERSEY

Liaison counsel. \$25.16 million verdict on behalf of plaintiff.

*Rossitto & Wilkinson v. Hoffmann La Roche, Inc.*

NEW JERSEY SUPERIOR COURT

Lead trial counsel. \$18 million verdict on behalf of two plaintiffs.

*Accutane Litigation*

NEW JERSEY SUPERIOR COURT – MDL No. 2523

Lead trial counsel. \$25.5 million verdict on behalf of plaintiff.

*Humeston v. Merck & Co.*

NEW JERSEY SUPERIOR COURT

Co-trial counsel. \$47.5 million verdict on behalf of plaintiff.

*Vytorin/Zetia Marketing, Sales Practices, & Products Liability Litigation*

DISTRICT OF NEW JERSEY – MDL No. 1938

Co-liaison counsel and principal negotiator. \$41.5 million settlement.

*Phenylpropanolamine (PPA) Products Liability Litigation*

WESTERN DISTRICT OF WASHINGTON – MDL No. 1407

Co-lead counsel and principal negotiator. Over \$40 million nationwide settlement.

*Xarelto (Rivaroxaban) Products Liability Litigation*

EASTERN DISTRICT OF LOUISIANA – MDL No. 2592

Plaintiffs' Steering Committee member in MDL. \$775 million settlement on behalf of more than 25,000 plaintiffs.

**Governmental Representation***Insulin Pricing Litigation*

DISTRICT OF NEW JERSEY – MDL No. 3080

Co-lead counsel of the self-funded payer track prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*State of Arizona v. Optum Incorporated et al.*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*Pinellas County, Florida v. Eli Lilly and Company et al.*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*Lake County, Illinois v. Eli Lilly and Company et al.*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*County of Albany, New York v. Eli Lilly and Company et al.*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*City of Cleveland, Ohio v. Eli Lilly and Company et al.*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*County of Monmouth, New Jersey v. Eli Lilly and Company et al.*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting RICO, fraud, unjust enrichment, and consumer protection claims.

*National Prescription Opiate Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2804

Member of Plaintiffs’ Executive Committee, Settlement Committee, Manufacturers’ Committee, and Law & Briefing Committee in multidistrict litigation prosecuting RICO, public nuisance and related claims on behalf of local governments. Co-lead counsel for Negotiation Class. \$51 billion in settlements to date.

*Bergen County v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Camden County v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Essex County v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*City of Jersey City v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Township of Bloomfield v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Township of Irvington v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

## Securities

### *Potter v. Valeant Pharmaceuticals International, Inc. et al.*

DISTRICT OF NEW JERSEY

Liaison counsel in class action prosecuting securities fraud claims. \$1.2 billion settlement.

### *Novo Nordisk Securities Litigation*

DISTRICT OF NEW JERSEY

Co-liaison counsel and member of Executive Committee in securities fraud class action. \$100 million settlement.

### *Pfizer Inc. Securities Litigation*

SOUTHERN DISTRICT OF NEW YORK

Class and science counsel, lead counsel for class plaintiffs in Daubert hearing, and designated trial counsel. \$486 million cash settlement fund for the aggrieved investors.

## Environmental/Toxic Exposure

### *East Palestine Train Derailment Litigation*

NORTHERN DISTRICT OF OHIO

Member of Plaintiffs' Executive Committee in class action prosecuting negligence, nuisance, and product liability claims. Litigation led to \$600 million class action settlement.

### *Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*

DISTRICT OF SOUTH CAROLINA – MDL No. 2873

Member of Plaintiffs' Executive Committee in MDL. Global settlements totaling more than \$13 billion on behalf of state and local governments.

### *State of Vermont v. 3M Co. et al.*

VERMONT SUPERIOR COURT

Outside counsel for the State of Vermont in litigation over non-AFFF PFAS contamination.

### *State of Maine v. 3M Co. et al.*

MAINE SUPERIOR COURT

Outside counsel for the State of Maine in litigation over non-AFFF PFAS contamination.

*Syngenta AG MIR 162 Corn Litigation*

DISTRICT OF KANSAS – MDL No. 2591

Member of Plaintiffs' Executive Committee. Certification of eight statewide and one nationwide class. Member of Plaintiffs' Settlement Negotiating Committee and principal negotiator. \$1.51 billion nationwide settlement.

*Bayer CropScience Rice Contamination Litigation*

EASTERN DISTRICT OF MISSOURI – MDL No. 1811

Executive Committee in MDL. \$750 million settlement.

*"StarLink" Corn Products Litigation*

NORTHERN DISTRICT OF ILLINOIS – MDL No. 1403

Co-lead counsel in class action MDL. \$110 million settlement.

*Owens v. ContiGroup Companies*

WESTERN DISTRICT OF MISSOURI

Lead trial counsel. \$11 million settlement for 15 plaintiffs.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

---

**DECLARATION OF STEVE W. BERMAN  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

---

I, Steve W. Berman, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Steve W. Berman, am a partner of the law firm Hagens Berman Sobol Shapiro LLP, located in Seattle, Washington, and serve as the firm's managing partner. I am duly licensed to practice law in the State of Washington and admitted *pro hac vice* in this Action.

2. Hagens Berman Sobol Shapiro LLP is Plaintiffs' Counsel in this consolidated Action, and we worked on this litigation together with the other Plaintiffs' Counsel under the auspices of Class Counsel.

3. I respectfully submit this declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

4. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys' fees and expenses in the amount of \$15,500,000, and (2) service awards of \$2,500 or \$3,750 (if deposited) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. ("Subaru") and Denso International America, Inc. ("Denso") ("Subaru" and "Denso" are collectively referred to as "Defendants") do not oppose the Motion.

5. From June 26, 2020, through September 20, 2024, my Firm<sup>1</sup> has expended 158.9 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$106,380.00.

---

<sup>1</sup> The following hour and expense figures include the work of another attorney, Andrew Levetown, who worked closely with my Firm on this litigation.

6. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following:

7. Our firm's work on this case was performed on a wholly contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

8. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours those individuals have worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

9. The hourly rates, shown below, are the usual and customary lodestar rates charged in venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New Jersey. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.



<b>ATTORNEY</b>	<b>STATUS</b>	<b>CURRENT HOURLY RATE</b>	<b>TOTAL HOURS</b>	<b>LODESTAR AT CURRENT RATES</b>
Steve Berman	Partner	\$1,350.00	7.50	\$10,125.00
Tom Loeser	Partner	\$975.00	5.20	\$5,070.00
Jerrod Patterson	Partner	\$800.00	69.00	\$55,200.00
Shelby Smith	Of Counsel	\$650.00	3.00	\$1,950.00
Anthea Grivas	Associate	\$525.00	28.20	\$14,805.00
Andrew Levetown	Partner (not HBSS)	\$650	7.8	\$5,050.00
<b>ATTORNEY TOTAL</b>			<b>120.70</b>	<b>\$92,220.00</b>
<b>PARALEGAL/ ASSISTANTS</b>	<b>STATUS</b>	<b>CURRENT HOURLY RATE</b>	<b>TOTAL HOURS</b>	<b>LODESTAR AT CURRENT RATES</b>
Nicolle Huerta	Paralegal	\$400.00	27.00	\$10,800.00
Chan Lovell	Paralegal Assistant	\$300.00	11.20	\$3,360.00
<b>PARALEGAL TOTAL</b>			<b>38.20</b>	<b>\$14,160.00</b>
<b>GRAND TOTAL</b>			<b>158.90</b>	<b>\$106,380.00</b>

10. These amounts were derived from contemporaneous daily time records compiled on this matter which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

11. The lodestar summary reflects my firm’s experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

12. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving significant recoveries for consumers.

13. My firm has also advanced a total of \$2,146.42 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

CATEGORY	AMOUNT
Court Fees/Filing Fees	\$1,469.90
Online Services/Legal Research (LexisNexis/Westlaw/PACER)	\$575.52
Internal Prints/Copies at \$0.25 per page	\$101.00
	<b>\$2,146.42</b>

14. These expenses are reflected in the books and records regularly kept and maintained by my firm.

15. In my opinion, the time expended and expenses incurred in prosecuting this Action were reasonable and necessary for the diligent litigation of this matter and the valuable Settlement that was ultimately reached.

16. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide.

17. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs' claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso Fuel Pumps at issue in this litigation.

18. This case was litigated over the course of over three-and-a-half years and nearly 12 months of informed, good faith, arms'-length negotiations among experienced counsel. Class Representatives fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. All Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation, including by reviewing and approving pleadings, the Settlement Agreement and related motions, and provided documents and information as necessary.

19. I submit the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions and in relation to the substantial recovery obtained for the Class, is reasonable and satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

20. I also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 each, as reflected in the Settlement Agreement and the Motion. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

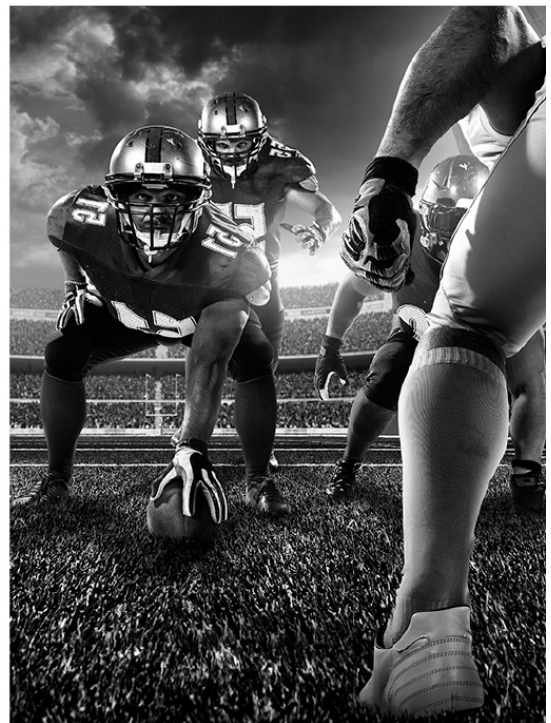
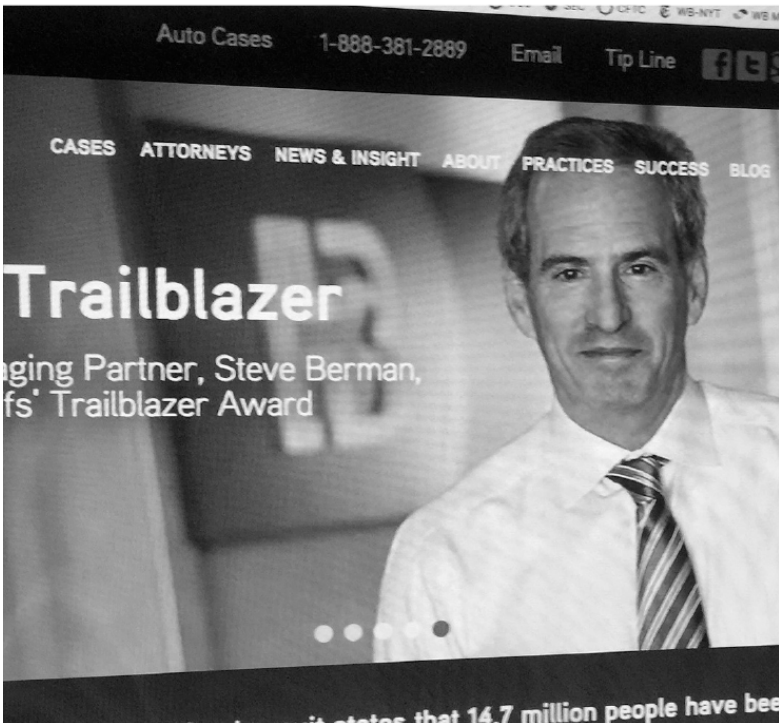
21. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2024

/s/ Steve W. Berman  
STEVE W. BERMAN



# HAGENS BERMAN



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

# Table of Contents

<b>INTRODUCTION .....</b>	<b>4</b>	<b>LEGAL TEAM .....</b>	<b>28</b>
The Firm .....	4	Steve W. Berman.....	29
Locations .....	5	Jerrod C. Patterson.....	38
Quotes.....	6		
Victories & Settlements.....	10		
<b>PRACTICE AREAS .....</b>	<b>15</b>		
Automotive – Defect, Fraud & Products Liability .....	16		
Automotive – Emissions Cheating .....	21		
<b>APPELLATE VICTORIES .....</b>	<b>24</b>		
Strengthening Consumer Law .....	25		

## INTRODUCTION

# The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. Through the firm's focus on class-action litigation and other complex, multi-party cases, it fights for those seeking representation against wrongdoing and fraud. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest and the greater good. We represent plaintiffs including consumers, inventors, investors, workers, the environment, governments, whistleblowers and others.

---

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

---

## OUR FOCUS

Our focus is to represent plaintiffs in [antitrust](#), [consumer fraud](#), [employment](#), [environmental](#), [intellectual property](#), product liability, [securities and investment fraud](#), [sexual harassment](#), tort and [whistleblower law](#) cases. Our firm is particularly skilled at managing multistate and nationwide class actions through an organized, coordinated approach. Our skilled team implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

## WE WIN

We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients and obtain maximum recovery. Our opponents know we are determined and tenacious. They respect our skills and recognize our track record of achieving top results for those who need it most.

## WHAT MAKES US DIFFERENT

We are driven to return to the class every possible portion of its damages — our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful outcome for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and malfeasance through damages and real change.

## AN INTERNATIONAL REACH

Our firm offers clients an international scope of practice. We have flourished through our core network of U.S. offices, and with a global expansion, Hagens Berman has grown geographically to where our eyes have always been: trends of fraud, negligence and wrongdoing taking form anywhere in the world. The firm now does business through endeavors in London and Amsterdam. Our reach is not limited to the cities where we maintain offices. We have cases pending in several countries and have a vested interest in fighting global instances of oppression and injustice.



INTRODUCTION

## Locations

### SEATTLE

1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
T 206-623-7292  
F 206-623-0594

### CHICAGO

455 N. Cityfront Plaza Drive, Suite 2410  
Chicago, IL 60611  
T 708-628-4949  
F 708-628-4950

### PHOENIX

11 West Jefferson Street, Suite 1000  
Phoenix, AZ 85003  
T 602-840-5900  
F 602-840-3012

### BERKELEY

715 Hearst Avenue, Suite 300  
Berkeley, CA 94710  
T 510-725-3000  
F 510-725-3001

### LOS ANGELES

301 North Lake Avenue, Suite 920  
Pasadena, CA 91101  
T 213-330-7150  
F 213-330-7152

### SAN DIEGO

533 F Street  
Suite 207  
San Diego, CA 92101  
T 619-929-3340

### BOSTON

1 Faneuil Hall Square, 5th Floor  
Boston, MA 02109  
T 617-482-3700  
F 617-482-3003

### NEW YORK

594 Dean Street, Suite 24  
Brooklyn, NY 11238  
T 212-752-5455  
F 917-210-3980

### LONDON

Hagens Berman UK LLP  
125 Old Broad Street  
London, EC2N 1AR  
T 0203 150 1445

## INTRODUCTION

## Quotes

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

— *U.S. District Court for the Northern District of California, In re Optical Disk Drive Products Antitrust Litigation (Appointing the firm lead counsel in the case which would later usher in \$205 million in settlements.)*

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

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

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

— *Associated Press*

“unprecedented success in the antitrust field”

— *California Magistrate Judge Nathanael M. Cousins  
A July 2015 order awarding attorneys’ fees in student-athlete name and likeness litigation*

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

— *U.S. District Court for the Northern District of California, In re Dynamic Random Access Memory Antitrust Litigation (Hagens Berman was co-lead counsel and helped achieve the \$406 million class settlement.)*

“aggressive and independent advocacy”

— *Hon. Thomas M. Durkin in an order appointing Hagens Berman as interim class counsel in In re Broiler Chicken Antitrust Litigation*

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

— *Hon. James Selna, Central District of California, In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation, (The firm was appointed co-lead counsel without submitting to lead the case, and later achieved what was then the largest settlement in history brought against an automaker – \$1.6 billion.)*

“...I have never worked with such professional, decent counsel.”

— *Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Transcript Of Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation, (Hagens Berman helped secure a \$700 million settlement for class members and served as interim class counsel.)*

“...the track record of Hagens Berman[‘s] Steve Berman is...impressive, having racked... a \$1.6 billion settlement in the Toyota Unintended

Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Hon. Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman interim class counsel in Stericycle Pricing MDL (Hagens Berman served as lead counsel and secured a \$295 million settlement.)

“...when you get good lawyers this is what happens; you get these cases resolved.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“...Class counsel have devoted considerable time and resources to this litigation...”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“...This result...puts significant money into the pockets of all of the class members, is an excellent result. ...I’ve also looked at the skill and quality of counsel and the quality of the work... and find that to have been at a high level.”

— Hon. Beth Labson Freeman, United States District Judge, Final Approval of Settlement Hearing for Dean Sheikh et al v. Tesla, Inc.

“...respective clients certainly got their money’s worth with these attorneys and the work that they did on their behalf. ...Plaintiffs did an excellent job on behalf of their clients in this case.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“Class Member reaction to the Mercedes Settlement is overwhelmingly positive.”

— Hon. Dennis M. Cavanaugh (Ret.) Special Master, In re Mercedes-Benz Emissions Litigation

“I will reiterate that class counsel has demonstrated over many years, superior experience and capability in handling class actions of this sort.”

— Hon. Beth Labson Freeman, United States District Judge, Final Approval of Settlement Hearing for Dean Sheikh et al v. Tesla, Inc.

“Not only did they work hard and do what was appropriate under the circumstances; their behavior was exemplary throughout. They were fair and firm. There were no pushovers involved here.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“Class Counsel are extremely qualified and competent counsel who have experience and expertise prosecuting complex class actions...successfully tried class actions to jury verdicts and...also obtained billions of dollars in settlements...”

— Judge Magnuson, *Final CBL Approval Order*

“Plaintiffs have zealously litigated this case on behalf of the class over the course of eight years...the reaction of the class members has been overwhelmingly positive.”

— Hon. Jeffrey S. White  
*Order finalizing \$28 million settlement in class-action against Schneider National Carriers Inc.*

“The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can’t imagine a case in which there was really a higher quality of representation across the board than this one.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
*In re Loestrin 24 Antitrust Litigation, Master File No. 1:13-md-2472 (D.R.I.)  
Final Approval Hearing on the direct purchaser settlement (\$120M)*

“...counsel provided strong representation for the class. Class counsel discovered and developed this case without the benefit of a government investigation’s coattails. In total, class counsel reviewed 578,790 documents, deposed 19 fact and opposing-expert witnesses, and consulted with and retained 10 expert witnesses of their own.”

— Hon. William Alsup, District Judge  
*U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation*

“Class counsel also successfully defeated defendants’ motions to dismiss, certified a Rule 23 class, and defeated defendants’ summary judgment motions prior to reaching an agreement with all three defendants to settle this action mere weeks before the trial date. Class counsel accomplished all of this despite vigorous opposition from large multi-national companies with high-quality representation from six national law firms.”

— Hon. William Alsup, District Judge  
*U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation*

“The settlement was achieved at arm’s length only after DPPs’ highly skilled and experienced counsel had received and reviewed the voluminous discovery and exchanged over 30 expert reports with defendant...”

— Hon. Nina Gerson, District Judge  
U.S. District Court for the Eastern District of New York, *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*

“I can’t imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
Final Approval Hearing on the direct purchaser settlement (\$120M), *In re Loestrin 24 Antitrust Litigation*

## INTRODUCTION

## Victories & Settlements

Since its founding, the firm has secured settlements valued at more than \$320 billion on behalf of class members in large-scale complex litigation.

### \$260 BILLION

#### STATE TOBACCO LITIGATION

Hagens Berman represented 13 states prosecuting major actions against Big Tobacco. The settlement led to a multistate settlement requiring the tobacco companies to pay the states and submit to advertising and marketing restrictions. It was the largest civil settlement in history.

### \$25 BILLION

#### VISA CHECK/MASTERMONEY ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history. The class-action lawsuit alleged that Visa and MasterCard engaged in an anticompetitive scheme to monopolize the debit card services market and charge merchants artificially inflated interchange fees by tying merchant acceptance of their debit card services, Visa Check and MasterMoney, to merchant acceptance of their credit card services. Settlements secured categories of relief that court decisions valued at as much as \$25-87 billion.

### \$14.7 BILLION

#### VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the plaintiffs' steering committee and part of the settlement negotiating team in this monumental case that culminated in the largest automotive settlement in history. The firm was the first law firm to file against Volkswagen regarding its Dieselgate emissions-cheating scandal.

### \$1.6 BILLION

#### TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman served as co-lead counsel and secured what was then the largest automotive settlement in history in this class action that recovered \$1.6 billion for vehicle owners.

### \$1.6 BILLION

#### VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this lawsuit related to VW's Dieselgate scandal. The settlement recovered nearly full damages for the class.

### \$1.45 BILLION

#### MERACORD

The firm secured a default judgment on behalf of consumers for a useless debt-settlement conspiracy, following years of plaintiff victories in the case. Hagens Berman filed its lawsuit in 2011, on behalf of consumers nationwide, claiming the company violated Washington law and the federal Racketeer Influenced and Corrupt Organizations Act.

### \$1.3 BILLION

#### HYUNDAI KIA THETA II GDI FIRE HAZARD LITIGATION I

Hagens Berman is co-lead counsel in this case accusing automakers of selling vehicles with failure-prone engines that could sometimes catch fire. The case is still pending litigation pertaining to other affected models.

### \$700 MILLION

#### MERCEDES BLUETEC EMISSIONS LITIGATION

A monumental settlement was reached on behalf of owners of Mercedes vehicles affected by Daimler's emissions cheating. The case was initially filed and researched by Hagens Berman, based on the firm's independent vehicle testing, and the firm served as co-lead counsel. The consumer settlement followed a \$1.5 billion settlement between Mercedes and the U.S. Justice Department and California Air Resources Board. The settlement includes an \$875 million civil penalty for violating the Clean Air Act.

## **\$700 MILLION**

### **WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS) SECURITIES LITIGATION**

Hagens Berman represented bondholders and the trustee in a class action stemming from the failure of two nuclear projects. Plaintiffs were awarded a \$700 million settlement.

## **\$568 MILLION**

### **APPLE E-BOOKS ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel against Apple and five of the nation's largest publishing companies and secured a combined \$568 million settlement, returning class members nearly twice their losses in recovery, following the firm's victory over Apple after it appealed the case to the U.S. Supreme Court.

## **\$535 MILLION**

### **CHINA MEDIAEXPRESS HOLDINGS, INC. SECURITIES LITIGATION**

Hagens Berman, which served as lead counsel in the case, alleged on behalf of a class of investors that China MediaExpress Holdings made false and misleading statements, including misrepresentations about its revenues, the number of buses in its network and the nature of its business relationships. The lawsuit resulted in relief for investors valued at \$535 million.

## **\$470 MILLION**

### **LCD ANTITRUST LITIGATION**

Hagens Berman served as a member of the Executive Committee representing consumers in multi-district litigation. Total settlements exceeded \$470 million.

## **\$453 MILLION**

### **GLUMETZA ANTITRUST LITIGATION**

The court denied summary judgment and paved the way for trial in this litigation against brand and generic manufacturers of the diabetes drug Glumetza. Hagens Berman served as co-lead counsel for the direct purchaser class. U.S. District Judge William Alsup approved \$453.85 million in settlements resolving direct purchasers' allegations. The result was the largest antitrust recovery to receive final approval in 2022.

## **\$444 MILLION**

### **MCKESSON DRUG LITIGATION**

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

## **\$383.5 MILLION**

### **DAVITA HEALTHCARE PERSONAL INJURY LITIGATION**

A Denver jury awarded a monumental \$383.5 million verdict to families of three patients who died after receiving dialysis treatments at DaVita clinics.

## **\$406 MILLION**

### **DRAM ANTITRUST LITIGATION**

The firm was co-lead counsel in this antitrust case which settled for \$406 million in favor of purchasers of dynamic random access memory chips.

## **\$385 MILLION**

### **SUBOXONE ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel in this pharmaceutical antitrust class action alleging defendants violated federal antitrust laws by delaying generic competition for its blockbuster opioid addiction medicine, Suboxone.

## **\$340 MILLION**

### **RANBAXY INC.**

Hagens Berman served as co-lead counsel representing Meijer Inc. and Meijer Distribution Inc. in a class-action lawsuit against drugmaker Ranbaxy. The lawsuit alleged it recklessly stuffed the generic drug approval queues with grossly inadequate applications and deceiving the FDA into granting tentative approvals to lock in statutory exclusivities to which Ranbaxy was not entitled. Ranbaxy then excluded competition at the expense of U.S. drug purchasers. The settlement was part of a \$485 million settlement for all plaintiffs. The result was the second largest antitrust recovery to receive final approval in 2022.

## **\$338 MILLION**

### **AVERAGE WHOLESALE PRICE DRUG LITIGATION**

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

## **\$325 MILLION**

### **NEURONTIN PFIZER LITIGATION**

The firm brought suit against Pfizer and its subsidiary, Parke-Davis, accusing the companies of a fraudulent scheme to market and sell the drug Neurontin for a variety of "off-label" uses for which it is not approved or medically efficacious.

