THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

COOPER MOORE and ANDREW GILLETTE, on their own behalf and on behalf of others similarly situated,

Plaintiffs,

v.

ROBINHOOD FINANCIAL LLC,

Defendant.

No. 2:21-cv-01571-BJR

DECLARATION OF E. MICHELLE DRAKE IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND CONDITIONAL CLASS CERTIFICATION

I, E. Michelle Drake, hereby declare as follows:

1. I am one of Plaintiffs' Counsel in the above-captioned matter.

2. I submit this Declaration in support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and Conditional Class Certification.

3. A true and correct copy of the parties' Settlement Agreement is attached hereto as **Exhibit 1**.

4. Berger Montague, along with co-counsel Terrell Marshall PLLC, has been involved in this action from its commencement, working with co-counsel to defeat Robinhood's motion to dismiss, obtain the discovery Plaintiffs needed to certify a class, produce documents and other discovery responses from Plaintiffs, work with an expert in large databases and telecommunications to design a methodology for identifying class members from Robinhood's

electronic data, defend Plaintiffs' depositions, take Robinhood's depositions, devise a mediation strategy, and finalize a settlement agreement.

5. Plaintiffs and Plaintiff's Counsel also vigorously opposed Robinhood's subpoena to the operator of classaction.org, which sought absent class member communications with Plaintiffs' counsel, by hiring outside counsel for the operator and filing motions to quash in the Southern District of New York.

6. Based on Defendant's data, Plaintiffs' Counsel estimates that at least 1 million consumers with phone numbers containing Washington area codes received Robinhood refer-a-friend text messages. However, while the parties lack data to accurately estimate the total number of potential Settlement Class Members that do not have phone numbers in the data, Plaintiffs' Counsel estimates that there are roughly 300,000 such potential Settlement Class Members.

7. Plaintiffs' Counsel has received no payment of our fees and costs in this litigation. Class Counsel will request that the Court approve for distribution from the Settlement Fund reasonable attorneys' fees of up to 25% of the Settlement Fund for Plaintiffs' Counsel ($2,250,000) and reimbursement for documented out-of-pocket expenses. Berger Montague has dedicated hundreds of attorney and paralegal hours to this matter and will submit detailed contemporaneous time records, hourly rates, and lodestar information with their motion for attorneys' fees and costs. Class Counsel's out-of-pocket expenses are currently estimated to be around $151,000. These costs include expert fees, outside counsel fees, mediation costs, and travel expenses. Plaintiffs' Counsel will also provide the Court with detailed information on their out-of-pocket costs.

8. Plaintiffs Cooper Moore and Andrew Gillette have adequately represented the Settlement Class by being engaged in this litigation for more than two years, communicating with Plaintiffs' Counsel throughout, actively participating in discovery (including by being deposed), reviewing and approving the Settlement Agreement, and continuously putting the

interests of the Settlement Class first, including by rejecting substantial individual settlement offers in favor of pursuing class-wide relief.

9. My firm will continue to commit the time and resources necessary to litigate the case and fairly and adequately represent and protect the interests of the proposed Settlement Class.

10. I am proud of the settlement Plaintiffs have reached with Robinhood and fully support it.

11. I am an Executive Shareholder at Berger Montague PC. I have been practicing law since 2001 and am a graduate of Harvard College, Oxford University, and Harvard Law School. In 2016, I joined Berger Montague as a Shareholder, prior to that I was a partner at Nichols Kaster, PLLP, and ran that firm's consumer protection group.

12. Berger Montague specializes in class action litigation and is one of the preeminent class action law firms in the United States. The firm currently consists of over 90 attorneys who primarily represent plaintiffs in complex civil litigation, and class action litigation, in federal and state courts. Berger Montague has played lead roles in major class action cases for over 50 years, and has obtained settlement and recoveries totaling well over $30 billion for its clients and the classes they have represented. A copy of the firm's resume is attached hereto as **Exhibit 2**.

13. I serve as co-chair of the firm's Consumer Protection & Mass Tort Department, and as chair of the Background Checks and Credit Reporting Department. My practice focuses on protecting consumers' rights when they are injured by improper credit reporting, and other illegal business practices. I currently serve as lead or co-lead counsel in dozens of class action consumer protection cases in federal and state courts across the country, including numerous cases brought pursuant to the Fair Credit Reporting Act. A copy of my personal resume is attached hereto as **Exhibit 3**.

14. I serve on the Board of the Southern Center for Human Rights, am a member of the Partner's Council of the National Consumer Law Center, and am a former Co-Chair of the

Consumer Litigation Section for the Minnesota State Bar Association, and a former Board Member of the National Association of Consumer Advocates. I have previously served as a member of the Ethics Committee for the National Association of Consumer Advocates, and as Treasurer and At-Large Council Member for the Consumer Litigation Section of the Minnesota State Bar Association. I was also an appointee to the Federal Practice Committee in 2010 by the U.S. District Court for the District of Minnesota.

15. I was named to the LawDragon 500 Leading Plaintiff Financial Lawyers List for 2019, and a 2020 Elite Woman of the Plaintiffs Bar by the National Law Journal. I am consistently named to the annual lists of The Best Lawyers of America, Top 50 Women Minnesota Super Lawyers, and Super Lawyers. I have been quoted in the New York Times, and the National Law Journal, and have had prior cases named as "Lawsuits of the Year" by Minnesota Law & Politics.

16. I present frequently at national and local conferences on class actions, consumer protection, and Fair Credit Reporting Act-related topics, and I co-authored a book chapter on background checks and related issues, "Financial and Criminal Background Checks," Job Applicant Screening: A Practice Guide, Minnesota Continuing Legal Education Publication, May 2014, and the forthcoming 2d. ed. I was a contributing author to "Consumer Law," The Complete Lawyer's Quick Answer Book, Minnesota Continuing Legal Education Publication, 2d. ed., 2019, and "Chapter 1: Case and Claims Selection, Other First Considerations," Consumer Class Actions, National Consumer Law Center, 10th ed., 2019. My recent speaking engagements have included:

- "National FCRA Landscape," National Association of Consumer Advocates Spring Training, May 2022.
- "Sealing, Expungement and FCRA: Criminal Records Reporting in a New Era," Equal Justice Conference, May 2022.

- "Evidentiary Challenges in Certifying Class Actions," Class Action Symposium, Consumer Rights Litigation Conference, National Consumer Law Center, December 2021.
- "COVID and Post-COVID Issues in FCRA Litigation," National Association of Consumer Advocates Spring Training, Virtual, April 2021.
- "Consumer Law: Overview of the Fair Credit Reporting Act," Minnesota Continuing Legal Education, Virtual, December 2020.
- "The Role of the Lawyer in Class Actions," Panel Chair, Global Class Actions Symposium 2020, Virtual, November 2020.
- "Hunting the Snark: Finding & Effectively Using Data to Certify Classes," Class Action Symposium, National Consumer Law Center Consumer Rights Litigation Conference, Virtual, November 2020.
- "Specialty CRAs Part 1: Conviction Histories, Expungement, and FCRA: Keeping up with Developments in a Changing Legal Landscape," National Consumer Law Center Consumer Rights Litigation Conference, Virtual, November 2020.
- "Conducting Financial & Criminal Background Checks – Applicant Rights and Employer Best Practices," Minnesota Continuing Legal Education, Minneapolis, MN, October 2020.

17. I litigate cases throughout the United States and have been admitted to, and am a member in good standing with, the following courts:

- United States Supreme Court, 2017
- State Bar of Georgia, 2001
- Georgia Supreme Court, 2006
- Minnesota Supreme Court, 2007
- U.S. Court of Appeals for the Eighth Circuit, 2010

- U.S. Court of Appeals for the First Circuit, 2011
- U.S. Court of Appeals for the Seventh Circuit, 2014
- U.S. Court of Appeals for the Ninth Circuit, 2015
- U.S. Court of Appeals for the Tenth Circuit, 2018
- U.S. Court of Appeals for the Third Circuit, 2019
- U.S. District Court for the Northern District of Georgia, 2007
- U.S. District Court for the District of Minnesota, 2007
- U.S. District Court for the Eastern District of Wisconsin, 2011
- U.S. District Court for the Western District of Texas, 2011
- U.S. District Court for the Western District of Wisconsin, 2015
- U.S. District Court for the Eastern District of Michigan, 2015
- U.S. District Court for the Central District of Illinois, 2016
- U.S. District Court for the Southern District of Texas, 2017
- U.S. District Court for the Western District of New York, 2017
- U.S. District Court for the Western District of Michigan, 2018
- U.S. District Court for the Northern District of Illinois, 2020

18. I have served as lead, or co-lead, class counsel in numerous notable consumer protection matters, including, but not limited to, the following:

In re MOVEit Customer Data Security Breach Litig., No. 23-md-03083 (D. Mass.) Appointed as Co-Lead Counsel on behalf of plaintiffs in complex MDL action.

In re GEICO Customer Data Breach Litig., No. 21-cv-2210 (E.D.N.Y.) Appointed as Interim Co-Lead Counsel on behalf of putative class in data disclosure action.

Gambles v. Sterling Infosystems, Inc., No. 15-cv-9746 (S.D.N.Y.) FCRA class action, alleging violations by consumer reporting agency, resulting in a gross settlement of $15 million, one of the largest FCRA settlements to date.

In re: JUUL Labs, Inc. Mktg., Sales Practices, & Prod. Liab. Litig., No. 19-md-2913 (N.D. Cal.). Appointed to Plaintiffs' Steering Committee in multi-district litigation consolidated class action, regarding the marketing and sales practices of dangerous e-cigarettes to consumers.

In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litig., No. 19-md-2904 (D.N.J.). Appointed to the Plaintiff's Quest Track Steering Committee in multi-district litigation consolidated class action, regarding the breach of consumers' medical information.

In re: TransUnion Rental Screening Sols., Inc. FCRA Litig., No. 1:20-md-02933-JPB (N.D. Ga.). Appointed as Interim Lead Counsel for the classes in multi-district litigation consolidated class action, regarding violations of the Fair Credit Reporting Act.

Thomas v. Equifax Info. Services, LLC, No. 18-cv-684 (E.D. Va.). FCRA class action, alleging violations by credit bureau, providing nationwide resolution of class action claims asserted across multiple jurisdictions, including injunctive relief, and an uncapped mediation program for millions of consumers.

Clark v. Experian Info. Sols., Inc., No. 16-cv-32 (E.D. Va.). FCRA class action, alleging violations by credit bureau, providing a nationwide resolution of class action claims asserted by 32 plaintiffs in 16 jurisdictions, including injunctive relief and an uncapped mediation program, for millions of consumers.

Clark/Anderson v. Trans Union, LLC, No. 15-cv-391 & No. 16-cv-558 (E.D. Va.). FCRA consolidated class action, alleging violations by credit bureau, providing groundbreaking injunctive relief, and an opportunity to recover monetary relief, for millions of consumers.

Rilley v. MoneyMutual, LLC, No. 16-cv-4001 (D. Minn.). Court certified a litigation class of over 20,000 Minnesota consumers alleging that MoneyMutual violated Minnesota payday lending regulations, resulting in $2,000,000 settlement with notable injunctive relief.

Lee v. The Hertz Corp., No. CGC-15-547520 (Cal. Super. Ct., San Fran. Cnty.). FCRA class action, alleging violations by employer, resulting in $1.619 million settlement.

Rubio-Delgado v. Aerotek, Inc., No. 16-cv-1066 (S.D. Ohio). FCRA class action, alleging violations by employer, resulting in a $15 million settlement.

Knights v. Publix Super Markets, Inc., No. 14-cv-720 (M.D. Tenn.). FCRA class action, alleging violations by employer, resulting in a $6.75 million settlement.

Hillson v. Kelly Services, Inc., No. 15-cv-10803 (E.D. Mich.). FCRA class action, alleging violations by employer, resulting in a $6.749 million settlement.

Ernst v. DISH Network, LLC & Sterling Infosystems, Inc., No. 12-cv-8794 (S.D.N.Y.). FCRA class action, alleging violations by employer and consumer reporting agency, resulting in a $4.75 million settlement with consumer reporting agency, and a $1.75 million settlement with employer.

Howell v. Checkr, Inc., No. 17-cv-4305 (N.D. Cal.). FCRA class action, alleging violations by consumer reporting agency, resulting in a $4.46 million settlement.

Brown v. Delhaize America, LLC, No. 14-cv-195 (M.D.N.C.). FCRA class action, alleging violations by employer, resulting in $2.99 million settlement.

Nesbitt v. Postmates, Inc., No. CGC-15-547146 (Cal. Super. Ct., San Fran. Cnty.). FCRA class action, alleging violations by employer, resulting in a $2.5 million settlement.

Singleton v. Domino's Pizza, LLC, No. 11-cv-1823 (D. Md.). FCRA class action, alleging violations by employer, resulting in a $2.5 million settlement.

Heaton v. Social Finance, Inc., No. 14-cv-5191 (N.D. Cal.). FCRA class action, alleging violations by lender, resulting in a $2.5 million settlement.

Terrell v. Costco Wholesale Corp., No. 10-2-33915-9 (Wash. Super. Ct., King Cnty.). FCRA class action, alleging violations by employer, resulting in a $2.49 million settlement.

Halvorson v. TalentBin, Inc., No. 15-cv-5166 (N.D. Cal.). FCRA class action, alleging violations by online data aggregator, resulting in a $1.15 million settlement.

Legrand v. IntelliCorp Records, Inc., No. 15-cv-2091 (N.D. Ohio). FCRA class action, alleging violations by consumer reporting agency, resulting in a $1.1 million settlement.

In re Target Corp. Customer Data Security Breach Litig., MDL No. 14-2522 (D. Minn.). Data security breach class action, resulting in a $10 million settlement for consumers.

19. My litigation efforts and experience have received judicial acknowledgement and praise throughout the years of my practice. Examples of such recognition include:

From Judge Paul A. Engelmayer, United States District Court, Southern District of New York:

I know the diligence of counsel and dedication of counsel to the class…Thank you, Ms. Drake. As always I appreciate the—your extraordinary dedication to your – to the class and the very obvious backwards and forwards familiarity you have with the case and level of preparation and articulateness today. It's a pleasure always to have you before me…Class counsel [] generated this case on their own initiative and at their own risk. Counsel's enterprise and ingenuity merits significant compensation…Counsel here are justifiably proud of the important result that they achieved.

Sept. 22, 2020, Final Approval Hearing, *Gambles v. Sterling Info., Inc.*, No. 15-cv-9746.

From Judge Harold E. Kahn, Dep't 302, Superior Court of Cal., San Fran. Cnty.:

> You're very articulate on this issue. … Obviously, you're very thoughtful and you have given it a great deal of thought. … And I appreciate your ability to respond to my questions off the cuff. … It shows that you have given these issues a lot of thought ... I have to say that your thoughtfulness this morning has somewhat diminished my concerns [regarding high multiplier on attorney fees]… You're demonstrating credibility by a mile as you go….You are extraordinarily impressive. And I thank you for being here, and for your candid, noninvasive [sic] response to every question I have. I was extremely skeptical at the outset this morning. You have allayed all of my concerns and have persuaded me that this is an important issue, and that you have done a great service to the class. And for that reason, I am going to approve your settlement in all respects… And I congratulate you on your excellent work.

Nov. 7, 2017, Final Approval Hearing, *Nesbitt v. Postmates, Inc.*, No. CGC-15-547146.

From Judge Laurie J. Michelson, United States District Court, E.D. Mich.:

> Counsel's quality of work in this case was high. The Court has been impressed with counsel's in-court arguments. And counsel has provided the Court with quality briefing as well.

Aug. 11, 2017, Opinion & Order on Mtn. for Atty. Fees, and Mtn. for Final Approval, *Hillson v. Kelly Services, Inc.*, No. 15-cv-10803.

From Magistrate Judge Terence P. Kemp, United States District Court, S.D. Ohio:

> The parties in this case are represented by counsel with substantial experience in class action litigation, and FCRA cases in particular. … Class Counsel are experienced and knowledgeable in FCRA litigation, are skilled, and are in good standing.

June 30, 2017, Report & Recomm'n. on Final Approval, *Rubio-Delgado v. Aerotek, Inc.*, No. 16-cv-1066.

From Judge Paul A. Magnuson, United States District Court, D. Minn.:

> [T]he class representatives and their counsel more than adequately protected the class's interests. … [T]he comprehensive nature of the settlement in turn, reflects the adequacy, indeed the superiority, of the representation the class received from its named Plaintiffs and from class counsel.

May 17, 2017, Mem. & Order on Mtn. to Certify Class, *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 14-2522.

From Judge Paul A. Engelmayer, United States District Court, S.D.N.Y.:

> The high quality of [plaintiffs' counsel]'s representation strongly supports approval of the requested fees. The Court has previously commended counsel for their excellent lawyering. …The point is worth reiterating here. [Plaintiffs' counsel] was energetic, effective, and creative throughout this long litigation. The Court found [Plaintiffs' counsel]'s briefs and arguments first-rate. And the documents and deposition transcripts which the Court reviewed in the course of resolving motions revealed the firm's far-sighted and strategic approach to discovery. … Further, unlike in many class actions, plaintiffs' counsel did not build their case by piggybacking on regulatory investigation or settlement. … The lawyers [] can genuinely claim to have been the authors of their clients' success.

Sept. 22, 2015, Final Approval Order, *Hart v. RCI Hospitality Holdings, Inc.*, No. 09-cv-3043.

From Magistrate Judge Laurel Beeler, United States District Court, N.D. Cal.:

> Counsel have worked vigorously to identify and investigate the claims in this case, and, as this litigation has revealed, understand the applicable law and have represented their clients vigorously and effectively.

June 13, 2014, Order Granting Mtn. for Class Cert., *Ellsworth v. U.S. Bank, N.A.*, No. 12-cv-2506.

From Judge Richard H. Kyle, United States District Court, D. Minn.:

> Well, I think you did a great job on this. I mean, I really do. … it seems to me you folks have gotten it done the right way.

Jan. 6, 2014, Prelim. Approval Hearing, *Bible v. General Revenue Corp.*, No. 12-cv-1236.

From Judge Deborah Chasanow, United States District Court, D. Md.:

> [plaintiffs' counsel] are qualified, experienced, and competent, as evidenced by their background in litigating class-action cases involving FCRA violations. … As noted above, Plaintiffs' attorneys are experienced and skilled consumer class action litigators who achieved a favorable result for the Settlement Classes.

Oct. 2, 2013, Final Approval Order, *Singleton v. Domino's Pizza, LLC*, No. 11-cv1823.

From Judge Lorna G. Schofield, United States District Court, S.D.N.Y.:

> [Plaintiffs' Counsel] has demonstrated it is able fairly and adequately to represent the interests of the putative class.

July 23, 2013, Order Appointing Interim Lead Counsel, *Ernst v. DISH Network, LLC*, No. 12-cv-8794.

From Judge Susan M. Robiner, Minnesota District Court, Henn. Cnty.:

> Plaintiffs' counsel are adequate legal representatives for the class. They have done work identifying and investigating potential claims, have handled class actions in the past, know the applicable law, and have the resources necessary to represent the class. The class will be fairly and adequately represented.

Oct. 16, 2012, Order Granting Mtn. for Class Cert., *Spar v. Cedar Towing & Auction, Inc.*, No. 27-CV-411-24993.

The foregoing statement is made under penalty of perjury, and is true and correct to the best of my knowledge and belief.

EXECUTED this 8th day of February, 2024.

/s/ E. Michelle Drake
E. Michelle Drake, *Admitted Pro Hac Vice*

Exhibit 1

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims ("Agreement") is entered into as of the last date of any signature below ("Execution Date") by and among:

(a) Robinhood Financial LLC ("Robinhood" or "Defendant"), and

(b) Plaintiffs, as defined below, individually and as representatives of the proposed Settlement Class, as defined below.

RECITALS

A. Plaintiff Cooper Moore filed a lawsuit against Robinhood under the caption *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.) (the "Action"). The Action is pending in the United States District Court for the Western District of Washington and is assigned to the Honorable Barbara J. Rothstein ("Court"). Plaintiff amended his complaint to add Andrew Gillette as an additional Plaintiff. Plaintiffs claim, among other things, that Robinhood violated Washington state law by substantially assisting its users to transmit unsolicited commercial text messages to their contacts residing in Washington through the Robinhood referral program.

B. This case has been litigated extensively for more than two years. The Parties engaged in comprehensive formal discovery, after which they mediated their dispute with an experienced and respected mediator before reaching the settlement embodied in this Agreement.

C. Defendant denies the material allegations in the Action and denies all liability with respect to the facts and claims alleged in the Action. Nevertheless, without admitting or conceding liability, and while continuing to deny that the claims asserted in the Action would be appropriate for class treatment if prosecuted at trial, Defendant now desires to settle the Action on the terms and conditions set forth in this Agreement to avoid the burden, expense, and uncertainty of continuing litigation and to put to rest all claims that were, or could have been, brought in the Action or in similar litigation based on the facts alleged in the Action.

D. Class Counsel, as defined below, have analyzed and evaluated the merits of all Parties' contentions and the impact of this Agreement on the members of the Settlement Class, as defined below. Based on that analysis and evaluation, and recognizing the risks of continued litigation and the likelihood that the Action, if not settled now, may be protracted and will further delay any relief to the proposed class, Plaintiffs and Class Counsel are satisfied that the terms and conditions of this Agreement are fair, reasonable, adequate, and equitable, and that a settlement of the Action on the terms described herein is in the best interests of the Settlement Class.

NOW, THEREFORE, in consideration of the covenants and agreements set forth in this Agreement, the Parties, for themselves and through their undersigned counsel, agree to the following settlement, subject to Court approval, under the following terms and conditions:

I. DEFINITIONS

In addition to the terms defined parenthetically herein, the following definitions apply to this Agreement:

1.01 "Claimant Award" means the cash payment available to Eligible Claimants as described in Paragraph 4.06 below.

1.02 "Class Notice" means the notice provided to the Settlement Class of the class action status and proposed settlement of the Action, including the Settlement Website, the Long Form Notice (Exhibit A), the Email Notice (Exhibit B), the Reminder Email Notice (Exhibit C), the Postcard Notice (Exhibit D), the Reminder Postcard Notice (Exhibit E), and the Publication Notice (Exhibit F). The Class Notice will include a hearing date set by the Court to consider objections, if any, to the settlement and to enter the Settlement Order and Final Judgment ("Final Approval Hearing"). The Class Notice will be in substantially the form as Exhibits A–F.

1.03 "Class Notice Date" means a date thirty (30) calendar days from the date of Preliminary Approval.

1.04 "Distribution Date" means a date thirty (30) calendar days from the date of Final Approval.

1.05 "Eligible Claimant" means a Settlement Class Member who complies fully with the claims submission requirements set forth in Paragraphs 4.03 and 4.04 below, including the requirements of timely and complete submission of a Claim Form (Exhibit G or Exhibit D).

1.06 "Final Approval" means that (a) the Court has entered the Settlement Order and Final Judgment; and (b) thirty–one (31) calendar days have passed after entry of the Settlement Order and Final Judgment by the Court without any appeals or requests for review of the Court's Settlement Order and Final Judgment being filed, or, if appeals or requests for review have been taken, the time has passed for seeking further review after orders on appeal affirming the Settlement Order and Final Judgment, or review has been denied after exhaustion of all appellate remedies.

1.07 "Parties" means Plaintiffs and Robinhood.

1.08 Except as otherwise provided in this Paragraph, "Settlement Class" means: All persons or entities who received a Robinhood referral program text message, and who were Washington residents at the time of the receipt of such text message, between and including August 9, 2017 and the date of Preliminary Approval. Persons and entities who clearly and affirmatively consented in advance to receive Robinhood referral program text messages are excluded from the class.

The Settlement Class does not include Defendant, any entity that has a controlling interest in Defendant, and Defendant's current or former directors, officers, counsel, and their immediate families. The Settlement Class also does not include any persons who validly request exclusion from it.

1.09 "Settlement Class Member" means individuals or entities who are within the Settlement Class.

1.10 "Plaintiffs" means Cooper Moore and Andrew Gillette.

1.11 "Class Counsel" means Berger Montague PC and Terrell Marshall Law Group PLLC.

1.12 "Preliminary Approval" means the Court has entered an order substantially in the form of Exhibit H ("Preliminary Approval Order") to this Agreement, preliminarily approving the terms and conditions of this Agreement, including the manner of providing Class Notice to the Settlement Class.

1.13 "Released Claims" means any and all claims, rights (including rights to restitution or reimbursement), demands, actions, causes of action, suits, liens, damages, attorneys' fees, obligations, contracts, liabilities, agreements, costs, expenses or losses of any nature, whether known or unknown, direct or indirect, matured or unmatured, contingent or absolute, existing or potential, suspected or unsuspected, equitable or legal, and whether under federal statutory law, federal common law or federal regulation, or the statutes, constitutions, regulations, ordinances, common law, or any other law of any and all states or their subdivisions, parishes or municipalities that arise out of or relate in any way to text messaging regarding the Robinhood referral program (collectively, "Claims") to any telephone number, that have been, or could have been, brought in the Action, as well as any Claims arising out of the same nucleus of operative facts as any of the claims asserted in the Action. In addition, with respect to Plaintiffs only, "Released Claims" includes all claims arising out of any conduct or omissions occurring to the Execution Date that might be attributable to Robinhood.

1.14 "Released Parties" means Robinhood Financial LLC and its affiliates, parents, direct and indirect subsidiaries, agents, insurers, and any company or companies under common control with any of them, and each of their respective predecessors, successors, past and present officers, directors, managers, employees, agents, servants, accountants, attorneys, advisors, shareholders, members, insurers, representatives, partners, vendors, issuers, and assigns, or anyone acting on their behalf.

1.15 "Remaining Settlement Fund" means the amount in the Settlement Fund remaining after the payment of any amounts due for Class Notice, Settlement Administration, attorneys' fees, costs, and expenses, and Service Awards as set forth in Paragraphs 2.02 and 2.04 below.

1.16 "Robinhood Released Claims" means any and all claims, rights (including rights to restitution or reimbursement), demands, actions, causes of action, suits, liens, damages, attorneys' fees, obligations, contracts, liabilities, agreements, costs, expenses or losses of any nature, whether known or unknown, direct or indirect, matured or unmatured, contingent or absolute, existing or potential, suspected or unsuspected, equitable or legal, and whether under federal statutory law, federal common law or federal regulation, or the statutes, constitutions, regulations, ordinances, common law, or any other law of any and all states or their subdivisions, parishes or municipalities that Robinhood may have against Plaintiffs arising out of or related in

any way to this Action. Robinhood Released Claims also include all claims arising out of any conduct or omissions occurring to the Execution Date that might be attributable to Plaintiffs

1.17 "Service Awards" shall mean the payments to Plaintiffs for their time and effort in connection with this action; such awards will not exceed $10,000 each, for a total amount not to exceed $20,000.

1.18 "Settlement Administration" means the process under the Court's supervision, that includes, but is not limited to, the manner in which the Class Notice is provided, notice to Settlement Class Members and to federal and state officials under 28 U.S.C. § 1715, claim processing, and the making of the calculations, payments, and distributions required under this Agreement, are effectuated. The cost for Settlement Administration is deducted from the Settlement Fund.

1.19 "Settlement Administrator" means JND Legal Administration ("JND"), the independent company that the parties have selected to notify the Settlement Class of the Settlement and administer the Settlement, as described in Section 4 of this Agreement.

1.20 "Settlement Fund" means a total amount of Nine Million Dollars ($9,000,000.00) that Defendant will make available for any and all payments under this Agreement, including but not limited to, Class Notice, Settlement Administration, attorneys' fees, costs, and expenses, Service Awards, and Claimant Awards as set forth in Paragraphs 2.01, 2.02, and 2.04 below. Defendant is not required to place all or any portion of the Settlement Fund into a separate bank account and will not relinquish control of any funds until payments are due. Defendant shall not be responsible for any payments or obligations other than those specified in this Agreement.

1.21 "Settlement Order and Final Judgment" means an order and judgment substantially in the form of Exhibit I to this Agreement, entered by the Court approving this Agreement as final and binding on the Parties, Settlement Class Members, and Released Parties.

1.22 "Initial Notice Deposit" means an initial payment of $ $100,000 from the Settlement Fund that Robinhood will pay to the Settlement Administrator within ten (10) business days after Preliminary Approval to cover expected initial notice and administration expenses through the date of the Final Approval Hearing. If Final Approval does not occur, Robinhood shall be entitled to receive a refund of any amounts remaining of the Initial Notice Deposit.

1.23 The plural of any defined term includes the singular and the singular of any defined term includes the plural, as the case may be.

II. GENERAL TERMS OF SETTLEMENT

2.01 Payments to Eligible Claimants. As set forth more fully below, Robinhood will pay, through the Settlement Administrator, each Eligible Claimant the Claimant Award applicable to that Eligible Claimant on or before the Distribution Date.

2.02 Settlement Administration. Settlement Administration shall occur under the Court's supervision. The costs of Settlement Administration (including, but not limited to, the

costs of Class Notice, notices to the appropriate state and federal officials pursuant to 28 U.S.C. § 1715, claims processing, and making the calculations, payments and distributions required under this Agreement) shall be paid from the Settlement Fund. The Settlement Administrator shall administer the settlement. The Settlement Administrator currently estimates that administration costs will equal $669,993.00, inclusive of the Initial Notice Payment. With regard to Class Notice, as the Settlement Administrator incurs expenses it shall invoice Robinhood, with copies to Class Counsel and Robinhood's counsel (Davis Wright Tremaine LLP or "DWT"). Robinhood shall be responsible for payment to the Settlement Administrator, which amounts will be deducted from Robinhood's obligations to the Settlement Fund.

2.03 Data. Within ten (10) calendar days of Preliminary Approval, Defendant shall provide to the Settlement Administrator the following data pertaining to potential members of the Settlement Class:

(A) all telephone numbers with Washington area codes that are contained in Robinhood's Invited Contacts data or Contacts data (with a "num_invite" value of 1 or greater); and

(B) email addresses and the last known mailing addresses for Robinhood users (i) who provided a Washington address at signup, (and (ii) whose records suggest they provided to Robinhood a telephone number at signup that matches a telephone number in Robinhood's Invited Contacts data or Contacts data (with a "num_invite" value of 1 or greater).

2.04 Payment of Attorneys' Fees, Costs and Expenses, and Service Awards. No later than sixty (60) calendar days after the date of Preliminary Approval—thirty (30) calendar days before the date objections, claims, and exclusion requests are due in compliance with *In re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988, 995 (9th Cir. 2010)—Class Counsel will apply to the Court for an award of attorneys' fees, costs and expenses, and for Service Awards. If Final Approval occurs, Robinhood shall pay, as provided below, through the Settlement Administrator, from the Settlement Fund to Class Counsel the total amount approved by the Court, attorneys' fees, costs and expenses, and for Service Awards, in full and complete compensation for attorneys' fees, costs, and expenses, and Service Awards, in the manner and at the time set forth in Paragraph 4.03 below.

III. SETTLEMENT APPROVAL AND CLASS NOTICE

3.01 Preliminary Approval. Within thirty (30) calendar days of the Execution Date of this Agreement, Plaintiffs will move for an order in the form of Exhibit H ("Preliminary Approval Order"), which, *inter alia*, provisionally certifies the Settlement Class for settlement purposes only; appoints Plaintiffs as "Class Representatives;" appoints Class Counsel as counsel for the Settlement Class; grants the Court's Preliminary Approval of this Agreement; approves Class Notice to the Settlement Class of the class action status and proposed settlement of the Action; approves the forms of Class Notice, which will be substantially in the form of Exhibits A–F; and sets a Final Approval Hearing date to consider objections, if any, to the settlement and to enter the Settlement Order and Final Judgment.

3.02 Limited Effect of Settlement Class. The certification of the Settlement Class shall have no bearing in deciding whether the claims asserted in the Action are or were appropriate for class treatment in the absence of settlement. If this Agreement terminates or is nullified, the provisional class certification in Exhibit H shall be vacated by its terms, and the Action shall revert to the status that existed before execution of this Agreement. Thereafter, Plaintiffs shall be free to pursue any claims available to them, and Defendant shall be free to assert any defenses available to it, including, but not limited to, denying the suitability of this case for class treatment. Nothing in this Agreement shall be argued or deemed to estop any Party from the assertion of such claims and defenses.

3.03 Class Notice. The Parties will request that the Preliminary Approval Order direct that, by the Class Notice Date, the Settlement Administrator shall provide notice of the provisional class certification and proposed settlement to all Settlement Class Members as set forth in below.

3.03.01 Compiling the Notice List. After receiving the Paragraph 2.03 data from Robinhood, the Settlement Administrator will create a list of persons that will receive individual notice via email, or if unavailable, mail. Those persons who will receive individual notice include those persons with telephone numbers containing Washington area codes in the data described in paragraph 2.03(A) and those persons in the data described in paragraph 2.03(B). The Settlement Administrator shall use standard industry practices to locate contact information for these persons where necessary, including but not limited to reverse lookups.

3.03.02 Settlement Website. The Settlement Administrator shall post a downloadable copy of the Long Form Class Notice and Claim Form, substantially in the forms of Exhibits A and G, in .pdf format on a website it establishes. Other key legal documents, such as the motion for preliminary approval, any motion for attorneys' fees, costs, and expenses and Service Awards, and any Court orders relating to the settlement, shall be made available on the website. The Internet address of the website and/or a hyperlink to the website shall be included prominently on the notices described in this Paragraph 3.03. The website shall be active and accessible by the Class Notice Date through one hundred eighty (180) calendar days after the Distribution Date.

3.03.03 IVR Telephone Line. The Settlement Administrator shall establish and maintain a toll-free IVR telephone line for Settlement Class Members to call with Settlement-related inquiries until the date of the Final Approval. Settlement Class Members that wish to obtain live assistance will be provided contact information for Class Counsel.

3.03.04 Email Notice. The Settlement Administrator will provide Class Notice to the Settlement Class Members via email where at least one email address is available for the Settlement Class Member. The Email Notice will be provided by an email sent by the Settlement Administrator containing text substantially in the form of Exhibit B and will direct recipients to the website referred to in Paragraph 3.03.02 above. The Settlement Administrator shall be obliged to re-send any Email Notice returned as undeliverable to the next available email address or, if none is available, to send to the Settlement Class

Member the Postcard Notice described in Paragraph 3.03.05 below. The Settlement Administrator will send a Reminder Email Notice, substantially in the form of Exhibit C, to any Settlement Class Members that have not filed a claim thirty (30) calendar days before the deadline for Settlement Class Members to file a claim. The Settlement Administrator will send a subsequent Reminder Email Notice to Settlement Class Members who have not filed a claim fourteen (14) calendar days before the deadline for Settlement Class Members to file a claim. All email notices, including reminder notices, shall include a unique claims code associated with the notice recipient.

3.03.05 Postcard Notice. For any Settlement Class Member who does not have an email address available, the Settlement Administrator will provide Class Notice to the Settlement Class Members via U.S. mail. Before mailing under this Paragraph, the Settlement Administrator shall run the last known postal addresses of the Settlement Class Members through the United States Postal Service ("USPS") National Change of Address database to update any change of address on file with the USPS. The Postcard Notice will be provided by a postcard sent via United States mail containing text and a tear-off Claim Form substantially in the form of Exhibit D and will direct recipients to the website referred to in Paragraph 3.03.02 above. The Settlement Administrator shall be obliged to re-mail any Postcard Notice returned by the USPS with updated address information, and shall be obliged to run returned postcard notices without updated address information through a skip tracing process before re–mailing. The Settlement Administrator will send a Reminder Postcard Notice, substantially in the form of Exhibit E, to any Settlement Class Members that have not filed a claim thirty (30) calendar days before the deadline for Settlement Class Members to file a claim. The Settlement Administrator will send a subsequent Reminder Postcard Notice to Settlement Class Members who have not filed a claim fourteen (14) calendar days before the deadline for Settlement Class Members to file a claim. All postcard notices, including reminder notices, shall include a unique claims code associated with the notice recipient.

3.03.06 Online Publication Notice. Throughout the claims period, the Settlement Administrator will conduct an online publication notice campaign targeted to individuals located in Washington or who were formerly located in Washington, including but not limited to those who are associated with the phone numbers contained in the Paragraph 2.03 data. The online publication notice will be designed by the Settlement Administrator in accordance with standard industry practices. The advertisements will be similar to those reflected in Exhibit F and will direct recipients to the website referred to in Paragraph 3.03.02 above.

3.04 Submission of Exclusion Requests or Objections. Settlement Class Members shall be allowed ninety (90) calendar days from the date of Preliminary Approval to request exclusion from the Settlement Class or to submit objections to the proposed settlement. The Class Notice, described in Paragraph 3.03 above, shall direct that exclusion requests or objections, if any, be sent to the Settlement Administrator by mail postmarked no later than ninety (90) calendar days from the date of Preliminary Approval. The Settlement Administrator will provide periodic updates on exclusion requests to Class Counsel and Defendant's Counsel. Any re-sending of Class Notice shall not extend the time for a Settlement Class Member to request exclusion or submit objections.

3.04.01 Exclusion Requests. Any exclusion requests must include the requesting person's (i) name, address, and telephone number; (ii) a statement confirming that they want to exclude themselves from the Settlement Class; the case name and number; and (iii) the person's signature and the date. Each written request for exclusion must be signed by the individual seeking exclusion, submitted by the Settlement Class Member, and may only request exclusion for that one individual. No person within the Settlement Class, or any person acting on behalf of or in concert or participation with that person, may submit a Request for Exclusion on behalf of any other person within the Settlement Class. "Mass" or "class" exclusion requests shall not be permitted.

3.04.02 Objections. Any objections must include the following: (i) the Settlement Class Member's full name, address, and current telephone number; (ii) if the individual is represented by counsel, the name and telephone number of counsel, whether counsel intends to submit a request for fees, and all factual and legal support for that request; (iii) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (iv) the identity of any witnesses the objector may call to testify; (v) a listing of all exhibits the objector intends to introduce into evidence at the Final Approval Hearing, as well as true and correct of copies of such exhibits; and (vi) a statement of whether the objector intends to appear at the Final Approval Hearing, either with or without counsel. A Settlement Class Member may withdraw an objection by communicating such withdrawal in writing to Class Counsel.

3.05 Entry of Settlement Order and Final Judgment. No later than thirty (30) calendar days after the deadline for submitting Claim Forms, objections, and opt-outs, Plaintiffs will request that the Court enter the Settlement Order and Final Judgment, in the form of Exhibit I, approving the Agreement as fair, reasonable, and adequate, and binding on all Settlement Class Members who have not excluded themselves, ordering that the Claimant Awards be paid to Eligible Claimants (as set forth below in Paragraph 4.06 below), ordering that attorneys' fees, costs, expenses, and Service Awards be paid in the amount approved by the Court, approving the form of Class Notice provided by Robinhood pursuant to the Class Action Fairness Act of 2005, dismissing the Action with prejudice, and barring Settlement Class Members from bringing claims within the scope of the Released Claims.

3.06 Reporting. Within ninety (90) calendar days of completing the distribution of payments pursuant to Section IV below, Plaintiffs will provide the Court a report verifying fulfillment of the terms of this Agreement to the date of the report.