## **\$307 MILLION**

### **ECODIESEL EMISSIONS CHEATING LITIGATION**

The firm achieved a settlement on behalf of owners of EcoDiesel Dodge 1500 and Jeep Grand Cherokee vehicles in response to Fiat Chrysler's emissions-cheating. Under the settlement, class members who repair their vehicles and submit a claim will receive \$3,075. The total value of the deal is estimated at \$307 million, granted all owners submit a valid claim.

## **\$300 MILLION**

### **HYUNDAI/KIA HYDRAULIC ELECTRONIC CONTROL UNIT (HECU) FIRE HAZARD**

Approximately three million Hyundai and Kia vehicles nationwide were affected by a dangerous defect in the hydraulic and electronic control units (HECU), also known as anti-lock brake (ABS) modules which posed a risk of non-collision engine fires. Conservatively, plaintiffs' experts valued the settlement achieved by Hagens Berman as co-class counsel in the range of \$326 million to \$652 million.

## **\$295 MILLION**

### **STERICYCLE, STERI-SAFE LITIGATION**

Hagens Berman served as lead counsel representing small businesses including veterinary clinics, medical clinics and labs in a class-action lawsuit alleging Stericycle's billing practices and accounting software violated consumer laws and constituted breach of contract.

## **\$255 MILLION**

### **HYUNDAI & KIA FUEL ECONOMY LITIGATION**

Hagens Berman filed a class-action lawsuit on behalf of consumers alleging Hyundai and Kia overstated fuel economy for many vehicles they sold in the United States.

## **\$250 MILLION**

### **ENRON ERISA LITIGATION**

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

## **\$250 MILLION**

### **BOFA COUNTRYWIDE APPRAISAL RICO**

Hagens Berman served as co-lead counsel in a nationwide class-action lawsuit against Bank of America, Countrywide Financial and appraisal firm LandSafe Inc. on behalf of a class of home buyers accusing the suit's defendants of carrying out a series of phony appraisals in an attempt to secure more loans.

## **\$235 MILLION**

### **CHARLES SCHWAB SECURITIES LITIGATION**

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

## **\$234 MILLION**

### **AEQUITAS CAPITAL MANAGEMENT**

The firm settled this case on behalf of 1,600 investors of the now-defunct Aequitas companies. It is believed to be the largest securities settlement in Oregon history.

## **\$218 MILLION**

### **JP MORGAN MADOFF**

Hagens Berman settled this case on behalf of Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, its parents, subsidiaries and affiliates. The settlement against JPMorgan involved three simultaneous, separately negotiated settlements totaling more than \$2.2 billion.

## **\$215 MILLION**

### **USC, DR. GEORGE TYNDALL SEXUAL ABUSE AND HARASSMENT**

The firm served as co-lead counsel and secured a \$215 million settlement on behalf of a class of thousands of survivors of sexual assault against the University of Southern California and its Dr. George Tyndall, the full-time gynecologist at USC's student health clinic.

## **\$212 MILLION**

### **TOYOTA, LEXUS DENSO FUEL PUMP DEFECT**

Hagens Berman represented consumers in a lawsuit alleging that Toyota Motor Corp. sold vehicles with faulty engines made by Denso International America Inc. The defect left vehicle owners at risk of spontaneous vehicle shutdown, engine stall and other safety risks that increased the likelihood of a crash or injury. The settlement brought relief to more than 3.3 million vehicle owners.

## **\$208 MILLION**

### **NCAA SCHOLARSHIP CAP ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel in the damages portion of this historic antitrust class action claiming the NCAA unlawfully capped the value of athletic scholarships. In a historic ruling, the U.S. Supreme Court unanimously upheld a trial victory regarding the injunctive portion of the case securing monumental improvements for college athletes, and forever changing college sports. Steve Berman served as trial counsel.



## **\$205 MILLION**

### **OPTICAL DISC DRIVES (ODD) ANTITRUST LITIGATION**

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

## **\$200 MILLION**

### **NEW ENGLAND COMPOUNDING PHARMACY MENINGITIS OUTBREAK LITIGATION**

Hagens Berman attorneys served as lead counsel for the plaintiffs' steering committee on behalf of plaintiff-victims of the 2012 fungal meningitis outbreak that led to more than 64 deaths and hundreds of joint infection cases.

## **\$181 MILLION**

### **BROILER CHICKEN ANTITRUST LITIGATION**

Hagens Berman serves as interim class counsel in a case against Tyson, Purdue and 16 other chicken producers for allegedly conspiring to stabilize chicken prices by reducing production. The firm continues to litigate the case against remaining defendants.

## **\$169 MILLION**

### **ANIMATION WORKERS**

Hagens Berman was co-lead counsel for a class of approximately 10,000 animators and other artistic workers in an antitrust class action against Pixar, DreamWorks, The Walt Disney Company, Sony and others for allegedly conspiring to restrain competition and suppress industry wages. A \$169 million settlement resulted in a payment of more than \$13,000 per class member.

## **\$150 MILLION**

### **FLONASE ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel representing purchasers in this case alleging GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

## **\$150 MILLION**

### **LUPRON CONSUMER LITIGATION**

Hagens Berman served as co-lead counsel on behalf of consumers and third-party payors who purchased the drug Lupron. Under the terms of the settlement, TAP Pharmaceuticals paid \$150 million on behalf of all defendants.

## **\$125 MILLION**

### **PHARMACEUTICAL AWP LITIGATION**

Hagens Berman was lead counsel against 11 pharmaceutical companies, including Abbott Laboratories and Watson Pharmaceuticals, resulting in multiple settlements between 2006 and 2012. Defendants agreed to pay \$125 million in a nationwide settlement for intentionally inflating reports of the average wholesale prices (AWP) on certain prescription medications.

## **\$123.4 MILLION**

### **EXPEDIA LITIGATION**

Hagens Berman led this class action arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

## **\$120 MILLION**

### **GENERAL MOTORS**

Hagens Berman represented owners of GM-branded vehicles as co-lead counsel in a national class-action lawsuit seeking compensation, statutory penalties and punitive damages against GM on behalf of owners of millions of vehicles affected by alleged safety defects and recalls. The court granted final approval to a \$120 million settlement on behalf of affected GM vehicle owners on Dec. 18, 2020. Under the settlement, a trust controlled by creditors in GM's 2009 bankruptcy contributed up to \$50 million.

## **\$120 MILLION**

### **LOESTRIN ANTITRUST LITIGATION**

Hagens Berman served as interim co-lead counsel for the certified class of direct purchasers. The parties reached a proposed settlement shortly before trial.

## **\$113 MILLION**

### **BATTERIES ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel and secured a settlement in this class-action lawsuit against some of the largest electronics manufacturers for allegedly illegally fixing the price of lithium-ion batteries, pushing costs higher for consumers.

## **\$108 MILLION**

### **FIAT CHRYSLER LOW OIL PRESSURE**

As co-lead counsel, Hagens Berman represented a class of owners of Fiat Chrysler vehicles allegedly prone to spontaneous shut off when oil pressure is low. A federal judge approved a settlement valued at \$108 million comprised of comprehensive relief including extended warranties, software upgrades, free testing and repairs and repair reimbursements.

## **\$100 MILLION**

### **APPLE IOS APP STORE LITIGATION**

In this lawsuit against Apple, the firm served as interim lead counsel in this matter and represented U.S. iOS developers against the tech giant. The suit accused Apple of monopolizing distribution services for iOS apps and in-app digital products, allegedly resulting in commission overcharges. Apple agreed to pay \$100 million and make developer-friendly changes to its App Store policy.

## **\$100 MILLION**

### **OPPENHEIMER CORE BOND AND CHAMPION INCOME FUNDS LITIGATION**

Hagens Berman obtained settlements in two cases alleging that various Oppenheimer entities and certain individual defendants made materially false or misleading statements and omissions to the investing public regarding the investment profile and objectives of the two funds.

## **\$100 MILLION**

### **TENET HEALTHCARE**

Hagens Berman achieved a settlement on behalf of uninsured patients who received care at Tenet facilities nationwide, alleging that the patients were charged excessive prices at 114 hospitals owned and operated by Tenet Healthcare. The suit claimed that Tenet took advantage of the uninsured and working poor who did not have the economic leverage to negotiate lower rates, while giving discounts to HMO's and other large payers.

## **\$100 MILLION**

### **TREMONT LITIGATION**

The firm filed a class action on behalf of investors alleging the company and others grossly neglected fiduciary duties by turning capital over to Bernard Madoff Investment Securities.

## **\$98 MILLION**

### **PROGRAF ANTITRUST LITIGATION**

Hagens Berman served as court-appointed co-lead class counsel representing a class of direct purchasers of Prograf. The antitrust lawsuit alleges that Astellas violated antitrust laws by filing a petition with the FDA as a means of delaying entry of a generic version of Prograf, a drug used to prevent organ rejection by kidney, liver, heart and lung transplant patients.

## **\$95 MILLION**

### **APPLECARE**

This class action secured compensation for iPhone, iPad and iPod owners who bought AppleCare or AppleCare+ coverage. The suit accused Apple of using inferior, refurbished or used parts in device replacements, despite promising to provide consumers with a device "equivalent to new in performance and reliability," and Hagens Berman reached a settlement with the tech giant in April 2022, resolving these claims.

## **\$94 MILLION**

### **CELEBREX ANTITRUST LITIGATION**

Hagens Berman litigated claims on behalf of a certified class of direct purchasers alleging Pfizer obtained reissuance of a follow-on patent by defrauding the Patent and Trademark Office. The case settled just weeks before trial.

## **\$92.5 MILLION**

### **BOEING SECURITIES LITIGATION**

Boeing and Hagens Berman agreed to a settlement to this shareholder suit filed in November 1997 by Hagens Berman. The settlement, the then second largest awarded in the Northwest, affected tens of thousands of Boeing common stock shareholders.

## **\$90 MILLION**

### **GOOGLE PLAY STORE APP DEVELOPERS**

The firm filed a class action on behalf of Android app developers for violating antitrust laws by allegedly illegally monopolizing markets for Android app distribution and in-app payment processing. A \$90 million settlement has been preliminarily approved.

# PRACTICE AREAS

PRACTICE AREAS

## Automotive – Defect, Fraud & Products Liability

In litigating cases, we strive to make an impact for large classes of consumers, especially those who fall victim to the gross negligence and lack of oversight of one of the nation’s largest industries: auto manufacturing. Hagens Berman’s automotive litigation team has repeatedly been named a Practice Group of the Year by Law360, highlighting its “eye toward landmark matters and general excellence” in this area of law.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman was selected from more than 70 law firms applying for the role. Since then, the firm’s automotive practice area has grown at an unrivaled pace, pioneering new investigations into emissions-cheating, defects, false marketing and safety hazards affecting the wellbeing of millions of drivers.

Hagens Berman’s work fighting corporate wrongdoing in the automotive industry has repeatedly earned it a spot in the National Law Journal’s list of Elite Trial Lawyers, and the firm’s auto team who worked on *Toyota* were also named finalists for Public Justice’s Trial Lawyer of the Year award.

Our firm has been a leader in this area of law for nearly a decade, and our settled cases include the following matters related to public safety, defect mitigation and more.

### TOYOTA SUDDEN, UNINTENDED ACCELERATION LITIGATION

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

**RESULT:** \$1.6 billion settlement, which was the largest automotive settlement in history at the time, surpassed only by the firm’s future settlements

### HYUNDAI/KIA THETA II GDI ENGINE FIRE HAZARD LITIGATION I

As co-lead counsel against Hyundai and Kia, Hagens Berman helped secure a \$1.3 billion settlement on behalf of owners of cars affected by an engine defect causing spontaneous fires. The compensation includes lifetime warranty protection, software installation aimed to detect and prevent the engine defect, reimbursements for repair-related costs and lost value due to engine failures or fires, and payment for repair delays.

**RESULT:** \$1.3 billion settlement

### HYUNDAI/KIA ENGINE FIRE HAZARD LITIGATION II

Following the firm’s \$1.3 billion settlement on behalf of owners of cars affected by an engine defect causing spontaneous fires in millions of Hyundai and Kia cars, Hagens Berman, which served as co-lead counsel in this case, also secured an additional settlement concerning engines not included in the first settlement. The newest settlement brings relief to owners of about 2.1 million vehicles with Gamma GDI and Nu GDI engines as well as Theta II MPI engines. “The

settlement is comprehensive in compensating class members for the harms suffered and providing protection against future harms,” Judge Staton said, noting that the deal is substantially similar to the one finalized in May 2021 in *In re Hyundai and Kia Engine Litigation*, which was valued at up to \$1.3 billion.

**RESULT:** Settlement comparable to prior \$1.3 billion in *In re Hyundai and Kia Engine Litigation*

#### **HYUNDAI/KIA HYDRAULIC ELECTRONIC CONTROL UNIT (HECU) FIRE HAZARD LITIGATION**

Hagens Berman filed this class-action lawsuit against automakers Hyundai and Kia on behalf of owners and lessees of approximately three million U.S. vehicles regarding a defect affecting the vehicles’ hydraulic and electronic control units. The defect, which the lawsuit alleges Hyundai and Kia were aware of upon selling the affected vehicles, can cause electrical short-circuits and engine fires. Conservatively, plaintiffs’ expert values the settlement in the range of \$326 million to \$652 million, depending on relief claimed by affected owners and lessors.

**RESULT:** Settlement valued at more than \$300 million

#### **HYUNDAI KIA FUEL ECONOMY LITIGATION**

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of their cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year’s losses.

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

#### **TOYOTA, LEXUS DENSO FUEL PUMP LITIGATION**

The firm filed this class action regarding a defect in the DENSO fuel pump installed in the affected Toyota and Lexus vehicles which can leave vehicle owners at risk of spontaneous vehicle shutdown, engine stall and other safety risks that increase the likelihood of a crash or injury.

**RESULT:** Settlement valued between \$212 million and \$288 million

#### **HYUNDAI KIA CAR THEFT DEFECT LITIGATION**

Serving as co-lead counsel, the firm achieved swift relief in this class action stemming from Hyundai and Kia’s failure to equip nearly nine million 2011-2022 models with an immobilizer, a common antitheft device in modern cars which prevents most vehicles from being started unless a code is transmitted from the vehicle’s smart key. The lack of immobilizer in affected vehicles spawned viral “Kia Challenge” TikTok videos demonstrating simple measures “Kia Boys” take to steal affected Hyundai and Kia vehicles using only a common USB charging cord or similar metal object to start the engine, allowing thieves to steal them in less than 90 seconds.

**RESULT:** Settlement-in-principle valued at more than \$200 million

#### **GENERAL MOTORS IGNITION SWITCH LITIGATION**

The firm served as co-lead counsel in a high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The lawsuit alleged GM did not take appropriate remedial measures, despite having prior knowledge of the defect.

**RESULT:** \$120 million settlement

#### **FIAT CHRYSLER (FCA) LOW OIL PRESSURE SHUT OFF LITIGATION**

Hagens Berman represented owners of Chrysler, Dodge, Fiat, Jeep and Ram vehicles affected by a defect causing overconsumption of oil and spontaneous vehicle shut off during low oil pressure. In 2022 a federal judge approved a settlement for owners of vehicles with 2.4L TigerShark MultiAir II engines.

**RESULT:** \$108 million settlement

#### **HONDA INFOTAINMENT SYSTEM LITIGATION**

In 2019, owners of Honda vehicles filed a class-action lawsuit against the automaker for a defect affecting the vehicles' infotainment system which was prone to failing to boot, freezing during use and suffering general malfunctions and glitches. Owners reported the issues on vehicles with as few as 580 miles. The U.S. district judge called the settlement for vehicle owners a "significant effort" in light of the difficulties and complexities of the case.

**RESULT:** \$33 million settlement

#### **FORD MYFORD TOUCH LITIGATION**

Hagens Berman served as co-lead counsel on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the flawed system put drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits.

**RESULT:** \$17 million settlement

#### **ACURA RDX INFOTAINMENT SYSTEM LITIGATION**

In this class-action lawsuit filed against American Honda Motor Co. Inc., owners of 2019 and 2020 Acura RDX vehicles accused the automaker of knowingly selling the vehicles with defective infotainment systems, posing a serious safety risk to drivers. The alleged defect causes many of the vehicles' features associated with the infotainment system to malfunction, including the navigation system, audio system, as well as safety features like the backup camera.

**RESULT:** \$10.5 million settlement

#### **TESLA AUTOPILOT AP2 ROLLOUT DELAY LITIGATION**

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

**RESULT:** \$5.4 million settlement

#### **NISSAN QUEST ACCELERATOR LITIGATION**

Hagens Berman represented Nissan Quest minivan owners alleging their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

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

#### **PENDING LITIGATION AGAINST AUTOMAKERS**

The firm has filed several pending cases against major automakers, including the following class actions promoting consumers' rights:

#### **FCA CHRYSLER PACIFICA HYBRID MINIVAN ENGINE SHUTDOWN LITIGATION**

Over 67,000 Chrysler plug-in hybrid electric vehicles are at risk for spontaneous power loss while the vehicle is in motion due to a serious wiring defect in the transmission of the gasoline-driven portion of the powertrain. The automaker's response to this potentially life-threatening issue falls short, leaving Chrysler customers with little recourse. According to a recall report filed with the National Highway Traffic Safety Administration in January 2023, 100% of 2017-2023 Chrysler Pacifica PHEVs are at risk for sudden engine shutoff due to this defect. Loss of motive power is total and comes without warning, giving drivers little or no opportunity to maneuver vehicles to safety, and can occur while moving at highway speeds.

#### **FCA CHRYSLER PACIFICA HYBRID MINIVAN FIRE HAZARD LITIGATION**

In this automotive class-action lawsuit, the firm serves as co-lead counsel representing owners of 2017 and 2018 Chrysler Pacifica plug-in hybrid electric minivans. Twelve fires have been reported in Chrysler Pacifica hybrid minivans. All of the vehicles that caught fire were parked and turned off; eight of the 12 vehicles were plugged in and charging. In the recall report filed with the National Highway Traffic Safety Administration, Chrysler said the "root cause is unknown." Hagens Berman filed a consolidated master complaint Nov. 4, 2022. The complaint highlights Fiat Chrysler's proposed "fix" as a "Hobson's choice foisted on consumers" that fails to solve the issue. Even after having the recall performed, at least two Hybrid Pacifica vehicles have exploded into flames in owners' garages and driveways. In December 2023, the federal judge overseeing the consolidated lawsuit denied Fiat Chrysler's motion to dismiss plaintiffs' claims.

#### **FCA DODGE RAM 1500 & 1500 CLASSIC ECODIESEL TRUCKS EGR COOLER FIRE HAZARD LITIGATION**

Hagens Berman represents owners of certain Dodge Ram 1500 trucks at risk for vehicle fire. Affected trucks have been built with defective EGR coolers that can crack due to thermal fatigue. This can allow coolant to leak into the running engine, which can result in combustion and a vehicle fire.

#### **FCA MONOSTABLE GEARSHIFT LITIGATION**

Over 811,000 Dodge Chargers, Chrysler 300s and Jeep Grand Cherokees were equipped with defective gear shifters that could cause the vehicles to roll away after the driver attempted to place the vehicle in park. The case went to trial, resulting in a mixed verdict in which the jury found the vehicles had a design defect under Utah law. Hagens Berman continues to pursue claims for damages on behalf of a class of owners/lessees from California and New York.

#### **FORD, GM, FCA, NISSAN CP4 HIGH-INJECTION FUEL PUMP DEFECT LITIGATION**

Hagens Berman has filed multiple class-action lawsuits against the "Big Three" — Ford, GM, and FCA — in addition to Nissan on behalf of diesel truck owners due to a defective high-pressure fuel injection pump in affected vehicles. The defective part generates metallic shavings and can lead to catastrophic failure of the engine. The complaints allege defendants routinely denied repair under warranty, even though the repair costs at least \$7,000, and in some cases exceeds \$10,000. After Hagens Berman filed suit against FCA with respect to the 3.0-liter engine cars and trucks, FCA issued a safety recall for those vehicles. In March 2023, Hon. Bernard A. Friedman allowed the majority of claims against Ford to continue, and in that same month, Hon. Terrence Berg certified seven state-specific classes on behalf of GM truck owners. In June 2024, the firm filed a motion for preliminary approval of a settlement reached with GM.

#### **FORD ESCAPE, MAVERICK AND LINCOLN CORSAIR HYBRID FIRES LITIGATION**

Ford has recalled more than 100,000 of its Escape, Maverick and Lincoln Corsair hybrid models manufactured since 2020 for a risk of spontaneously catching fire due to a safety defect. The issue has been traced to leaking fluid from the vehicles' engine block or oil pan. In response, rather than fix the faulty engine blocks and oil pans, Ford has issued "fix" instructions to its dealers that ask them to remove blinds from the grill shutter and drill holes in the floor of the engine compartment, potentially causing flammable fluids to drip into the roadway and owners' garages and driveways. The firm's class-action lawsuit against Ford was filed in August of 2022.

#### **FORD MUSTANG MACH-E SHUTDOWN DEFECT LITIGATION**

Owners of 2021-2022 Ford Mustang Mach-E vehicles filed a class-action lawsuit against the automaker in relation to a defective high voltage main battery contactor that can reportedly suddenly and unexpectedly cause the vehicle to lose power, disabling the engine and key safety features. The defect presents a high risk of crash, injury and death. Ford's remedies have so far been unsuccessful and may be increasing charging times and decreasing the engine power for owners.

#### **HONDA CIVIC ELECTRONIC POWER STEERING DEFECT LITIGATION**

The firm filed a class-action lawsuit accusing American Honda Motor Company of selling 2022-2023 Civics which it knew were equipped with dangerously faulty electronic power steering (EPS) systems. The EPS system failure occurs without warning and under various driving conditions, causing the vehicles to lose steering control at high speeds. The National Highway Traffic Safety Administration opened a preliminary investigation after receiving 145 reports of "momentary increase in steering effort," described as "sticky steering," which could result in the inability to avoid a road hazard.

#### **HYUNDAI, KIA & GENESIS EV BATTERY CHARGE DEFECT**

According to the suit, owners of Hyundai Ioniq 5s, Hyundai Ioniq 6s, Genesis GV60s and Kia EV6s experience vehicle charging ports overheating in as little as 30 minutes, causing charging sessions to repeatedly fail. The plaintiffs say this can leave them with unexpectedly empty vehicle batteries, and Hyundai's proposed fix for the problem is inadequate. The proposed class brings claims that the automakers violated the Computer Fraud and Abuse Act and various state consumer protection laws.

#### **TESLA MODEL S & MODEL X SOFTWARE BATTERY DRAIN DEFECT LITIGATION**

Hagens Berman has filed a lawsuit on behalf of owners and lessors of Tesla Model S and Model X vehicles, alleging that Tesla's automatic software updates are responsible for a drastic drop in battery performance and driving range in affected vehicles. In some cases, attorneys allege, the software update renders batteries fully inoperable, and drivers are told they must purchase a new \$15,000 battery.

#### **VW ATLAS WIRING HARNESS DEFECT LITIGATION**

Hagens Berman represents owners and lessors of more than 222,000 defective Volkswagen Atlas vehicles affected by a dangerous manufacturing defect in the door wiring harness. The defect can cause vehicles' systems to malfunction, affecting the functionality of airbags, brakes and more. This defect can place drivers, passengers and other traffic or pedestrians in immediate safety risk and danger of crashes.



PRACTICE AREAS

## Automotive – Emissions Cheating

Having filed the first Dieselgate case in the country, Hagens Berman played a lead role in the record-breaking Volkswagen diesel emissions litigation. But Hagens Berman knew the story didn't end there. Since the Dieselgate scandal, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. We have become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

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

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

### **VOLKSWAGEN DIESEL EMISSIONS LITIGATION**

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

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

### **VOLKSWAGEN FRANCHISE DEALERS EMISSIONS LITIGATION**

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

**RESULT:** \$1.67 billion settlement

### **MERCEDES BLUETEC EMISSIONS LITIGATION**

Hagens Berman was appointed co-lead counsel in this class action representing thousands of vehicle owners against Mercedes concerning emissions-cheating in its BlueTEC diesel vehicles. The lawsuit states Mercedes told vehicle owners and lessees their diesel cars were “the world’s cleanest and most advanced diesel,” when in fact testing indicated a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard; at variable speeds, testing produced emissions as high as 30.8 times the standard, according to the firm’s independent testing.

Since the case settled, Hagens Berman has taken an advisory role in the emissions-cheating litigation against Mercedes’ parent company, Daimler, filed in Australia. The firm looks to build upon its existing win against Mercedes for emissions cheating in its vehicles sold in the U.S. and support Australians who were similarly deceived.

**RESULT:** \$700 million settlement

### **FIAT CHRYSLER ECODIESEL EMISSIONS LITIGATION**

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

**RESULT:** Settlement valued at \$307 million, dependent upon claims rate

### **PORSCHE EMISSIONS LITIGATION**

This lawsuit claimed fuel economy inaccuracies in half a million 2005 to 2020 Volkswagen and Porsche gasoline models, and in 2022, a federal judge granted preliminary approval of an \$80 million settlement agreement regarding emissions-cheating claims. Under the settlement, consumers in the most basic bracket of the class can receive payments from \$250 to \$1,109 per vehicle, and those who purchased higher-performance vehicles can receive an additional \$250 in compensation, with other payments of \$200 per vehicle available to other eligible class members.

**RESULT:** \$80 million settlement

### **AUDI EMISSIONS LITIGATION**

In 2016, Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm’s investigation revealed a newly discovered defeat device installed in gasoline engines which changed how the transmission operated when testing was detected to lower CO2 emissions, but otherwise allowed excessive CO2 emissions in normal, on-road driving. The firm was appointed lead counsel.

**RESULT:** The lawsuit was folded into the Volkswagen Dieselgate multidistrict litigation. The settlement benefited more than 88,000 vehicle owners and resulted in vehicle buybacks valued at more than \$30,000 for some class members.

### **PENDING LITIGATION AGAINST AUTOMAKERS**

The firm is currently litigating many pending cases against major automakers regarding emissions, including the following:

#### **CHEVY CRUZE DIESEL EMISSIONS LITIGATION**

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) and Robert Bosch, LLC for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, testing by an expert retained by Hagens Berman revealed the cars’ emissions are often up to 36 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld the bulk of the owners’ claims, and admitted the extensive emissions testing, software analysis, marketing and damages testimony offered by experts retained by Hagens Berman on behalf of Cruze

owners. In 2022, Judge Ludington excluded one of GM's experts and ruled on GM's and Bosch's motions for summary judgment, allowing the bulk of plaintiffs' claims to proceed.

#### **BMW X5 & 335D EMISSIONS LITIGATION**

Based on BMW's marketing, consumers who purchased its X5 Diesel and 335d vehicles assumed they were making a choice that was better for the environment than other options. BMW told the public that the vehicles "met emissions standards in all 50 states," that "BMW Efficient Dynamics" meant "Less emissions," that its engines "protect the environment every day," were "environmentally friendly," and turned nitric oxides (harmful pollutants in diesel exhaust) "into environmentally compatible nitrogen and water vapor." In reality, the 2009-2013 BMW X5 diesel and 2009-2011 335d vehicles emit harmful pollutants and emissions many times above legal emissions standards. A federal judge granted preliminary approval to a settlement valued at \$6 million and preliminarily appointed Hagens Berman co-class counsel for the settlement class.

#### **DODGE RAM 2500/3500 DIESEL EMISSIONS LITIGATION**

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions because fuel is diverted and burned to clear out the soot in the emission system. The firm is leading a national class action against Fiat Chrysler and Cummins (the engine manufacturer) for knowingly inducing consumers to pay premium prices for vehicles that exceed emissions standards, and lead to decreased fuel economy and higher costs because of the wasted fuel. Hagens Berman has also determined that there is a defeat device in these vehicles.

#### **GENERAL MOTORS DURAMAX EMISSIONS LITIGATION**

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed an emissions-masking defeat device in its Duramax trucks, including [Chevy Silverado](#) and [GMC Sierra](#) models, in a cover-up akin to Volkswagen's Dieseldieselgate concealment. In real world conditions the trucks frequently emit 1.6 – 2.5 times the legal limit of deadly NOx pollutants and have been observed emitting almost 50 times the federal standard. Emissions cheating devices are installed in an estimated 705,000 affected vehicles.

# APPELLATE VICTORIES

APPELLATE VICTORIES

## Strengthening Consumer Law

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

- *Tershakovec v. Ford Motor Co., Inc.*, 79 F.4th 1299 (11th Cir. 2023) (affirming class certification under laws of several states and remanding for trial)
- *Hernandez v. Illinois Inst. of Tech.*, 63 F.4th 661 (7th Cir. 2023) (claims for breach of contract and unjust enrichment upheld for failure to provide in-person education during COVID-19 pandemic)
- *In re Evenflo Co., Inc., Mktg., Sales Pracs. & Prod. Liab. Litig.*, 54 F.4th 28, 32 (1st Cir. 2022) (consumers had standing to challenge overpayment for defective car booster seats)
- *In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 27 F.4th 291 (4th Cir. 2022) (affirming fee award as authorized by Class Action Fairness Act)
- *NCAA v. Alston*, 141 S. Ct. 2141 (2021) (landmark decision invalidating NCAA antitrust restrictions on compensating student athletes)
- *Shaffer v. George Washington Univ.*, 27 F.4th 754 (D.C. Cir. 2022) (students adequately alleged universities breached contract to provide in-person education during COVID-19 pandemic)
- *United Food & Com. Workers Loc. 1776 & Participating Emps. Health & Welfare Fund v. Takeda Pharm. Co. Ltd.*, 11 F.4th 118 (2d Cir. 2021) (monopolization sufficiently alleged and brand drug manufacturer's combination patents did not claim brand drug under Hatch-Waxman Act)
- *Cherry v. Dometic Corp.*, 986 F.3d 1296 (11th Cir. 2021) (administrative feasibility identifying absent class members not required for class certification)
- *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 967 F.3d 264 (3d Cir. 2020) (upholding certified class of direct purchasers alleging anticompetitive conduct impeding market entry of generic versions of Suboxone)
- *In re NCAA Grant-in-Aid Cap Antitrust Litig.*, 958 F.3d 1239 (9th Cir. 2020) (affirming injunction in favor of student athletes against NCAA, later sustained by Supreme Court in *NCAA v. Alston*, 141 S. Ct. 1231 (2020))
- *In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 952 F.3d 471 (4th Cir. 2020) (approving class action settlement concerning defective laminate flooring)
- *In re Lantus Direct Purchaser Antitrust Litig.*, 950 F.3d 1 (1st Cir. 2020) (drug manufacturer improperly listed insulin patent in FDA's Orange Book to extend monopoly)

- *In re Avandia Mktg., Sales & Prod. Liab. Litig.*, 945 F.3d 749 (3d Cir. 2019) (state law claims against manufacturer of type-2 diabetes drug not preempted by federal law)
- *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539 (9th Cir. 2019) (*en banc*) (upholding nationwide settlement class and providing guidance for district courts on choice-of-law inquiry in settlement context)
- *City of Miami v. Wells Fargo & Co.*, 923 F.3d 1260 (11th Cir. 2019) (municipality adequately alleged causation for discrimination violating Fair Housing Act)
- *In re Avandia Mktg., Sales Pracs. & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019) (vacating protective order for impeding common law right of public access to court filings)
- *In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., & Prod. Liab. Litig.*, 895 F.3d 597 (9th Cir. 2018) (affirming \$10 billion nationwide settlement providing relief to one-half million consumers for Volkswagen's emissions cheating and misleading "clean diesel" advertising)
- *In re Lipitor Antitrust Litig.*, 868 F.3d 231 (3d Cir. 2017) (direct purchasers of Lipitor and Effexor plausibly alleged unlawful reverse payment settlement agreements in violation of antitrust laws)
- *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- *In re Loestrin 24 Fe Antitrust Litig.*, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under Actavis are not limited to cash payments)
- *Osborn v. Visa Inc.*, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- *Little v. Louisville Gas & Elec. Co.*, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- *City of Miami v. Citigroup Inc.*, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- *Rajagopalan v. NoteWorld, LLC*, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- *Garcia v. Wachovia Corp.*, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on Concepcion to evade waiver of any right to compel arbitration)
- *Agnew v. Nat'l Collegiate Athletic Ass'n*, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- *In re Lupron Mktg. & Sales Practices Litig.*, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)

- *In re Pharm. Indus. Average Wholesale Price Litig.*, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

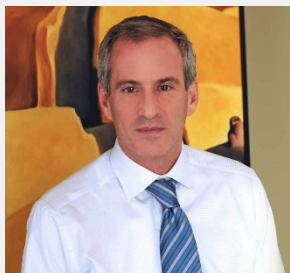
We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

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

- *Franklin v. CSAA Gen. Ins. Co.*, 532 P.3d 1145, 1146 (Ariz. 2023) (injured drivers may “stack” or combine UIM coverages where multiple vehicles are insured under a single insurance policy)
- *In re Funko, Inc. Sec. Litig.*, 19 Wash. App. 2d 1045 (2021) (complaint adequately alleged violations of the Securities Act of 1933)
- *Hernandez v. Restoration Hardware, Inc.*, 409 P.3d 281 (Cal. 2018) (successfully arguing on behalf of amicus curiae that class action objectors must intervene to appeal)
- *Purdue Pharma L.P. v. State*, 256 So. 3d 1 (Miss. 2018) (refusing to transfer venue in litigation against leading opioid manufacturers)
- *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- *Pickett v. Holland Am. Line-Westours, Inc.*, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

LEGAL TEAM





[steve@hbsslw.com](mailto:steve@hbsslw.com)

T 206-623-7292  
F 206-623-0594

1301 Second Avenue  
Suite 2000  
Seattle, WA 98101

#### YEARS OF EXPERIENCE

41

#### PRACTICE AREAS

[Anti-Terrorism](#)  
[Automotive Litigation](#)  
[Civil & Human Rights](#)  
[Class Action](#)  
[Consumer Rights](#)  
[Emissions Litigation](#)  
[Environmental Litigation](#)  
[Governmental Representation](#)  
[High Tech Litigation](#)  
[Intellectual Property](#)  
[Investor Fraud](#)  
[Patent Litigation](#)  
[Qui Tam](#)  
[Securities](#)  
[Sexual Abuse & Harassment](#)  
[Sports Litigation](#)  
[Whistleblower](#)

#### BAR ADMISSIONS

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

#### COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit

#### MANAGING PARTNER

## Steve W. Berman

---

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

---

#### INTRODUCTION

Steve Berman has dedicated this career as a class-action plaintiffs' lawyer to improving the lives of those most in need. He represents large classes of consumers, investors and employees in large-scale, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve's class-action lawsuits have led to record-breaking settlements, historic changes to industries and made real change possible for millions of individuals.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli — Steve knew he had to help. In that case, Steve alleged that the poisoning was the result of Jack in the Box's cost cutting measures and negligence. He was further inspired to build a firm that vociferously fought for the rights of those most in need. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys and has been praised for securing tangible benefits for class members, as well as outstanding monetary relief. Steve is particularly known for his tenacity in forging settlements that return a high percentage of recovery or meaningful industry change to class members.

[Print & Online Feature Interviews »](#)

#### CURRENT ROLE

- Managing Partner of Hagens Berman Sobol Shapiro LLP and Hagens Berman EMEA LLP (UK)

#### CURRENT CASES

Steve leads the firm's efforts in the areas of antitrust, consumer protection and more, maintaining a leading edge amid shifting trends and technology. His active cases concern billions of dollars in damages and affect hundreds of millions of individuals. Steve's caseload spans several industries, including technology, college sports, agriculture and wages and include the following highlights.

#### ANTITRUST LITIGATION

The antitrust lawsuits that Steve Berman has led have secured settlements valued at more than \$27 billion, spotlighting anticompetitive practices that have harmed consumers across various industries. Steve's outstanding work in this field has earned the firm accolades and awards, and his current caseload speaks to the breadth of the firm's impact.

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the D.C. Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Federal Claims
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Washington
- Supreme Court of Illinois
- Supreme Court of Washington

**EDUCATION**



University of Chicago Law School, J.D., 1980



University of Michigan, B.A., 1976

CASE	DESCRIPTION
<a href="#">Amazon Buy Box</a>	Class action against Amazon for violating state consumer protection laws through the alleged use of a biased algorithm <b>Status:</b> Complaint filed
<a href="#">Amazon E-Books Price-Fixing Co-Lead Counsel</a>	Class action accusing Amazon of establishing an illegal monopoly of the e-books market and charging artificially inflated prices <b>Status:</b> Court denies Amazon’s motion to dismiss monopoly claims
<a href="#">Amazon Online Retailer Consumer Antitrust (Frame-Wilson) Interim Co-Lead Counsel</a>	Class action accusing Amazon of increasing prices for online purchases made via other retailers <b>Status:</b> Amazon’s motion to dismiss claims denied
<a href="#">Amazon.com Antitrust (De Coster) Co-Lead Counsel</a>	Class action accusing Amazon of violating federal antitrust laws, causing customers to pay artificially high prices for products purchased via Amazon <b>Status:</b> Motion to dismiss denied
<a href="#">Apple iCloud Antitrust</a>	Class action accusing Apple of violating antitrust laws and establishing a monopoly through its iOS cloud-based storage policies <b>Status:</b> Complaint filed
<a href="#">Apple Pay Payment Card Issuer Antitrust</a>	Class action accusing Apple of intentionally monopolizing the billion-dollar mobile wallet market on iOS platforms, forcing payment card issuers to pay supracompetitive fees and stifling innovation <b>Status:</b> Motion to dismiss denied in part
<a href="#">Real Estate Commissions Antitrust Co-Lead Counsel</a>	Class action against four national broker franchises alleging parties illegally inflated commissions associated with home sales <b>Status:</b> Settlements reached totaling \$693.2 million
<a href="#">RealPage Rent Price-Fixing – State of Arizona Retained Counsel</a>	Retained by Arizona Attorney General Kris Mayes in a consumer-protection lawsuit on behalf of the state of Arizona alleging leasing companies colluded to artificially increase the price of rent <b>Status:</b> Complaint filed
<a href="#">NCAA Student-Athlete Name, Image and Likeness Co-Lead Counsel</a>	Class action representing current and former NCAA college athletes accusing the NCAA and its conferences of illegally limiting the compensation athletes may receive for the use of their names, images and likenesses <b>Status:</b> Settlement reached
<a href="#">Visa Mastercard ATM Co-Lead Counsel</a>	Class action alleging that Visa and MasterCard, with BofA, JP Morgan Chase and Wells Fargo, established uniform agreements with U.S. banks, preventing ATM operators from setting access fees below the level of fees charged on Visa’s and MasterCard’s networks \$197.5 million settlement with Visa and Mastercard receives preliminary approval, bringing total settlements to \$264.2 million if approved

**AGRICULTURE ANTITRUST LITIGATION**

The firm’s total settlements in this area of litigation is valued at more than \$636.32 million and have affected the lives of U.S. consumers and employees in the meat-processing industry. As inflation continues to rise, combatting anticompetitive schemes raising the cost of food is an issue pertinent to families across the nation.

AWARDS

Law360  
**TITANS**  
 OF THE PLAINTIFFS BAR

THE NATIONAL  
 LAW JOURNAL  
**ELITE TRIAL  
 LAWYERS**

THE NATIONAL  
 LAW JOURNAL  
**PLAINTIFFS' HOT LIST**

100 MOST INFLUENTIAL  
 LAWYERS IN AMERICA  
 | A SPECIAL REPORT |

**MOST POWERFUL  
 ATTORNEY**  
 STATE OF WASHINGTON  
 THE NATIONAL LAW JOURNAL

**Super Lawyers**

CASE	DESCRIPTION
Poultry Processing Wage-Fixing Antitrust Interim Co-Lead Counsel	Class action alleging wage-fixing agreement between the nation's biggest poultry companies <b>Status:</b> Settlements reached totaling \$217.2 million
Red Meat Processing Wage-Fixing Antitrust	Class action against the nation's largest meat processing companies alleging a yearslong wage-fixing agreement, causing employees to receive far less than legally owed <b>Status:</b> Settlements reached pending approval totaling \$138.5 million
Beef Antitrust Interim Co-Lead Counsel	Class action alleging major food corporations engaged in illegal conduct regarding the marketing and sales of beef products <b>Status:</b> Motion to dismiss denied
Broiler Chicken Antitrust Co-Lead Counsel	Class action accusing major food corporations of increasing the price of chicken in violation of antitrust laws <b>Status:</b> Settlements totaling \$181 million are pending court approval, class certification granted
Pork Antitrust Co-Lead Counsel	Class action alleging pork producers colluded to reduce pork production to artificially inflate prices <b>Status:</b> Settlements reached totaling \$95 million
Turkey Antitrust Interim Co-Lead Counsel	Class action alleging antitrust scheme by food corporations <b>Status:</b> Settlement reached with Tyson for \$4.62 million, seven remaining defendants

**AUTO DEFECT & EMISSIONS LITIGATION**

Hagens Berman's settlements in automotive defect and emissions lawsuits are collectively valued at more than \$21.4 billion and have led to significant safety protocols and changes in the auto industry. Steve's expertise leading complex litigation has led him to be hand-selected to champion the rights of vehicle owners. He remains dedicated to unearthing new instances of defect coverups, emissions cheating and safety concerns, utilizing the firm's resources to lead the charge against negligence.

CASE	DESCRIPTION
Daimler Mercedes BlueTEC Emissions – Australia Advisory Role	Following Hagens Berman's \$700 million settlement with Mercedes for alleged emissions cheating in the U.S., the firm has taken an advisory role in comparable litigation against Daimler filed in Australia. <b>Status:</b> Pending and active
FCA Dodge RAM 2500/3500 Emissions – 2007-2012 & 2013-2023	Class action alleging Fiat Chrysler/Stellantis and Cummins placed emissions-cheating defeat devices in affected RAM trucks <b>Status:</b> 2007-2012 models: motion to dismiss denied in part; 2013-2023 models: complaint filed
FCA Chrysler Pacifica Hybrid Minivan Fire Hazard Co-lead Counsel	Class action against Fiat Chrysler/Stellantis alleging a defect in the design of Chrysler Pacifica hybrid minivans results in spontaneous fires while vehicle is parked and off <b>Status:</b> Motion to dismiss denied
General Motors CP4 Fuel Pump Defect Class Counsel	Class action alleging Chevy Silverado and GMC Sierra trucks with a Duramax diesel 6.6 V8 engine are equipped with a defective high-pressure fuel injection pump. <b>Status:</b> Class certification granted

### SECURITIES LITIGATION

Hagens Berman’s total settlements in securities litigation valued at more than \$2.9 billion, and Steve’s efforts in this area have helped to recover losses for millions of individuals who have been blindsided by instances of fraud and disinformation orchestrated by publicly traded companies.

CASE	DESCRIPTION
Plantronics, Inc. (NYSE: PLT) Co-Lead Counsel	Class action representing Plantronics investors seeking to recover damages caused by violations of the Securities Exchange Act of 1934 <b>Status:</b> Motion to dismiss denied
Vaxart, Inc. (NASDAQ: VXRT) Lead Counsel	Class action against Vaxart and controlling shareholder, Armistice, alleging claims under federal securities laws <b>Status:</b> \$12.015 million partial settlement reached
Zillow Group, Inc. (NASDAQ: Z, ZG) Lead Counsel	Class action alleging defendants falsely touted the durability and acceleration of Zillow Offers and improvements to pricing models <b>Status:</b> Motion to dismiss denied

### RECENT SUCCESS

Steve Berman has achieved monumental settlements within the last two years, bringing hundreds of millions of dollars of relief to classes of everyday individuals affected by pricing schemes, automotive defects and other instances of wrongdoing. Through his recent case work, Steve maintains Hagens Berman’s edge and excellence in class-action litigation.

CASE NAME	DATE	RECENT SUCCESS
<a href="#">NCAA Student-Athlete Name, Image and Likeness</a> Co-Lead Counsel	07/26/24	Motion filed seeking preliminary approval of settlement
<a href="#">Visa MasterCard ATM</a> Co-Lead Counsel	07/26/23	\$197.5 million settlement with Visa and Mastercard receives preliminary approval
<a href="#">Real Estate Commissions Antitrust</a> Co-lead Counsel	04/23/24	\$418 million settlement with NAR receives preliminary approval
<a href="#">Hyundai / Kia Engine Fire Hazard</a> Co-lead Counsel	04/09/24	Settlement receives final approval
<a href="#">NCAA/EA Video Games Likeness</a> Co-lead Counsel	03/04/24	10,000 athletes revive EA College Football Videogame following NIL litigation
<a href="#">Hyundai / Kia Car Theft Defect</a> Co-Lead Counsel	10/31/23	Settlement receives preliminary approval
<a href="#">University of Washington College Tuition Payback</a>	06/29/23	Class certification granted
<a href="#">Hyundai / Kia Hydraulic Electronic Control Unit (HECU) Fire Hazard</a>	05/05/23	Settlement receives final approval

<a href="#">CP4 Fuel Pump Defect – GM/Ford/FCA</a>	03/31/23	Motion to dismiss denied
<a href="#">Pork Antitrust Co-Lead Counsel</a>	09/27/22	Settlement agreements reached
<a href="#">Amazon.com Consumer Fraud</a>	09/14/22	California AG files similar case, echoing Hagens Berman’s claims
<a href="#">Poultry Processing Wage-Fixing Antitrust Interim Co-Lead Counsel</a>	07/19/22	Motions to dismiss denied

**CAREER HIGHLIGHTS**

Steve’s career highlights encompass the top cases in world history both in their historical significance and in their monetary relief. Steve’s total settlements are valued at more than \$316 billion, including the infamous Big Tobacco litigation of the 90s, and have had major national impact. Steve’s career highlights include Enron pension protection, justice for victims of Harvey Weinstein, restitution for those affected by Volkswagen’s Dieselgate scandal, the complete remaking of college sports compensation and more.

His career focus remains clear: steadfast representation for those most in need across the nation. Steve’s cases have brought widespread benefit to classes of individuals spanning industries and decades. Lawsuits he has settled have reunited Hungarian Holocaust survivors with priceless family heirlooms, and also enacted major changes in youth soccer and NCAA sports to promote safety and minimize the risk of concussions. Below are Steve’s outstanding career highlights.

CASE/ROLE	SETTLEMENT VALUE	NATIONAL IMPACT
<a href="#">State Tobacco Litigation</a> Special Assistant Attorney General Representing 13 States	\$260 billion	<b>Largest civil settlement in history</b> The multi-state agreement required tobacco companies to pay the states \$260 billion and submit to broad advertising and marketing restrictions, leaving a lasting and widespread impact.
<a href="#">Visa Check/MasterMoney Antitrust Litigation</a> Co-lead Counsel	\$25 billion	<b>Largest antitrust settlement in U.S. history at the time</b> Agreements with Visa and Mastercard secured relief valued at as much as \$25-87 billion, and injunctive relief reducing interchange rates, among other benefits.
<a href="#">Volkswagen/Porsche/Audi Emissions Scandal</a> Plaintiffs’ Steering Committee and Settlement Negotiating Team	\$14.7 billion	<b>Largest ever brought against any automaker</b> Hagens Berman’s automotive legal team was the first to file in this historic lawsuit against Volkswagen for its emissions cheating and masking of harmful pollutants, culminating in a historic settlement.
<a href="#">Volkswagen Franchise Dealerships</a> Lead Counsel	\$1.67 billion	The firm achieved a monumental settlement on behalf of Volkswagen dealerships across the U.S. blindsided by the automaker’s emissions cheating, returning an average payment to each Dealer Settlement Class Member of approximately \$1.85 million.

<a href="#">Toyota Sudden, Unintended Acceleration</a> Co-lead Counsel	\$1.6 billion	<b>Largest automotive settlement in history at the time</b> The firm did not initially seek to lead this litigation but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs.
<a href="#">Hyundai / Kia Theta II GDI Engine Fire Hazard Settlement</a> Co-lead Counsel	\$1.3 billion	The firm achieved a settlement in response to a defect in 4.1 million Hyundai and Kia vehicles equipped with Theta II GDI engines putting owners at risk for spontaneous, non-collision engine fires or premature engine failure.
<a href="#">Mercedes BlueTEC</a> Co-lead Counsel	\$700 million	Spurred by the firm's success in the Volkswagen Dieselgate case, Steve independently tested diesel vehicles across manufacturers, uncovering additional instances of emissions-cheating, masked via illegal defeat devices.
<a href="#">Apple E-Books Antitrust</a> Co-lead Counsel	\$568 million	This antitrust lawsuit alleged Apple and five of the nation's top publishers colluded to raise the price of e-books for U.S. consumers. Steve's litigation resulted in an unheard of recovery equal to twice consumers' actual damages. Apple took the case to the U.S. Supreme Court, where it denied Apple's request to review the case.
<a href="#">McKesson Drug Class Litigation</a> Co-lead Counsel	\$350 million	Steve was named co-lead counsel in this action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
<a href="#">Average Wholesale Price Litigation</a>	\$338 million	Drug prices charged to consumers and payers across the nation are significantly more than the cost to produce them. In many cases, Big Pharma conspires with other companies to create these false profits. Hagens Berman has helped several classes of plaintiffs obtain multimillion-dollar judgments.
<a href="#">Enron Pension Protection Litigation</a> Co-lead Counsel	\$250 million	Attorneys represented 24,000 Enron employees claiming the company recklessly endangered retirement funds, causing some employees to lose hundreds of thousands of dollars almost overnight, in a major economic milestone in U.S. history.
<a href="#">BoA Homeloans</a>	\$250 million	Following the historic market crash in 2008, Hagens Berman filed this class action against Bank of America, Countrywide and LandSafe, alleging their collusion was in direct violation of the RICO Act and other laws.
<a href="#">McKesson Governmental Entity Class Litigation</a> Lead Counsel	\$82 million	Steve was lead counsel for a nationwide class of local governments that resulted in a settlement for drug price-fixing claims.