IV. DISTRIBUTION OF PAYMENTS

4.01 Responsibility for Distributions. The Settlement Administrator will be responsible for making all distributions required under this Agreement. The Settlement Administrator will have authority to make the computations necessary to determine the Claimant Award for each Eligible Claimant, as well as the authority to make all decisions reasonably necessary for the orderly implementation and administration of this Agreement and the distribution of all payments prescribed in this Agreement. The Settlement Administrator shall

have no liability for any computation or Settlement Administration decision made in good faith and not inconsistent with the express terms of this Agreement.

4.02 Payment of Settlement Fund. No later than fourteen (14) calendar days after the date of Final Approval, Robinhood shall pay to the Settlement Administrator the Settlement Fund, less any amounts paid for the Initial Notice Deposit and other funds paid to the Settlement Administrator.

4.03 Distribution of Attorneys' Fees, Costs, Expenses, and Service Awards. No later than thirty (30) calendar days after the date of Final Approval, the Settlement Administrator shall pay attorneys' fees, costs, expenses, and Service Awards in an amount approved by the Court by a check or wire transfer made payable to Berger Montague PC and delivered to Berger Montague PC. Neither the Settlement Administrator nor Robinhood shall have any responsibility or liability for any failure of Berger Montague PC to deliver any share of fees, costs, expenses, or Service Awards to Terrell Marshall Law Group PLLC, or any counsel not included in the definition of Class Counsel, but claiming some right to fees, costs, and/or expenses, as a result of resolution of the Action, or any payment to Plaintiffs. Robinhood's obligations with respect to any fees, costs, expenses, or payments to any of Class Counsel (or to any counsel not included in the definition of Class Counsel but claiming some right to fees, costs, and/or expenses, as a result of resolution of the Action) or Plaintiffs shall be fully and forever discharged upon its payment to the Settlement Administrator pursuant to this Paragraph. Other than Robinhood's obligation to pay the Settlement Fund, from which the Settlement Administrator shall pay the Class Counsel attorneys' fees, reasonable out-of-pocket costs and expenses, and Service Awards in amounts approved by the Court, Robinhood shall have no further obligations to Class Counsel, or to any counsel not included in the definition of Class Counsel but claiming some right to fees, costs, and/or expenses, or Plaintiffs.

4.03 Submission of Claims and Eligibility for Distribution. To be eligible for distribution of any Claimant Award pursuant to this Agreement, Settlement Class Members must submit a completed Claim Form on the Settlement Website or by mail to the address set forth on the Class Notice. The Claim Form on the Settlement Website shall be substantially in the form attached as Exhibit G and the Claim Form attached to the Postcard Notice shall be substantially in the form attached as Exhibit D. To be timely, Claim Forms must be submitted online or postmarked by a date specified in the Class Notice, which shall not be less than ninety (90) calendar days after the date of Preliminary Approval.

4.03.01 Attestation. The Claim Form will require claimants to attest that they: (1) received one or more Robinhood refer-a-friend program text messages from a Robinhood customer on a cellular telephone number the claimant provides on the Claim Form; (2) that the claimant owned or was the regular user of such phone number at the time of receipt of the text message; (3) that the claimant was a Washington resident at the time they received the text message; and (4) that the claimant did not clearly and affirmatively consent in advance to receive the text message.

4.03.02 Verification of Claim Forms with a Claims Code. The Claim Form shall require claimants to submit a claims code, if they have been provided one via direct email or postcard notice. For such claims, if the phone number that the claimant identifies as

receiving the Robinhood referral text message matches with a phone number in the Paragraph 2.03 data, then the claimant will not be required to submit further documentation supporting their claim. If the phone number that the claimant identifies as receiving the Robinhood referral text message does not match with a phone number in the Paragraph 2.03 data, then the claimant must submit a Claim Form in accordance with the requirements described in Paragraph 4.03.04 below.

4.03.03 Verification of Claim Forms with a Matched Phone Number, but Without a Claims Code. If a claimant does not have a claims code, but the phone number that the claimant identifies as receiving the Robinhood referral text message matches with a phone number in the Paragraph 2.03 data, then the claimant must provide the Washington address at which they resided at the time of receipt of the refer-a-friend program text message(s). The Settlement Administrator shall have the discretion to use industry standard practices to attempt to verify that a claimant is associated with the address provided and, if the address cannot be verified, to require the claimant to provide proof of Washington residence during the class period. Acceptable proof of residence shall include but not be limited to: a Washington driver's license reflecting the claimant's name; employment documents reflecting the claimant's name and a Washington address; or a bill (utility, credit card, mobile phone, or other) reflecting the claimant's name and a Washington address. The Settlement Administrator shall have authority to accept other forms of proof of residence at its discretion.

4.03.04 Verification of Claim Forms with an Unmatched Phone Number and Without a Claims Code. If a claimant does not have a claims code and the phone number that the claimant identifies as receiving the Robinhood referral text message does not match with a phone number in the Paragraph 2.03 data, then they must submit with their Claim Form (i) an image of the Robinhood referral text message they received; and (ii) provide the Washington address at which they resided at the time of receipt of the refer-a-friend program text message(s). The Settlement Administrator shall have the discretion to use industry standard practices to identify fraudulent images and to attempt verify that a claimant is associated with the address provided and, if the address cannot be verified, to require the claimant to provide proof of Washington residence during the class period. Acceptable proof of residence shall include but not be limited to: a Washington driver's license reflecting the claimant's name; employment documents reflecting the claimant's name and a Washington address; or a bill (utility, credit card, mobile phone, or other) reflecting the claimant's name and a Washington address. The Settlement Administrator shall have authority to accept other forms of proof of residence at its discretion..

4.03.05 Administrative Information. The Claim Form shall require the Settlement Class Member to provide their name, mailing address, and an email address at which the Settlement Administrator can communicate with them about their claim. The online Claim Form will also allow Settlement Class Members to elect the method by which to receive payments including paper checks, Venmo, PayPal, etc.

4.04 Determination of Claims. The Settlement Administrator shall review each Claim Form that is submitted. The Settlement Administrator shall use all reasonable efforts to

complete its review of all Claim Forms no later than twenty-eight (28) calendar days after the deadline for submitting a Claim Form. If the Claim Form is timely, sets forth the requisite information, is signed (by written or electronic signature), is not duplicative of a previously approved claim, and there is no indicia of fraud, then the Settlement Administrator will approve the claim. Robinhood and Class Counsel will have the right (but not the obligation) to verify the truthfulness of the representations on any claim and the right (but not the obligation) to reject any claim on which a material misrepresentation appears. If the Settlement Administrator suspects that a Claim Form was fraudulently submitted, the Settlement Administrator will notify the Parties' counsel and provide the Parties an opportunity to investigate the potentially fraudulent claim. Any disputes over the validity of a Claim Form will be promptly presented to and resolved by the Court. The Settlement Administrator will provide updates on a weekly basis to, and as requested by, the Parties' counsel on the number of claims that are denied, approved, or pending.

4.05 Notification to Claimants Deemed Not Eligible. As the Settlement Administrator reviews Claim Forms, it shall notify claimants deemed not eligible that their claim has been disallowed, together with a brief statement of the reason(s) why the Settlement Administrator disallowed their claim, and the claimant will be provided fourteen (14) calendar days to cure. Claimants will also be notified that the final determination of disallowance by the Settlement Administrator is final and not subject to challenge. All such notices may be provided by email to the email address included on the Claim Form.

4.06 Manner of Distribution. The Settlement Administrator shall distribute the Claimant Awards on or before the Distribution Date via the distribution method selected by each Eligible Claimant. The Settlement Administrator shall issue payment for a pro rata distribution to each Eligible Claimant, if any. The determination of the payment amount is final and not subject to challenge. The Settlement Administrator shall not have any obligation to re–mail any check returned or other payment form rejected after a payment in accordance with this Paragraph. Checks issued pursuant to this Paragraph shall remain valid for one hundred eighty (180) calendar days after issuance, and shall recite that limitation on the face of the check. Any Claimant Awards remaining uncashed after one hundred eighty (180) calendar days shall be redistributed on a pro rata basis to all Eligible Claimants that cashed their check or otherwise successfully received payment, if feasible. If there are any Claimant Awards remaining uncashed one hundred eighty (180) calendar days after issuance of the redistribution payments, those amounts will be contributed to the Legal Foundation of Washington consistent with the provisions of Washington Civil Rule 23(f), together with any unused portion of the reserve payment referenced in this Paragraph for Settlement Administration.

4.07 Notification to Eligible Claimants. At the time of payment, Eligible Claimants will be notified that the payment represents their Claimant Award under this Agreement, receive a brief explanation of the manner in which payments were calculated, and be notified that the determination of the payment amount is final and not subject to challenge.

4.08 Any tax determinations and obligations arising from any payment made by Robinhood pursuant to this Agreement shall be the exclusive responsibility of the recipient of such payment.

V. RELEASES

5.01 Sole and Exclusive Remedy. This settlement shall be the sole and exclusive remedy for any and all Released Claims against the Released Parties. Each Settlement Class Member (including anyone claiming by or through him or her) shall be barred from initiating, asserting, or prosecuting the Released Claims.

5.02 Class Release to Defendant and the Released Parties. Effective upon Final Approval, Plaintiffs, for themselves and on behalf of each Settlement Class Member who has not timely opted out and each of their respective agents, successors, heirs, assigns, and any other person who can claim by or through the Plaintiffs or the Settlement Class Members in any manner, shall have fully, finally and forever irrevocably released, relinquished, and forever discharged with prejudice all Released Claims against the Released Parties.

5.03 Individual Releases by Plaintiffs. Effective upon Final Approval, the Plaintiffs, for themselves and on behalf of their respective agents, attorneys, successors, heirs, assigns, and any other person who can claim by or through each or any of them in any manner, shall have fully, finally and forever irrevocably released, relinquished and forever discharged with prejudice all Released Claims against the Released Parties.

5.04 Releases by Robinhood. Effective upon Final Approval, Robinhood, on its own behalf and on behalf of its affiliates, parents, direct and indirect subsidiaries, agents, insurers, and any company or companies under common control with any of them, and each of their respective predecessors, successors, past and present officers, directors, managers, employees, agents, servants, accountants, attorneys, advisors, shareholders, members, insurers, representatives, partners, vendors, issuers, and assigns, and any other person or entity that can claim by or through each or any of them in any manner, shall have fully, finally and forever irrevocably released, relinquished and forever discharged with prejudice all Robinhood Released Claims against Plaintiffs and their agents, attorneys, successors, heirs, and assigns.

5.05 Effect of Releases. With respect to any and all Released Claims and Robinhood Released Claims, the Parties stipulate and agree that upon Final Approval, the Plaintiffs and Defendant, for themselves and on behalf of their respective agents, attorneys, successors, heirs, assigns, and any other person who can claim by or through each or any of them, shall expressly waive, and each Settlement Class Member and each Settlement Class Members' respective agents, attorneys, successors, heirs, assigns, and any other person who can claim by or through each or any of them, in any manner, shall be deemed to have waived, and by operation of the judgment of the Court shall have expressly waived, any and all claims, rights, or benefits they may have under California Civil Code § 1542 and any similar federal or state law, right, rule, or legal principle that may be applicable. The Parties agree and acknowledge that this waiver is an essential term of this Agreement. California Civil Code § 1542 provides as follows:

> A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

VI. MISCELLANEOUS PROVISIONS

6.01 Settlement Purpose of Agreement. This Agreement is governed by the terms of Federal Rule of Evidence 408 and is for settlement purposes only, and neither the fact of, nor any provision contained in this Agreement or its attachments, nor any action taken hereunder shall constitute, be construed as, or be admissible in evidence as, any admission of the validity of any claim, defense or any fact alleged by any of the Parties in the Action or in any other pending or subsequently filed action or of any wrongdoing, fault, violation of law, or liability of any kind on the part of any Party, or admission by any Party of any claim, defense or allegation made in the Action or any other action, nor as an admission by any of Defendant, Plaintiffs, Settlement Class Members, or Class Counsel of the validity of any fact or defense asserted against them in the Action or any other action. Nevertheless, Robinhood may file this Settlement Agreement and/or the Final Order and Judgment in any other action that may be brought against it in order to support a defense or counterclaim based on principles of res judicata, collateral estoppel, release, good faith settlement, judgment bar or reduction, or any theory of claim or issue preclusion or similar defense or counterclaim. If the Court should for any reason fail to approve this Agreement in the form agreed to by the Parties, decline to enter the Settlement Order and Final Judgment in the form of Exhibit E, or impose any condition to approval of the settlement to which the Parties do not consent, or if the Settlement Order and Final Judgment is reversed or rendered void, then (a) this Agreement shall be considered null and void, (b) neither this Agreement nor any of the related negotiations shall be of any force or effect, and (c) all Parties to this Agreement shall stand in the same position, without prejudice, as if the Agreement had been neither entered into nor filed with the Court. Invalidation of any portion of this Agreement shall invalidate this Agreement in its entirety unless the Parties agree in writing that the remaining provisions shall remain in full force and effect. This includes that the provisional certification of the Settlement Class shall have no bearing in deciding whether the claims asserted in the Action are or were appropriate for class treatment in the absence of settlement. If this Agreement terminates or is nullified, the provisional class certification in Exhibit H shall be vacated by its terms, and the Action shall revert to the status that existed before execution of this Agreement. Upon nullification of this Agreement, Plaintiffs shall be free to pursue any claims available to them, and Defendant shall be free to assert any defenses available to it, including, but not limited to, denying the suitability of this case for class treatment. Nothing in this Agreement shall be argued or deemed to estop any Party from the assertion of such claims or defenses. In the event the Court should for any reason fail to approve this Agreement in the form agreed to by the Parties, decline to enter the Settlement Order and Final Judgment in the form of Exhibit I, or impose any condition to approval of the settlement to which the Parties do not consent, or if the Settlement Order and Final Judgment is reversed or rendered void, the Parties will negotiate in good faith to address the issues raised by said events, including seeking mediation with Robert Meyer.

6.02 Defendant's Warranty. Defendant warrants that it has the ability to fully fund the settlement and does not currently intend to file any petition for bankruptcy or receivership that will impact its ability to fund the settlement.

6.03 Cooperation. The Parties and their counsel will cooperate fully in the process of seeking settlement approval. Class Counsel warrant and agree they will take all steps necessary to obtain and implement Final Approval of this Agreement, to defend the Settlement Order and

Final Judgment through all stages of any appeals that may be taken (regardless of who prosecutes the appeal), to give Released Parties full and final peace from further prosecution of the Released Claims, and to give the Settlement Class Members the benefits they enjoy under this Agreement.

6.04 Governing Law. This Agreement is intended to and shall be governed by the laws of the State of Washington, without regard to its rules regarding conflict of laws.

6.05 Entire Agreement. The terms and conditions set forth in this Agreement constitute the complete and exclusive statement of the agreement between the Parties relating to the subject matter of this Agreement, superseding all previous negotiations and understandings, whether oral or in writing, express or implied, and may not be contradicted by evidence of any prior or contemporaneous agreement, provided, however, that all agreements made or orders entered during the course of the Action relating to the confidentiality of document or information shall survive this Settlement Agreement . Any modification of the Agreement that may adversely affect Settlement Class Members' substantive rights must be in writing and signed by Plaintiffs and Defendant; any other modification of the Agreement must be in writing and signed by Class Counsel, Robinhood, and Defendant's Counsel.

6.06 Construction of Agreement. The determination of the terms of, and the drafting of, this Agreement has been by mutual agreement after extensive negotiation, with consideration by and participation of counsel for all Parties. The Agreement shall be construed according to the fair intent of the language taken as a whole, and not for or against any Party.

6.07 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, successors and assigns.

6.08 Waiver. The waiver by one Party of any provision or breach of this Agreement shall not be deemed a waiver of any other provision or breach of this Agreement.

6.09 Effectiveness of Agreement; Counterparts. This Agreement shall become effective upon its execution by all of the persons for whom signature spaces have been provided below. The Parties and their counsel may execute this Agreement electronically, in counterparts (any one or all of which may be facsimile or PDF/electronic copies), and execution in counterparts shall have the same force and effect as if all signatories had signed the same document.

6.10 Use and Retention of Information. The data provided to the Settlement Administrator, described in Paragraph 2.03 above, any Claim Forms submitted under Paragraph 4.03 above, and any other documentation containing the names, addresses, or phone numbers in possession of the Settlement Administrator, may be used only for purposes of implementing this Agreement. All such information shall be destroyed within thirty (30) calendar days of the date that all monies from the Settlement Fund have been distributed.

6.11 Continuing Jurisdiction. The Court shall retain exclusive and continuing jurisdiction over this Agreement and over all Parties and Settlement Class Members to interpret, effectuate, enforce, and implement this Agreement. The Court shall have exclusive jurisdiction

to resolve any disputes involving this Agreement, subject to the dispute resolution mechanism set forth in Paragraph 4.04 above.

6.12 Authority. All counsel who execute this Agreement represent and warrant that they have authority to enter into this Agreement on behalf of their respective clients.

6.13 Assignment; Third Party Beneficiaries. None of the rights, commitments, or obligations recognized under this Agreement may be assigned by any member of the Settlement Class without the express written consent of the Parties. The representations, warranties, covenants, and agreements contained in this Agreement are for the sole benefit of the Parties and shall not be construed to confer any right or to afford any remedy to any other person.

6.14 Communications. Any communications by the Parties to the Parties relating to this Agreement shall be sent to all counsel signing this Agreement on behalf of the Parties.

6.15 Calculation of Time. All time listed in this Agreement is in calendar days, unless explicitly described in business days. Time is calculated by (a) excluding the day of the event that triggers the period; (b) counting every day, including intermediate Saturdays, Sundays, and legal holiday; and (c) including the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

IN WITNESS HEREOF the undersigned, being duly authorized, have caused this Agreement to be executed on the dates shown below.

AGREED TO AND ACCEPTED:

Dated: 2/6/2024, 2024

By: DocuSigned by: Cooper Moore 2AF5F03A104E471...
Cooper Moore
Individually and on behalf of the proposed Settlement Class

Dated: 2/5/2024, 2024

By: DocuSigned by: 85F8E222C9A642B...
Andrew Gillette
Individually and on behalf of the proposed Settlement Class

BERGER MONTAGUE PC
Attorneys for Plaintiffs and Proposed Plaintiff Settlement Class

Dated: 2/7/2024, 2024

By: DocuSigned by: A5B0E4F3CBC64FF...

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Facsimile: (612) 584-4470

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TERRELL MARSHALL LAW GROUP PLLC
Attorneys for Plaintiffs and Proposed Plaintiff Settlement Class

Dated: 2/7/2024, 2024

By: DocuSigned by: Beth Terrell 41406EED0818430...

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DAVIS WRIGHT TREMAINE LLP
Attorneys for Robinhood Financial LLC

Dated: _____, 2024

By: _____

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Dated: _____, 2024

By: _____

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TERRELL MARSHALL LAW GROUP PLLC
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Dated: _____, 2024

By: _____

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Dated: 2/8/2024, 2024

DAVIS WRIGHT TREMAINE LLP
Attorneys for Robinhood Financial LLC

DocuSigned by:
By: Ken Payson
7[illegible]

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920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610

Telephone: (206) 622-3150
Facsimile: (206) 757-7700

ROBINHOOD FINANCIAL LLC
Defendant

Dated: February 7, 2024, 2024

DocuSigned by:
By: Lucas Moskowitz
C75CC4956FD04A4...

Its: Vice President and Deputy General Counsel

EXHIBIT A

United States District Court for the Western District of Washington

Notice of Proposed Class Action Settlement

A federal court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.

BACKGROUND & INTRODUCTION

- A settlement has been proposed to end a class action lawsuit against Robinhood Financial, LLC ("Defendant" or "Robinhood"), known as *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.) (the "Lawsuit"). The Lawsuit alleges that Robinhood violated Washington law by substantially assisting in the transmission of unsolicited commercial text messages to prospective customers as part of its refer-a-friend marketing program.
- Defendant denies any wrongdoing. Defendant claims it has abided by all state and federal laws, and that the Lawsuit is not well grounded in law or fact. As part of the proposed settlement, Defendant does not admit to any wrongdoing, maintains its compliance with the law, and continues to deny the allegations against it.
- The parties in the Lawsuit have agreed to resolve the Lawsuit on a class action basis. As described further below, if the Settlement is approved by the Court, Robinhood will pay $9 million to fully and finally resolve the claims of the "Settlement Class," defined as "All persons or entities who received a Robinhood referral program text message, and who were Washington residents at the time of the receipt of such text message, between and including August 9, 2017 and [date], 2024. Persons and entities who clearly and affirmatively consented in advance to receive Robinhood referral program text messages are excluded from the class."
- The Court has scheduled a final approval hearing for [DATE], 2024. If the Settlement is approved and becomes final, you will be issued a payment if (i) you are a member of the Settlement Class; and (ii) you file a valid claim form before [DATE], 2024. Even if you do not file a Claim Form, your rights will be affected if you are a member of the Settlement Class and you do not exclude yourself from the Settlement. Read below, visit www.[INSERT].com, or call [INSERT] for more information.

YOUR LEGAL RIGHTS AND OPTIONS	
File a Claim by [DATE] to receive payment	If you are a member of the Settlement Class, you have a right to complete a Claim Form to share in the settlement proceeds paid by Robinhood to settle the Lawsuit, estimated to be between $XX and $XX per Settlement Class Member that files a timely and valid Claim Form. A Claim Form can be obtained from the settlement website at www.[INSERT].com. A Claim Form can be (a) completed and submitted electronically on the website, or (b) printed, completed, and submitted by mail. If your Claim Form is approved and the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit.
Do Nothing	If you do nothing and the Settlement becomes final, you will not be issued a Settlement payment. If you are a member of the Settlement Class and the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit.
Exclude Yourself by [DATE]	If you exclude yourself from the Settlement (also called "opting out"), you give up your right to receive a Settlement payment, but you retain any rights you may have to bring your own lawsuit about the issues in this Lawsuit.
***Object or Comment by* [DATE]**	If you are a member of the Settlement Class and do not exclude yourself from the Settlement, you may object to or comment about the Settlement and/or Class Counsel's request for attorneys' fees, expenses, and service awards to the Class Representatives.

THESE RIGHTS AND OPTIONS ARE EXPLAINED IN THIS NOTICE

What this Notice Contains

[INSERT TOC]

BASIC INFORMATION ABOUT THE LAWSUIT

1. What is this Notice?

This Notice explains that the parties in the Lawsuit known as *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.) (the "Lawsuit") have agreed to resolve the Lawsuit on a class action basis and that the Court has preliminarily approved the Settlement. If you are a member of the Settlement Class, you have legal rights and options that you may exercise, as explained in this Notice.

2. What is the lawsuit about?

This lawsuit is about whether Robinhood violated Washington state laws, including Washington's Commercial Electronic Mail Act ("CEMA") and the Washington Consumer Protection Act ("CPA"), by substantially assisting Robinhood users in the transmission of unsolicited commercial text messages to prospective customers as a part of its refer-a-friend marketing program. Specifically, the Settlement Class Representatives allege that Robinhood's trading app allowed users to generate and send pre-filled text messages to one or more of the user's contacts, which contained a hyperlink for the contact(s) to sign up for a Robinhood account, without first obtaining the recipients' clear and affirmative consent to receive commercial text messages. Under the CEMA, a person is entitled to $500 per unlawful text message and, under the CPA, a court may award an additional payment up to $1,500 as well as reasonable attorneys' fees and costs.

Defendant denies any wrongdoing and believes it has fully complied with the law. Defendant has asserted many defenses it believes would be successful at trial. In agreeing to settle, Defendant maintains that it complied with the law and does not admit any wrongdoing. The settlement is not an admission of wrongdoing.

The Lawsuit is proceeding in the United States District for the Western District of Washington before the Honorable Judge Barbara J. Rothstein.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case, Cooper Moore and Andrew Gillette), sue on behalf of themselves and other people who have similar claims. These people together are called a "Class" or "Class Members." The Class Representatives and all the Class Members are called Plaintiffs. The company that the Plaintiffs sue, Robinhood Financial LLC, is called the Defendant. One court resolves the issues for all Class Members—except for those who choose to exclude themselves.

4. What has happened in the lawsuit?

On August 9, 2021, Class Representative Moore commenced an action on behalf of a putative class by filing a complaint against Robinhood alleging that it violated CEMA and the CPA ("Complaint"). Class Representative Gillette was added to the Lawsuit on February 9, 2022 when the Class Representatives filed a First Amended Complaint. Defendant moved to dismiss the Lawsuit, claiming that the First Amended Complaint failed, as a matter of law, to state a viable claim for relief. On August 3, 2022, the Court denied Robinhood's motion. The parties have since engaged in substantial discovery regarding the Class Representatives' claims and Robinhood's defenses.

The Court has not decided whether Robinhood did anything wrong. The Court also has not made any determination that this Lawsuit should proceed as a class action, as opposed to individual claims brought by the Class Representatives. This Notice should not be interpreted as an expression of the Court's opinion on the merits of the lawsuit.

5. What is the current status of the lawsuit?

The Class Representatives and Robinhood have now agreed to a Settlement to resolve the Lawsuit, as described below. Deadlines unrelated to the Settlement of the Lawsuit are currently stayed while the parties notify the Settlement Class of the proposed Settlement and seek final approval of the Settlement from the Court.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

6. How do I know if I am a Settlement Class Member?

You are a member of the Settlement Class if you (1) received a Robinhood referral program text message between August 9, 2017 and [date], 2024, (2) were a Washington resident at the time you received the text message, and (3) you did not clearly and affirmatively consent in advance to receive the Robinhood referral program text message.

If you received a notice of this Settlement via email or mail, records indicate that you may have received a text message as part of Robinhood's refer-a-friend marketing program on or after August 9, 2017. People who did not receive email or mail Notice may still be part of the Settlement Class if they meet the requirements described above.

7. Are there exceptions to being included in the Settlement Class?

The Settlement Class does not include Defendant, any entity that has a controlling interest in Defendant, and Defendant's current or former directors, officers, counsel, and their immediate families. The Settlement Class also does not include any persons who validly request exclusion from it.

8. Are you still not sure if you're included?

If you are still not sure whether you are included in the Settlement Class, you can get free help at [www.XXXX.com], or by calling or writing to the lawyers appointed by the Court to represent the Settlement Class in this case ("Class Counsel") at the phone numbers or addresses listed in response to question XX.

THE PROPOSED SETTLEMENT

9. What are the terms of the proposed Settlement?

The complete terms of the proposed settlement are set forth in the Settlement Agreement, which is available at www.[INSERT].com. This Notice provides only a summary of the terms of the Settlement.

10. What are the benefits of the proposed Settlement?

If the Settlement is approved and becomes final, Robinhood will pay nine million dollars ($9,000,000.00) into a settlement fund. This money will be used to: (1) make settlement payments to eligible Settlement Class Members, (2) pay the costs of distributing notice and settlement payments to Settlement Class Members and other costs of administering the Settlement; and (3) pay court-awarded attorneys' fees and litigation expenses of Class Counsel and any service awards granted to the Class Representatives. You must decide whether to stay in the Class or opt out of it.

If you are a Settlement Class Member, *you need to complete and submit a Claim Form by [DATE] to receive a settlement payment.* Claim Forms are available on the settlement website, www.[INSERT].com.

11. What claims will be released by the proposed Settlement?

If you are a Settlement Class Member and do not exclude yourself from the Settlement, and the Settlement is approved and becomes final, the Settlement will be legally binding on you. In exchange for the opportunity to obtain settlement benefits, you will release any and all claims and rights, whether known or unknown, that arise

out of or relate in any way to text messaging regarding the Robinhood referral program to any telephone number, that have been, or could have been, brought in the Lawsuit, as well as any Claims arising out of the same nucleus of operative facts as any of the claims asserted in the Lawsuit.

12. How much will Settlement payment be and how will the payments be sent?

If the Settlement is approved and becomes final, Settlement Class Members who do not exclude themselves from the Settlement Class and who complete and submit a timely and valid Claim Form will be issued a Settlement payment. The settlement fund will be distributed to all Settlement Class Members who submit timely and valid Claim Forms, after the deduction of settlement costs, attorneys' fees and expenses awarded by the Court, and any service awards granted to the Class Representatives. It is estimated by Class Counsel that Settlement payments will range between $XX and $XX per Settlement Class Member, although the actual amount could be higher or lower depending on how many valid Claim Forms are received.

If you are a Settlement Class Member, *you need to complete and submit a Claim Form by [DATE] to receive a settlement payment.* Claim Forms are available on the settlement website, www.[INSERT].com. The Claim Form allows Settlement Class Members to elect the method by which to receive payments including paper checks, Venmo, PayPal, etc.

For any Settlement payments that are uncashed or deemed undeliverable by the Settlement Administrator, the funds will be distributed by one or both of the following means: (1) a pro rata second distribution to those Settlement Class Members who cashed/received their initial Settlement payments (if there are sufficient residual funds to justify the administrative costs of such distribution); and/or (2) distribution to the Legal Foundation of Washington.

YOUR OPTIONS AS A SETTLEMENT CLASS MEMBER

13. What are my options now as a Settlement Class Member?

You must decide whether to stay in the Class or exclude yourself from the Settlement.

14. What happens if I choose to stay in the Settlement Class?

If you choose to stay in the Settlement Class, you have the option to (1) do nothing; or (2) complete and submit a Claim Form by [Date], 2024, in order to share in the payment of the settlement proceeds. Under either option, by choosing to stay in the Settlement Class and if the Settlement becomes final, you give up any rights to sue the Defendant separately about the same issues in this Lawsuit. See Question 11.

By staying in the Settlement Class, you may object to or comment on the settlement and/or or to Class Counsel's request for attorneys' fees, litigation expenses, and service awards. You do not need to object or comment in order to receive a settlement payment.

15. How do I obtain and submit a Claim Form?

In order to share in the payment of the Settlement proceeds, you must (1) be a Settlement Class Member; and (2) complete and submit a valid Claim Form by [DATE], 2024. You can obtain a Claim Form on the settlement website, www.[INSERT].com.

The Claim Form requires Settlement Class Members to provide their claims code, if they have one, and to identify the phone number at which they received the Robinhood referral text message. Settlement Class Members must also provide their contact information and attest that they: (1) received one or more Robinhood referral program text messages from a Robinhood customer at the cellular telephone number they identified, (2) that the Settlement Class Member owns or is the regular user of that phone number, (3) that the Settlement Class

Member was a Washington resident at the time they received the referral program text message; and (4) that the Settlement Class Member did not clearly and affirmatively consent in advance to receive the Robinhood referral program text message(s) while a Washington resident. The Claim Form allows Settlement Class Members to elect the method by which to receive payments including paper checks, Venmo, PayPal, etc.

If you do not have a claims code but provide a phone number that can be verified, then you must provide on the Claim Form the Washington address at which you resided at the time of receipt of the refer-a-friend program text message(s). If the address cannot be verified, the Settlement Administrator may contact you and ask you to provide proof of Washington residence at the time of the receipt of the Robinhood referral text message. Acceptable proof of residence includes, for example, an image of your Washington driver's license; employment documents reflecting your name and a Washington address; or a bill (utility, credit card, mobile phone, or other) reflecting your name and a Washington address. The name you provide on the Claim Form should match the name on your proof of residence. The Settlement Administrator will communicate with you via the email address you provide on the Claim Form.

If you do not have a claims code or your phone number cannot be verified, then you must (1) provide on the Claim Form the Washington address at which you resided at the time of receipt of the refer-a-friend program text message(s); and (2) provide an image or screenshot of the Robinhood referral text message you received. If the address and/or image cannot be verified, the Settlement Administrator may contact you and ask you to provide proof of Washington residence or other information at the time of the receipt of the Robinhood referral text message. Acceptable proof of residence includes, for example, an image of your Washington driver's license; employment documents reflecting your name and a Washington address; or a bill (utility, credit card, mobile phone, or other) reflecting your name and a Washington address. The name you provide on the Claim Form should match the name on your proof of residence. The Settlement Administrator will communicate with you via the email address you provide on the Claim Form.

Once completed, the Claim Form can be submitted electronically on the settlement website or printed and mailed to the following address:

[Notice Administrator]
[Street Address]
[City, State, Zip Code]

Mailed Claim Forms must be postmarked by [DATE], 2024. Each Settlement Class Member is entitled to submit only one Claim Form, regardless of the number of Robinhood referral text messages they received. If you submit a Claim Form through the settlement website, please do not submit a duplicate Claim Form by mail, and vice versa. Duplicate claim forms will be rejected.

16. Where do I find my claims code?

If you received an email notice of the settlement, then your eight (8) digit claims code is located at the top of the email. If you received a postcard notice of the settlement in the mail, then your eight (8) digit claims code is located on the front of the postcard above your name and address.

17. I provided a claims code but my phone number could not be verified. Can I still submit a claim?

If you provided a claims code but your phone number could not be verified, it means that your potential membership in the Settlement Class could not be verified using the available data. You may still submit a claim, but you will be required to (1) provide on the Claim Form the Washington address at which you resided at the time of receipt of the refer-a-friend program text message(s); and (2) provide an image or screenshot of the Robinhood referral text message you received. See the response to question 15 above for more information.

18. How do I object or comment?

If you are a Settlement Class Member, and have not excluded yourself from the Settlement, you can comment on or object to the Settlement, Class Counsel's request for attorneys' fees and litigation expenses, and/or the request for service awards for the Class Representatives. To object or comment, you must send a written objection/comment including the following:

(a) the name and case number of this Lawsuit (*Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.));
(b) your full name, mailing address and telephone number;
(c) an explanation of the basis for your contention that you are a Settlement Class Member, including the cellular telephone numbers on which you received a Robinhood referral text message;
(d) an explanation of the basis for your objection, including all grounds for the objection and any legal support;
(e) the name and telephone number of any attorney representing you in this matter, or any attorney who may be entitled to compensation for any reason related to the objection, whether counsel intends to submit a request for fees, and all factual and legal support for that request;
(f) a statement about whether or not you intend to appear at the Final Approval Hearing, and if so, the identify of all counsel representing you who will appear at the Final Approval Hearing (who must enter a written Notice of Appearance of Counsel with the Clerk of the Court);
(g) a list of all other class action settlements to which you or your attorney has previously filed an objection;
(h) a list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; and
(i) your signature (your attorney's signature is not sufficient).

Your comment or objection must be postmarked no later than [Date], 2024, and mailed to the following address:

[Notice Administrator]
[Street Address]
[City, State, Zip Code]

19. What happens if I exclude myself from the Settlement Class?

You may exclude yourself from the Settlement Class by following the steps described in response to Question 20. If you exclude yourself from the Settlement, or "opt out", you give up the right to receive any benefits from the Settlement and you cannot comment or object to the Settlement. However, you will keep any rights you may have to sue Robinhood regarding the issues in this Lawsuit.

20. How do I exclude myself from the Settlement Class?

If you do not want to remain a member of the Class, you must mail a written "Request for Exclusion" to the Settlement Administrator that is postmarked no later than [Date], 2024. Your written request must include:

- Your name, address, and telephone number;
- A statement confirming that you want to exclude yourself from the Settlement Class;
- The case name and number (*Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.)); and
- Your signature and the date.

Your Request to Opt Out must be mailed to the following address:

[Notice Administrator]
[Street Address]
[City, State, Zip Code]

21. What happens if I do nothing?

If you are in the Settlement Class and you do nothing, you will stay in the Settlement Class. If the Settlement is approved and becomes final, you will not be issued a Settlement payment and you will not be able to sue Robinhood about the issues in this Lawsuit. You will also be legally bound by all of the orders that the Court issues and judgments the Court makes as to the Settlement Class.

THE LAWYERS REPRESENTING YOU

22. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed the following attorneys and law firms to represent the Settlement Class Members. Together, these lawyers are called "Class Counsel":

TERRELL MARSHALL LAW GROUP PLLC Beth E. Terrell Jennifer Rust Murray 936 North 34th Street, Suite 300 Seattle, Washington 98103 Telephone: (206) 816-6603	BERGER MONTAGUE PC Sophia M. Rios 401 B Street, Suite 2000 San Diego, CA 92101 Telephone: (619) 489-0300	BERGER MONTAGUE PC E. Michelle Drake 1229 Tyler Street NE, Suite 205 Minneapolis, Minnesota 55413 Telephone: (612) 594-5999

23. How will the lawyers be compensated, and will the Class Representatives receive compensation?

Class Counsel will file a motion on or before [date], 2024 asking the Court to award them attorneys' fees up to one-fourth of the $9 million settlement fund and for reimbursement of reasonable litigation expenses and costs. The attorneys' fees and expenses awarded by the Court will be the only payment to Class Counsel for their efforts in achieving the Settlement and for their risk in undertaking this representation on a wholly contingent basis during the more than two years this case was litigated. Class Counsel will ask the Court on or before [date], 2024 to compensate them for their efforts and commitment on behalf of the Settlement Class in this Lawsuit. They will ask the Court to pay them attorneys' fees not to exceed 25% of the $9 million settlement fund ($2,250,000), out of pocket costs currently estimated to be $151,215, and Class Representative Awards of $10,000 each to Plaintiffs Cooper Moore and Andrew Gillette ($20,000 total). The Court will determine the amount of attorneys' fees, expenses, and service awards to award. Class Counsel's motion for attorneys' fees, expenses, and service awards will be available at www.[INSERT].com when it is filed.

24. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance with the Court.

THE COURT'S FINAL APPROVAL HEARING

25. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at [TIME] on [DATE], 2024, in the United States District Court for the Western District of Washington, Courtroom XX, 700 Stewart Street, Seattle, WA 98101. The hearing may be moved to a different date or time, or the Court may order that the hearing be held telephonically or by videoconference, without additional notice. Please check www.[INSERT].com for updates or changes.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel's application for attorneys' fees, expenses, and service awards. If

there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

26. Do I have to come to the hearing?

No, you do not have to attend or participate in the Final Approval Hearing to receive a Settlement payment. Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. So long as you submitted your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

27. May I speak at the hearing?

If you are a Settlement Class Member and have not opted out of the Settlement, you may ask the Court for permission to speak at the Final Approval Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

28. Where can I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at www.pacer.uscourts.gov. Information is also available at [www.XXXX.com], or by contacting the Settlement Administrator at [INSERT], or Class Counsel at (206) 816-6603.

Please do not contact the Court or Judge Rothstein. They cannot answer any questions or discuss the Action.

DATED: [DATE], 2024

BY ORDER OF THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

EXHIBIT B

From: [Settlement Administrator]
To: [Class Member email address]
Subject: Notice of Class Action Settlement – Moore v. Robinhood Financial LLC

Claims Code: [XXXX-XXXX]

If you received a Robinhood referral text message while residing in Washington, you may be entitled to payment because of a class action settlement.

This Legal Notice Was Authorized by the Court

Your rights and options are explained in this notice. Please read this notice carefully. Full information regarding the settlement is available at INSERT WEBSITE.

You are receiving this notice because you have been identified as a potential Settlement Class member in a class action lawsuit entitled *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.) (the "Lawsuit"). The parties have reached a proposed $9 million settlement in the Lawsuit. The settlement has not been approved by the Court yet. This notice explains your options. **To receive a payment if you are a Settlement Class member, you must submit a valid Claim Form by [DATE], 2024.** Payments are estimated to be between $XX and $XX per Settlement Class Member that files a timely and valid Claim Form. You may submit a Claim Form online at [www.XXXX.com].