<p><a href="#">JPMorgan Madoff Lawsuit</a></p>	<p>\$218 million</p>	<p>This historic settlement against JPMorgan involved three simultaneous, separately negotiated settlements totaling more than \$2.2 billion, in which Hagens Berman returned hundreds of millions of dollars on behalf of Bernard L. Madoff investors.</p>
<p><a href="#">NCAA Athletic Grant-in-Aid Cap Antitrust</a> Co-lead Counsel</p>	<p>\$208 million</p>	<p>Steve pioneered this historic case which forever changed NCAA sports and the lives of 53,748 class members. The case culminated in a \$208 million settlement regarding damages and injunctive relief secured through a unanimous U.S. Supreme Court decision in favor of plaintiffs. According to the Court, the NCAA “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences or schools may make available. Schools are now allowed to provide benefits tethered to education up to \$6,000 annually</p>
<p><a href="#">Apple iOS App Developers Class Counsel</a></p>	<p>\$100 million</p>	<p>Hagens Berman represented developers of iOS apps sold via Apple’s App Store or featuring in-app sales, alleging the tech giant engaged in anticompetitive practices that harmed developers. The settlement brings important changes to App Store policies and practices. U.S. iOS app developers with less than \$1 million per year in proceeds from App Store sales through all associated developer accounts across the nation can receive hundreds to tens of thousands of dollars from the fund.</p>
<p><a href="#">Google Play Store App Developers</a> Co-lead Counsel</p>	<p>\$90 million</p>	<p>This antitrust class action accused Google of monopolizing its Play Store through anticompetitive policies, affecting small businesses across the nation. Attorneys for the class of roughly 43,000 Android app developers say some class members will likely see payments in the hundreds of thousands of dollar</p>
<p><a href="#">Zuora Investor Fraud</a> Lead Counsel</p>	<p>\$75.5 million</p>	<p>In a showcase of Steve’s securities litigation expertise, this settlement achieved in 2023 provides significant relief to purchasers of the securities of Zuora across the U.S.</p>
<p><a href="#">NCAA Concussions</a> Lead Counsel</p>	<p>\$75 million</p>	<p>Hagens Berman served as lead counsel in this multidistrict litigation against the NCAA, achieving medical monitoring and injunctive relief in the form of changes to concussion management and return-to-play guidelines. The lawsuit alleged the institutions neglected to protect college athletes from concussions and their aftermath at schools across the country.</p>



<p><a href="#">NCAA/Electronic Arts Name and Likeness</a> Co-lead Counsel</p>	<p>\$60 million</p>	<p>This first-of-its-kind lawsuit ushered in the first time that hardworking college athletes saw some of the profits from the use of their likeness in video games. More than 24,000 individuals were eligible to receive payment, and checks were issued for up to \$7,600, with a median around \$1,100.</p>
<p><a href="#">Harvey Weinstein Sexual Harassment</a></p>	<p>\$17.1 million</p>	<p>As the #MeToo movement hit a fever pitch moment, Hagens Berman’s Steve Berman represented a class of those harmed by Harvey Weinstein, a kingpin of sexual harassment in Hollywood. The firm litigated the case through to bankruptcy proceedings in 2020.</p>
<p><a href="#">Youth Soccer Concussions</a></p>		<p>Steve pioneered this first-of-its-kind lawsuit that ended heading for US Soccer’s youngest players to diminish risk of concussions and traumatic brain injuries, changing the game for youth players across the U.S.</p>

**ACTIVITIES**

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

**RECOGNITION**

- 500 Global Plaintiff Lawyers, Lawdragon, 2024
- 500 Leading Lawyers in America, Plaintiff Financial Lawyers, Lawdragon, 2023-2024
- 500 Leading Lawyers in America, Plaintiff Consumer Lawyers, Lawdragon, 2024
- Lawyer of the Year, Litigation, Securities Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Antitrust Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Securities Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Product Liability Litigation, Best Lawyers, 2024
- Legal Lion of the Week as part of the litigation team that achieved class certification in NCAA Student-Athlete Name, Image and Likeness, Law360, 2023



- Best Lawyers in America in Litigation, Securities and Product Liability Litigation, Plaintiffs and Other Areas of Note, 2023
- Washington Super Lawyers, 1999-2023
- Titan of the Plaintiffs Bar, Law360, 2018, 2020, 2022
- Leading Commercial Litigators, The Daily Journal, 2022
- Hall of Fame, Lawdragon, 2022
- Plaintiffs' Attorneys Trailblazer, The National Law Journal, 2017, 2022
- Sports & Entertainment Law Trailblazer, The National Law Journal, 2021
- Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021, 2019, 2018
- Class Action MVP of the Year, Law360, 2016-2020
- Elite Trial Lawyers, The National Law Journal, 2014-2016, 2018-2019
- 500 Leading Lawyers in America, Lawdragon, 2014-2019
- State Executive Committee member, The National Trial Lawyers, 2018
- Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts, 2017
- Finalist for Trial Lawyer of the Year, Public Justice, 2014
- One of the 100 most influential attorneys in America, The National Law Journal, 2013
- Most powerful lawyer in the state of Washington, The National Law Journal, 2000
- One of the top 10 plaintiffs' firms in the country, The National Law Journal

#### PRESENTATIONS

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

#### PERSONAL INSIGHT

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



[jerrod@hbsslw.com](mailto:jerrod@hbsslw.com)

T 206-623-7292  
F 206-623-0594

1301 Second Avenue  
Suite 2000  
Seattle, WA 98101

#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

Civil & Human Rights  
Antitrust Litigation  
Automotive Litigation  
Class Action  
Racketeering

#### BAR ADMISSIONS

- District of Columbia
- New York
- Washington

#### CLERKSHIPS

- The Honorable Louis F. Oberdorfer, U.S. District Court for D.C.
- U.S. Senate Judiciary Committee, Senator Leahy, Washington, D.C.

#### EDUCATION

**Berkeley Law**

University of California, Berkeley  
School of Law, J.D., top 15% of  
graduating class, 2002

#### PARTNER

## Jerrod C. Patterson

---

Mr. Patterson served as a federal prosecutor for more than nine years, prosecuting tax cases, fraud and other financial crimes. He has extensive experience trying complex cases to verdict.

---

#### CURRENT ROLE

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

#### EXPERIENCE

- Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney's Office in Seattle, WA.
  - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
  - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
  - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering
- Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
  - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 – May 2007
  - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- Associate, Wilmer Cutler Pickering (WilmerHale)

#### RECOGNITION

- Outstanding Performance as a Special Assistant U.S. Attorney, U.S. Attorney General, 2010
- Outstanding Tax Division Attorney, Assistant Attorney General, 2009
- Outstanding Tax Division Attorney, Assistant Attorney General, 2008

**JOHNS HOPKINS**  
SCHOOL of ADVANCED  
INTERNATIONAL STUDIES

Johns Hopkins University, School of Advanced International Studies, M.A., International Economics and International Relations, Graduated *with distinction* (top 10%), 1997

 **BROWN UNIVERSITY**

Brown University A.B., International Relations, magna cum laude, 1995

- Best Financial Investigation in the Nation, Organized Crime and Drug Enforcement Task Force, 2012

#### NOTABLE CASES

- CP4 High-Pressure Fuel Pump Litigation, A series of class action cases against GM, Ford, FCA and Nissan for their use of a defective high pressure fuel pump that generates metallic shavings and can lead to catastrophic failure of the engine
- *In re Animation Workers Antitrust Litig.*, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169 million
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs
- *In re Lithium Ion Batteries Antitrust Litig.*, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million
- As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

#### PERSONAL INSIGHT

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

---

**DECLARATION OF TIMOTHY G. BLOOD  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

---

I, Timothy G. Blood, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Timothy G. Blood, am a partner of the law firm Blood Hurst & O'Reardon, LLP, located in San Diego, California, and serve as the firm's Managing Partner. I am duly licensed to practice law in the State of California and admitted *pro hac vice* in this Action.

2. Blood Hurst & O'Reardon, LLP is Plaintiffs' Counsel in this consolidated Action, and we worked on this litigation together with the other Plaintiffs' Counsel under the auspices of Class Counsel.

3. I respectfully submit this declaration in support of Plaintiffs' Motion for An Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

4. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys' fees and expenses in the amount of \$15,500,000, and (2) for service awards of \$2,500 or \$3,750 (if deposed) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. ("Subaru") and Denso International America, Inc. ("Denso") ("Subaru" and "Denso" are collectively referred to as "Defendants") do not oppose the Motion.

5. From June 26, 2020 through September 20, 2024, my firm has expended 282.76 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$188,589.25.

6. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following: (a) working

with plaintiffs on discovery responses; (b) drafting discovery requests and discovery responses; (c) meeting and conferring with Defendants on discovery issues; (d) conducting research for and drafting Plaintiffs' opposition to the motion to dismiss; and (e) communicating with Plaintiffs and co-counsel regarding settlement.

7. Our firm's work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

8. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

9. The hourly rates, shown below, are the usual and customary lodestar rates charged in venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New Jersey. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in

payment, or any other factors that could be used to justify a higher hourly compensation.

<b>Name:</b>	<b>Rate:</b>	<b>Hours:</b>	<b>Fees:</b>
Timothy G. Blood	\$960.00	14	\$13,440.00
Thomas J. O'Reardon	\$710.00	1.75	\$1,242.50
Paula R. Brown	\$660.00	73.75	\$48,675.00
Jennifer L. MacPherson	\$675.00	177.51	\$119,819.25
Craig W. Straub	\$575.00	0.5	\$287.50
Aleksandr J. Yarmolinets	\$565.00	3	\$1,695.00
Dafne Maytorena	\$280.00	12.25	\$3,430.00
<b>TOTAL:</b>		<b>282.76</b>	<b>\$188,589.25</b>

10. These amounts were derived from contemporaneous daily time records compiled on this matter which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

11. The lodestar summary reflects my firm’s experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

12. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving significant recoveries for consumers.

13. My firm has also advanced a total of \$15,734.90 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

<b>Blood Hurst &amp; O’Reardon, LLP</b>	
<b>CATEGORY</b>	<b>AMOUNT</b>
Assessment (Litigation Fund)	\$10,000.00
Federal Express/Local Courier, etc.	\$206.30
Postage Charges	\$9.40
In-House Photocopying	\$247.80
Class Member Outreach	\$1,200.00
Lexis/Westlaw	\$554.46
Court Fees	\$2,748.69
Service of Process	\$768.25
<b>TOTAL</b>	<b>\$15,734.90</b>



14. These expenses are reflected in the books and records regularly kept and maintained by my firm.

15. In my opinion, the time expended and expenses incurred in prosecuting this Action were reasonable and necessary for the diligent litigation of this matter and the valuable Settlement that was ultimately reached.

16. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide.

17. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs' claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso Fuel Pumps at issue in this litigation.

18. This case was litigated over the course of over three-and-a-half years and nearly 12 months of informed, good faith, arms'-length negotiations among experienced counsel. Class Representatives fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. All Class Representatives expended considerable effort ensuring that the proposed

Settlement was fair, adequate, and reasonable, stayed abreast of the litigation, including by reviewing and approving pleadings, the Settlement Agreement and related motions, and provided documents and information as necessary.

19. I submit the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions and in relation to the substantial recovery obtained for the Class, is reasonable and satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

20. I also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 each, as reflected in the Settlement Agreement and the Motion. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

21. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2024



---

TIMOTHY G. BLOOD



501 West Broadway, Suite 1490 | San Diego, CA 92101

T | 619.338.1100 F | 619.338.1101

[www.bholaw.com](http://www.bholaw.com)

## FIRM RESUME



Blood Hurst & O'Reardon, LLP ("BHO") is a nationally renowned law firm focuses on the prosecution of complex class action litigation. The firm advocates for the rights of consumers, insurance policyholders and investors in state and federal trial and appellate courts throughout the country. The principals of Blood Hurst & O'Reardon come from a large firm that represented plaintiffs in class action litigation, where they formed the core of the consumer and insurance practice group. Blood Hurst & O'Reardon's principals have consistently been appointed lead counsel and have held other leadership positions in a wide variety of complex litigation.

Since our founding in 2010, BHO has established itself as a leader in class action litigation. BHO's legacy has been marked by precedent-setting victories on behalf of plaintiffs at class certification, summary judgment, on appeal in courts throughout the country, class action trial victories, and by achieving record-setting settlements. We have played an instrumental role in helping shape pro-consumer legislation, forging partnerships with the Federal Trade Commission to jointly litigate unfair competition claims, and working alongside governmental entities to prosecute complex litigation against some of the world's largest corporations.

### **Timothy G. Blood**

Mr. Blood is the firm's managing partner. His practice has focused on complex litigation, including class action litigation, since the early 1990's. Mr. Blood has tried class action cases and is highly regarded in the field of consumer protection law, including California's Unfair Competition Law and Consumers Legal Remedies Act. Mr. Blood was named a "Titan of the Plaintiff's Bar" by the national legal publication Law360.

Mr. Blood has represented millions of retail consumers, holders of life, automobile and homeowner insurance policies, data breach victims, mortgagors, credit card customers, homeowners, and victims of race discrimination. He practices in both state and federal courts throughout the country and has represented the interests of consumers formally or informally before the Federal Trade Commission, the U.S. Consumer Products Safety Administration, the California Department of Justice, the California Legislative Analyst's Office and the California Department of Insurance. He has worked with the Federal Trade Commission to obtain record setting recoveries for consumers. In *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.), Mr. Blood's work with the Federal Trade Commission resulted in the largest consumer recovery in a false advertising action in FTC history. Other large and record-setting recoveries for consumers include a \$3.4 billion settlement in 2017 for owners of certain Toyota vehicles and the largest false advertising recovery in the history of the food industry.

Since 2010, some of Mr. Blood's court-appointed leadership positions include: Court appointed lead counsel in *Warner v. Toyota Motor Sales* (C.D. Cal); Federal Rule of Civil Procedure 23(g) counsel in *In re: Johnson & Johnson Talcum Powder Prods. Mktg., Sales Practices, and Prods. Liability Litig.* (D.N.J.); Federal Rule of Civil Procedure 23(g) counsel in *Yamagata v. Reckitt Benckiser* (N.D. Cal.); Federal Rule of Civil Procedure 23(g) counsel in *Mullins v. Premier Nutrition Corp.* (N.D. Cal.); Federal Rule of Civil Procedure 23(g) Class



Counsel in *Corvello v. Wells Fargo Bank, N.A.* (N.D. Cal.); Executive Committee member in *Snyder v. the Regents of the University of California*, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty., Hon. John Shepard Wiley, Jr.); Federal Rule of Civil Procedure 23(g) Class Counsel in *Rikos v. The Procter & Gamble Co.*, (S.D. Ohio; Federal Rule of Civil Procedure 23(g) Class Counsel in *Godec v. Bayer Corp.* (N.D. Ohio); Federal Rule of Civil Procedure 23(g) Class Counsel in *Johns v. Bayer Corp.* (S.D. Cal.); Federal Rule of Civil Procedure 23(g) Class Counsel in *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.); Plaintiffs' Liaison Counsel and Steering Committee member by the United States District Court for the Southern District of California in the multidistrict litigation *In re Sony Gaming Networks and Customer Data Sec. Breach Litig.*; Class Counsel by the district court for the District of Massachusetts in *In re Reebok Easytone Litig.*; Class Counsel in *Serochi v. Bosa Dev. Cal.* by the San Diego Superior Court; Co-Lead Class Counsel by the Los Angeles Superior Court in *In re Toyota Motor Cases*, (Toyota Unintended Acceleration Consolidated Litigation); Co-Lead Class Counsel by the United States District Court for the Southern District of California in the multidistrict litigation *In re Hydroxycut Mktg. and Sales Practices Litig.*; Co-Lead Class Counsel by the United States District Court for the Central District of California in *Johnson v. Gen. Mills, Inc.*; Co-Lead Class Counsel by the United States District Court for the Northern District of Ohio in *Gemeles v. The Dannon Co.*; Co-Lead Class Counsel by the United States District Court for the Southern District of California in *Hartless v. Clorox Co.*; and Class Counsel by the United States District Court for the Southern District of Florida in *Smith v. Wm. Wrigley, Jr. Co.*

Mr. Blood has litigated many data breach privacy actions, including leading as Co-Liaison Counsel and member of the Plaintiff's Steering Committee *In re Sony Gaming Networks and Customer Data Security Breach Litigation*, MDL 2258 (S.D. Cal.), one of the largest data breach cases at the time. He represents the City of San Diego in *People for Experian Data Corp.* Case No. 37-2019-01047183 (Cal. Super. Ct., Orange Cnty) in data breach notification action on behalf of the People of the State of California against a leading consumer credit reporting and data aggregation company and represented plaintiffs in *Patton v. Experian Data Corp.*, No. SACV 15-1871 JVS (C.D. Cal.), a multi-state data breach notification action arising out of the same conduct. Mr. Blood is a member of the Plaintiff's Executive Committee in *Snyder v. the Regents of the University of California*, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty), among others.

Mr. Blood has also drafted legislation aimed at modernizing data breach and related privacy laws, including drafting portions of, lobbying for and testifying before both houses of the California Legislature in support of the landmark California Consumer Privacy Act of 2018. The CCPA passed unanimously through both houses of the California legislature and provides the most sweeping digital privacy protection in the United States. It is a model for other proposed state and federal laws.

Mr. Blood has acted as lead counsel in a number of "functional food" false advertising class actions, including cases against General Mills and The Dannon Company filed in federal courts around the country. The *Dannon* litigation resulted in the largest settlement in food industry history for false advertising.



He was lead trial counsel in *Lebrilla v. Farmers Ins. Grp., Inc.* (Cal. Super. Ct., Orange Cnty.) a multistate class action which settled on terms favorable to the class after a month long trial and just before closing arguments. He was also co-lead trial counsel in *In re Red Light Photo Enf't Cases* (Cal. Super. Ct. San Diego Cnty.), an action brought on behalf of California motorists.

Mr. Blood has represented millions of purchasers of food, food supplements and over-the-counter drugs arising out of various advertising claims made by manufacturers and retailers. He has also represented owners of motor vehicles in product liability cases and consumer credit and mortgage borrowers against a number of major lending institutions, including Bank of America, Washington Mutual, Countrywide, GMAC and Wells Fargo.

Mr. Blood has wide-ranging experience litigating against life, auto and other insurance carriers on behalf of consumers. His experience litigating against life insurance companies includes representing owners, holders and beneficiaries of industrial life insurance in race discrimination cases (with class periods dating back to the late 1800's). He also represented those holding traditional life insurance policies in market conduct actions such as the "vanishing premium" life insurance actions. Mr. Blood was responsible for one of only two litigated cases where classes were certified in the vanishing premium series of cases. He was one of the few plaintiffs' attorneys to obtain class-wide recoveries in the "imitation parts" automobile insurance actions. Insurance companies against whom Mr. Blood has litigated include the American General companies, Farmers Insurance Group of companies, Mercury Insurance Group, Allstate, State Farm, Great Southern Life, Metropolitan Life, United Life Insurance Company, Midland National Life Insurance Company and General American Insurance Company.

Mr. Blood has also represented consumers in traditional false advertising actions, those victimized by so-called "negative option" sales practices, and owners of a variety of different types of faulty computer equipment and software from manufacturers. Some of these retailers and manufacturers include Apple, Dell, IBM, Procter & Gamble, General Mills, The Dannon Company, Bayer, AG, Bosa Development, Kellogg Company and General Dynamics.

Mr. Blood has been involved in many precedent-setting appellate decisions in areas which include consumer and insurance law and class action procedure. These appellate decisions include: *Kuhns v. Scottrade, Inc.*, 868 F.3d 711 (8th Cir. 2017) (first 8th Circuit decision finding Article III standing in a data breach case); *Rikos v. The Procter & Gamble Co.*, 799 F.3d 497 (6th Cir. 2015) (class certification) *cert. denied*, 2016 U.S. LEXIS 2244 (U.S. Mar. 28, 2016); *Corvello v. Wells Fargo Bank, NA*, 728 F.3d 878 (9th Cir. 2013) (consumer protection and banking); *Fitzpatrick v. Gen. Mills, Inc.*, 635 F.3d 1279 (11th Cir. 2011) (class certification, consumer law and false advertising); *Westwood Apex v. Contreras*, 644 F.3d 799 (9th Cir. 2011) (CAFA jurisdiction); *Kwikset Corp. v. Super. Ct. (Benson)*, 51 Cal. 4th 310 (2011) (consumer law and false advertising); *Martinez v. Wells Fargo Home Mortg., Inc.*, 598 F.3d 549 (9th Cir. 2010) (banking and preemption); *Troyk v. Farmers Grp., Inc.*, 171 Cal. App. 4th 1305 (2009) (insurance law); *Haw. Med. Ass'n v. Haw. Med. Serv. Ass'n*, 148 P.3d 1179 (Haw. 2006) (health insurance); *McKell v. Wash. Mut. Bank, Inc.*, 142 Cal. App. 4th 1457 (2006) (banking law and consumer law); *Santiago v. GMAC Mortg. Grp., Inc.*, 417 F.3d 384 (3d Cir. 2005) (consumer and banking law); *Lebrilla v. Farmers Grp., Inc.*, 119 Cal. App. 4th 1070 (2004) (automobile





insurance and class action procedure); *Moore v. Liberty Nat'l Life Ins. Co.*, 267 F.3d 1209 (11th Cir. 2001), *cert. denied*, 535 U.S. 1018 (2002) (life insurance and civil rights); *Kruse v. Wells Fargo Home Mortg., Inc.*, 383 F.3d 49 (2d Cir. 2004) (consumer and banking law); and *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (consumer law and false advertising).

Mr. Blood has testified before the California State Assembly and State Senate Judiciary Committees, as well as the Assembly and Senate Committees on Banking, Finance & Insurance. He has worked at both the state and federal level with lawmakers and government agencies to shape legislation to protect consumer rights, including lobbying on the Class Action Fairness Act of 2005 and working to defeat a California state ballot initiative designed to weaken the class action device.

Mr. Blood is a frequent continuing legal education speaker on topics which include complex litigation, class action procedure, data breach and privacy litigation, consumer fraud, false advertising, financial fraud litigation and insurance litigation. He has been an invited speaker for American Bar Association practice groups, the Practising Law Institute, University of California at Irvine School of Law; University of San Diego School of Law, University of Arizona Sandra Day O'Connor School of Law, Loyola Law School, Chapman University School of Law; the Grocery Manufacturers Association, the American Association of Justice, Consumer Attorneys of California, ALI-ABA, the Practising Law Institute, Bridgeport Continuing Education, Law Seminars International, and the Consumer Attorneys of San Diego, for which he has chaired multi-day seminars on class action litigation.

Mr. Blood is frequently consulted by the media. He has appeared on Good Morning America, ABC World News Tonight, and major network affiliates on behalf of his clients. He has been interviewed for stories featuring consumer rights issues and his cases by *The New York Times*, *The Wall Street Journal*, *Bloomberg*, Reuters, the Associated Press, *The Los Angeles Times*, National Public Radio, the *Daily Journal*, *Adweek*, the *Los Angeles Daily News*, CNBC, Fox News, the Korean Broadcasting Service and others.

Mr. Blood is a member of the Board of Directors of the Consumer Attorneys of California and a member of its executive board from 2014 to 2016. He was the 2015 President of the Consumer Attorneys of San Diego and a member of the CASD Foundation, a charitable giving non-profit. In 2018 he received the statewide Marvin E. Lewis Award by the Consumer Attorneys of California for his "guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys." He also was awarded the 2018 Consumer Advocate of the Year by Consumer Attorneys of San Diego. In 2007, he was a finalist for the Consumer Attorneys of California Lawyer of the Year award for his trial work in a multistate class action against Farmers Insurance. He has been named a "Super Lawyer" since 2006 and has achieved an "AV" rating by Martindale Hubbell. In 2014, Mr. Blood was named a "Titan of the Plaintiff's Bar" by the national legal publication Law360. Mr. Blood was elected a Fellow of the American Bar Foundation. Mr. Blood is also the Legislative Column Editor for *Trial Bar News*. Mr. Blood is also a founding member of the San Diego ESI Forum, a group of judges and lawyers devoted to teaching legal professionals in federal and state court about electronic discovery.



Mr. Blood was a founding partner of the firm now known as Robbins Geller Rudman & Dowd, LLP.

Mr. Blood is admitted to practice in the state of California, as well as the U.S Supreme Court, the United States Courts of Appeal for the Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California, the Eastern and Western Districts of Arkansas, the District of Colorado, the Northern District of Illinois, and the Eastern District of Michigan. Before starting Blood Hurst & O'Reardon, Mr. Blood was a partner in Milberg Weiss Bershad Hynes & Lerach, LLP and a founding partner in the firm now known as Robbins Geller Rudman & Dowd, LLP. Mr. Blood received his Juris Doctor from George Washington University in 1990 and his Bachelor of Arts with honors in Economics from Hobart College in 1987.

### **Leslie E. Hurst**

Ms. Hurst is a co-founding partner of the firm. Prior to founding the firm, Ms. Hurst was a partner in Coughlin Stoia Geller Rudman & Robbins, LLP and an associate at Milberg Weiss Bershad Hynes & Lerach, LLP.

Her practice has focused on complex class action lawsuits, including federal multi-district litigation and California Judicial Council Coordinated Proceedings, with an emphasis on consumer fraud, false advertising, and insurance cases under California's consumer protection statutes.

Ms. Hurst works in a number of practice areas, including areas focusing on cases against: (1) life insurers for misrepresenting the terms of vanishing premium life insurance; (2) auto insurers for repairs with non-OEM parts, diminished value claims, improper collection of installment service charges and breach of contract, and against auto manufacturers for sale of defective vehicles; (3) financial institutions for a variety of conduct; (4) insurance companies for race-based discrimination in the sale of small value "industrial" or "burial" insurance policies; (5) consumer goods manufacturers for false and deceptive advertising; (6) real estate developers for fraud and false advertising; and (7) improper collection and over collection of fees from residents by the City of Los Angeles.