The Lawsuit claims that Robinhood Financial LLC ("Robinhood" or "Defendant") violated Washington state laws, including Washington's Commercial Electronic Mail Act ("CEMA") and the Washington Consumer Protection Act ("CPA"), by substantially assisting Robinhood users in the transmission of unsolicited commercial text messages to prospective customers as a part of its refer-a friend marketing program. Specifically, the Class Representatives allege that Robinhood's trading app allowed users to generate and send pre-filled text messages to users' contacts without first obtaining the recipients' clear and affirmative consent to receive commercial text messages. Under these laws, a person is entitled to receive at least $500 for each text message sent in violation of the law. The court also may award triple damages and attorneys' fees.

Robinhood denies any wrongdoing and the Court has not decided whether Robinhood did anything wrong. Robinhood has asserted defenses that it believes would be successful at trial. In agreeing to settle, Robinhood maintains that it complied with the law and does not admit any wrongdoing. The Lawsuit is proceeding in the United States District for the Western District of Washington before the Honorable Judge Barbara J. Rothstein.

For additional details regarding the Lawsuit and your rights, visit [www.XXXX.com].

Am I a Class Member? Defendant's records show that you may have received a text message inviting you to sign up for Robinhood through the refer-a-friend marketing program. You are a member of the Settlement Class if you (1) received a Robinhood referral program text message between August 9, 2017 and [date], 2024, (2) were a Washington resident at the time you received the text, and (3) you did not clearly and affirmatively consent in advance to receive the text.

Your Legal Rights and Options. You must decide whether to stay in the Settlement Class or exclude yourself.

> **File A Claim Form by [DATE].** If you are a member of the Settlement Class, you have a right to complete a Claim Form to share in the settlement proceeds paid by Robinhood to settle the Lawsuit. It is estimated

that Settlement payments will range between $XX and $XX per Settlement Class Member, although the actual amount could be higher or lower depending on how many valid Claim Forms are received. A Claim Form can be obtained from the settlement website at www.[INSERT].com. A Claim Form can be (a) completed and submitted electronically on the website, or (b) printed, completed, and submitted by mail. If your Claim Form is approved and the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit.

Do Nothing. If you do nothing and the Settlement becomes final, you will not be issued a Settlement payment. If you are a member of the Settlement Class and the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit.

Exclude Yourself by [DATE]. If you exclude yourself from the Settlement (also called "opting out"), you give up your right to receive a Settlement payment, but you retain any rights you may have to bring your own lawsuit about the issues in this Lawsuit. To exclude yourself from the Settlement Class, you must mail a written "Request for Exclusion" to the Settlement Administrator that is postmarked by [DATE]. Your written request must include: (i) your name, address, and telephone number; (ii) a statement confirming that you want to exclude yourself from the Settlement Class; (iii) the case name and number (*Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.)); and (iv) your signature and the date.

Object or Comment by [DATE]. If you do not exclude yourself from the Settlement, you may object to or comment about the Settlement and/or Class Counsel's request for attorneys' fees, expenses, and service awards to the Class Representatives who brought this Lawsuit.

Who Represents Me? The Court has appointed a team of lawyers from Terrell Marshall Law Group PLLC and Berger Montague PC to serve as Class Counsel. They will ask the Court to pay them attorneys' fees not to exceed 25% of the $9 million settlement fund ($2,250,000), out of pocket costs currently estimated to be $151,215, and Class Representative Awards of $10,000 each to Plaintiffs Cooper Moore and Andrew Gillette ($20,000 total).

When Will the Court Consider the Settlement? The Court will hold a Final Approval Hearing at [TIME] on [DATE], 2024. At that hearing, the Court will hear any objections concerning the fairness of the Settlement, decide whether to approve the requested attorneys' fees and costs, Class Representative awards, and determine whether the Settlement should be approved.

Where can I get more information? A more detailed notice and important case documents are at [www.XXXX.com]. If you have any questions, please contact the Settlement Administrator at [admin phone]. Do not contact the Court with questions.

EXHIBIT C

From: [Settlement Administrator]
To: [Class Member email address]
Subject: Notice of Class Action Settlement – Moore v. Robinhood Financial LLC

Claims Code: [XXXX-XXXX]

If you received a Robinhood referral text message while residing in Washington you may be entitled to payment because of a class action settlement.

This Legal Notice Was Authorized by the Court

You previously received notice of a Settlement in a class action lawsuit against Robinhood Financial LLC ("Robinhood") in the case of *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.). You have been identified as a potential Settlement Class member and **you must submit a valid Claim Form by [DATE], 2024 to receive a Settlement payment.** It is estimated that Settlement payments will range between $XX and $XX per Settlement Class Member, although the actual amount could be higher or lower depending on how many valid Claim Forms are received.

You are a member of the Settlement Class if you (1) received a Robinhood referral program text message between August 9, 2017 and [date], 2024; (2) were a Washington resident at the time you received the text; and (3) you did not clearly and affirmatively consent in advance to receive the text.

If you are a member of the Settlement Class, you must complete a valid Claim Form by [DATE] to obtain a Settlement payment if the Settlement is approved. A Claim Form can be obtained from www.[INSERT].com.

For more information visit [www.XXXX.com] or call [admin phone number].

EXHIBIT D

COURT ORDERED NOTICE

Moore v.

Robinhood Financial LLC

Class Action Settlement Notice

If you received a Robinhood referral text message while residing in Washington, you may be entitled to payment.

Claims Deadline is DATE.

Settlement Administrator
[Address Line 1]
[Address Line 2]

PRESORT
FIRST CLASS
U.S. POSTAGE
PAID

Claims Code: [XXXX-XXXX]

<<fname>> <<lname>>
<<addline1>>
<<addline2>>
<<addcity>>, <<addstate>> <<addzip>>

You have been identified as a potential Settlement Class Member in a class action lawsuit entitled *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.) (the "Lawsuit"). The parties have reached a proposed $9 million settlement in the Lawsuit and you may be entitled to payment. The Lawsuit claims that Robinhood violated Washington state law by substantially assisting Robinhood users in the transmission of unsolicited commercial text messages as a part of its refer-a friend marketing program. Robinhood denies any wrongdoing and the Court has not decided whether Robinhood did anything wrong. Robinhood has asserted defenses it believes would be successful at trial. In agreeing to settle, Robinhood maintains that it complied with the law. The Lawsuit is proceeding in the United States District Court for the Western District of Washington before the Honorable Judge Barbara J. Rothstein.

Am I a Class Member? You are a Settlement Class Member if you (1) received a Robinhood referral program text message between August 9, 2017 and [date], 2024; (2) were a Washington resident at the time you received the text; and (3) you did not clearly and affirmatively consent in advance to receive the text.

Your Choices. You must decide whether to stay in the Settlement Class or exclude yourself. If you are a member of the Settlement Class, you must complete a Claim Form by [DATE] to obtain a Settlement payment, estimated to be between $XX and $XX, although the actual amount may vary depending on how many valid Claim Forms are received. A Claim Form can be obtained from www.[INSERT].com. If you do nothing, you will stay in the Settlement Class, not receive a Settlement payment, and give up your right to bring your own lawsuit about the issues in this Lawsuit. If you exclude yourself from the Settlement Class, you will give up your right to receive a Settlement payment, but you will retain any rights you may have to bring your own lawsuit about the issues in the Lawsuit.

To exclude yourself from the Settlement Class, you must mail a written "Request for Exclusion" to the Settlement Administrator that is postmarked by [DATE] that contains: (i) your name, address, and telephone number; (ii) a statement confirming that you want to exclude yourself from the Settlement Class; (iii) the case name and number; and (iv) your signature and the date.

Who Represents Me? The Court has appointed lawyers from Terrell Marshall Law Group PLLC and Berger Montague PC to serve as Class Counsel. They will petition to be paid legal fees not to exceed 25% of the settlement fund ($2,250,000), out of pocket costs, estimated to be $151,215, and Class Representative Awards of $10,000 each to Plaintiffs Cooper Moore and Andrew Gillette.

Where can I get more information? A more detailed notice and important case documents are at [www.XXXX.com]. For further information, you may also contact Class Counsel at (206) XXX-XXXX.

CLAIM FORM

To receive benefits from this Settlement, you can mail in this Claim Form postmarked on or before MONTH DAY, YEAR.

You must complete all sections and sign at the bottom before returning this form.

If the phone number where you received the referral text message(s) cannot be verified, the Settlement Administrator will contact you at the email address you provide to request additional information. You must notify the Settlement Administrator if your contact information changes after you submit this Form.

You may contact the Settlement Administrator at www.XXXXXXXXXX.com. You may also complete and submit a Claim Form online and select how you want to receive payment.

You may submit only one claim.

Claims Code: [XXXX-XXXX]

Settlement Administrator
[Address Line 1]
[Address Line 2]

RE: *Moore v. Robinhood Financial LLC,*
Case No. 2:21-cv-01571-BJR

First Name MI Last Name

Business Name (If applicable) Street Address

City State ZIP Contact Phone Number(s)

Email Address

Phone Number(s) where texts were received:

1. (_____) _____-_____

2. (_____) _____-_____

3. (_____) _____-_____

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature

Date

I attest that the following statements are true:

- I received one or more Robinhood referral program text messages from a Robinhood customer on the cellular telephone number I provided on the left of this Form;
- I owned or was the regular user of that phone number at the time I received at least one Robinhood referral text message;
- I was a Washington resident at the time I received at least one Robinhood referral program text message; and
- I did not clearly and affirmatively consent in advance to receive at least one Robinhood referral program text message I received while a Washington resident.

EXHIBIT E

COURT ORDERED NOTICE

Moore v.

Robinhood Financial LLC

Class Action Settlement Notice

If you received a Robinhood referral text message while residing in Washington, you may be entitled to payment.

Claims Deadline is DATE.

Settlement Administrator
[Address Line 1]
[Address Line 2]

PRESORT
FIRST CLASS
U.S.POSTAGE
PAID

Claims Code: [XXXX-XXXX]

<<fname>> <<lname>>
<<addline1>>
<<addline2>>
<<addcity>>, <<addstate>> <<addzip>>

REMINDER NOTICE

You previously received notice of a Settlement in a class action against Robinhood Financial LLC in the case of *Moore v. Robinhood Financial LLC*, No. 2:21-cv-01571-BJR (W.D. Wash.). You have been identified as a potential Settlement Class member. **To receive a Settlement payment, you must submit a valid Claim Form by [DATE], 2024.** It is estimated that Settlement payments will range between $XX and $XX per Settlement Class Member, although the actual amount could be higher or lower depending on how many valid Claim Forms are received.

You are a member of the Settlement Class if you (1) received a Robinhood referral program text message between August 9, 2017 and [date], 2024; (2) were a Washington resident at the time you received the text; and (3) you did not clearly and affirmatively consent in advance to receive the text.

If you are a member of the Settlement Class, you must complete a Claim Form by [DATE] to obtain a Settlement payment. A Claim Form can be obtained from www.[INSERT].com.

For more information visit [www.XXXX.com] or call [admin phone number].

EXHIBIT F

Banner Ad Text:

Received a Text About the Robinhood Trading App?

Your rights may be affected by a class action settlement

Learn More

www.XXXX.com

Class Action Info Promoted Facebook Post
If you received a referral text message about the Robinhood trading app while a resident of Washington State, you may be entitled to payment as a result of a settlement in a class action lawsuit. Find out more at www.XXXX.com.

Facebook Sponsored (Right Side) Ads
The advertisements on the right-hand side of the screen sit directly beneath the "Trending" topics section. Ad includes a title, short description, image, and URL to direct users straight to the notice website.

Specifications (includes space):
Headline: 25 characters
Body: 125 characters
Image – 1200x628

Version 1:
Headline: Got text about Robinhood? (25/25)
Body: If you got a referral text message for the Robinhood app while a WA resident, a class action settlement may affect you (118/125)

Facebook News Feed Ads
These ads show up in a user's feed along with the content that they see from their friends and the people that they follow. When a user clicks anywhere on the ad, they are taken to the notice website.

Specifications (includes space):
Headline: 25 characters
Body: 125 characters
News Feed Link Description: 30 characters (over 30 is allowed but truncated)
Image – 1080x1080

Version 1:
Headline: Got text about Robinhood? (25/25)
Body: If you got a referral text message for the Robinhood app while a WA resident, a class action settlement may affect you (118/125)
Link Description: Learn More! (12/30)

Version 2:
Headline: Got a Robinhood text ad? (24/25)
Body: If you got a referral text message for the Robinhood app while a WA resident, a class action settlement may affect you (118/125)
Link Description: Learn More! (12/30)

Standard Response(s) to Commenters

- Please visit the website, www.XXX.com, or call [admin phone] for more information.
- You can get more information at www.XXX.com or by calling [admin phone].
- If you want more information, please visit www.XXX.com or call [admin phone].

EXHIBIT G

Moore v. Robinhood Financial LLC
No. 2:21-cv-01571-BJR (W.D. Wash.)

CLAIM FORM

Complete and return this Claim Form by DATE to claim your payment. You may submit your Claim Form using this online portal or mail to: [Address information].

I. Claim Verification

Did you receive a claims code by mail or email? The claims code is located on the front of the postcard notice or at the top of the email notice.

- ☐ Yes, Claims Code: _____
- ☐ No

Phone Number at Which You Received the Robinhood Referral Text Message: _____

[*If the claimant enters a claims code and the phone number provided matches with a phone number in the data, then the following text shall appear both online and in the printable version of the Claim Form:*]

Your phone number has been verified. Please complete the following sections of the Claim Form to submit your claim.

[*For claimants that do not enter a claims code but the phone number provided matches with a phone number in the data, then the following text shall appear both online and in the printable version of the Claim Form:*]

Your phone number has been verified. Please provide the Washington address at which you resided at the time of receipt of the refer-a-friend program text message(s) and complete the following sections of the Claim Form to submit your claim.

Street Address		
City	WA **State**	**Zip Code**

Please note that if your address cannot be verified, the Settlement Administrator may contact you and ask you to provide proof of Washington residence at the time of receipt of the Robinhood referral text message. Acceptable proof of residence includes, for example, an image of your Washington driver's license; employment documents reflecting your name and a Washington address; or a bill (utility, credit card, mobile phone, or other) reflecting your name and a Washington address. The name you provide on the Claim Form should match the name on your proof of residence.

[*If the claimant enters a phone number that does not match with a phone number in the data, then the following text shall appear both online and in the printable version of the Claim Form:*]

Your phone number cannot be verified. To complete your Claim Form, please (1) provide the Washington address at which you resided at the time of receipt of the refer-a-friend program text message(s) and (2) submit or upload an image or screenshot of the Robinhood referral text message you received.

1. Washington Address

Street Address

WA

City **State** **Zip Code**

Please note that if your address cannot be verified, the Settlement Administrator may contact you and ask you to provide proof of Washington residence at the time of receipt of the Robinhood referral text message. Acceptable proof of residence includes, for example, an image of your Washington driver's license; employment documents reflecting your name and a Washington address; or a bill (utility, credit card, mobile phone, or other) reflecting your name and a Washington address. The name you provide on the Claim Form should match the name on your proof of residence.

2. Image of the Robinhood Referral Text Message

Click here to upload an image of the text message you received. If submitting the Claim Form by mail, you must print the image and attach it to your Claim Form.

II. Class Member Identifying Information.

Please provide your name and contact information below. The Settlement Administrator will use the email address you provide below to communicate with you. You must notify the Settlement Administrator if your contact information changes after you submit this Form.

First Name **Last Name**

Street Address

City **State** **Zip Code**

Email Address **Phone Number**

III. Attestation

I attest that the following statements are true (check each box to indicate your agreement):

- ☐ I received one or more Robinhood referral program text messages from a Robinhood customer on the cellular telephone number I provided on the Claim Form above;

- ☐ I owned or was the regular user of that phone number at the time I received at least one Robinhood referral program text message;
- ☐ I was a Washington resident at the time I received at least one Robinhood referral program text message; and
- ☐ I did not clearly and affirmatively consent in advance to receive at least one Robinhood referral program text message I received while a Washington resident.

IV. Payment Selection

Please select from **one** of the following payment options:

☐ **PayPal** - Enter your PayPal email address: _____

☐ **Venmo -** Enter the mobile # associated with your Venmo account: __ __ __-__ __ __-__ __ __ __

☐ **Zelle -** Enter the mobile # or email address associated with your Zelle account:

Mobile Number: __ __ __-__ __ __-__ __ __ __ or Email Address: _____

☐ **Virtual Prepaid Card -** Enter your Email Address: _____

☐ **Physical Check -** Payment will be mailed to the address provided in Section II above.

V. Certification & Signature.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

_____ _____

Signature Date (MM/DD/YYYY)

EXHIBIT H

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

COOPER MOORE and ANDREW GILLETTE, on their own behalf and on behalf of all others similarly situated, Plaintiffs, v. ROBINHOOD FINANCIAL LLC, a Delaware limited liability company, Defendant.	Case No. 2:21-cv-01571-BJR **ORDER PRELIMINARILY APPROVING SETTLEMENT AND DIRECTING NOTICE TO CLASS MEMBERS**

The Settlement Agreement has been filed with the Court (ECF No. __) and the definitions and terms set forth in the Settlement Agreement are incorporated herein by reference. The Court, having reviewed the Settlement Agreement entered by Plaintiffs Cooper Moore and Andrew Gillette ("Plaintiffs" or "Class Representatives") and Defendant Robinhood Financial LLC ("Defendant") (collectively, the "Parties"), hereby Orders that:

1. The Court has considered the proposed settlement of the claims asserted under the Washington Commercial Electronic Mail Act ("CEMA") and the Washington Consumer Protection Act ("CPA"), by a class of consumers defined as follows (the "Settlement Class"): All persons or entities who received a Robinhood referral program text message, and who were Washington residents at the time of the receipt of such text message, between and including August 9, 2017 and the date of Preliminary Approval. Persons who clearly and affirmatively

consented in advance to receive Robinhood referral program text messages are excluded from the class. The Settlement Class does not include Defendant, any entity that has a controlling interest in Defendant, and Defendant's current or former directors, officers, counsel, and their immediate families. The Settlement Class also does not include any persons who validly request exclusion from it.

2. The Settlement Agreement entered between the Parties (ECF No. ____), appears, upon preliminary review, to be fair, reasonable, and adequate to Members of the Settlement Class ("Settlement Class Members"). Accordingly, for settlement purposes only, the proposed settlement is preliminarily approved, pending a Final Approval Hearing, as provided for herein.

3. The prerequisites to a class action under Fed. R. Civ. P. 23(a) have been preliminarily satisfied, for settlement purposes only, in that:

(a) The Settlement Class is estimated to contain more than 500,000 Class Members and is sufficiently numerous;

(b) The claims of the Class Representatives are typical of those of the other Settlement Class Members;

(c) There are questions of fact and law that are common to all Settlement Class Members; and

(d) The Class Representatives will fairly and adequately protect the interests of the Settlement Classes and have retained Class Counsel experienced in consumer class action litigation who have and will continue to adequately represent the Settlement Classes.

4. For settlement purposes only, the Court finds that this action is preliminarily maintainable as a class action under Fed. R. Civ. P. 23(b)(3) because: (1) a class action settlement

is superior to other available means for the fair and efficient adjudication of this controversy; and (2) for purposes of settlement, questions of fact and law common to Settlement Class Members predominate over any questions affecting only individual members.

5. If the Settlement Agreement is not finally approved, is not upheld on appeal, or is otherwise terminated for any reason before Final Approval, then the Settlement Class shall be decertified; the Settlement Agreement and all negotiations, proceedings, and documents prepared, and statements made in connection therewith, shall be without prejudice to any Party and shall not be deemed or construed to be an admission or confession by any Party of any fact, matter, or proposition of law; and all Parties shall stand in the same procedural position as if the Settlement Agreement had not been negotiated, made, or filed with the Court.

6. The Court appoints Cooper Moore and Andrew Gillette as the Class Representatives for the Settlement Class. The Court also appoints Beth E. Terrell and Jennifer Rust Murray of Terrell Marshall Law Group PLLC and E. Michelle Drake and Sophia M. Rios of Berger Montague PC, as counsel for the Settlement Class ("Class Counsel").

7. The Court appoints [INSERT] as the Settlement Administrator.

8. The Court will hold a Final Approval Hearing pursuant to Fed. R. Civ. P. 23(e) on _____, 2024 at the United States District Court for the Western District of Washington, Courtroom XX, 700 Stewart Street, Suite 8230, Seattle, WA 98101, at _____.m. for the following purposes:

(a) To determine whether the proposed settlement is fair, reasonable, and adequate and should be granted final approval by the Court;

(b) To determine whether a final judgment should be entered dismissing the claims of the Settlement Class with prejudice, as required by the Settlement

Agreement;

(c) To consider the application of Class Counsel for an award of attorney's fees, costs, and expenses, and for service awards to the Class Representatives; and

(d) To rule upon other such matters as the Court may deem appropriate.

9. As is provided in Section 2.03 of the Settlement Agreement, Defendant shall provide the Settlement Class Member Data to the Settlement Administrator, who shall send the agreed upon Notices to the Settlement Class Members in accordance with the notice plan set forth in the Settlement Agreement. The Court also approves the Parties' Notices, which are attached to the Settlement Agreement. To the extent the Parties or Settlement Administrator determine that ministerial changes to the Notices are necessary before disseminating either to the Settlement Classes, they may make such changes without further application to the Court.

10. The Court finds this manner of giving notice fully satisfies the requirements of Fed. R. Civ. P. 23 and due process, constitutes the best notice practicable under the circumstances, including its use of individual notice to all Settlement Class Members who can be identified with the available data and reasonable effort, and shall constitute due and sufficient notice to all persons entitled thereto.

11. If a Settlement Class Member chooses to opt out of the Settlement Class, such class member is required to submit a Request for Exclusion to the Settlement Administrator, postmarked on or before the date specified in the Notice, which shall be ninety (90) calendar days from the date of this Order is entered (the "Opt Out & Objections Deadline"). The Request for Exclusion must include the items identified in the Settlement Agreement pertaining to such requests. Each written request for exclusion must be signed by the individual seeking exclusion,

submitted by the Class Member, and may only request exclusion for that one individual. No person within the Settlement Class, or any person acting on behalf of or in concert or participation with that person, may submit a Request for Exclusion on behalf of any other person within the Settlement Class. "Mass" or "class" exclusion requests shall not be permitted.

A Settlement Class Member who submits a valid and timely Request for Exclusion using the procedure identified above shall be excluded from the Settlement Class for any and all purposes. No later than twenty-eight (28) days after the Opt Out & Objections Deadline, the Settlement Administrator shall prepare a declaration listing all of the valid opt-outs received and shall provide the declaration and list to Class Counsel and Defendant's counsel, with Class Counsel then reporting the names appearing on this list to the Court before the Final Approval Hearing.

12. A Settlement Class Member who does not file a timely Request for Exclusion, or otherwise does not follow the procedure described in the Settlement Agreement, shall be bound by all subsequent proceedings, orders, and judgments in this action pertaining to the Settlement Class.

13. Any Settlement Class Member who wishes to be heard orally at the Final Approval Hearing, and/or who wishes for any objection to be considered, must submit a written notice of Objection to the Settlement Administrator postmarked no later than the Opt Out & Objections Deadline.

As set forth in the Settlement Agreement, the Objection must include the following: (1) the Settlement Class Member's full name, address, and current telephone number; (2) if the individual is represented by counsel, the name and telephone number of counsel, whether counsel intends to submit a request for fees, and all factual and legal support for that request; (3) all objections and the basis for any such objections stated with specificity, including a statement

as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (4) the identity of any witnesses the objector may call to testify; (5) a listing of all exhibits the objector intends to introduce into evidence at the Final Approval Hearing, as well as true and correct of copies of such exhibits; and (6) a statement of whether the objector intends to appear at the Final Approval Hearing, either with or without counsel.

Any Settlement Class Member who fails to timely file and serve a written Objection pursuant to the terms of Settlement Agreement shall not be permitted to object to the approval of the settlement or the Settlement Agreement and shall be foreclosed from seeking any review of the settlement or the terms of the Settlement Agreement by appeal or other means. Any Settlement Class Member who files an Objection is subject to having their deposition taken prior to the Final Approval Hearing. A Settlement Class Member may withdraw an Objection by communicating such withdrawal in writing to Class Counsel.

14. The Court approves the claims procedures set forth in the Settlement Agreement. A valid Claim Form, as defined in the Settlement Agreement, must be submitted as required in the Class Notice online or postmarked no later than ninety (90) calendar days after the date of this order.

15. All briefs, memoranda, petitions, and affidavits to be filed in support of an individual award to the Class Representative and in support of Class Counsel's application for fees, costs and expenses, shall be filed with the Court no later than thirty (30) days prior to the Opt Out & Objections Deadline.

16. Any other briefs, memoranda, petitions, or affidavits that Class Counsel intends to file in support of final approval shall be filed not later than thirty (30) days after the Opt Out & Objections Deadline. Notwithstanding the foregoing, Class Counsel may submit declarations from

the Settlement Administrator regarding any updates in information regarding notice, claims, and opt-outs no later than fourteen (14) days prior to the Final Approval Hearing.

17. Neither this Preliminary Approval Order, nor the Settlement Agreement, shall be construed or used as an admission or concession by or against Defendant or any of the Released Parties of any fault, omission, liability, or wrongdoing, or the validity of any of the Class Released Claims. This Preliminary Approval Order is not a finding of the validity or invalidity of any claims in this lawsuit or a determination of any wrongdoing by Defendant or any of the Released Parties. The preliminary approval of the Settlement Agreement does not constitute any opinion, position, or determination of this Court, one way or the other, as to the merits of the claims and defenses of Plaintiff, the Settlement Class Members, or Defendant.

18. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Settlement Agreement. All proceedings before the Court are stayed pending final approval of the settlement, except as may be necessary to implement the settlement or comply with the terms of the Agreement. Pending final determination of whether the settlement should be approved, Class Representatives, all Settlement Class Members, and any person or entity allegedly acting on behalf of Settlement Class Members, either directly, representatively or in any other capacity, are preliminarily enjoined from commencing or prosecuting against the Released Parties any action or proceeding in any court or tribunal asserting any of the Released Claims, provided, however, that this injunction shall not apply to individual claims of any Settlement Class Members who timely exclude themselves in a manner that complies with this Order. This injunction is necessary to protect and effectuate the settlement, this Order, and the Court's flexibility and authority to effectuate this settlement and to enter judgment when appropriate, and is ordered in aid of the Court's jurisdiction and to protect

its judgments pursuant to 28 U.S.C. § 1651(a).

IT IS SO ORDERED.

Dated: _____

_____
Barbara J. Rothstein
United States District Judge

EXHIBIT I

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

COOPER MOORE and ANDREW GILLETTE, on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

v.

ROBINHOOD FINANCIAL LLC, a Delaware limited liability company,

Defendant.

Case No. 2:21-cv-01571-BJR

FINAL APPROVAL ORDER AND JUDGMENT

This matter, having come before the Court on Plaintiffs' Motion for Final Approval of the proposed class action settlement with Defendant Robinhood Financial LLC ("Defendant"); the Court having considered all papers filed and arguments made with respect to the proposed settlement of the claim asserted under the Washington Commercial Electronic Mail Act ("CEMA") and the Washington Consumer Protection Act ("CPA"), by the proposed Settlement Class, and the Court, being fully advised, finds that:

1. On _____, 2024 the Court held a Final Approval Hearing, at which time the Parties and any objectors who appeared were afforded the opportunity to be heard in support of or in opposition to the settlement. The Court received _____ objections regarding the settlement.

2. Notice to the Settlement Class required by Rule 23(e) of the Federal Rules of Civil

Procedure has been provided in accordance with the Court's Preliminary Approval Order. Such Notice has been given in an adequate and sufficient manner; constitutes the best notice practicable under the circumstances, including the dissemination of individual notice to all Settlement Class Members who can be identified through reasonable effort; and satisfies Rule 23(e) and due process.

3. Defendant has timely served notification of this settlement with the appropriate officials pursuant to the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715.

4. The Court finds that the Court has jurisdiction over the subject matter of this Agreement with respect to and over the parties, including Plaintiffs and all Settlement Class Members, and that all members of the Settlement Class have standing under Article III of the United States Constitution because a person's receipt of an unsolicited text message sent without the recipient's clear and affirmative consent intrudes upon privacy and is an injury for purposes of Article III. *See Van Patten v. Vertical Fitness Group, LLC*, 874 F.3d 1037 (9th Cir. 2017).

5. The terms of the Settlement Agreement are incorporated fully into this Order by reference.

6. The Court finds that the terms of Settlement Agreement are fair, reasonable, and adequate in light of the complexity, expense, and duration of litigation, and the risks involved in establishing liability and damages, and maintaining the class action through trial and appeal.

7. The Court has considered the factors enumerated in Rule 23(e)(2) and finds they counsel in favor of final approval.

8. The Court finds that the relief provided under the settlement constitutes fair value given in exchange for the release of claims.

9. The Parties and each Settlement Class Member have irrevocably submitted to the

jurisdiction of this Court for any suit, action, proceeding, or dispute arising out of the Settlement Agreement.

10. The Court finds that it is in the best interests of the Parties and the Settlement Class and consistent with principles of judicial economy that any dispute between any Settlement Class Member (including any dispute as to whether any person is a Settlement Class Member) and any Released Party which, in any way, relates to the applicability or scope of the Settlement Agreement or the Final Judgment and Order should be presented exclusively to this Court for resolution by this Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

11. This action is a class action against Defendant on behalf a class of persons defined as follows (the "Settlement Class"): All persons or entities who received a Robinhood referral program text message, and who were Washington residents at the time of the receipt of such text message, between and including August 9, 2017 and [date of Preliminary Approval]. Persons who clearly and affirmatively consented in advance to receive Robinhood referral program text messages are excluded from the class. The Settlement Class does not include Defendant, any entity that has a controlling interest in Defendant, and Defendant's current or former directors, officers, counsel, and their immediate families. The Settlement Class also does not include any persons who validly request exclusion from it.

12. The Court finds that the Settlement Class satisfies all of the requirements of Federal Rule of Civil Procedure 23(a) and (b)(3) as set forth in its earlier order granting preliminary approval in this matter.

13. The Settlement Agreement submitted by the Parties for the Settlement Class is finally approved pursuant to Rule 23(e) of the Federal Rules of Civil Procedure as fair, reasonable,

and adequate and in the best interests of the Settlement Class. The Settlement Agreement shall be deemed incorporated herein and shall be consummated in accordance with the terms and provisions thereof, except as amended or clarified by any subsequent order issued by this Court.

14. As agreed by the Parties in the Settlement Agreement, upon Final Approval, the relevant parties shall be released and discharged in accordance with the Settlement Agreement.

15. By operation of this Final Judgment, the Plaintiffs and Robinhood expressly waive, and each Settlement Class Member is deemed to have waived, any and all claims, rights, or benefits they may have under California Civil Code § 1542 and any similar federal or state law, right, rule, or legal principle that may apply. California Civil Code § 1542 provides as follows:

> A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

16. As agreed by the parties in the Settlement Agreement, upon Final Approval, Representative Plaintiff, all Settlement Class Members, and any person or entity allegedly acting on behalf of Settlement Class Members, either directly, representatively or in any other capacity, are permanently enjoined from commencing or prosecuting against the Released Parties any action or proceeding in any court or tribunal asserting any of the Released Claims, provided, however, that this injunction shall not apply to individual claims of any Settlement Class Members listed in Exhibit 1 who timely requested exclusion from the Settlement Class. This injunction is necessary to protect and effectuate the settlement, this Order, and the Court's flexibility and authority to effectuate this settlement and to enter judgment when appropriate, and is ordered in aid of the Court's jurisdiction and to protect its judgments pursuant to 28 U.S.C. § 1651(a).

17. As agreed by the parties in the Settlement Agreement, upon Final Approval,

Defendant is enjoined and permanently barred from instituting, maintaining, or prosecuting, either directly or indirectly, any lawsuit that asserts Robinhood Released Claims.

18. Upon consideration of Class Counsel's application for fees and costs and other expenses, the Court awards $_____ as reasonable attorneys' fees and $_____ as reimbursement for reasonable out-of-pocket expenses, which shall be paid from the Settlement Fund.

19. Upon consideration of the application for approval of a service award, Class Representative Cooper Moore is awarded the sum of $_____, and Class Representative Andrew Gillette is awarded the sum of $_____, to be paid from the Settlement Fund, for the service they have performed for and on behalf of the Settlement Class.

20. The Court authorizes Class Counsel and defense counsel to authorize payment to the Settlement Administrator from the Settlement Fund as set forth in the Settlement Agreement.

21. The Court overrules any objections to the settlement. After carefully considering each objection, the Court concludes that none of the objections create questions as to whether the settlement is fair, reasonable, and adequate.

22. Neither this Final Judgment and Order, nor the Settlement Agreement, shall be construed or used as an admission or concession by or against Defendant or any of the Released Parties of any fault, omission, liability, or wrongdoing, or the validity of any of the Released Claims or Robinhood Released Claims. This Final Judgment and Order is not a finding of the validity or invalidity of any claims in this lawsuit or a determination of any wrongdoing by Defendant or any of the Released Parties. The final approval of the Settlement Agreement does not constitute any opinion, position, or determination of this Court, one way or the other, as to the merits of the claims and defenses of the Class Representatives, Settlement Class Members, or Defendant.

23. Without affecting the finality of this judgment, the Court hereby reserves and retains jurisdiction over this settlement, including the administration and consummation of the settlement. In addition, without affecting the finality of this judgment, the Court retains exclusive jurisdiction over Defendant and each member of the Settlement Class for any suit, action, proceeding, or dispute arising out of or relating to this Order, the Settlement Agreement, or the applicability of the Settlement Agreement. Without limiting the generality of the foregoing, any dispute concerning the Settlement Agreement, including, but not limited to, any suit, action, arbitration, or other proceeding by a Settlement Class Member in which the provisions of the Settlement Agreement are asserted as a defense in whole or in part to any claim or cause of action or otherwise raised as an objection, shall constitute a suit, action, or proceeding arising out of or relating to this Order. Solely for purposes of such suit, action, or proceeding, to the fullest extent possible under applicable law, the Parties hereto and all Settlement Class Members are hereby deemed to have irrevocably waived and agreed not to assert, by way of motion, as a defense or otherwise, any claim or objection that they are not subject to the jurisdiction of this Court, or that this Court is, in any way, an improper venue or an inconvenient forum.

24. This action is hereby dismissed on the merits, in its entirety, with prejudice and without costs.

25. The Court finds, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason for delay, and directs the Clerk to enter final judgment.

26. The persons listed on **Exhibit 1** hereto have validly excluded themselves from the Settlement Class in accordance with the provisions of the Settlement Agreement and Preliminary Approval Order and are thus excluded from the terms of this Order. Further, because the settlement is being reached as a compromise to resolve this litigation, including before a final

determination of the merits of any issue in this case, none of the individuals reflected on **Exhibit 1** may invoke the doctrines of *res judicata*, collateral estoppel, or any state law equivalents to those doctrines in connection with any further litigation against Defendant in connection with the claims settled by the Settlement Class.

27. Neither this Final Judgment nor the Agreement is an admission or concession by Defendant of the validity of any claims or of any liability or wrongdoing or of any violation of law. This Final Judgment and the Agreement do not constitute a concession and shall not be used as an admission or indication of any wrongdoing, fault, or omission by Defendant or any other person in connection with any transaction, event or occurrence, and neither this Final Judgment nor the Agreement nor any related documents in this proceeding, nor any reports or accounts thereof, shall be offered or received in evidence in any civil, criminal, or administrative action or proceeding, other than such proceedings as may be necessary to consummate or enforce this Final Judgment, the Agreement, and all releases given thereunder, or to establish the affirmative defenses of *res judicata* or collateral estoppel barring the pursuit of claims released in the Agreement.

IT IS SO ORDERED.

Dated: _____

_____
Barbara J. Rothstein
United States District Judge

Exhibit 2

1818 Market Street | Suite 3600 | Philadelphia, PA 19103
info@bm.net
bergermontague.com
800-424-6690

About Berger Montague

Berger Montague is a full-spectrum class action and complex civil litigation firm, with nationally known attorneys highly sought after for their legal skills. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. In numerous precedent-setting cases, the firm has played a principal or lead role.

The *National Law Journal* selected Berger Montague in 12 out of 14 years (2003-2005, 2007-2013, 2015-2016) for its "Hot List" of top plaintiffs-oriented litigation firms in the United States. The select group of law firms recognized each year had done "exemplary, cutting-edge work on the plaintiffs' side." The *National Law Journal* ended its "Hot List" award in 2017 and replaced it with "Elite Trial Lawyers," which Berger Montague has won from 2018-2021. The firm has also achieved the highest possible rating by its peers and opponents as reported in *Martindale-Hubbell* and was ranked as a 2021 "Best Law Firm" by *U.S. News - Best Lawyers*.

Currently, the firm consists of over 90 lawyers; 18 paralegals; and an experienced support staff. Few firms in the United States have our breadth of practice and match our successful track record in such a broad array of complex litigation.

History of the Firm

Berger Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger helped pioneer the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm's complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger Montague has established new law and forged the path for recovery.

The firm has been involved in a series of notable cases, some of them among the most important in the last 50 years of civil litigation. For example, the firm was one of the principal counsel for

plaintiffs in the *Drexel Burnham Lambert/Michael Milken* securities and bankruptcy litigation. Claimants in these cases recovered approximately $2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of *Drexel* in the late 1980's. The firm was also among the principal trial counsel in the *Exxon Valdez Oil Spill* litigation in Anchorage, Alaska, a trial resulting in a record jury award of $5 billion against Exxon, later reduced by the U.S. Supreme Court to $507.5 million. Berger Montague was lead counsel in the *School Asbestos Litigation*, in which a national class of secondary and elementary schools recovered in excess of $200 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis. Berger Montague was also lead class counsel and lead trial counsel in the *Cook v. Rockwell International Corporation* litigation arising out of a serious incident at the Rocky Flats nuclear weapons facility in Colorado.

Additionally, in the human rights area, the firm, through its membership on the executive committee in the *Holocaust Victim Assets Litigation*, helped to achieve a $1.25 billion settlement with the largest Swiss banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War. The firm also played an instrumental role in bringing about a $4.37 billion settlement with German industry and government for the use of slave and forced labor during the Holocaust.

Diversity, Equity and Inclusion Initiatives

Berger Montague not only supports the idea of its Diversity, Equity and Inclusion ("DEI") initiatives, it is a part of the DNA and fabric of the firm—internally amongst the Berger Montague family and in the way we practice law with co-counsel, opposing counsel, the courts, and with our clients. Through our DEI initiatives, Berger Montague actively works to increase diversity at all levels of our firm and to ensure that professionals of all races, religions, national origins, gender identities, ethnicities, sexual orientations, and physical abilities feel supported and respected in the workplace.

Berger Montague has a DEI Task Force with the leadership of the DEI Coordinator, Camille Fundora Rodriguez, and including, Candice J. Enders, Caitlin G. Coslett, Sophia Rios. Berger Montague has enacted a broad range of diversity and inclusion projects, including successful efforts to hire and retain attorneys and non-attorneys from diverse backgrounds and to foster an inclusive work environment, including through firmwide trainings on implicit bias issues that may impact the workplace.

Additionally, at Berger Montague women lead. Women comprise over 30% of Berger Montague's shareholders, well above the national average as reported by the National Association of Women Lawyers. Moreover, women at the firm are encouraged and have taken advantage of professional development support to bolster their trajectories into key participation and leadership roles, both within and outside the firm, including mentoring, networking, and educational opportunities for women across all career levels. As a result of these intentional policies and initiatives, women attorneys at Berger Montague are managing departments, running offices, overseeing major

administrative programs, generating new business, serving as first chair in trials, handling large matters, and holding numerous other leadership positions firmwide.