Ms. Hurst is instrumental in the firm's appellate practice. She has argued before the Second, Seventh, Eighth and Ninth Circuit Courts of Appeal and before California and Missouri Courts of Appeal. She obtained reversals of the trial courts in *Bell v. Publix Super Mkts., Inc.* (7th Cir.); *Kroessler v. CVS Health Corp.* (9th Cir.); *Sonner v. Schwabe International* (9th Cir.); *Corvello v. Wells Fargo Bank, NA* (9th Cir.); *Goodman v. Wells Fargo Bank, NA* (Cal. 2d DCA), and *Guerra v. San Diego Gas & Elec.* (Cal. 4th DCA). Ms. Hurst also briefs most of the firm's appeals including *Rikos v. The Procter & Gamble Co.* (6th Cir.); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (11th Cir.); *Hartless v. Clorox Co.* (9th Cir.); *Garcia v. Sony Comput. Entm't* (9th Cir.); *Gutierrez v. Wells Fargo Bank, N.A.* (9th Cir.), various SLUSA appeals in the 2nd, 8th and 9th Circuits, and *Sonner v. Schwabe International* (9th Cir.); *Sonner v. Premier Nutrition Corporation* (9th Cir.); *Heier v. Fire Ins. Exchange* (Cal. 2nd DCA); *Reed v. Dynamic Pet Products* (Mo. Ct. App.).





The most recent settlements on which Ms. Hurst was instrumental include: *Adlouni v. UCLA Health Systems* (Cal. Super. Ct., Los Angeles Cnty.) (over \$25 million in free identity theft insurance in data breach case); *Austin v. Western Concrete* (S.D. Cal.) (backpay in employment case); *Serochi v. Bosa Dev.* (Cal. Super. Ct., San Diego Cnty.) (\$16.75 million settlement to condominium purchasers for square footage misrepresentations by the developer); *Chakhalyan v. City of Los Angeles* (Cal. Super. Ct., Los Angeles Cnty.) (full refunds of overcharges and a revamping of L.A. billing practices); *Hartless v. Clorox Co.* (S.D. Cal.) (nationwide settlement in excess of \$10 million that provided 100% recovery of damages to class members); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (S.D. Fla.) (nationwide settlement in excess of \$8 million involving false advertising of infant formula); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide settlement of \$45 million); *Weight v. The Active Network, Inc.* (Cal. Super. Ct., San Diego Cnty.) (full refunds plus a multiplier); *Bransford v. City of Los Angeles* (Cal. Super. Ct., Los Angeles Cnty.) (full refunds); *Warner v. Toyota Motor Sales, U.S.A., Inc.* (C.D. Cal.) (warranty extensions, refunds and free vehicle inspections).

Between 2003 and 2005, Ms. Hurst took a sabbatical from law and moved to Sri Lanka where she worked for CARE International as the Coordinator for Strategic Planning with an emphasis on development of CARE's long-term strategic plan for the conflict-affected areas.

Ms. Hurst is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Second, Sixth, Seventh, Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California. Ms. Hurst received her Juris Doctor degree from the University of California, Hastings College of the Law in 1995. She earned her Master of Arts degree in Sociology from the University of California, Berkeley and a Bachelor of Arts degree in Sociology (*cum laude*) from the University of San Diego. Ms. Hurst is an active member of the Consumer Attorneys of San Diego, and Consumer Attorneys of California.

### **Thomas J. O'Reardon II**

Mr. O'Reardon is a co-founding partner of the firm. His practice focuses exclusively on complex class action lawsuits involving consumer fraud, insurance fraud and antitrust violations. Mr. O'Reardon received his Juris Doctor degree from the University of San Diego School of Law and his Bachelor of Arts degree in Politics from Wake Forest University. He is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Sixth, Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California and the Northern District of Illinois.

Prior to founding the firm, Mr. O'Reardon was an associate at Coughlin Stoia Geller Rudman & Robbins, LLP. There, Mr. O'Reardon worked on numerous complex class action litigation matters, including actions involving: annuity policies marketed and sold to senior citizens; insurer kickbacks known as "contingent commissions" in the property and casualty insurance brokerage industry; Sherman Act claims against the world's largest manufacturers of random access memory for computers; invasions of credit card holder's rights of privacy; false and deceptive advertising of consumer goods and wireless telephone services; automobile insurers' unlawful practices with respect to installment pay plans; and dangerous and defective



products, including recalled children's toys. He was also part of the team representing the California Department of Insurance against five of the largest employee benefit insurance companies for violations relating to their failure to disclose payments of contingent commissions to brokers. As a result of the action, all five defendants agreed to sweeping changes in their disclosure practices.

Some of the actions on which Mr. O'Reardon has worked include: *Yamagata v. Reckitt Benckiser LLC* (N.D. Cal.) (certified class action involving false advertising of Move Free Advanced glucosamine and chondroitin supplement with nationwide settlement of \$50 million); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising of Joint Juice glucosamine and chondroitin supplement with jury verdict in favor of Plaintiff and the Class); *Rikos v. The Proctor & Gamble Co.* (S.D. Ohio) (certified class action involving false advertising of P&G's Align probiotic, affirmed by the Sixth Circuit); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide settlement of \$45 million involving false advertising of Skechers' Shape-ups toning shoes products); *In re Reebok Easytone Litig.* (D. Mass.) (nationwide settlement of \$25 million involving false advertising of Reebok toning footwear and apparel products); *Murr v. Capital One Bank (USA), N.A.* (E.D. Va.) (nationwide settlement in excess of \$7.3 million involving 0% APR billing practices); *Dolfo v. Bank of Am.* (S.D. Cal.) (certified class action involving mortgage modification banking practices); *Johnson v. Gen. Mills, Inc.* (C.D. Cal.) (certified class action involving false advertising of General Mills' YoPlus yogurt, which resulted in a nationwide settlement of \$8.5 million); *Fitzpatrick v. Gen. Mills, Inc.* (S.D. Fla.) (certified class action reviewed and approved by the Eleventh Circuit); *Johns v. Bayer Corp.* (S.D. Cal.) (certified class action involving false advertising of Bayer's One-A-Day multivitamins); *Godec v. Bayer Corp.* (N.D. Ohio) (certified class action involving false advertising of Bayer's One-A-Day multivitamins, which settled on a classwide basis); *Corvello v. Wells Fargo Bank, NA* (N.D. Cal.) (certified class action involving mortgage modification practices where order granting motion to dismiss was reversed by the Ninth Circuit in a published opinion); *Rosales v. FitFlop USA LLC* (S.D. Cal.) (nationwide settlement of \$5.3 million involving false advertising of toning footwear); *Blessing v. Sirius XM Radio, Inc.* (S.D.N.Y.) (nationwide settlement valued in excess of \$180 million involving monopoly price increases arising out of the merger between Sirius and XM); *In re Dynamic Random Access Memory Antitrust Litig.* (N.D. Cal.) (settlement of more than \$300 million); *In re Mattel, Inc. [Toy Lead Paint Prods. Liab. Litig.]* (C.D. Cal.) (nationwide settlement valued at over \$50 million); *Gemelas v. Dannon Co., Inc.* (N.D. Ohio) (nationwide settlement in excess of \$45 million involving false advertising of Dannon's Activia and DanActive yogurt products); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (S.D. Fla.) (certified class action involving false advertising of infant formula, which resulted in nationwide settlement in excess of \$8 million); *Smith v. Wm. Wrigley Jr. Co.* (S.D. Fla.) (nationwide settlement in excess of \$7 million involving false advertising of Wrigley Eclipse chewing gum and mints); *Duffer v. Chattem, Inc.* (S.D. Cal.) (nationwide settlement of up to \$1.8 million involving false advertising of ACT Total Care mouthwash); *In re Enron Corp. Sec. Litig.* (S.D. Tex.) (settlements of \$7.3 billion); *AOL Time Warner Cases* (Cal. Super. Ct., Los Angeles Cnty.) (settlements of approximately \$630 million); *Morris v. CBS Broad., Inc.* (S.D.N.Y.) (nationwide settlement on behalf of purchasers of asbestos-laden children's toys); *In re Aqua Dots Prods. Liab. Litig.* (N.D. Ill.) (multidistrict litigation on behalf of purchasers of more than 4 million toxic children's toys); *Berry v. Mega*



*Brands, Inc.* (D.N.J.) (litigation on behalf of purchasers of more than 10 million lethal children's toys); *In re Toyota Motor Cases*, (Cal. Super. Ct., Los Angeles Cnty.) (litigation on behalf of consumers who purchased vehicles subject to "sudden unintended acceleration"); and *In re Hydroxycut Mktg. and Sales Practices Litig.* (S.D. Cal.) (multidistrict litigation on behalf of purchasers of unsafe and ineffective weight-loss products, which resulted in a nationwide settlement valued in excess of \$20 million). With the exception of the *Blessing v. Sirius XM Radio, Inc.* litigation, Mr. O'Reardon and/or his firm served as court-appointed Lead or Co-Lead Counsel in each of the above-mentioned class actions. In granting final settlement approval, which included appointing Mr. O'Reardon as Class Counsel, the Court's order in the *Johnson v. Gen. Mills, Inc.* (C.D. Cal.) action states that Mr. O'Reardon is "vastly experienced" in consumer class action litigation.

Mr. O'Reardon is an active member of the Consumer Attorneys of San Diego, the Consumer Attorneys of California, and a founding member of the CAOC Young Lawyers Division. In 2014-2021, Mr. O'Reardon was named a "Super Lawyers Rising Star," a designation provided to less than 2.5 percent of lawyers in California. He has also been a member of, and contributing author for, The Sedona Conference Working Group on Electronic Document Retention and Production. Mr. O'Reardon has been an invited speaker for the University of San Diego School of Law, Consumer Attorneys of California, the Consumer Attorneys of San Diego, and the San Diego ESI Forum on topics which include complex litigation, electronic discovery, and the class action settlement process.

#### **Paula R. Brown**

Ms. Brown is a partner with the firm. Her practice focuses on all types of complex class action litigation, including cases in federal multi-district litigation and California Judicial Council Coordinated Proceedings. Ms. Brown has tried class action cases and is also involved in the firm's appellate practice.

Ms. Brown received her Juris Doctor degree and graduated *cum laude* from California Western School of Law in 2007 and earned her Bachelor of Arts degree in Political Science from the University of Washington in 2004. While at California Western, Ms. Brown was a member of the *California Western Law Review* and authored *Parent-Child Relationship Trumps Biology: California's Definition of Parent in the Context of Same-Sex Relationships*, 43 Cal. W. L. Rev. 235 (2006). She is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California and the Northern District of Illinois.

Prior to joining Blood Hurst & O'Reardon, Ms. Brown was an associate at the law firm now known as Robbins, Geller, Rudman & Dowd, LLP. While there, she represented plaintiffs in a number of complex class action litigation matters involving: price-fixing claims against the world's largest aftermarket auto lighting parts manufacturers and distributors; monopoly claims against the largest seller of portable media players; price fixing claims against containerboard manufacturers; race-discrimination claims against mortgage lenders; and false and deceptive practices in the sale of defective children's products and toys.



Some of the actions on which Ms. Brown has worked include: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation* (D.N.J.) (nationwide false advertising); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising); *Huntzinger v. Aqua Lung America, Inc. et al.* (S.D. Cal.) (nationwide false advertising); *Medellin v. Ikea U.S. West, Inc.* (Cal Super. Ct., San Diego Cnty.) (consumer protection claims); *Serochi v. Bosa Dev.* (Cal. Super. Ct., San Diego Cnty.) (misrepresentations case); *Dennis v. Kellogg Co.* (nationwide false advertising); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide false advertising); *In re Reebok Easytone Litig.* (D. Mass.) (nationwide false advertising); *Dremak v. Urban Outfitters, Inc.* (Cal. Super. Ct., Los Angeles Cnty.) (consumer privacy); *In re Sony Gaming Networks and Customer Data Sec. Breach Litig.* (S.D. Cal.) (consumer privacy); *In re Hydroxycut Mkt. and Sales Practices Litig.* (S.D. Cal.) (false advertising); *In re Apple iPod iTunes Antitrust Litig.* (N.D. Cal.) (monopoly claims); *In re Mattel, Inc. [Toy Lead Paint Prods. Liab. Litig.]* (C.D. Cal.) (nationwide sale of defective product); *In re Aftermarket Auto. Lighting Prods. Antitrust Litig.* (C.D. Cal.) (price fixing); *Payares v. JP Morgan Chase & Co.* (C.D. Cal.); *Salazar v. Greenpoint Mortg.* (N.D. Cal.); *Puello v. Citifinancial* (D. Mass.); *Morris v. CBS Broad., Inc.* (S.D.N.Y.) (defective product); *In re Aqua Dots Prods. Liab. Litig.* (N.D. Ill.) (defective product); and *Berry v. Mega Brands, Inc.* (D.N.J.) (defective product).

Ms. Brown is the 2024 President of the Consumer Attorneys of San Diego, and an active member of the Consumer Attorneys of California, Women in E-Discovery, and the American Association for Justice. Ms. Brown is a current member of the Board of Directors of the Consumer Attorneys of California and Board of Directors of Consumer Attorneys of San Diego, and is active in the Louis M. Welsh American Inn of Court.

#### **Jennifer L. MacPherson**

Ms. MacPherson is of counsel with the firm. Her practice focuses on complex class action litigation. Ms. MacPherson received her Juris Doctor degree from the University of San Diego School of Law in 1997 with a J.D. and an L.L.M in tax and earned her Bachelor of Arts degree in International Business and Marketing from the University of Hawaii in 1994. During law school she was a summer law clerk to the Honorable Walter S. Kirimitsu (Ret.) in the Hawaii Intermediate Court of Appeals and was a research assistant to Professor C. Hugh Friedman author of *California Practice Guide: Corporations*. She is a member of the California Bar and is licensed to practice before the United States District Courts for the Central, Southern and Northern Districts of California.

For over a decade Ms. MacPherson has prosecuted class actions on behalf of consumers, policyholders, investors, employees, and medical practitioners against the nation's largest retailers and manufacturers of consumer products, insurers of homes and automobiles, banks, and employers for violations of federal and state consumer, antitrust, securities and labor laws. During this time she has actively litigated complex class action litigation matters involving: false and deceptive advertising by one of the nation's largest retail mall chains for selling gift cards subject to a monthly service fee in violation of state law; truth in lending claims against a national bank for suspending borrower's home equity lines of credit; breach of contract claims against national lenders for failing to modify borrower's home loans after successful completion



of a trial period plan; product defect claims against the world's largest manufacturers of laptops and cell phones; RICO claims against the nation's largest health insurance companies for denying, delaying and reducing payments to health care providers nationwide; privacy claims against national pharmacies for allegedly using prescription information to conduct targeted marketing campaigns on behalf of drug companies; data breach lawsuits against national banks and retailers for failing to properly safeguard consumer's personal information.

Some of these actions include: *Solomon v. Anthem, Inc.* (S.D. Fla.); *In re Sony VAIO Comput. Notebook Trackpad Litig.* (S.D. Cal.); *Horvath v. LG Elecs. MobileComm U.S.A., Inc.*, (S.D. Cal.); *Kazemi v. Westfield Am., Inc.* (Cal. Super. Ct., Los Angeles Cnty.); *Frost v. LG Elecs. Mobilecomm U.S.A., Inc.* (Cal. Super. Ct., Los Angeles Cnty.); *Shamrell v. Apple, Inc.* (Cal. Super. Ct., Los Angeles Cnty.).

### **James M. Davis**

Mr. Davis is an associate with the firm. His practice focuses on complex class action litigation with an emphasis on consumer fraud and defective products. Mr. Davis graduated from UCLA School of Law and earned his Bachelor of Arts from Davidson College.

Mr. Davis has been practicing law since 2014. Before joining the firm, Mr. Davis prosecuted class actions on behalf of consumers, unfair competition law claims on behalf of public entities, and mass torts involving pharmaceuticals. Mr. Davis also served as a prosecuting attorney at the San Diego County District Attorney's Office in its Economic Crimes Unit. In that role, he prosecuted environmental and consumer fraud civil actions, as well as environmental and consumer felonies. Mr. Davis began his career at a full-service law firm, where he represented both defendants and plaintiffs in unfair competition, environmental, and class action cases.

In addition to his professional accomplishments, Mr. Davis has worked with the University of San Diego Veterans Legal Clinic, providing representation to veterans against for-profit educational institutions.



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-JHR-AMD

---

**DECLARATION OF ADAM J. LEVITT  
IN SUPPORT OF PLAINTIFFS' MOTION FOR AN AWARD OF  
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

---

I, Adam J. Levitt, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Adam J. Levitt, am a partner of the law firm DiCello Levitt, LLP, located in Chicago, Illinois. I am duly licensed to practice law in the State of Illinois and admitted *pro hac vice* in this Action.

2. DiCello Levitt, LLP is Plaintiffs' Counsel in this consolidated Action, and we worked on this litigation together with the other Plaintiffs' Counsel under the auspices of Class Counsel.

3. I respectfully submit this declaration in support of Plaintiffs' Motion for An Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

4. In the Motion, Plaintiffs seek an order granting (1) an award of attorneys' fees and expenses in the amount of \$15,500,000, and (2) for service awards of \$2,500 or \$3,750 (if deposed) to each of the Class Representatives in recognition of their contributions to the successful prosecution of this Action. Defendants Subaru of America, Inc. ("Subaru") and Denso International America, Inc. ("Denso") ("Subaru" and "Denso" are collectively referred to as "Defendants") do not oppose the Motion.

5. From April 9, 2020 through September 20, 2024, my firm has expended 281.4 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$307,099.00.

6. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following:

- Strategizing regarding allegations, claims, and filing of complaint
- Preparing for, attending, and consulting regarding status hearings and court conferences

- Reviewing, revising, and consulting regarding confidentiality and ESI orders
- Drafting and revising sections of dismissal briefing
- Reviewing documents produced in litigation and strategizing regarding necessary discovery
- Reviewing settlement documents and strategizing regarding the same.

7. Our firm's work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

8. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

9. The hourly rates, shown below, are the usual and customary lodestar rates charged in venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New Jersey. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill



and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.

<b>Name:</b>	<b>Rate:</b>	<b>Hours:</b>	<b>Fees:</b>
Adam Levitt	\$1,500	64.8	\$97,200
Daniel Ferri	\$1,250	72	\$90,000
John Tangren	\$1,250	33.1	\$41,375
Blake Stubbs	\$800	45.9	\$36,720
James Ulwick	\$785.00	29.0	\$22,765
Eviealle Dawkins	\$595	25.8	\$15,351
Kayla Bussert	\$335.00	10.1	\$3,383.50
Joyland Morris	\$435.00	0.7	\$304.5
<b>TOTAL:</b>		<b>281.4</b>	<b>\$307,099.00</b>

10. These amounts were derived from contemporaneous daily time records compiled on this matter which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

11. The lodestar summary reflects my firm’s experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

12. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving significant recoveries for consumers.

13. My firm has also advanced a total of \$23,689.74 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

<b>DiCello Levitt, LLP</b>	
<b>CATEGORY</b>	<b>AMOUNT</b>
Assessment (Litigation Fund)	\$20,000
Court Fees	\$1,211.00
Federal Express/Local Courier, etc.	\$29.42
Lexis/Westlaw	\$822.10
In-House Photocopying; Postage Charges	\$2.22
<b>TOTAL</b>	<b>\$23,689.74</b>

14. These expenses are reflected in the books and records regularly kept and maintained by my firm.

15. In my opinion, the time expended and expenses incurred in prosecuting this Action were reasonable and necessary for the diligent litigation of this matter and the valuable Settlement that was ultimately reached.

16. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide.

17. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, strength of Plaintiffs' claims, and relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso Fuel Pumps at issue in this litigation.

18. This case was litigated over the course of over three-and-a-half years and nearly 12 months of informed, good faith, arms'-length negotiations among experienced counsel. Class Representatives fulfilled their duties to the Class by devoting substantial effort to the commencement and oversight of this litigation. All Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation,

including by reviewing and approving pleadings, the Settlement Agreement and related motions, and provided documents and information as necessary.

19. I submit the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions and in relation to the substantial recovery obtained for the Class, is reasonable and satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

20. I also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 or \$3,750 each, as reflected in the Settlement Agreement and the Motion. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation.

21. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 30, 2024

  
\_\_\_\_\_  
ADAM J. LEVITT



DICELLO LEVITT

Justice in all its  
**DIMENSIONS**



## Overview

DiCello Levitt is focused on achieving justice for its clients. The firm's attorneys are respected for their ability to win cases and working tirelessly for human beings who deserve the firm's best, whether they be victims in major injury cases, decision-makers for public clients tasked with finding the best lawyers for their communities, or leaders of national and global corporations harmed by misconduct in significant commercial matters. Every day, DiCello Levitt puts its reputation—and its capital—on the line for its clients.

DiCello Levitt has achieved top recognition as *ALM* and *The National Law Journal's* 2023 **Plaintiffs Firm of the Year** and 2023 **Trial Innovation Firm of the Year**, in addition to its high-ranking *Chambers USA* and *Benchmark Litigation* ratings. The firm's individual practice areas have also received distinguished accolades, including being named *Law360's* **Cybersecurity Practice Group of the Year** for three years in a row and *The National Law Journal's* 2023 **Environmental Protection Law Firm of the Year**.

## 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 Litigation
- Personal Injury
- Privacy, Technology, and Cybersecurity
- Product Liability
- Public Client
- Securities and Financial Products Litigation
- Whistleblower Representation

## Landmark Moments

### **The Largest Consumer Data Breach Settlement in History**

DiCello Levitt Partner Amy Keller became the youngest woman ever appointed to lead a nationwide multidistrict litigation in the massive Equifax data breach, which exposed the sensitive personal information of nearly 150 million consumers. Notably, the settlement included a cash fund of up to \$505 million, a commitment from Equifax to invest \$1 billion in security changes, and a guarantee that Equifax would cover credit monitoring for every single class member.

*In re Equifax Inc. Customer Data Security Breach Litigation*, MDL No. 2800 (N.D. Ga.)





### **One of the Most Significant Civil Rights Verdicts in History**

DiCello Levitt Partners Robert F. “Bobby” DiCello, Mark DiCello, and Justin Hawal achieved one of the most significant civil rights verdicts in history when a jury awarded Arnold Black \$50 million in a case against the City of East Cleveland—a verdict that has been affirmed by all state and federal courts. Arnold was the victim of brazen police misconduct where, after a routine traffic stop, officers detained, beat, and falsely imprisoned him in a storage locker for four days with no food or bathroom facilities.

*Black v. Hicks*, No. CV-14-826010 (Ohio C.P., Cuyahoga County.)

### **Pioneering Multidistrict Litigation Leadership**

DiCello Levitt Partner Diandra “Fu” Debrosse made U.S. legal history by being the first Black woman ever appointed co-lead of a multidistrict litigation. More impressively, she shattered that glass ceiling twice in less than a year. On May 27, 2022, Fu was appointed Plaintiffs’ Co-Lead Counsel in a products liability case against two of the world’s largest manufacturers of infant formula, Abbott Laboratories and Mead Johnson. The case stems from allegations by parents of premature infants who developed the deadly neonatal condition, necrotizing enterocolitis (NEC), after being fed the defendants’ infant formula. Then, on March 2, 2023, Fu was appointed Plaintiffs’ Co-Lead Counsel in the multidistrict litigation against L’Oréal, Revlon, and other manufacturers of hair-straightening products marketed primarily to Black and Brown consumers after thousands of women nationwide contracted uterine, ovarian, and endometrial cancer from using these products. This litigation prompted the U.S. Food and Drug Administration to plan regulatory rulemaking for early 2024 to ban chemical hair straighteners and relaxers.

*In re Abbott Laboratories, et al., Preterm Infant Nutrition Products Product Liability Litigation* MDL No. 3026 (N.D. Ill.); *In re Hair Relaxer Marketing Sales Practices and Products Liability Litigation*, MDL No. 3060 (N.D. Ill.)

### **Class Action Jury Trial \$102 Million Verdict**

DiCello Levitt achieved this jury verdict for a class of consumers who suffered an excessive oil consumption defect in their General Motors SUVs and light trucks. After weeks of trial but less than one full day of jury deliberation, the jury awarded 100% of the damages the class suffered. Trial preparation included conducting months of in-house focus grouping in Northern California.

*Siqueiros, et al. v. General Motors LLC*, No. 16-cv-07244 (N.D. Cal)

### **The Most Significant Environmental Litigation of Our Time**

DiCello Levitt’s environmental litigation team is counsel for several states investigating and litigating claims of widespread pollution from a group of contaminants known as PFAS (per- and poly-fluoroalkyl substances). This group of ubiquitous and harmful contaminants has been used in countless applications, including well-known consumer goods such as Teflon and Scotchgard, thousands of industrial products, and certain firefighting foams (AFFF). DiCello Levitt’s litigation is aimed at compelling some of the largest chemical companies in the world to provide the financial resources necessary for the firm’s state clients to end the contamination caused by PFAS and AFFF and meaningfully protect public health, natural resources, and the environment.



## **Addressing One of the Largest Maritime Disasters in U.S. History**

DiCello Levitt has been retained by the City of Baltimore to launch legal action to address the catastrophic impact of the Francis Scott Key Bridge collapse, one of the largest maritime disasters in U.S. history, with damages estimated at more than \$1 billion. Through this engagement, the City will take decisive action to hold accountable all entities responsible for the Key Bridge tragedy—including the owner, charterer, manager/operator, and manufacturer of the MV Dali, as well as any other potentially liable third parties—and to mitigate the immediate and long-term harm caused to Baltimore residents by the disaster.

## **The DiCello Levitt Trial Center**

At the DiCello Levitt Trial Center, the firm's elite trial lawyers combine extensive litigation experience with a science-based, multidisciplinary approach to understand, engage, and connect with jurors. By applying its proprietary system to understand jurors' decision-making processes, the Trial Center crafts the winning story.

The Trial Center leads high-stakes trials for DiCello Levitt's clients, wielding advanced strategies to gain an edge over adversaries who cling to traditional trial methods. The center also trains DiCello Levitt's lawyers to continuously improve their litigation strategies, trial preparation, and courtroom presentations.

### **Shaping the Future of Trial Science**

The DiCello Levitt Trial Center serves as a training solution for the firm's attorneys to sharpen their skills as they engage in significant and consequential litigation; as a research base for focus groups, mock trials, mediation, and arbitration; and as a platform for litigators to test their case with a science-informed method of trial preparation.

The Trial Center capitalizes on the latest research findings in linguistics, literacy, information processing, and cognitive neuroscience to interpret focus group feedback and craft compelling stories for trial. DiCello Levitt's trial lawyers have led thousands of focus groups in the past decade, including comprehensive studies exploring myriad issues that influence jurors.

### **Trial First**

The insights and strategy that DiCello Levitt has developed through the Trial Center have materially enhanced the firm's productivity and effectiveness. The firm's attorneys credit multiple landmark trial outcomes in recent years—including a \$102.6 million jury verdict in a class action trial against General Motors—to the Trial Center's research and testing of hundreds of mock jurors in those cases.

### **Powered by Nationally Recognized Trial Lawyers**

The Trial Center is helmed by Trial Team Leader Bobby DiCello and Trial Center Coordinator Ken Abbarno, who collaborate with other talented trial lawyers at DiCello Levitt. The Trial





Center's attorneys are among the nation's most sought-after trial lawyers because of their knowledge and experience with the decision-making behavior of contemporary jurors and the art of trial messaging.

DiCello Levitt has received repeated accolades for the Trial Center's innovative accomplishments and contributions to the advancement of trial science, including from *The National Law Journal* and the *New York Law Journal*.

DiCello Levitt has won more than **\$20 billion** for clients.

## Leading in Diversity

DiCello Levitt believes in embedding diversity, equity, and inclusion into the firm's culture. The firm empowers attorneys from diverse backgrounds to reach their full potential while promoting a sense of belonging. Authenticity in the workplace gives DiCello Levitt a real competitive advantage.

The firm proudly includes a diverse group of women attorneys, minority associates and partners, and LGBTQIA+ attorneys and staff. Senior attorneys train and mentor younger talent from minority backgrounds in a conscious effort to build the next generation of diverse leaders.

DiCello Levitt's Diversity, Equity & Inclusion (DEI) Committee is dedicated to creating a workplace that prioritizes hiring, retention, and promotion of diverse talent. Driving societal change by fostering an inclusive workplace engenders leadership opportunities internally at the firm and externally in litigation management.

Diandra "Fu" Debrosse, managing partner of DiCello Levitt's Birmingham office, made legal history with her appointment as the first Black woman on the plaintiffs' side to co-lead two multidistrict litigations. Fu is also a co-founder and president of the advocacy group Shades of Mass, which promotes the appointment of Black and Brown attorneys to leadership roles in mass tort and class action lawsuits. DiCello Levitt proudly supports the group.

Greg Ascioffa, managing partner of the firm's New York office, is a leader for the LGBTQIA+ community in the legal profession, serving as vice chair of the American Bar Association Antitrust Law Section's Diversity Advanced Committee. In addition to co-chairing the firm's DEI Committee, Greg was selected to *Crain's New York Business'* 2023 list of Notable



LGBTQIA+ Leaders and appointed to *Law360*'s 2023 Diversity & Inclusion Editorial Advisory Board.

Other notable attorneys in the firm exemplify DiCello Levitt's commitment through their active involvement in various advocacy groups and committees. Partner David Straite serves on the LGBTQ Rights Committee of the New York City Bar Association. In 2023, David Straite, Amy Keller, Greg Ascioffa, Eli Hare, and Grant Patterson represented five LGBTQ+ students as pro bono amicus curiae to the U.S. Court of Appeals for the Ninth Circuit in a case addressing whether private religious universities may discriminate against LGBTQ+ student organizations. Their dedication, both within and outside the firm, underscores DiCello Levitt's belief that authentic DEI efforts strengthen the professional community and propel us toward a future where diversity is not just celebrated but integral to the pursuit of justice.

## DL Cares

In 2021, DiCello Levitt launched DL Cares, a charitable foundation dedicated to providing increased access to justice in the United States and around the world. DL Cares partners with nonprofits focused on increasing the availability of legal services to underserved communities through meaningful financial contributions and educational efforts.

DL Cares' first partner is Justice Defenders, a nonprofit organization that provides legal education programs to prisoners in Kenya and Uganda to create greater access to justice in their communities. DL Cares pledged a substantial, multiyear commitment to facilitate and enhance Justice Defenders' vital efforts.

## Practice Areas

### Agriculture and Biotechnology Litigation

Leveraging its deep knowledge of agricultural biotechnology and complex litigation, DiCello Levitt has built an impressive track record of successfully representing plaintiffs in nationwide commercial and class action lawsuits against large corporate conglomerates. The firm has led several of the largest biotechnology class actions in U.S. history, recovering billions of dollars in compensation for damage inflicted and to cover the effects of future damage. While securing landmark settlements on behalf of its clients, DiCello Levitt has pioneered legal strategies in the agriculture and biotechnology space, including a game-changing model to measure crop contamination damages, that has since become the modern industry standard.



## Representative Matters

### ***In re Genetically Modified Rice Litigation***

DiCello Levitt attorneys achieved aggregate settlements exceeding \$1.1 billion for all U.S. long-grain rice farmers as Co-Lead Counsel in the biotechnology multidistrict litigation against Bayer Crop Science for its contamination of the U.S. rice supply with unapproved, genetically modified rice seed traits.

### ***In re StarLink Corn Products Liability Litigation***

DiCello Levitt attorneys obtained a record \$110 million nationwide settlement for all U.S. corn farmers as Co-Lead Counsel in the biotechnology multidistrict litigation against Aventis CropScience and Garst Seed Company for their contamination of the U.S. corn supply with genetically modified seed traits. The plaintiffs' leadership team devised an innovative damages model that is now used in every crop contamination case.

### ***In re Imprelis Herbicide Marketing, Sales Practices, and Products Liability Litigation***

DiCello Levitt attorneys reached a nearly \$600 million settlement for homeowners, golf course operators, and other property owners as Co-Lead Counsel in this nationwide class action lawsuit against DuPont, alleging its turf herbicide, Imprelis, killed millions of trees and other nontargeted vegetation and that DuPont knew or should have known its dangers.

## Antitrust and Competition Litigation

DiCello Levitt's Antitrust and Competition Litigation Practice Group continuously leads the most significant private antitrust litigations in the country and has done so over the last several decades. DiCello Levitt's antitrust attorneys are nationally recognized for successes in challenging global anticompetitive conduct with their singular focus on getting businesses and consumers economic justice by righting the anticompetitive wrongs in the marketplace. The practice's sophisticated client base includes small businesses, large corporations, public pension funds, health and welfare funds, municipalities and related quasi-government agencies, and individual consumers. DiCello Levitt's antitrust lawyers pursue class, competitor, and individual (opt-out) claims involving all types of anticompetitive conduct, including price-fixing and market allocation conspiracies among competitors and monopolization of markets by industry giants.

DiCello Levitt's Antitrust and Competition Litigation Practice Group has repeatedly garnered national and international recognition, including Band 1 top honors from *Chambers USA*.

## Representative Matters

### ***Fusion Elite All Stars v. Varsity Brands LLC***

DiCello Levitt served as Co-Lead Counsel and obtained a \$43.5 settlement with Varsity Brands, other Varsity entities, and the U.S. All Star Federation (USASF) to resolve an antitrust class action over Varsity's monopolization of the All Star Cheer events market. In addition to





the cash payments, Varsity consented to significant relief aimed at curbing and unwinding its anticompetitive behavior.

### ***In re European Government Bonds Antitrust Litigation***

DiCello Levitt serves as Co-Lead Counsel, alleging several global financial institutions manipulated the price of European government bonds issued by sovereign European governments. To date, DiCello Levitt has achieved settlements with multiple defendants—including JP Morgan, Natixis, UniCredit, and State Street—securing \$40 million and significant cooperation with the class while DiCello Levitt continues to litigate against the remaining defendants.

### ***In re Novartis and Par Antitrust Litigation***

DiCello Levitt served as Lead Counsel for end-payors and secured a \$30 million settlement alleging that a brand and generic drug manufacturer entered into an anticompetitive pay-for-delay agreement for the antihypertensive drug Exforge.

### ***In re Opana ER Antitrust Litigation***

DiCello Levitt served as Co-Lead Counsel for end-payors and secured a \$15 million settlement midtrial, alleging that certain brand and generic drug manufacturers entered into an anticompetitive pay-for-delay agreement for the pain reliever Opana ER.

## **Civil and Human Rights Litigation**

DiCello Levitt is recognized nationally as a leader in the field of civil and human rights litigation. The Civil and Human Rights Litigation Practice Group represents people who have suffered racial, gender, and religious discrimination, police misconduct and brutality, sexual harassment and assault, human trafficking, and other violations of individuals' civil rights. DiCello Levitt's visionary advocates have litigated—and won—some of the most significant civil rights cases in modern history, including the landmark trial in *Black v. Hicks*, a case of shocking police brutality and corruption that resulted in one of the largest civil rights verdicts for a single person in American history. The firm's civil rights attorneys are dedicated to achieving justice for those whose rights have been violated, and they have the experience and expertise to take on the powerful individuals, corporations, and governmental institutions who violate those rights.

In recognition of the firm's outstanding work in high-stakes civil rights litigation, DiCello Levitt was named a finalist in *The National Law Journal's* 2023 Elite Trial Lawyers Awards in the civil rights category, and several of the firm's attorneys were awarded Public Justice's prestigious Trial Lawyer of the Year award in 2021 for their successful prosecution and trial in the *Black v. Hicks* case.



## Representative Matters

### ***Jane Does 1-57 v. Peter Nygard***

DiCello Levitt represents victims of the largest individual international sex trafficking lawsuit in U.S. history, which alleges that Peter Nygard, the Nygard Companies, and his employees committed a decades-long conspiracy to rape, sexually assault, and traffic hundreds of women and girls. Due in large part to the efforts of DiCello Levitt, Peter Nygard has since been convicted in a criminal court of multiple sex crimes.

### ***Marquette Williams v. City of Canton, et al.***

DiCello Levitt represents James Williams in a civil suit against the City of Canton, Ohio, after one of its police officers shot and killed Williams, a 46-year-old Black man, through a wooden fence without warning. The lawsuit claims the city failed to properly train its officers and has an unwritten policy of “shoot first and ask questions later.”

### ***Rolle, et al. v. City of Orlando, et al.***

DiCello Levitt represents the family of Kaia Rolle, who, at just six years old, was arrested and restrained by police after administrators at her elementary school reported her to authorities. In addition to seeking damages for this traumatizing event, the family is seeking to change Florida’s laws so that children of Kaia’s age and older will no longer have to suffer similar trauma.

### ***Jada Walker, et al. v. City of Akron***

DiCello Levitt successfully represented the family of Jayland Walker in a lawsuit alleging excessive force and unconstitutional police practices against the City of Akron, Ohio, and the eight police officers who brutally shot and killed the unarmed 25-year-old in a hail of more than 90 bullets.

## Class Action Litigation

DiCello Levitt’s Class Action Litigation Practice Group leads some of the largest class actions in the U.S. and consistently delivers innovative and meaningful results for class members. The practice group has recovered billions of dollars in damages for injured class members and clients harmed by corporate entities and executives from many of the world’s most powerful corporations in a wide range of industries, including automotive manufacturers, technology companies, financial institutions, and pharmaceutical corporations.

DiCello Levitt’s attorneys have decades of experience in class actions involving product liability, antitrust, securities and financial services, environmental law, biotechnology, privacy and cybersecurity, and public clients. They have achieved landmark recoveries for classes harmed by defective products, unfair competition, faulty pharmaceuticals and medical devices, data and security breaches, and other instances of corporate misconduct. The firm’s attorneys are frequently named lead or co-lead counsel in large, consequential



multidistrict litigations, and they have repeatedly triumphed at the appellate level, including in high-profile appeals that have created new laws and are often cited as precedent.

DiCello Levitt has been honored by the leading industry rankings organizations for its success in class action litigation. In 2021, *Benchmark Litigation* named DiCello Levitt a top plaintiffs' firm nationwide—one of only 12 firms to be recognized—and the firm has received the top honor every year since. *Chambers USA* has repeatedly ranked the firm among the leading plaintiffs' litigation firms nationwide and for its outstanding work in antitrust litigation, and *The Legal 500* has ranked DiCello Levitt for its achievements in product liability, mass tort, and class action litigation.

## Representative Matters

### ***In re Fairlife Milk Products Marketing and Sales Practices Litigation***

DiCello Levitt secured a \$21 million settlement in a consumer case against Coca-Cola, Fairlife, and other defendants associated with the Fairlife milk brand for deceptive labeling and marketing of certain dairy products produced using milk from cows that were allegedly treated inhumanely. The settlement—one the highest animal welfare labeling practices settlements ever—also creates an accountability program to ensure that the defendants treat their dairy cows humanely moving forward.

### ***Alaska Electrical Pension Fund v. Bank of America Corp.***

DiCello Levitt attorneys served as Class Counsel and secured \$504.5 million in settlements from major dealer banks to resolve claims alleging a conspiracy to manipulate ISDAFIX, a key benchmark for valuing various interest rate derivatives.

### **NCUA Residential Mortgage-Backed Securities Actions**

DiCello Levitt attorneys served as Lead Counsel in more than a dozen high-profile securities actions that the National Credit Union Administration (NCUA) brought against international investment banks for alleged misrepresentations made to investors in connection with subprime-backed residential mortgage securities. Those actions were resolved through settlements totaling more than \$4.5 billion.

### ***In re Navistar MaxxForce Litigation***

DiCello Levitt secured a \$135 million settlement—a landmark result in the trucking industry—as Co-Lead Counsel for a class of truck owners and lessees in this multidistrict class action lawsuit alleging that Navistar's model year 2011–2014 vehicles were equipped with defective MaxxForce diesel engines.





## Commercial Litigation

DiCello Levitt's Commercial Litigation Practice Group has won billions of dollars in verdicts and settlements for clients in commercial disputes. With a focus on bet-the-company and high-stakes litigation, DiCello Levitt's commercial litigators represent clients affected by commodities traders' market manipulation and price fixing by corporate executives, corporate ownership disputes, breaches of contract, and tortious interference claims, as well as a myriad of litigation stemming from a range of conduct leading to economic damages. The firm's driving objective is winning, measured not only by monetary compensation but also in the broad context of clients' overarching business goals. The firm works with clients to map out a successful strategy based on damages, market positioning, public relations considerations, and long-term profit and loss outlook. Leveraging the same innovative approach applied in court, the Commercial Litigation Practice Group collaborates with clients to obtain the best possible results for their businesses.

### **Representative Matters**

#### **Ownership Dispute Among the Principals of Ivani LLC**

DiCello Levitt represented three of the four owners of a technology company who were denied their contractual ownership and management rights. The key owners are now able to advance the progress of their burgeoning technology company.

#### ***Green Plains Trade Group v. Archer Daniels Midland Company***

DiCello Levitt represents one of the largest ethanol producers in the world against Archer Daniels Midland Company (ADM) for illegally scheming to manipulate the U.S. ethanol market as both a seller and a trader of the same commodity. The scheme made it appear as though there was an oversupply of ethanol in the markets, and ADM's commodities traders allegedly acquired large financial derivative contracts that increased in value as the price of ethanol plummeted. DiCello Levitt's client retained the firm to vindicate their rights and recover their losses stemming from ADM's conduct.

#### ***SitNet LLC v. Meta Platforms Inc.***

DiCello Levitt represents a patent holder who brought an action against Facebook's parent company, Meta Platforms Inc., alleging that Facebook knowingly infringed the plaintiff's patents for technology relating to situational networking, a critical component of targeted advertising.

#### ***Norwegian Air Shuttle ASA v. The Boeing Company***

DiCello Levitt represented Norwegian Airlines in prosecuting economic loss and equitable claims exceeding \$1 billion against The Boeing Company and Boeing Commercial Services Europe Limited in an action arising from Boeing's gross negligence, fraud, and breach of contract relating to Boeing's 737 MAX and 787 Dreamliner aircraft. The firm's attorneys secured a confidential settlement in this matter.



## Environmental Litigation

DiCello Levitt's Environmental Litigation Practice Group is recognized among the best in the United States for successfully representing people, businesses, and communities, as well as state and local governments, in lawsuits against some of the largest companies in the world for polluting the environment and endangering human health. DiCello Levitt is frequently chosen by state and local governments to lead groundbreaking environmental contamination cases and is committed to helping people who have suffered exposure to harmful pollution, whether from an acute, catastrophic event or through years of continuous air, water, and soil contamination in their towns and neighborhoods. Known for their efficiency and effectiveness in navigating the complexities of environmental, health, and safety regulations, DiCello Levitt's attorneys help environmentally conscious corporate clients protect the environment through compliance with federal laws. The firm also guides businesses in the development of safety and health programs and assists companies with air, water, and waste permitting applications.

DiCello Levitt was named *The National Law Journal's* 2023 **Environmental Protection Law Firm of the Year**.

### **Representative Matters**

#### **PFAS Litigation as Special Assistant Attorneys General**

DiCello Levitt has been retained by State Attorneys General to assist their states in multibillion-dollar fights against the manufacturers of per- and poly-fluoroalkyl substances (PFAS) and aqueous film-forming foam (AFFF) for contaminating the states' air, water, and soil. The amount of contamination at issue makes these matters among the largest environmental pollution cases in U.S. history. DiCello Levitt was selected after a highly competitive process involving, at least in one state, 15 competing proposals submitted by law firms across the country.

#### **Chemtool Fire Class Action Litigation**

DiCello Levitt serves as Co-Lead Counsel in the Rockton, Illinois, community's class action against Chemtool Incorporated following a massive fire that burned for days at Chemtool's chemical plant in Rockton. The catastrophic event required the evacuation of the surrounding community and contaminated properties for miles around the plant.

#### **Union, Illinois, Toxic Exposure Cases**

DiCello Levitt represents more than a dozen residents and former residents of Union, Illinois, who have been diagnosed with devastating illnesses after being exposed to carcinogenic chlorinated solvents dumped into the village's environment by nearby factories for decades.

#### **Climate Change and Deception Litigation**

DiCello Levitt represents multiple cities and counties in lawsuits against major oil companies and their industry trade association, the American Petroleum Institute, alleging that these





industry giants promoted and profited from deceptive campaigns to discredit climate science and mislead the public about the role their products play in driving climate change. DiCello Levitt seeks to hold these companies financially accountable for the damage caused by climate change.

## Labor and Employment Litigation

DiCello Levitt's Labor and Employment Litigation Practice Group represents people harmed by the discriminatory and illegal actions of their employers. The firm investigates, litigates, and exposes systemic workplace abuses, holds companies responsible, and ensures fair practices in recruitment, hiring, promotion, and pay. DiCello Levitt's labor and employment litigators fight for employees who experience discrimination in the workplace based on race, gender, ethnicity, sexual orientation, or religion. They assist women who are denied pay equal to their male peers; pregnant women who are terminated or passed over for promotions; and workers subjected to hostile workplaces, sexual harassment, and disparate treatment. The practice group's extensive experience enables DiCello Levitt to successfully challenge arbitration agreements, noncompete agreements, and other employment contracts and to enforce workers' rights under collective bargaining agreements.

DiCello Levitt understands the risks workers face when they speak out against their employers and knows how to safeguard against retaliation. Not only do the attorneys at DiCello Levitt protect employees' positions and recover compensation for their losses, but they also fight to change the policies and practices that allow labor abuses to take place while ensuring that similar behavior does not occur in the future.

### **Representative Matters**

#### ***Angela Betancourt v. Rivian Automotive LLC***

DiCello Levitt serves as Co-Lead Counsel in a gender discrimination class action case against Rivian, a major automotive manufacturer, for allegedly permitting and fostering a hostile work environment in its Illinois facility, where women employees are subjected to pervasive sexual harassment and complaints of such harassment are routinely ignored.

#### ***Waggoner, et al. v. VSE Corp., et al.***

DiCello Levitt negotiated a seven-figure settlement on behalf of a certified collective of unionized workers based on federal contractors' failure to properly pay the firm's clients during rest breaks while working at the Red River Army Depot in Texarkana, Texas.

### **Correctional Officers Wage and Hour Litigation**

DiCello Levitt represents state employees in Wisconsin and North Carolina, part of a certified class and collective, for the states' failure to pay wages for work performed before and after the start of their scheduled shifts.



### **Confidential Individual Settlement**

DiCello Levitt negotiated a favorable settlement for a woman who was terminated in the hospitality industry after disclosing to the company that she was pregnant.

### **Confidential Group Settlements**

DiCello Levitt has achieved numerous multimillion-dollar settlements on behalf of groups of employees and former employees of large companies, international corporations, educational institutions, and other entities who courageously stood up to racial, gender, and other forms of discrimination in all aspects of the employment relationship, from hiring to compensation, promotion, layoff, and termination.

### **Mass Tort Litigation**

DiCello Levitt's nationally recognized and award-winning attorneys leverage their extensive experience to represent plaintiffs in mass torts involving faulty medical devices, pharmaceuticals, cosmetics, and other illegal practices by defendants in the automotive and biotechnology sectors, among others. DiCello Levitt's Mass Tort Litigation Practice Group also leads cases seeking remediation and financial reparation from global companies responsible for environmental pollution, contamination, and endangering human health. Representing individuals, businesses and investors, municipalities, and State Attorneys General, DiCello Levitt's attorneys have recovered billions of dollars for clients across the United States and effected corporate and legislative changes that protect the safety of all consumers.

DiCello Levitt has received national acclaim for its successful leadership and resolution of mass injury cases and has consistently led the charge on some of the largest such cases in U.S. history, repeatedly getting appointed to leadership positions—including groundbreaking appointments to some of the most diverse plaintiffs' teams ever—by federal judges across the country.

### **Representative Matters**

#### ***In re Hair Relaxer Marketing Sales Practices and Products Liability Litigation***

DiCello Levitt serves as Co-Lead Counsel representing thousands of women who have developed uterine, ovarian, and endometrial cancer from using chemical hair relaxers manufactured by L'Oréal, Revlon, and other hair relaxer manufacturers. DiCello Levitt's attorneys filed the first hair relaxer lawsuit and continue to be a leading force in this significant litigation.

#### ***Camp Lejeune Water Litigation v. United States of America***

DiCello Levitt represents thousands of military members and their families who suffered catastrophic injuries and death from the toxic water supply at Camp Lejeune.



### ***In re Paraquat Products Liability Litigation***

DiCello Levitt serves on the Plaintiffs' Executive Committee of the multidistrict litigation on behalf of thousands of farmers and other licensed applicators—who developed Parkinson's disease from using the herbicide paraquat—against defendant manufacturers Chevron and Syngenta.

### ***Glucagon-like Peptide-1 Receptor Agonists (Glp-1 Ras) Products Liability Litigation***

DiCello Levitt serves on the Plaintiffs' Leadership Committee of the multidistrict litigation against drugmakers Novo Nordisk and Eli Lilly, pursuing damages arising from the severe health risks allegedly caused by Ozempic and similar drugs, including intestinal obstruction, gastroparesis, and other acute gastrointestinal injuries.

### ***In re Tepezza Marketing, Sales Practices, and Products Liability Litigation***

DiCello Levitt serves on the Plaintiffs' Executive Committee in the multidistrict litigation against Horizon Therapeutics and represents thousands of plaintiffs who suffered hearing impairment, including complete hearing loss, after taking the prescription drug Tepezza.

### ***In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation***

DiCello Levitt represents thousands of young plaintiffs who have suffered acute injuries because of the defendants' wrongful actions in purposely creating and marketing addictive and defective social media applications. The plaintiffs seek damages against Meta, Snap, ByteDance, and Google.

### ***In re Baby Food Products Liability Litigation***

DiCello Levitt represents thousands of children harmed by the defendants' baby food products that were found in a U.S. government investigation to be highly contaminated with heavy metal toxins, including arsenic, lead, cadmium, and mercury. The plaintiffs seek damages against baby food manufacturers and distributors Walmart Inc., Gerber Products Co., and four other defendants, alleging that their products are contaminated with toxic metals, causing infants to develop autism spectrum disorder and other severe health conditions.

## **Privacy, Technology, and Cybersecurity**

DiCello Levitt's Privacy, Technology, and Cybersecurity Practice Group includes award-winning attorneys and skilled technologists who routinely represent consumers and public clients against some of the largest corporations in the world. DiCello Levitt represents people and businesses affected by major data breaches and wrongful use of their private information. The firm's attorneys have played leading roles in some of the largest data breach, privacy, and technology settlements in the United States, winning significant motions and creating new legal theories and damages models that have been cited in numerous cases across the country.





A first-of-its-kind group with both a dedicated data breach section and privacy section, DiCello Levitt's Privacy, Technology, and Cybersecurity Practice Group has been named *The National Law Journal's* Practice Group of the Year and is the only law firm to be recognized by *Law360* for three consecutive years as Cybersecurity and Data Privacy Practice Group of the Year.