Berger Montague's commitment to DEI activities extends beyond our firm. For example, DEI Task Force members are involved in numerous community and professional activities outside of the firm. Representative activities include membership in and/or board or leadership positions with the Hispanic Bar Association, the Barristers' Association of Philadelphia, the Philadelphia Public School Board of Education, Court Appointed Special Advocates (CASA) of Philadelphia, Philadelphia Bar Association's Business Law Section's Antitrust Committee, Community Legal Services of Philadelphia, the Greater Philadelphia Chapter of the Pennsylvania ACLU, AccessMatters, After School Activities Partnerships, and Leadership Council on Legal Diversity. As such, Berger Montague's commitment to DEI has created an atmosphere in which the attorneys can share their gifts with the legal and greater communities from which they come.

Commitment to *Pro Bono*

Berger Montague attorneys commit their most valuable resource, their time, to charities, nonprofit organizations, and *pro bono* legal work. For over 50 years, Berger Montague has encouraged its attorneys to support charitable causes and volunteer in the community. Our lawyers understand that participating in *pro bono* representation is an essential component of their professional and ethical responsibilities.

Berger Montague is strongly committed to numerous charitable causes. Over his lengthy career, David Berger, the firm's founding partner, was prominent in a great many philanthropic and charitable enterprises, including serving as Honorary Chairman of the American Heart Association; a Trustee of the American Cancer Society; and a member of the Board of Directors of the American Red Cross. This tradition continues to the present.

Community Legal Services of Philadelphia, an organization that provides free legal advice and representation to low-income residents of Philadelphia, honored Berger Montague with its 2021 Champion of Justice Award for the firm's work leading a case against the IRS that succeeded in getting unemployed people their rightful benefits during the COVID-19 pandemic.

In prior years, Berger Montague received the Chancellor's Award presented by the Philadelphia Volunteers for the Indigent Program ("VIP"), which provides crucial legal services to more than 1,000 low-income Philadelphia residents each year. VIP relies on volunteer attorneys to provide *pro bono* representation for families and individuals. In 2009 and 2010, Berger Montague also received an award for our volunteer work with the VIP Mortgage Foreclosure Program.

Today, Berger Montague attorneys engage in *pro bono* work for many organizations, including:

- Public Interest Law Center of Philadelphia ("PILCOP")
- Community Legal Services of Philadelphia ("CLS")
- Philadelphia Legal Assistance
- Education Law Center

- Legal Clinic for the Disabled
- Support Center for Child Advocates
- Veterans Pro Bono Consortium
- AIDS Law Project of Philadelphia
- Center for Literacy
- National Liberty Museum
- Philadelphia Volunteers for the Indigent Program
- Philadelphia Mortgage Foreclosure Program

We are proud of our written *pro bono* policy that encourages and strongly supports our attorneys to get involved in this important and rewarding work. Many attorneys at Berger Montague have been named to the First District of Pennsylvania's Pro Bono Honor Roll.

Berger Montague also makes annual contributions to the Philadelphia Bar Foundation, an umbrella charitable organization dedicated to promoting access to justice for all people in the community, particularly those struggling with poverty, abuse, and discrimination.

The firm also has held numerous clothing drives, toy drives, food drives, and blood drives. Through these efforts, Berger Montague professional and support staff have donated thousands of items of clothing, toys, and food to local charities including the Salvation Army, Toys for Tots, and Philabundance, a local food bank. Blood donations are made to the American Red Cross. Berger Montague attorneys also volunteer on an annual basis at MANNA, which prepares and delivers nourishing meals to those suffering with serious illnesses.

Practice Areas and Case Profiles

Antitrust

In antitrust litigation, the firm has served as lead, co-lead or co-trial counsel on many of the most significant civil antitrust cases over the last 50 years, including *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (settlement of approximately $5.6 billion*), In re Namenda Direct Purchaser Antitrust Litigation* (recovery of $750 million), *In re Loestrin 24 Fe Antitrust Litigation* (recovery of $120 million), and *In re Domestic Drywall Antitrust Litigation* (settlements totaling $190.7 million).

Once again, Berger Montague has been selected by *Chambers and Partners* for its 2021 *Chambers USA* Guide as one of Pennsylvania's top antitrust firms. *Chambers USA 2021* states that Berger Montague's antitrust practice group is "a preeminent force in the Pennsylvania antitrust market, offering expert counsel to clients from a broad range of industries."

The Legal 500, a guide to worldwide legal services providers, ranked Berger Montague as a Top Tier Law Firm for Antitrust: Civil Litigation/Class Actions: Plaintiff in the United States in its 2021 guide and states that Berger Montague's antitrust department "has a flair for handling high-stakes plaintiff-side cases, regularly winning high-value settlements for clients following antitrust law violations."

- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation:*** Berger Montague served as co-lead counsel for a national class including millions of merchants in the *Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* against Visa, MasterCard, and several of the largest banks in the U.S. (*e.g.*, Chase, Bank of America, and Citi). The lawsuit alleged that merchants paid excessive fees to accept Visa and MasterCard cards because the payment cards, individually and together with their respective member banks, violated the antitrust laws. The challenged conduct included, *inter alia*, the collective fixing of interchange fees and adoption of rules that hindered any competitive pressure by merchants to reduce those fees. The lawsuit further alleged that defendants maintained their conspiracy even after both Visa and MasterCard changed their corporate forms from joint ventures owned by member banks to publicly-owned corporations following commencement of this litigation. On September 18, 2018, after thirteen years of hard-fought litigation, Visa and MasterCard agreed to pay as much as approximately $6.26 billion, but no less than approximately $5.56 billion, to settle the case. This result is the largest-ever class action settlement of an antitrust case. The settlement received preliminary approval on January 24, 2019. The settlement received final approval on December 16, 2019, for approximately $5.6 billion.

- ***Contant, et al. v. Bank of America Corp., et al.:*** Berger Montague served as lead class counsel in the multistate indirect purchaser antitrust class action *Contant, et al. v. Bank of America Corp., et al.*, against 16 of the world's largest dealer banks. Plaintiffs alleged that the defendants colluded to manipulate prices on foreign currency ("FX") instruments, using a number of methods to carry out their conspiracies, including sharing confidential price and order information through electronic chat rooms, thereby enabling the defendants to coordinate pricing and eliminate price competition. As with prior bank rigging scandals involving conspiracies to manipulate prices on other financial instruments, the defendants' alleged conspiracy to manipulate FX prices was the subject of numerous governmental investigations as well as direct purchaser class actions brought under antitrust federal law. However, the *Contant* action was the first of such cases to bring claims under state indirect purchaser antitrust laws on behalf of state-wide classes of retail investors of those financial instruments and whose claims have never been redressed. On July 29, 2019, U.S. District Judge Lorna G. Schofield granted preliminary approval of a $10 million settlement with Citigroup and a $985,000 settlement with MUFG Bank Ltd. On July 17, 2020, the Court granted preliminary approval of three settlements with all remaining defendants for a combined $12.695 million. Each of the five settlements, totaling $23.63 million, received final approval on November 19, 2020.

- ***In re Dental Supplies Antitrust Litigation:*** Berger Montague served as co-lead counsel for a class of dental practices and dental laboratories in *In re Dental Supplies Antitrust Litigation*, a suit brought against Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company, the three largest distributors of dental supplies in the United States. On September 7, 2018, co-lead counsel announced that they agreed with defendants to settle on a classwide basis for $80 million. The settlement received final

approval on June 24, 2019. The suit alleged that the defendants, who collectively control close to 90 percent of the dental supplies and equipment distribution market, conspired to restrain trade and fix prices at anticompetitive levels, in violation of the Sherman Act. In furtherance of the alleged conspiracy, plaintiffs claimed that the defendants colluded to boycott and pressure dental manufacturers, dental distributors, and state dental associations that did business with or considered doing business with the defendants' lower-priced rivals. The suit claimed that, because of the defendants' anticompetitive conduct, members of the class were overcharged on dental supplies and equipment. In the 2019 Fairness Hearing, Judge Brian M. Cogan of the U.S. District Court for the Eastern District of New York said: "This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' lawyers in this case who were running it."

- ***In re Domestic Drywall Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of a class of direct purchasers of drywall, in a case alleging that the dominant manufacturers of drywall engaged in a conspiracy to fix drywall prices in the U.S. and to abolish the industry's long-standing practice of limiting price increases for the duration of a construction project through "job quotes." Berger Montague represented a class of direct purchasers of drywall from defendants for the period from January 1, 2012 to January 31, 2013. USG Corporation and United States Gypsum Company (collectively, "USG"), New NGC, Inc., Lafarge North America Inc., Eagle Materials, Inc., American Gypsum Company LLC, TIN Inc. d/b/a Temple-Inland Inc., and PABCO Building Products, LLC were named as defendants in this action. On August 20, 2015, the district court granted final approval of two settlements—one with USG and the other with TIN Inc.—totaling $44.5 million. On December 8, 2016, the district court granted final approval of a $21.2 million settlement with Lafarge North America, Inc. On February 18, 2016, the district court denied the motions for summary judgment filed by American Gypsum Company, New NGC, Inc., Lafarge North America, Inc., and PABCO Building Products. On August 23, 2017, the district court granted direct purchaser plaintiffs' motion for class certification. On January 29, 2018, the district court granted preliminary approval of a joint settlement with the remaining defendants, New NGC, Inc., Eagle Materials, Inc., American Gypsum Company LLC, and PABCO Building Products, LLC, for $125 million. The settlement received final approval on July 17, 2018, bringing the total amount of settlements for the class to $190.7 million.

- ***In re Currency Conversion Fee Antitrust Litigation:*** Berger Montague, as one of two co-lead counsel, spearheaded a class action lawsuit alleging that the major credit cards had conspired to fix prices for foreign currency conversion fees imposed on credit card transactions. After eight years of litigation, a settlement of $336 million was approved in October 2009, with a Final Judgment entered in November 2009. Following the resolution of eleven appeals, the District Court, on October 5, 2011, directed distribution of the settlement funds to more than 10 million timely filed claimants, among the largest class of claimants in an antitrust consumer class action. A subsequent settlement with American Express increased the settlement amount to $386 million. (MDL No. 1409 (S.D.N.Y)).

- ***In re Marchbanks Truck Service Inc., et al. v. Comdata Network, Inc.:*** Berger Montague was co-lead counsel in this antitrust class action brought on behalf of a class of thousands of Independent Truck Stops. The lawsuit alleged that defendant Comdata Network, Inc. had monopolized the market for specialized Fleet Cards used by long-haul truckers. Comdata imposed anticompetitive provisions in its agreements with Independent Truck Stops that artificially inflated the fees Independents paid when accepting the Comdata's Fleet Card for payment. These contractual provisions, commonly referred to as anti-steering provisions or merchant restraints, barred Independents from taking various competitive steps that could have been used to steer fleets to rival payment cards. The settlement for $130 million and valuable prospective relief was preliminary approved on March 17, 2014, and finally approved on July 14, 2014. In its July 14, 2014 order approving Class Counsel's fee request, entered contemporaneously with its order finally approving the settlement, the Court described this outcome as "substantial, both in absolute terms, and when assessed in light of the risks of establishing liability and damages in this case."

- ***Ross, et al. v. Bank of America (USA) N.A., et al.:*** Berger Montague, as lead counsel for the cardholder classes, obtained final approval of settlements reached with Chase, Bank of America, Capital One and HSBC, on claims that the defendant banks unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections, and to preclude cardholders from participating in any class actions. The case was brought for injunctive relief only. The settlements remove arbitration clauses nationwide for 3.5 years from the so-called "cardholder agreements" for over 100 million credit card holders. This victory for consumers and small businesses came after nearly five years of hard-fought litigation, including obtaining a decision by the Court of Appeals reversing the order dismissing the case, and will aid consumers and small businesses in their ability to resist unfair and abusive credit card practices. In June 2009, the National Arbitration Forum (or "NAF") was added as a defendant. Berger Montague also reached a settlement with NAF. Under that agreement, NAF ceased administering arbitration proceedings involving business cards for a period of three and one-half (3.5) years, which relief is in addition to the requirements of a Consent Judgment with the State of Minnesota, entered into by the NAF on July 24, 2009.

- ***Johnson, et al. v AzHHA, et al.:*** Berger Montague was co-lead counsel in this litigation on behalf of a class of temporary nursing personnel, against the Arizona Hospital and Healthcare Association, and its member hospitals, for agreeing and conspiring to fix the rates and wages for temporary nursing personnel, causing class members to be underpaid. The court approved $24 million in settlements on behalf of this class of nurses. (Case No. 07-1292 (D. Ariz.)).

The firm has also played a leading role in cases in the pharmaceutical arena, especially in cases involving the delayed entry of generic competition, having achieved over $2 billion in settlements in such cases over the past decade, including:

- ***In re: Namenda Direct Purchaser Antitrust Litigation:*** Berger Montague is co-lead counsel for the class in this antitrust action brought on behalf of a class of direct purchasers of branded and/or generic Namenda IR and/or branded Namenda XR. It settled for $750 million on the very eve of trial. The $750 million settlement received final approval on May 27, 2020, and is the largest single-defendant settlement ever for a case alleging delayed generic competition. (Case No. 15-cv-7488 (S.D.N.Y.)).

- ***King Drug Co. v. Cephalon, Inc.:*** Berger Montague played a major role (serving on the executive committee) in this antitrust class action on behalf of direct purchasers of the prescription drug Provigil (modafinil). After nine years of hard-fought litigation, the court approved a $512 million partial settlement, then the largest settlement ever for a case alleging delayed generic competition. (Case No. 2:06-cv-01797 (E.D. Pa.)). Subsequent non-class settlements pushed the total settlement figure even higher.

- ***In re Aggrenox Antitrust Litigation:*** Berger Montague represented a class of direct purchasers of Aggrenox in in an action alleging that defendants delayed the availability of less expensive generic Aggrenox through, *inter alia*, unlawful reverse payment agreements. The case settled for $146 million. (Case No. 14-02516 (D. Conn.)).

- ***In re Asacol Antitrust Litigation:*** The firm served as class counsel for direct purchasers of Asacol HS and Delzicol in a case alleging that defendants participated in a scheme to block generic competition for the ulcerative colitis drug Asacol. The case settled for $15 million. (Case No. 15-cv-12730-DJC (D. Mass.)).

- ***In re Celebrex (Celecoxib) Antitrust Litigation***: The firm represented a class of direct purchasers of brand and generic Celebrex (celecoxib) in an action alleging that Pfizer, in violation of the Sherman Act, improperly obtained a patent for Celebrex from the U.S. Patent and Trademark Office in a scheme to unlawfully extend patent protection and delay market entry of generic versions of Celebrex. The case settled for $94 million. (Case No. 14-cv-00361 (E.D. VA.)).

- ***In re DDAVP Direct Purchaser Antitrust Litigation:*** Berger Montague served as co-lead counsel in a case that charged defendants with using sham litigation and a fraudulently obtained patent to delay the entry of generic versions of the prescription drug DDAVP. Berger Montague achieved a $20.25 million settlement only after winning a precedent-setting victory before the United States Court of Appeals for the Second Circuit that ruled that direct purchasers had standing to recover overcharges arising from a patent-holder's misuse of an allegedly fraudulently obtained patent. (Case No. 05-2237 (S.D.N.Y.)).

- ***In re K-Dur Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class in this long-running antitrust litigation. Berger Montague litigated the case before the Court of Appeals and won a precedent-setting victory and continued the fight before the Supreme Court. On remand, the case settled for $60.2 million. (Case No. 01-1652 (D.N.J.)).

- ***In re Loestrin 24 Fe Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class of direct purchasers of brand Loestrin, generic Loestrin, and/or brand Minastrin. The direct purchaser class alleged that defendants violated federal antitrust laws by unlawfully impairing the introduction of generic versions of the prescription drug Loestrin 24 Fe. The case settled shortly before trial for $120 million (Case No. 13-md-2472) (D.R.I.).

- ***Meijer, Inc., et al. v. Abbott Laboratories:*** Berger Montague served as co-lead counsel in a class action on behalf of pharmaceutical wholesalers and pharmacies charging Abbott Laboratories with illegally maintaining monopoly power and overcharging purchasers in violation of the federal antitrust laws. Plaintiffs alleged that Abbott had used its monopoly with respect to its anti-HIV medicine Norvir (ritonavir) to protect its monopoly power for another highly profitable Abbott HIV drug, Kaletra. This antitrust class action settled for $52 million after four days of a jury trial in federal court in Oakland, California. (Case No. 07-5985 (N.D. Cal.)).

- ***Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.:*** Berger Montague served as co-lead counsel in a case challenging Warner Chilcott's alleged anticompetitive practices with respect to the branded drug Doryx. The case settled for $15 million. (Case No. 2:12-cv-03824 (E.D. Pa.)).

- ***In re Oxycontin Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of direct purchasers of the prescription drug Oxycontin. The case settled in 2011 for $16 million. (Case No. 1:04-md-01603 (S.D.N.Y)).

- ***In re Prandin Direct Purchaser Antitrust Litigation:*** Berger Montague served as co-lead counsel and recovered $19 million on behalf of direct purchasers of the diabetes medication Prandin. (Case No. 2:10-cv-12141 (E.D. Mich.)).

- ***Rochester Drug Co-Operative, Inc. v. Braintree Labs., Inc.*:** Berger Montague served as co-lead counsel on behalf of direct purchasers alleging sham litigation led to the delay of generic forms of the brand drug Miralax. The case settled for $17.25 million. (Case No. 07-142 (D. Del.)).

- ***In re Skelaxin Antitrust Litigation:*** Berger Montague was among a small group of firms litigating on behalf of direct purchasers of the drug Skelaxin. The case settled for $73 million. (Case No. 2:12-cv-83 / 1:12-md-02343) (E.D. Tenn.)).

- ***In re Solodyn Antitrust Litigation:*** Berger Montague served as co-lead counsel representing a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) alleging that defendants entered into agreements not to compete in the market for extended-release minocycline hydrochloride tablets in violation of the Sherman Act. With a final settlement on the eve of trial, the case settled for a total of more than $76 million. (Case No. 14-MD-2503-DJC (D. Mass.)).

- ***In re Tricor Antitrust Litigation:*** Berger Montague was one of a small group of counsel in a case alleging that the manufacturer of this drug was paying its competitors to refrain from introducing less expensive generic versions of Tricor. The case settled for $250 million. (No. 05-340 (D. Del.)).

- ***In re Wellbutrin XL Antitrust Litigation:*** Berger Montague served as co-lead counsel for a class of direct purchasers of the antidepressant Wellbutrin XL. A settlement of $37.5 million was reached with Valeant Pharmaceuticals (formerly Biovail), one of two defendants in the case. (Case No. 08-cv-2431 (E.D. Pa.)).

Commercial Litigation

Berger Montague helps business clients achieve extraordinary successes in a wide variety of complex commercial litigation matters. Our attorneys appear regularly on behalf of clients in high stakes federal and state court commercial litigation across the United States. We work with our clients to develop a comprehensive and detailed litigation plan, and then organize, allocate and deploy whatever resources are necessary to successfully prosecute or defend the case.

- ***Robert S. Spencer, et al. v. The Arden Group, Inc., et al.*:** Berger Montague represented an owner of limited partnership interests in several commercial real estate partnerships in a lawsuit against the partnerships' general partner. The terms of the settlement are subject to a confidentiality agreement. (Aug. Term, 2007, No. 02066 (Pa. Ct. Com. Pl., Phila. Cty. - Commerce Program)).

- ***Forbes v. GMH:*** Berger Montague represented a private real estate developer/investor who sold a valuable apartment complex to GMH for cash and publicly-held securities. The case which claimed securities fraud in connection with the transaction settled for a confidential sum which represented a significant portion of the losses experienced. (No. 07-cv-00979 (E.D. Pa.)).