## Representative Matters

### ***In re Facebook Internet Tracking Litigation***

DiCello Levitt achieved a substantial settlement on behalf of a class of consumers against Facebook, alleging Facebook inappropriately collected user data and sold it to third parties. The watershed case established the new precedent that personal information has value, for which consumers may be compensated.

### ***In re Google RTB Consumer Privacy Litigation***

DiCello Levitt represents a class of consumers as an Executive Committee member against Google for breaching its contractual promise not to sell users' personal information by rebroadcasting data during real-time bidding auctions, exposing the data to potential ad buyers and participants surveilling the auctions with no intent to purchase ads.

### ***In re Marriott International Inc. Customer Data Security Breach Litigation***

DiCello Levitt represents a class of hundreds of millions of consumers as Co-Lead Counsel against Marriott for a data breach that exposed sensitive personal information and for failing to notify the victims in a timely manner. The district court's rulings in favor of the classes are routinely cited in cybersecurity cases.

## Hospital Patient Portal Privacy Cases

DiCello Levitt represents hospital patients in multiple class actions against large hospital systems, alleging privacy violations stemming from the unauthorized use of hidden tracking pixels on patient portals to transmit HIPAA-protected patient information to Facebook and Google for marketing purposes. The first test case against Rush System for Health in Illinois survived the defendant's motion to dismiss on multiple counts, including breach of contract and violation of the Illinois Eavesdropping Act.

## Product Liability

When corporations choose their profits over the safety of their customers and the public, DiCello Levitt will act. The firm's product liability attorneys rely on a scientific approach and decades of trial experience to achieve justice for its clients. DiCello Levitt represents individuals, businesses, State Attorneys General, municipalities, and other public clients in individual lawsuits, mass torts, and class actions. Taking on industry goliaths like Abbott, Syngenta, Volkswagen, General Motors, Apple, and Intel, DiCello Levitt has secured more than \$20 billion in verdicts and settlements for clients in some of the most significant and well-known product liability cases in the country. The firm's attorneys have successfully



wielded their skills on behalf of injured parties in cases involving faulty medical devices, automotive and airplane defects, and other dangerous and defective products. By aggressively pursuing and rooting out corporate malfeasance, DiCello Levitt creates positive and lasting social change—in addition to winning compensation for those already injured.

## Representative Matters

### ***In re General Motors LLC Ignition Switch Litigation***

DiCello Levitt attorneys achieved a \$121.1 million settlement as a member of the Plaintiffs' Executive Committee and as Settlement Allocation Counsel for the nationwide class of vehicle owners against General Motors for damages from the defective ignition switches installed in its vehicles.

### ***Simerlein, et al. v. Toyota Motor Corporation, et al.***

DiCello Levitt obtained a \$40 million nationwide settlement for owners and lessees of 2011-2018 Toyota Sienna minivans with malfunctioning power sliding doors. The firm's attorneys worked with Toyota to create a program to provide needed service and reimburse out-of-pocket repairs for the power sliding doors.

### ***In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation***

DiCello Levitt attorneys served as counsel on a case that ended in a \$17 billion recovery against Volkswagen, Audi, and Porsche for defrauding consumers who believed they were buying vehicles with "clean diesel" engines. Leadership in the case was referred to as the "class action dream team."

### ***Palmieri v. Intervet Inc. d/b/a Merck Animal Health***

DiCello Levitt represents a class of plaintiffs against Merck Animal Health for failing to adequately warn pet owners that its flea and tick medication can cause neurological side effects such as seizures.

## Public Client

When corporations harm the public interest through deceptive, dishonest, or dangerous business practices, DiCello Levitt assists state and local governments in recovering the public's damages, penalizing corporate wrongdoing, and enjoining future harm. DiCello Levitt's Public Client Practice Group has worked alongside government attorneys and investigators in numerous high-profile cases and has a deep understanding of the public client perspective. When DiCello Levitt works with public clients, the firm maintains an unwavering focus on what is best for them today, tomorrow, and years into the future. DiCello Levitt's attorneys approach their work as a joint venture, where they provide support through active, ongoing collaboration while drawing on their own significant legal, scientific, and technological resources to aggressively pursue justice and bring about meaningful social change.



## Representative Matters

### ***State of New Mexico, ex rel. Hector H. Balderas v. Volkswagen Group of America***

DiCello Levitt represented the State of New Mexico against Volkswagen, Audi, and Porsche in litigation arising from the automakers' sale of vehicles with "defeat devices" that the manufacturers installed to evade emissions standards. DiCello Levitt achieved a settlement per vehicle that far exceeded the damages any other state received in related litigation.

### ***State of New Mexico v. Takata Corporation, et al.***

DiCello Levitt obtained more than \$25 million on behalf of the State of New Mexico against Honda, Ford, and other automobile companies for the marketing and sale of vehicles with Takata airbag inflators susceptible to rupture and capable of causing death and severe injury.

### ***State of New Mexico, ex rel. Hector H. Balderas v. Solvay Pharmaceuticals, et al.***

DiCello Levitt secured a \$24 million settlement on behalf of the State of New Mexico in an action relating to the deceptive marketing of a testosterone therapy supplement as a "cure" for aging men.

### **PFAS Litigation on Behalf of the States of Michigan and Illinois**

The States of Michigan and Illinois retained DiCello Levitt in their multibillion-dollar fights against the manufacturers of the "forever chemicals" known as PFAS for contaminating the states' air, water, and soil. The amount of contamination at issue makes these matters among the largest environmental pollution cases in U.S. history.

## Securities and Financial Products Litigation

DiCello Levitt's Securities and Financial Products Litigation Practice Group has worked on—and won—some of the highest-profile securities actions ever filed, including cases against Enron, AOL/Time Warner, BP, Pfizer, Petrobras, and Volkswagen, as well as the \$1 billion securities class action against Merck & Co. Inc. over alleged misrepresentations about the safety of its drug Vioxx. Many of DiCello Levitt's attorneys have worked for the U.S. Department of Justice, prosecuting financial crimes such as those arising from the residential mortgage-backed securities crisis. Collaborating with a team of e-discovery specialists, investigators, and forensic accountants with federal and state law enforcement experience, the Securities and Financial Products Litigation Practice Group is quick to grasp complex structured finance issues, from mortgage-backed and asset-backed collateralized debt obligations to credit-default swaps and credit-linked notes. When DiCello Levitt suspects financial misconduct, the firm secures serious recoveries for its clients.

DiCello Levitt was named one of the 2023 **Top Boutiques** by the *Daily Journal* in recognition of its leadership in "huge and international" securities litigation matters and legal excellence in the state of California.





## Representative Matters

### ***United Association of Plumbers and Pipefitters, et al. v. Syneos Health Inc., et al.***

DiCello Levitt serves as Lead Counsel in a national securities class action against Syneos Health Inc. and its former executives. The lawsuit alleges that Syneos made misleading statements about the collapse of its new business and nearly \$3 billion in uncollectable receivables and, as a result, defrauded purchasers of Syneos common stock.

## Milestone Cases

### ***In re Enron Corporation Securities Litigation***

DiCello Levitt attorneys were among the more than 70 attorneys who led this historic action that obtained a \$7.2 billion recovery—the largest securities class action recovery in history—for investors, primarily from Wall Street’s largest banks and the company’s auditor, Arthur Andersen.

### **AOL Time Warner Individual Actions**

DiCello Levitt attorneys devised a creative and unique strategy to pursue an institutional investor group action to recover losses resulting from the disastrous merger of AOL and Time Warner. The group action for dozens of institutional investors, including state and local pension funds and multi-employer funds, was ultimately successful in recovering \$629 million for investors.

### ***Merck & Co. Inc. Securities, Derivative & “ERISA” Litigation***

DiCello Levitt attorneys were integral members of the Co-Lead Counsel team that secured a unanimous decision from the U.S. Supreme Court in favor of shareholders with respect to the statute of limitations for securities fraud claims and that ultimately secured a settlement for more than \$1 billion on behalf of the lead plaintiffs, including the Public Employees’ Retirement System of Mississippi, and the class.

### ***In re Initial Public Offering Securities Litigation***

DiCello Levitt Founding Partner Adam Levitt served on the Plaintiffs’ Executive Committee, recovering more than \$500 million for shareholders.

## Whistleblower Representation

DiCello Levitt’s Whistleblower Representation Practice Group represents whistleblowers across the United States and around the globe in pursuing whistleblower actions and securing awards for their role in recovering monies wrongly obtained. DiCello Levitt’s attorneys bring a wealth of knowledge from their deep experience as prosecutors at the U.S. Department of Justice and other government agencies, as well as their prior work in private practice. Through its vigorous advocacy, which includes the use of analytics, comprehensive investigations, and extensive legal analysis, DiCello Levitt has successfully collaborated with the government to litigate significant whistleblower actions. With a notable track record of



success on behalf of its clients, DiCello Levitt has pursued private litigation across a wide range of industries, including residential mortgage-backed securities, life sciences and medical devices, industrial manufacturing, and government procurement.

DiCello Levitt's whistleblower advocates have extensive experience representing whistleblowers in bringing claims under the federal False Claims Act and its state and local analogues, as well as various agency whistleblower programs. DiCello Levitt also represents consumers, fraud victims, whistleblowers, and government agencies against pharmaceutical companies for fraud, waste, abuse, and deceptive practices in the manufacture, marketing, and sale of drugs and devices.

## Representative Matters

### ***United States of America ex rel. Gill et al. v. CVS Health Corp., et al.***

DiCello Levitt serves as Co-Counsel in representing whistleblower Michael Gill in his partially intervened lawsuit against CVS Health Corporation and its subsidiaries. Mr. Gill alleges that CVS violated the federal and state False Claims Act by fraudulently billing for and improperly retaining payments on various drug products and healthcare services.

### **Municipal Bond Rate Rigging Cases**

DiCello Levitt represents whistleblower Edelweiss Fund LLC in a set of related lawsuits brought under state false claims acts against some of the largest banks in the nation for allegedly colluding to set inflated interest rates on municipal bonds. The first of these lawsuits, *Illinois ex rel. Edelweiss v. JP Morgan Chase, et al.*, was settled in 2023 for \$70 million.

### ***State of Illinois ex rel. Kenny Gilman v. Fieldturf USA Inc.***

DiCello Levitt obtained a substantial settlement during the second week of a jury trial on behalf of whistleblowers in a *qui tam* action over defective athletic fields sold and installed in Illinois.

## Awards and Recognition

**“An extraordinary plaintiffs’ firm ...”**

**“... top of the line in litigation strategy and representing clients zealously.”**

— Chambers and Partners





## Chambers USA

Band 1:

Litigation: Mainly Plaintiffs, Illinois; Antitrust: Mainly Plaintiff, New York (2021-2024)

Ranked:

Litigation: Mainly Plaintiffs, Alabama; Antitrust: Plaintiff, Nationwide; Product Liability: Plaintiffs, Nationwide (2022-2024)

Attorneys recognized: Adam Levitt, Greg Ascioffa, Diandra “Fu” Debrosse, and Amy Keller

## Benchmark Litigation

Plaintiff Firm of the Year Finalist (2024)

Highly Recommended Firm: Top Plaintiffs (2021-2024)

Ranked: Competition/Antitrust (2023)

Attorneys recognized: Mark DiCello, Adam Levitt, Greg Ascioffa, Diandra “Fu” Debrosse, Greg Gutzler, Amy Keller, and Corban Rhodes

## Law360

Cybersecurity and Privacy Practice Group of the Year (2020-2022)

Class Action Practice Group of the Year (2020)

Competition/Antitrust MVP: Greg Ascioffa (2023)

Cybersecurity & Data Privacy MVP: David Straite (2022)

## Lawdragon

500 Leading Plaintiff Consumer Lawyers: Mark DiCello, Adam Levitt, Ken Abbarno, Diandra “Fu” Debrosse, Bobby DiCello, and Amy Keller

500 Leading Plaintiff Financial Lawyers: Adam Levitt, Greg Ascioffa, Patrick Daniels, Greg Gutzler, and David Straite



## The Legal 500

Ranked: Product Liability, Mass Tort and Class Action – Plaintiff; Antitrust: Civil Litigation/Class Actions – Plaintiff (2022 and 2024); Securities Litigation: Plaintiff (2024)

Attorneys recognized: Greg Ascioffa, Amy Keller, and Jonathan Crevier

## The National Law Journal

Elite Trial Lawyers Plaintiffs Firm of the Year (2023)

Practice areas of the year: Trial Strategy Innovation, Privacy/Data Breach, and Environmental Protection (2023)

Elite Women of the Plaintiffs Bar: Diandra “Fu” Debrosse (2023)

Elite Trial Lawyers: Justin Hawal and Amy Keller (2021)

Trailblazers: Mark DiCello (2020), Adam Levitt (2020), Ken Abbarno (2021), Diandra “Fu” Debrosse (2022), Greg Gutzler (2021), and David Straite (2022)

## The New York Law Journal

New York Legal Awards Innovation Winner (2023)

Distinguished Leader Award: Greg Ascioffa (2023)



## Members of the Firm

DiCello Levitt’s attorneys are litigators and trial lawyers who have tried cases to verdict—successfully—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:**

madicello@dicellolevitt.com

**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 presented to juries. After representing the state in criminal matters, Mark wanted to turn his attention to ensuring that victims were represented in other 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. Mark has been recognized by a number of different organizations, including being ranked by Super Lawyers and receiving the Crisis Management Trailblazer and Elite Boutique Trailblazer awards from *The National Law Journal*. *Lawdragon* has 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 is a member of The Summit Council, a national group of noted trial lawyers 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 presents their stories after a vigorous focus-group and mock-trial process, in coordination with the DiCello Levitt Trial Center.

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

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



## Adam Levitt

Partner

### EMAIL

alevitt@dicellolevitt.com

### EDUCATION

Northwestern University School of Law, J.D.

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

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

In his decades-long career, Adam has scored numerous significant and precedent-setting victories, delivering more than \$20 billion in recoveries to clients in biotechnology, financial services, securities, insurance coverage, consumer protection, automotive defects, agricultural products, and antitrust disputes. He has been appointed to leadership positions in many historic and headline-grabbing litigations, including three of the largest biotechnology class actions in U.S. history, where he served as co-lead counsel, helped recover more than \$1.7 billion on behalf of plaintiffs, and created a crop contamination damages model that set the modern industry standard. He was also retained by multiple State Attorneys General to hold some of the world's largest chemical companies accountable for widespread environmental contamination from their "forever chemicals" known as PFAS (per- and polyfluoroalkyl substances) and was retained by the City of Baltimore to address the catastrophic impact of the Francis Scott Key Bridge collapse, one of the largest maritime disasters in U.S. history. Additionally, 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

**EMAIL**

kabbarno@dicellolevitt.com

**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 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 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 to the *Ohio Super Lawyers* list every year since 2010, and he is recognized in *The Best Lawyers in America®* for transportation law.



**Mark M. Abramowitz**

Partner

**EMAIL**

mabramowitz@dicellolevitt.com

**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 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.



## Greg Ascioffa

Partner

### EMAIL

gascioffa@dicellolevitt.com

### EDUCATION

Catholic University of America, J.D.

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

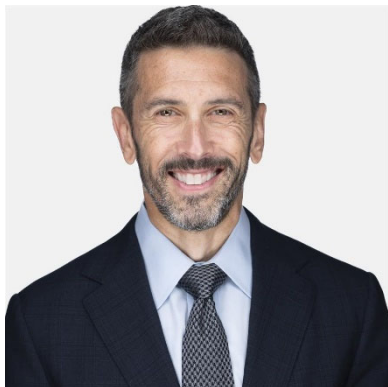
Greg Ascioffa is a partner in DiCello Levitt's New York office, where he serves as Chair of the firm's Antitrust and Competition Litigation Practice, Managing Partner of the New York office, and Co-Chair of the DEI Committee. Greg focuses on representing businesses, public pension funds, and health and 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 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 concurrently 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.



## Alex Barnett

Partner

### EMAIL

abarnett@dicellolevitt.com

### EDUCATION

St. John's University School of Law,  
J.D.

University of Pennsylvania, B.A.

Alex Barnett is a partner in DiCello Levitt's New York office and a member of the firm's Antitrust and Competition Litigation Practice Group. An accomplished attorney with decades of experience in complex and class action litigation, Alex's practice focuses on advocating for consumers, public clients, and businesses injured by antitrust violations, unfair competition, and unlawful or unjust business practices.

For nearly 30 years, and with empathy for the persons and entities he represents, Alex has dedicated himself to litigation that is aimed at bringing about economic and social justice. This dedication has earned Alex a spot on *Lawdragon's* 500 Leading Plaintiff Financial Lawyers list every year from 2019 through 2024. In 2019, it earned him, along with his colleagues, the American Antitrust Institute's Outstanding Antitrust Litigation Achievement in Private Law Practice Award. And it has earned him invitations to serve as a panel speaker at conferences regarding antitrust law and class action practice.

Alex demonstrates his commitment to justice in his other endeavors as well. He is a past president of the Committee to Support the Antitrust Laws (COSAL), the only organization in the United States dedicated to lobbying for strong antitrust laws and effective private enforcement. He served as the vice chair of Public Justice's Food Project, which aims to address structural and institutional inequities in the food system. Prior to his litigation career, he served as the executive director of the International Association of Jewish Lawyers and Jurists (American Section), whose mission is the promotion of the rule of law.

Alex was on the advisory council of Rescuing Leftover Cuisine (RLC), a national nonprofit food rescue organization, operating across the United States and headquartered in New York City, that provides solutions to prevent excess wholesome cuisine from being wasted. In addition, Alex served as a volunteer for the following organizations: K.E.E.N. (Kids Enjoy Exercise Now), an organization dedicated to empowering youth with disabilities, providing them with access to recreational opportunities and helping them develop athletic skills; New York Cares, an organization that provides volunteer assistance to charities and nonprofit organizations throughout the metropolitan New York area; D.C. Cares, an organization that provides volunteer assistance to charities and nonprofit organizations throughout the Washington, D.C., area; and A Broader Image Inc., a Washington, D.C., nonprofit organization that provided internet access and other technology-based educational tools to children in inner-city schools.

Alex and his wife are active participants in the multiracial family community and have served as speakers for and supporters of various organizations dedicated to fostering understanding and acceptance of multiracial families, including LovingDay.org. They also founded a stuffed animal company and, through that entity, donated thousands of newly made stuffed animals to children in New York City's Homes for the Homeless program.

Alex is a graduate of the University of Pennsylvania and St. John's University School of Law.







## Jamie Baskin

Partner

### EMAIL

jbaskin@dicellolevitt.com

### 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 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 United States 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.



**Bruce D. Bernstein**  
Partner

**EMAIL**

bbernstein@dicellolevitt.com

**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

#### EMAIL

dburnett@dicellolevitt.com

#### 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 product liability mass torts, securities class actions, commercial litigation, and environmental cases. With nearly two decades of experience, David has represented plaintiffs in cases involving negligence, fraud, public nuisance, breach of contract, and other corporate misconduct. He has successfully challenged major corporations, including Wall Street banks, technology giants, pharmaceutical companies, and cosmetics manufacturers.

David's dedication has earned him a place on the 2024 Lawdragon 500 Leading Plaintiff Financial Lawyers list. He frequently handles securities claims, financial analysis, and data-intensive issues, which he discussed in a *Law360* article, "The Importance of Data and Data Analysis in Litigation," also presented as a D.C. Bar continuing legal education course.

Currently, David represents local governments in litigation against social media companies, addressing the alleged harmful effects of addictive social media platforms on children and communities. He has shared insights on social media litigation at conferences for the National School Boards Association, the Local Government Attorneys of Virginia, and the Maryland Association of Counties. He also represents local governments in opioid litigation, alleging McKinsey's role in exacerbating the opioid epidemic. Additionally, David assists in the Hair Relaxer Marketing Sales Practices and Products Liability Litigation, representing plaintiffs who claim that hair relaxer products cause cancer.

David's previous experience includes representing U.S. states, counties, and cities in nationwide opioid crisis litigation, which resulted in nearly \$50 billion in settlements. He has also represented investors in securities fraud class actions against major corporations and assisted September 11 victims in obtaining substantial compensation.

Before joining DiCello Levitt, David represented prominent insurance companies in litigation against Wall Street banks following the 2007-2008 financial crisis, securing favorable settlements in the hundreds of millions. He also served as a vice president of underwriting at a leading litigation finance firm.

David earned his law degree from the University of Virginia, where he worked as a teaching assistant, authored journal articles, and clerked at prominent law firms. Outside of his professional achievements, David Burnett dedicates his time to community service. He serves as president of the Abenaki Tower and Trail Association and has been a member of the Board of Advisors of the Appalachian Mountain Club for over a decade. Before law school, David worked with at-risk youth for Outward Bound, worked on the Appalachian Trail, interned at the Wilderness Society, and bicycled across the country for charity.



## Patrick W. Daniels

Partner

### EMAIL

[pwdaniels@dicellolevitt.com](mailto:pwdaniels@dicellolevitt.com)

### EDUCATION

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

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

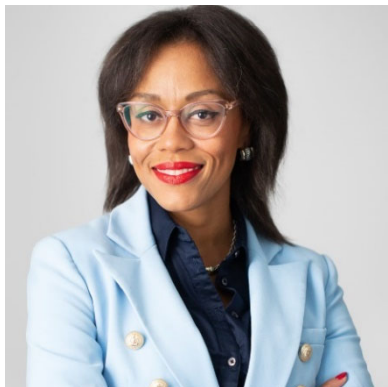
Patrick W. Daniels is the co-founder and chair of the Securities and Financial Products Litigation Practice Group.

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 U.S. 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.

When recognizing DiCello Levitt as a Recommended Firm in the Securities Litigation: Plaintiff category, *The Legal 500* highlighted the Securities Practice Group for its "outstanding technical skills and the capacity to listen to clients and take their concerns on board." The publication also commended Patrick for his "thorough market knowledge and capacity for confidence building." In addition, Patrick has been named a Leading Plaintiff Financial Lawyer by *Lawdragon* from 2019 to 2024.



**Diandra “Fu” Debrosse**  
Partner

**EMAIL**

fu@dicellolevitt.com

**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 is a fearless plaintiffs’ attorney who fights unapologetically for individuals and public entities injured by wrongful conduct, whether by defective medical devices, drugs, or cosmetics, 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 recovered nearly \$1 billion in damages for her clients. Blending her exceptional talents in multidistrict and mass tort litigation with state-of-the-art tools, Fu uses sophisticated modeling to identify technology-based and other forms of discrimination, including environmental injustice, defective devices, and unfair insurance practices.

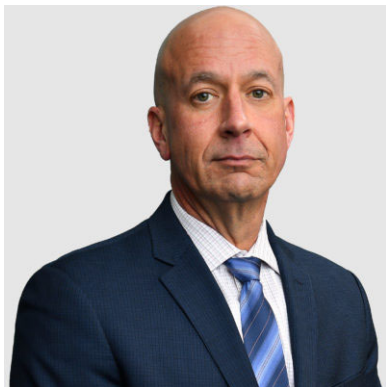
As the managing partner of DiCello Levitt’s Birmingham office, co-chair of the firm’s Mass Torts division, and co-chair of its Civil and Human Rights Litigation Practice Group, she holds prominent leadership positions in numerous multidistrict litigations. She is Co-Lead Counsel in the massive products liability multidistrict litigation against two of the world’s largest infant formula manufacturers, Abbott Laboratories and Mead Johnson, and in the MDL against L’Oréal and other makers of disease-causing hair relaxer products marketed primarily to Black and Latina women. Fu also holds leadership positions in several other significant MDLs, including the litigation against Chevron and Syngenta for their marketing and sale of the disease-causing herbicide paraquat, as well as the social media MDL in which the plaintiffs are seeking damages against Meta Platforms, TikTok, YouTube, and others for creating defective products that encourage addictive behavior, resulting in various emotional and physical harms, including death.

Fu also leads many systematic civil rights and sexual assault cases; represents the City of Baltimore in legal actions addressing the catastrophic of the Francis Scott Key Bridge collapse; and represents dozens of Alabama, Mississippi, Georgia, Maryland, and North Dakota counties and a number of cities and counties in Maryland, Delaware, and other jurisdictions in two separate prescription opiate MDLs.

Fu was recognized by *Forbes* as one of the top 200 attorneys in the United States in 2024, and *The National Law Journal* named her to its 2023 list of Elite Women of the Plaintiffs Bar. In 2022, 2023, and 2024, *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, and the *Birmingham Business Journal* honored Fu with a Best of the Bar Award and Who’s Who in Law recognitions in 2021, 2022, and 2023.

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 and the Southern Trial Lawyers Association. 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 extraordinary young girls.



## **Chuck Dender**

Partner

### **EMAIL**

cdender@dicellolevitt.com

### **EDUCATION**

Cornell Law School, J.D.

New York University Stern School of  
Business, M.B.A.

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 Master in Business Administration, with a specialization in finance and quantitative finance from the New York University Stern School of Business. This additional accreditation and education give Chuck a unique advantage when it comes to identifying issues related to financial crimes and damages, 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

#### EMAIL

rfdicello@dicellolevitt.com

#### 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 and 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

**EMAIL**

[ndjordjevic@dicellolevitt.com](mailto:ndjordjevic@dicellolevitt.com)

**EDUCATION**

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

Grinnell College, B.A.

Nada Djordjevic brings justice to 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 litigation matters, Nada zealously protects the interests of aggrieved clients throughout the United States.

Nada's clients benefit from her skilled and varied litigation practice. In addition to consumer protection cases and class actions, she has represented clients in issues related to securities fraud, ERISA violations, deceptive insurance sales practices, and qui tam cases under the False Claims Act.

Nada was recently named to the Plaintiffs' Executive Committee as the Chair of Damages in the multidistrict class action litigation against Samsung Electronics related to multiple data breaches in 2022 involving more than 50 million consumers.

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 multistate plaintiff class in a data breach case that resulted in one of the largest breach-related settlements in healthcare history. Nada was also part of the litigation team that negotiated settlements worth more than \$275 million for universal life insurance policyholders in two nationwide class actions alleging improper monthly policy charges.



**Daniel R. Ferri**  
Partner

**EMAIL**

dferrid@dicellolevitt.com

**EDUCATION**

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

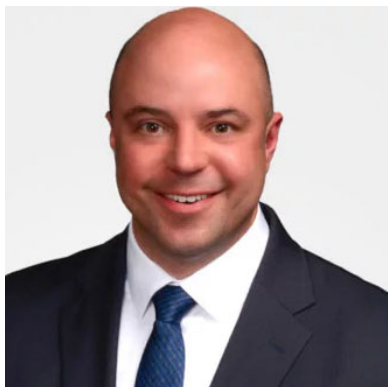
New York University, B.A., *cum  
laude*

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

**EMAIL**

dflynn@dicellolevitt.com

**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, 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 represents public clients in groundbreaking litigation against the world's largest fossil fuel companies and the American Petroleum Institute, alleging that the defendants, for decades, misled and failed to warn the public about the catastrophic consequences of climate change.

Dan 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.



## **Greg G. Gutzler**

Partner

### **EMAIL**

ggutzler@dicellolevitt.com

### **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 U.S. 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

**EMAIL**

ehare@dicellolevitt.com

**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 Plaintiffs Executive Committee of the *In re Future Motions Inc. Products Liability Litigation* and the Leadership Development Committee of the *In re Hair Relaxer Marketing Sales Practices and Products Liability Litigation*.

Prior to joining DiCello Levitt, Eli worked with a prominent, national plaintiffs'-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

### EMAIL

[jhawal@dicellolevitt.com](mailto:jhawal@dicellolevitt.com)

### 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 U.S. 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 U.S. 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.





## Steve Jodlowski

Partner

### EMAIL

stevej@dicellolevitt.com

### 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 Antitrust 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*.

*Super Lawyers* named Steve a “Rising Star” 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

**EMAIL**

akeller@dicellolevitt.com

**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.



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



## Brian O'Mara

Partner

### EMAIL

briano@dicellolevitt.com

### 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 Antitrust Litigation* and in *In re EpiPen Marketing, Sales Practices and Antitrust Litigation*, which alleged 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.



## Roxana Pierce

### Partner

#### EMAIL

rpierce@dicellolevitt.com

#### EDUCATION

Thomas Jefferson School of Law, J.D.

Pepperdine University, B.A.

Sorbonne University, France, *with honors*

Roxana Pierce is the co-founder of the Securities Practice Group and 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.

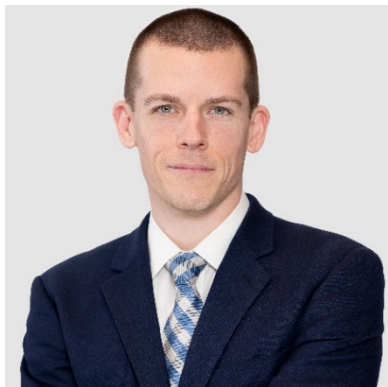
Representing governmental and private pension funds, large institutional investors, attorneys general, international banks, asset managers, foreign governments, multi-national corporations, and sovereign wealth funds and individuals, Roxana has served clients from more than 20 states and 82 countries, 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.

When recognizing DiCello Levitt as a Recommended Firm in the Securities Litigation: Plaintiff category, *The Legal 500* highlighted the Securities Practice Group for its "outstanding technical skills and the capacity to listen to clients and take their concerns on board." The publication also commended Roxana for her "outstanding skills in proactive communication." In addition, Roxana was named a Leading Plaintiff Financial Lawyer by *Lawdragon* in 2024.

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

### EMAIL

aprom@dicellolevitt.com

### 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 litigations. He has represented consumers, small and large businesses, whistleblowers, and public entities in all types 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. Notably, 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 Privacy, Technology, and Cybersecurity Litigation Practice Group, which *Law360* recognized as "Group of the Year" for three consecutive years, from 2020 to 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 multibillion-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

crhodes@dicellolevitt.com

### EDUCATION

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

Boston College, B.A., *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 and malfeasance leading to data breaches, including securing a settlement with Yahoo for one of the largest known data breaches in history that affected nearly three 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 in *Calhoun v. Google* and *Google RTB Consumer Privacy Litigation*.

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 as 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**

cmrobert@dicellolevitt.com

#### **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 Products Litigation Practice Group 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; she is 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

hrosen@dicellolevitt.com

### 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 in monetary recovery 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. Securities Litigation*: This \$600 million settlement is the largest recovery ever in a securities fraud class action in the U.S. Court of Appeals for the Sixth Circuit.
- *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.



**David A. Straite, CIPP/US**  
Partner

**EMAIL**

dstraite@dicellolevitt.com

**EDUCATION**

Villanova University School of Law,  
J.D., *magna cum laude*, Managing  
Editor, *Villanova 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 and K.P.E. Lasok, QC's "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

[jtangren@dicellolevitt.com](mailto:jtangren@dicellolevitt.com)

### 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.



## **GERALYN TRUJILLO**

Partner

### **EMAIL**

[gtrujillo@dicellolevitt.com](mailto:gtrujillo@dicellolevitt.com)

### **EDUCATION**

University of Texas at Austin School  
of Law, J.D.

Georgetown University, B.S.

GERALYN TRUJILLO is a partner in DiCello Levitt's New York office and a member of the Antitrust and Competition Litigation Practice Group. With extensive experience litigating antitrust matters on behalf of government entities and as defense counsel, GERALYN brings a unique strategic perspective to her cases.

Before joining DiCello Levitt, GERALYN spent fifteen years in government service enforcing the antitrust laws at both the state and federal level. During her tenure at the Federal Trade Commission's Bureau of Competition, she served as lead attorney in significant matters resulting in commission victories and led investigations across a variety of industries, including healthcare, digital platforms, medical devices, consumer goods, and industrial products. At the Office of the New York State Attorney General, GERALYN investigated anticompetitive conduct and litigated cases involving pricing fixing and anticompetitive mergers and acquisitions.

Prior to her work in government, GERALYN spent ten years at an esteemed multinational law firm, representing public and private companies in antitrust matters, including mergers and acquisitions, civil antitrust litigation, and government investigations.

GERALYN is an active member of the Executive Committee and Diversity Committee of the New York State Bar Association's Antitrust Law Section and is a member of the American Bar Association's Antitrust Section.



**Li Yu**  
Partner

**EMAIL**

lyu@dicellolevitt.com

**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 (AUSA) 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 Senator 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 Honorable Sidney H. Stein of the Southern District of New York and as a litigation associate at two international firms.

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



**Sara Aguiñiga**  
Senior Counsel

**EMAIL**

saguiniga@dicellolevitt.com

**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 as "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

**EMAIL**

[rbussett@dicellolevitt.com](mailto:rbussett@dicellolevitt.com)

**EDUCATION**

Oklahoma City University of Law,  
J.D.

Oklahoma State University, B.S.

Rachel Bussett is a trial attorney focused on complex personal injury, 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 to build a plaintiffs' civil litigation and family law 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 obtain 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.





**Jonathan Crevier**  
Senior Counsel

**EMAIL**

[jcrevier@dicellolevitt.com](mailto:jcrevier@dicellolevitt.com)

**EDUCATION**

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

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

Jonathan Crevier is a senior counsel 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 in the U.S. District Court for the Southern District of New York.



**Robert J. DiCello**  
Of Counsel

**EMAIL**

[rjdicello@dicellolevitt.com](mailto:rjdicello@dicellolevitt.com)

**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 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.



**Tricia McCormick**  
Of Counsel

**EMAIL**

tmccormick@dicellolevitt.com

**EDUCATION**

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

University of Michigan, B.A.

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

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

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



**Dan Schwartz**  
Senior Counsel

**EMAIL**

[dschwartz@dicellolevitt.com](mailto:dschwartz@dicellolevitt.com)

**EDUCATION**

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

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

Vassar College, B.A.

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

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

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



**Anna Claire Skinner**  
Senior Counsel

**EMAIL**

askinner@dicellolevitt.com

**EDUCATION**

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

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

Anna Claire Skinner 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 represents public clients in litigation seeking to hold the world's largest fossil fuel companies accountable for decades of deception concerning climate change and the costs and other consequences that climate change is imposing on those governments. She 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 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 Soldato 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 Lawyers 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 a 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

**EMAIL**

psoldato@dicellolevitt.com

**EDUCATION**

University of Chicago Law School,  
J.D.

Butler University, B.A.



## **Ryder Thomas** Of Counsel

### **EMAIL**

rthomas@dicellolevitt.com

### **EDUCATION**

University of the Pacific,  
McGeorge School of Law, J.D.

Cornell University, M.B.A.

University of Georgia, B.A.

Ryder Thomas counsels hedge funds, pension funds, sovereign wealth funds, family offices, and large multi-class asset managers on matters related to corporate fraud, investor rights, and securities-related litigation in the U.S. securities markets and abroad.

Ryder began his career as a lawyer in the San Diego and San Francisco offices of a national law firm, where he focused on securities, mergers and acquisitions (M&A), antitrust, and consumer class action litigation. He subsequently joined a highly esteemed San Francisco complex litigation boutique, where he litigated complex financial cases on behalf of private and public companies, bankruptcy trustees, and creditors' committees as both plaintiffs' and defense counsel.

In addition to his deep legal experience, Ryder has a diverse financial background. As an investment banker in the San Francisco office of GCA Savvian (since acquired by Houlihan Lokey), he specialized in M&A and private capital transactions on behalf of high-growth technology companies. Later, as a founding member of the hedge fund coverage group at Houlihan Lokey, he worked with multi-strategy hedge funds on idea generation as well as M&A, public and private financings, complex valuations, and financial restructuring engagements across industry verticals.





**Justin S. Abbarno**  
Associate

**EMAIL**

jabbarno@dicellolevitt.com

**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.



## **Elizabeth Baughman**

### **Associate**

#### **EMAIL**

ebaughman@dicellolevitt.com

#### **EDUCATION**

Loyola University Chicago School  
of Law, J.D.

DePaul University, B.A.

Elizabeth Baughman is an associate in DiCello Levitt's Chicago office, where her practice is focused on protecting human health and the environment. Combining her commitment to environmental law with her knowledge of public policy, Elizabeth provides clients with a deeper understanding of the evolving environmental issues that shape their cases.

Elizabeth graduated from Loyola University Chicago School of Law. During law school, she worked as the head law clerk at a nationally recognized, Chicago-based personal injury law firm. Prior to joining DiCello Levitt, she served as a law clerk with the Circuit Court of Cook County, where she also became the motion section pool clerk coordinator for the court.

Elizabeth is the vice chair of the Chicago Bar Association's Environmental Law Committee and is currently working toward a master's degree in public policy administration from Northwestern University.



**J. Gordon Bergstresser**  
Associate

**EMAIL**

[gbergstresser@dicellolevitt.com](mailto:gbergstresser@dicellolevitt.com)

**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's experience includes in-depth collection and review of ESI in a number of industries, including data privacy, internet tracking, mobile devices, cryptocurrency, securities exchange platforms, automotive, pharmaceutical, security contractors, and food labeling. This wide range of hands-on experience gives him a wealth of knowledge to draw upon when new cases with pressing ESI issues come through the door.

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

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

**Lamiaa Bitar**

Associate

**EMAIL**

lbitar@dicellolevitt.com

**EDUCATION**

Chicago-Kent College of Law, J.D.

University of Houston, B.S.

As part of DiCello Levitt's Mass Tort division, 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 country, 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 Bachelor of Science in biology.



## **Noah Cozad**

Associate

### **EMAIL**

ncozad@dicellolevitt.com

### **EDUCATION**

University of Minnesota Law  
School, J.D.

University of Minnesota, B.A.

Noah Cozad 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.



## **Elton H. Darby III**

Associate

### **EMAIL**

edarby@dicellolevitt.com

### **EDUCATION**

University of Alabama School of  
Law, J.D

University 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 Juris Doctor 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*.



## **Eaghan Davis**

Associate

### **EMAIL**

edavis@dicellolevitt.com

### **EDUCATION**

Northeastern University School of Law, J.D.

University of Michigan, B.A.

Eaghan Davis is a passionate advocate for justice, leveraging his legal insights to champion the rights of clients and balance the scales between powerful corporations and the public. In a world where money and influence often dictate outcomes, he is committed to empowering people to hold companies accountable for greed and negligence.

Before joining DiCello Levitt, Eaghan served as a law clerk to Michigan Supreme Court Justice Richard H. Bernstein, where he was exposed to some of the state's most pressing issues, including the Flint water contamination cases, where the court held that citizens of Flint had the right to sue the State of Michigan for their exposure to lead, PFAS, Legionella, and other harmful materials in state-supplied drinking water. As an Assistant Attorney General in the Office of the Illinois Attorney General, Criminal Division, Eaghan represented the public's interests in a variety of matters in Illinois state and federal courts, including arguing before the Illinois Supreme Court in *People v. Gorss*, 2022 IL 126464 (2022). After leaving public service, Eaghan joined a Chicago class action boutique, where he represented patients in antitrust lawsuits against pharmaceutical companies for their delay of generic medications that significantly lower prescription costs.

While attending the Northeastern University School of Law, Eaghan interned for Michigan Supreme Court Chief Justice Bridget Mary McCormack, U.S. District Court for the Eastern District of Michigan Judge Victoria A. Roberts, and two Boston plaintiffs' law firms. Recognizing the significant role mentors played in his legal education, Eaghan now serves as a moot court judge and coach at Michigan State University College of Law.





## **Éviealle Dawkins**

### **Associate**

#### **EMAIL**

edawkins@dicellolevitt.com

#### **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 the District of Columbia Landlord Tenant Court. A merit scholarship recipient, Éviealle was also a member of the Charles Hamilton Houston National Moot Court Team and served on the Executive Boards of the Student Bar Association and her professional membership organizations.

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

**Hani Farah**

Associate

**EMAIL**

hfarah@dicellolevitt.com

**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 Group. 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*. He has been recognized by the National Trial Lawyers as a Top 40 Under 40 Civil Plaintiffs' Lawyer in the state of California.



## **Joe Fouché III**

Associate

### **EMAIL**

[jfouche@dicellolevitt.com](mailto:jfouche@dicellolevitt.com)

### **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, remedying human and civil rights violations as well as discrimination, and implementing an organized and effective litigation approach for his clients.

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

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



## Joseph Frate

Associate

### EMAIL

[jfrate@dicellolevitt.com](mailto:jfrate@dicellolevitt.com)

### 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 Juris Doctor 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.



## **Madeline Hills**

Associate

### **EMAIL**

[mhills@dicellolevitt.com](mailto:mhills@dicellolevitt.com)

### **EDUCATION**

University of Wisconsin Law  
School, J.D., *magna cum laude*,  
Order of the Coif

University of Missouri, B.A., *summa  
cum laude*

Madeline Hills is devoted to meticulous and innovative advocacy, with a focus on class action litigation to confront systemic injustices and wrongdoing. Madeline's practice emphasizes a thorough, no-stone-unturned approach to empower individuals and achieve impactful legal outcomes through collective action.

Madeline joins Dicello Levitt from the Missouri Attorney General's Office, where she served as an Assistant Attorney General in the Civil Litigation Section. There, Madeline defended state entities and officials in a broad range of matters, including personal injury, civil rights, class actions, and statutory claims.

While in law school, Madeline worked as a student law clerk to the Honorable Judge Duane Benton of the U.S. Court of Appeals for the Eighth Circuit and the Honorable Justice Ann Walsh Bradley of the Wisconsin Supreme Court. She also served as vice president of communications for First Generation Lawyers and as a student researcher for the State Democracy Research Initiative. Madeline excelled in complex litigation and contributed a section on trends in labeling class actions to her professor's forthcoming book. After graduating in the top 10 percent of her class, Madeline employs the same dedication and rigor to her clients.



## Jessica Holmes

Associate

### EMAIL

jholmes@dicellolevitt.com

### EDUCATION

Lewis & Clark Law School, J.D., *cum laude*

University of Southern California,  
M.S.

University of Florida, B.S.

Jessica Holmes is a deeply committed advocate for the preservation of our natural resources who draws on her background as an environmental engineer to fight for her clients and create a safer and healthier world for all. She believes that enduring environmental protection is accomplished by focusing, at every stage of the litigation process, on the people and the communities harmed by environmental contamination. As a DiCello Levitt attorney, Jessie uses her analytical skills and technical knowledge of biosystems to understand and communicate the engineering dynamics at play in her cases.

While at Lewis & Clark Law School, Jessie focused her research on the ways that class actions and other aggregation devices enable access to the courts, achieving justice for those previously left without recourse, and effect major changes in our environmental protection efforts. After serving as a law clerk at the Natural Resources Law Section of the California Office of the Attorney General, she was elected editor of *Environmental Law Review: Ninth Circuit Review*, where she also published an article on the intersection of complex litigation and environmental law; served as president of the Public Interest Law Project, an organization aimed at empowering students to pursue opportunities in public interest law; and co-founded the Complex Litigation Symposium at Lewis & Clark, sponsored by DiCello Levitt, which explored the significance of class actions and MDLs in ensuring equal access to justice. Shortly after graduating from law school, she received a scholarship to attend the Bolch Judicial Institute at Duke Law School's Advanced MDL Certificate Program and was recently selected to join the American Bar Association Section of Environment, Energy, and Resources' Membership Diversity Enhancement Program.

Jessie enjoys spending time with her close network of friends formed during her days as a Division I soccer player, and she remains involved in the sport as a fan and coach.



## **Nicholas Horattas**

Associate

### **EMAIL**

nhorattas@dicellolevitt.com

### **EDUCATION**

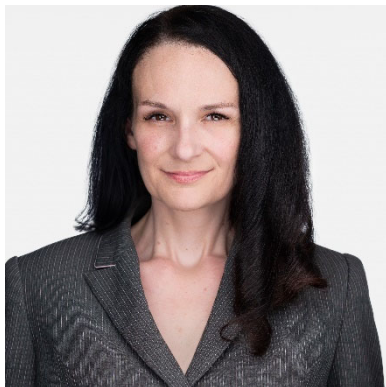
Case Western Reserve School of  
Law, J.D.

University of Akron, B.A.

Nicholas “Niko” Horattas represents individuals as part of DiCello Levitt’s Personal Injury, Mass Tort, and Class Action Litigation 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 in 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 a 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.





## **Stacey MacKinnon**

Associate

### **EMAIL**

smackinnon@dicellolevitt.com

### **EDUCATION**

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

Florida State University, B.A.

Stacey MacKinnon is an associate in DiCello Levitt's New York office and a member of the firm's electronically stored information (ESI) team. Stacey works with clients and partners to ensure that the firm responds appropriately and accurately to e-discovery requests, attending to any client concerns in that process. She analyzes and summarizes documents produced by defense counsel, gathering the best evidentiary support for her clients and using that evidence to prepare her fellow counsel for crucial depositions and interrogatory responses. Be it healthcare fraud, intellectual property rights, or environmental justice, Stacey's keen eye for detail has uncovered case-deciding evidence that malevolent actors would have preferred to remain hidden.

A champion of data privacy, Stacey leverages her wealth of experience handling the most sensitive information to develop workflows and best practices that safeguard privileged or otherwise protected information. She has applied this knowledge in her roles leading several multilingual e-discovery teams to ensure adherence to U.S. and international data privacy laws, including the European Union's General Data Protection Regulation (GDPR).

Prior to joining DiCello Levitt, Stacey spent fifteen years honing her ESI skills. Working for a Fortune 500 company, she helped discover a scheme to defraud the federal government and the Environmental Protection Agency. She investigated failure-to-warn claims against pharmaceutical manufacturers as well as misappropriation of intellectual property in the software industry, protecting the rights of inventors and innovators. During an assignment with a team of specialists in Switzerland, she uncovered a well-disguised, multimillion-dollar shell company scheme that would have threatened the client bank's very existence.

Stacey is a member of Phi Beta Kappa. She earned her Juris Doctor from the University of Florida and studied French at L'Institut Catholique de Paris. She is also proficient in German.



## Jordyn Parks

Associate

### EMAIL

[jparks@dicellolevitt.com](mailto: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. She was also a member of the Black Law Student Association's Executive Board during law school, 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.



**Grantham Patterson**  
Associate

**EMAIL**

gpatterson@dicellolevitt.com

**EDUCATION**

Cumberland School of Law, J.D.

Troy University, B.S.

Grantham 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 in 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 of School of Law, where he was a member of the *Fordham Law Review* and served as a research assistant to two law school professors.



## Maggie Sposato

### Associate

#### EMAIL

msposato@dicellolevitt.com

#### EDUCATION

City University of New York School  
of Law, J.D.

University of Vermont, B.S.

Maggie's career focuses on serving the public interest. As an associate in DiCello Levitt's New York office and a member of the firm's electronically stored information (ESI) team, she contributes to a variety of cases across different practice areas, including whistleblower; mass tort; civil and human rights; and privacy, technology, and cybersecurity litigation. Maggie leverages her experience in database management, target searching, and training predictive coding models to creatively and proactively problem-solve for her clients.

Before joining DiCello Levitt, Maggie spent 10 years as a solo practitioner, providing services to nonprofit organizations in all stages of development. She handled a variety of issues including incorporation, tax exemption, compliance, organizational structure, contracts, governance issues, and trademark registration. Additionally, she served as a court-appointed receiver in a commercial litigation involving a shareholder dispute.

Prior to going into solo practice, Maggie worked as an associate and of counsel for several small law firms, handling nonprofit and small business transactional matters, affordable housing issues including HDFC structure and conversion, real estate transactions, and civil litigation including landlord-tenant proceedings.

Maggie continues to support nonprofit organizations through pro bono consultations on incorporation and tax exemption. She serves on the boards of Innate Health Research, a consulting group dedicated to changing the way people think about mental health; Williamsburg Music Center, a jazz performance space founded to foster the appreciation of American classical music and jazz and to honor the African music diaspora; and Allocate NYC, which Maggie founded herself to assist individuals experiencing housing instability.

While earning her law degree at the City University of New York School of Law, Maggie was a staff member of the *New York City Law Review*, editing the public interest practice and articles sections. She also served in the Community Economic Development Clinic, where she worked directly with nonprofit organizations. She interned at an organization serving individuals with HIV, assisting attorneys on issues facing the community, including landlord-tenant proceedings, bankruptcy, discrimination under the Americans With Disabilities Act, and fair hearings for denial of public benefits.

At the University of Vermont, Maggie was a member of the school's Division I swim team, serving as captain her senior year. She received the Joseph Fisher Award and was a four-time America East qualifier and an Eastern College Athletic Conference qualifier.



## **Matthew Stombaugh**

Associate

### **EMAIL**

mstombaugh@dicellolevitt.com

### **EDUCATION**

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

Bryan College, B.A.

For Matthew 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.



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 Veeseer**  
Associate

**EMAIL**

[jveeseer@dicellolevitt.com](mailto:jveeseer@dicellolevitt.com)

**EDUCATION**

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

University of Michigan, B.A.

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.



**Nevin Wisnoski**  
Associate

**EMAIL**

nwisnoski@dicellolevitt.com

**EDUCATION**

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

North Carolina State University,  
B.S.

Nevin Wisnoski has substantial experience in mass tort, class action, commercial, and wrongful death litigation and in representing governmental entities across the United States. Nevin's approach to law is grounded and practical as he works to create meaningful impact for his clients while improving the quality of justice for all.

Before joining DiCello Levitt, Nevin managed the North Carolina office of an international mass tort plaintiffs' firm and helped lead environmental litigations nationwide. Throughout his career, Nevin has found success in various niche litigation practices, such as representing federally recognized Indian tribes. He is a proud member of the Eastern Band of Cherokee Indians Bar—a tribe he has represented in tribal, state, and federal courts. Nevin also has led litigation on behalf of small businesses and consumers in his home state of North Carolina and knows personally the impact of such matters on the individuals involved.

Nevin is from Asheville, North Carolina, where he started his legal career after graduating from law school with honors. Since then, Nevin has zealously advocated for thousands of Marines and their families in the ongoing Camp Lejeune litigation in eastern North Carolina and other communities detrimentally affected by environmental injustices nationwide. Nevin's work has been recognized by his peers in the North Carolina Bar, and he was included in the 2024 North Carolina Legal Elite list in the litigation category in only his fourth year of practice. Nevin has also been recognized on the National Trial Lawyers' "Top 40 Under 40" list in the plaintiff litigation category and on *Best Lawyers'* "Ones To Watch" list for commercial litigation.

**Birmingham**  
T: 205.855.5700

**San Diego**  
T: 619.923.3939

**Chicago**  
T: 312.214.7900

**Santa Fe**  
T: 505.810.0770

**Cleveland**  
T: 440.953.8888

**Washington, DC**  
T: 202.975.2288

**New York**  
T: 646.933.1000

[DiCelloLevitt.com](http://DiCelloLevitt.com)