Commodities & Financial Instruments

Berger Montague ranks among the country's preeminent firms for managing and trying complex Commodities & Financial Instruments related cases on behalf of individuals and as class actions. The firm's commodities clients include individual hedge and speculation traders, hedge funds, energy firms, investment funds, and precious metals clients.

- ***In re Peregrine Financial Group Customer Litigation:*** Berger Montague served as co-lead counsel in a class action which helped deliver settlements worth more than $75 million on behalf of former customers of Peregrine Financial Group, Inc., in litigation against U.S. Bank, N.A., and JPMorgan Chase Bank, N.A., arising from Peregrine's collapse in July 2012. The lawsuit alleges that both banks breached legal duties by allowing Peregrine's owner to withdraw and put millions of dollars in customer funds to non-customer use. (No. 1:12-cv-5546)

- ***In re MF Global Holdings Ltd. Investment Litigation*:** Berger Montague is one of two co-lead counsel that represented thousands of commodities account holders who fell victim to the alleged massive theft and misappropriation of client funds at the former major global commodities brokerage firm MF Global. Berger Montague reached a variety of settlements, including with JPMorgan Chase Bank, the MF Global SIPA Trustee, and the CME Group, that collectively helped to return approximately $1.6 billion to the class. Ultimately, class members received more than 100% of the funds allegedly misappropriated by MF Global even after all fees and expenses. (No. 11-cv-07866 (S.D.N.Y.).

- ***In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*:** Berger Montague is one of two co-lead counsel representing traders of traders of gold-based derivative contracts, physical gold, and gold-based securities against The Bank of Nova Scotia, Barclays Bank plc, Deutsche Bank AG, HSBC Bank plc, Société Générale and the London Gold Market Fixing Limited. Plaintiffs allege that the defendants, members of the London Gold Market Fixing Limited, which sets an important benchmark price for gold, conspired to manipulate this benchmark for their collective benefit. (1:14-md-02548 (S.D.N.Y.)).

- ***In re Libor-Based Financial Instruments Antitrust Litigation*:** Berger Montague represents exchange-based investors in this sprawling litigation alleging a conspiracy among many of the world's largest banks to manipulate the key LIBOR benchmark rate. LIBOR plays an important role in valuing trillions of dollars of financial instruments worldwide. The case, filed in 2011, alleges that the banks colluded to misreport and manipulate LIBOR rates for their own benefit. The banks' conduct damaged, among others, exchange-based investors who transacted in Eurodollar futures and options on the CME between 2005 and 2010. Eurodollar futures and options are keyed to LIBOR and are the world's most heavily traded short-term interest rate contracts. Following years of hotly contested litigation on behalf of these exchange-based investors, Berger Montague and its co-counsel achieved settlements with seven banks totaling more than $180 million. In September 2019, the Court granted preliminary approval of a plan of distribution for these settlement funds. A final approval hearing on the settlement is scheduled in September 2020. (No. 1:11-md-02262-NRB (S.D.N.Y.)).

Consumer Protection

Berger Montague's Consumer Protection Group protects consumers when they are injured by false or misleading advertising, defective products, data privacy breaches, and various other unfair trade practices. Consumers too often suffer the brunt of corporate wrongdoing, particularly in the area of false or misleading advertising, defective products, and data or privacy breaches.

- ***In re Public Records Fair Credit Reporting Act Litigation***: Berger Montague is class counsel in three class action settlements involving how the big three credit bureaus, Experian, TransUnion, and Equifax, report public records, including tax liens and civil judgments. The settlements provide groundbreaking injunctive relief valued at over $100 billion and provide a streamlined process for consumers to receive uncapped monetary payments for claims related to inaccurate reporting of public records.

- ***In re: CertainTeed Fiber Cement Siding Litigation***: The firm, as one of two Co-Lead Counsel firms obtained a settlement of more than $103 million in this multidistrict products liability litigation concerning CertainTeed Corporation's fiber cement siding, on behalf of a nationwide class. (MDL No. 2270 (E.D. Pa.)).

- ***Countrywide Predatory Lending Enforcement Action:*** Berger Montague advised the Ohio Attorney General (and several other state attorneys general) regarding predatory lending in a landmark law enforcement proceeding against *Countrywide* (and its parent, Bank of America) culminating in 2008 in mortgage-related modifications and other relief for borrowers across the country valued at some $8.6 billion.

- ***In re Experian Data Breach Litigation***: Berger Montague served on the Executive Committee of this class action lawsuit that arose from a 2015 data breach at Experian in which computer hackers stole personal information including Social Security numbers and other sensitive personal information for approximately 15 million consumers. The settlement is valued at over $170 million. It consisted of $22 million for a non-reversionary cash Settlement Fund; $11.7 million for Experian's remedial measures implemented in connection with the lawsuit; and two years of free credit monitoring and identity theft insurance. The aggregate value of credit monitoring claimed by class members during the claims submission process exceeded $138 million, based on a $19.99 per month retail value of the service.

- ***In re Pet Foods Product Liability Litigation***: The firm served as one of plaintiffs' co-lead counsel in this multidistrict class action suit seeking to redress the harm resulting from the manufacture and sale of contaminated dog and cat food. The case settled for $24 million. Many terms of the settlement are unique and highly beneficial to the class, including allowing class members to recover up to 100% of their economic damages without any limitation on the types of economic damages they may recover. (1:07-cv-02867 (D.N.J.), MDL Docket No. 1850 (D.N.J.)).

- ***In re TJX Companies Retail Security Breach Litigation***: The firm served as co-lead counsel in this multidistrict litigation brought on behalf of individuals whose personal and financial data was compromised in the then-largest theft of personal data in history. The breach involved more than 45 million credit and debit card numbers and 450,000 customers' driver's license numbers. The case was settled for benefits valued at over $200 million. Class members whose driver's license numbers were at risk were entitled to 3 years of credit monitoring and identity theft insurance (a value of $390 per person based

on the retail cost for this service), reimbursement of actual identity theft losses, and reimbursement of driver's license replacement costs. Class members whose credit and debit card numbers were at risk were entitled to cash of $15-$30 or store vouchers of $30-$60. (No. 1:07-cv-10162-WGY, (D. Mass.)).

- ***In re: Heartland Payment Systems, Inc. Customer Data Security Breach Litigation:*** The firm served on the Executive Committee of this multidistrict litigation and obtained a settlement of cash and injunctive relief for a class of 130 million credit card holders whose credit card information was stolen by computer hackers. The breach was the largest known theft of credit card information in history. (No. 4:09-MD-2046 (S.D. Tex. 2009)).

- ***In re: Countrywide Financial Corp. Customer Data Security Breach Litigation***: The firm served on the Executive Committee of this multidistrict litigation and obtained a settlement for a class of 17 million individuals whose personal information was at risk when a rogue employee sold their information to unauthorized third parties. Settlement benefits included: (i) reimbursement of several categories of out-of-pocket costs; (ii) credit monitoring and identity theft insurance for 2 years for consumers who did not accept Countrywide's prior offer of credit monitoring; and (iii) injunctive relief. The settlement was approved by the court in 2010. (3:08-md-01998-TBR (W.D. Ky. 2008)).

- ***In re Educational Testing Service Praxis Principles of Learning and Teaching: Grades 7-12 Litigation*:** The firm served on the plaintiffs' steering committee and obtained an $11.1 million settlement in 2006 on behalf of persons who were incorrectly scored on a teacher's licensing exam. (MDL No. 1643 (E.D. La.)).

- ***Salvucci v. Volkswagen of America, Inc. d/b/a Audi of America, Inc*.:** The firm served as co-lead counsel in litigation brought on behalf of a nationwide class alleging that defendants failed to disclose that its vehicles contained defectively designed timing belt tensioners and associated parts and that defendants misrepresented the appropriate service interval for replacement of the timing belt tensioner system. After extensive discovery, a settlement was reached. (Docket No. ATL-1461-03 (N.J. Sup. Ct. 2007)).

Corporate Governance and Shareholder Rights

Berger Montague protects the interests of individual and institutional investors in shareholder derivative actions in state and federal courts across the United States. Our attorneys help individual and institutional investors reform poor corporate governance, as well as represent them in litigation against directors of a company for violating their fiduciary duty or provide guidance on shareholder rights.

- ***Emil Rossdeutscher and Dennis Kelly v. Viacom:*** The firm, as lead counsel, obtained a settlement resulting in a fund of $14.25 million for the class. (C.A. No. 98C-03-091 (JEB) (Del. Super. Ct.)).

- ***Fox v. Riverview Realty Partners, f/k/a Prime Group Realty Trust, et al.:*** The firm, as lead counsel, obtained a settlement resulting in a fund of $8.25 million for the class.

Employee Benefits & ERISA

Berger Montague represents employees who have claims under the federal Employee Retirement Income Security Act. We litigate cases on behalf of employees whose 401(k) and pension investments have suffered losses as a result of the breach of fiduciary duties by plan administrators and the companies they represent. Berger Montague has recovered hundreds of millions of dollars in lost retirement benefits for American workers and retirees, and also gained favorable changes to their retirement plans.

- ***Diebold v. Northern Trust Investments, N.A.*:** As co-lead counsel in this ERISA breach of fiduciary duty case, the firm secured a $36 million settlement on behalf of participants in retirement plans who participated in Northern Trust's securities lending program. Plaintiffs alleged that defendants breached their ERISA fiduciary duties by failing to manage properly two collateral pools that held cash collateral received from the securities lending program. The settlement represented a recovery of more than 25% of alleged class member losses. (No. 1:09-cv-01934 (N.D. Ill.)).

- ***Glass Dimensions, Inc. v. State Street Bank & Trust Co.***: The firm served as co-lead counsel in this ERISA case that alleged that defendants breached their fiduciary duties to the retirement plans it managed by taking unreasonable compensation for managing the securities lending program in which the plans participated. After the court certified a class of the plans that participated in the securities lending program at issue, the case settled for $10 million on behalf of 1,500 retirement plans that invested in defendants' collective investment funds. (No. 1:10-cv-10588-DPW (D. Mass)).

- ***In re Eastman Kodak ERISA Litigation*:** The firm served as class counsel in this ERISA breach of fiduciary duty class action which alleged that defendants breached their fiduciary duties to Kodak retirement plan participants by allowing plan investments in Kodak common stock. The case settled for $9.7 million. (Master File No. 6:12-cv-06051-DGL (W.D.N.Y.)).

- ***Lequita Dennard v. Transamerica Corp. et al*.:** The firm served as counsel to plan participants who alleged that they suffered losses when plan fiduciaries failed to act solely in participants' interests, as ERISA requires, when they selected, removed and monitored plan investment options. The case settled for structural changes to the plan and $3.8 million monetary payment to the class. (Civil Action No. 1:15-cv-00030-EJM (N.D. Iowa)).

Employment & Unpaid Wages

The Berger Montague Employment & Unpaid Wages Department works tirelessly to safeguard the rights of employees and devotes all of their energies to helping the firm's clients achieve their goals. Our attorneys' understanding of federal and state wage and hour laws, federal and state civil rights and discrimination laws, ERISA, the WARN Act, laws protecting whistleblowers, such

as federal and state False Claims Acts, and other employment laws, allows us to develop creative strategies to vindicate our clients' rights and help them secure the compensation to which they are entitled.

Berger Montague is at the forefront of class action litigation, seeking remedies for employees under the Fair Labor Standards Act, state wage and hour law, breach of contract, unjust enrichment, and other state common law causes of action.

Berger Montague's Employment & Unpaid Wages Group, which is chaired by Executive Shareholder Shanon Carson, is repeatedly recognized for outstanding success in effectively representing its clients. In 2015, *The National Law Journal* selected Berger Montague as the top plaintiffs' law firm in the Employment Law category at the Elite Trial Lawyers awards ceremony. Portfolio Media, which publishes *Law360*, also recognized Berger Montague as one of the eight Top Employment Plaintiffs' Firms in 2009.

Representative cases include the following:

- ***Fenley v. Wood Group Mustang, Inc*:** The firm served as lead counsel and obtained a settlement of $6.25 million on behalf of a class of oil and gas inspectors who allegedly did not receive overtime compensation for hours worked in excess of 40 per week. (Civil Action No. 2:15-cv-326 (S.D. Ohio)).

- ***Sanders v. The CJS Solutions Group, LLC*:** The firm served as co-lead counsel and obtained a settlement of $3.24 million on behalf of a class of IT healthcare consultants who allegedly did not receive overtime premiums for hours worked in excess of 40 per week. (Civil Action No. 17-3809 (S.D.N.Y.)).

- ***Gundrum v.* Cleveland Integrity Services, Inc.:** The firm served as lead counsel and obtained a settlement of $4.5 million on behalf of a class of oil and gas inspectors who allegedly did not receive overtime compensation for hours worked in excess of 40 per week. (Civil Action No. 4:17-cv-55 (N.D. Okl.)).

- ***Fenley v.* Applied Consultants, Inc.:** The firm served as lead counsel and obtained a settlement of $9.25 million on behalf of a class of oil and gas inspectors who allegedly did not receive overtime compensation for hours worked in excess of 40 per week. (Civil Action No. 2:15-cv-259 (W.D. Pa.)).

- ***Acevedo v. Brightview Landscapes, LLC*:** The firm served as co-lead counsel and obtained a settlement of $6.95 million on behalf of a class of landscaping crew members who allegedly did not receive proper overtime premiums for hours worked in excess of 40 per week. (Civil Action No. 3:13-cv-02529 (M.D. Pa.)).

- ***Jantz v. Social Security Administration:*** The firm served as co-lead counsel and obtained a settlement on behalf of employees with targeted disabilities ("TDEs") alleged

that SSA discriminated against TDEs by denying them promotional and other career advancement opportunities. The settlement was reached after more than ten years of litigation, and the Class withstood challenges to class certification on four separate occasions. The settlement includes a monetary fund of $9.98 million and an unprecedented package of extensive programmatic changes valued at approximately $20 million. (EEOC No. 531-2006-00276X (2015)).

- ***Ciamillo v. Baker Hughes, Incorporated:*** The firm served as lead counsel and obtained a settlement of $5 million on behalf of a class of oil and gas workers who allegedly did not receive any overtime compensation for working hours in excess of 40 per week. (Civil Action No. 14-cv-81 (D. Alaska)).

- ***Salcido v. Cargill Meat Solutions Corp.:*** The firm served as co-lead counsel and obtained a settlement of $7.5 million on behalf of a class of thousands of employees of Cargill Meat Solutions Corp. alleging that they were forced to work off-the-clock and during their breaks. This is one of the largest settlements of this type of case involving a single plant in U.S. history. (Civil Action Nos. 1:07-cv-01347-LJO-GSA and 1:08-cv-00605-LJO-GSA (E.D. Cal.)).

- ***Chabrier v. Wilmington Finance, Inc.:*** The firm served as co-lead counsel and obtained a settlement of $2,925,000 on behalf of loan officers who worked in four offices to resolve claims for unpaid overtime wages. A significant opinion issued in the case is *Chabrier v. Wilmington Finance, Inc.*, 2008 WL 938872 (E.D. Pa. April 04, 2008) (denying the defendant's motion to decertify the class). (No. 06-4176 (E.D. Pa.)).

- ***Bonnette v. Rochester Gas & Electric Co.:*** The firm served as co-lead counsel and obtained a settlement of $2 million on behalf of a class of African American employees of Rochester Gas & Electric Co. to resolve charges of racial discrimination in hiring, job assignments, compensation, promotions, discipline, terminations, retaliation, and a hostile work environment. (No. 07-6635 (W.D.N.Y.)).

Environment & Public Health

Berger Montague lawyers are trailblazers in the fields of environmental class action litigation and mass torts. Our attorneys have earned their reputation in the fields of environmental litigation and mass torts by successfully prosecuting some of the largest, most well-known cases of our time. Our Environment & Public Health Group also prosecutes significant claims for personal injury, commercial losses, property damage, and environmental response costs. In 2016, Berger Montague was named an Elite Trial Lawyer Finalist in special litigation (environmental) by *The National Law Journal*.

- ***Cook v. Rockwell International Corporation:*** In February 2006, the firm won a $554 million jury verdict on behalf of thousands of property owners whose homes were exposed to plutonium from the former Rocky Flats nuclear weapons site northwest of Denver, Colorado. Judgment in the case was entered by the court in June 2008 which, with

interest, totaled $926 million. Recognizing this tremendous achievement, the Public Justice Foundation bestowed its prestigious Trial Lawyer of the Year Award for 2009 on Merrill G. Davidoff, David F. Sorensen, and the entire trial team for their "long and hard-fought" victory against "formidable corporate and government defendants." (No. 90-cv-00181-JLK (D. Colo.)). The jury verdict in that case was vacated on appeal in 2010, but on a second trip to the Tenth Circuit, Plaintiffs secured a victory in 2015, with the case then being sent back to the district court. A $375 million settlement was reached in May 2016, and final approval by the district court was obtained in April 2017.

- ***In re Exxon Valdez Oil Spill Litigation*:** On September 16, 1994, a jury trial of several months duration resulted in a record punitive damages award of $5 billion against the Exxon defendants as a consequence of one of the largest oil spills in U.S. history. The award was reduced to $507.5 million pursuant to a Supreme Court decision. David Berger was co-chair of the plaintiffs' discovery committee (appointed by both the federal and state courts). Harold Berger served as a member of the organizing case management committee. H. Laddie Montague was specifically appointed by the federal court as one of the four designated trial counsel. Both Mr. Montague and Peter Kahana shared (with the entire trial team) the 1995 "Trial Lawyer of the Year Award" given by the Trial Lawyers for Public Justice. (No. A89-0095-CVCHRH (D. Alaska)).

- ***Drayton v. Pilgrim's Pride Corp.:*** The firm served as counsel in a consolidation of wrongful death and other catastrophic injury cases brought against two manufacturers of turkey products, arising out of a 2002 outbreak of Listeria Monocytogenes in the Northeastern United States, which resulted in the recall of over 32 million pounds of turkey – the second largest meat recall in U.S. history at that time. A significant opinion issued in the case is *Drayton v. Pilgrim's Pride Corp.*, 472 F. Supp. 2d 638 (E.D. Pa. 2006) (denying the defendants' motions for summary judgment and applying the alternative liability doctrine). All of the cases settled on confidential terms in 2006. (No. 03-2334 (E.D. Pa.)).

- ***In re Three Mile Island Litigation:*** As lead/liaison counsel, the firm successfully litigated the case and reached a settlement in 1981 of $25 million in favor of individuals, corporations and other entities suffering property damage as a result of the nuclear incident involved. (C.A. No. 79-0432 (M.D. Pa.)).

Insurance Fraud

When insurance companies and affiliated financial services entities engage in fraudulent, deceptive or unfair practices, Berger Montague helps injured parties recover their losses. We focus on fraudulent, deceptive and unfair business practices across all lines of insurance and financial products and services sold by insurers and their affiliates, which include annuities, securities and other investment vehicles.

- ***Spencer v. Hartford Financial Services Group, Inc.:*** The firm, together with co-counsel, prosecuted this national class action against The Hartford Financial Services Group, Inc. and its affiliates in the United States District Court for the District of Connecticut (*Spencer*

v. Hartford Financial Services Group, Inc., Case No. 05-cv-1681) on behalf of approximately 22,000 claimants, each of whom entered into structured settlements with Hartford property and casualty insurers to settle personal injury and workers' compensation claims. To fund these structured settlements, the Hartford property and casualty insurers purchased annuities from their affiliate, Hartford Life. By purchasing the annuity from Hartford Life, The Hartford companies allegedly were able to retain up to 15% of the structured amount of the settlement in the form of undisclosed costs, commissions and profit - all of which was concealed from the settling claimants. On March 10, 2009, the U.S. District Court certified for trial claims on behalf of two national subclasses for civil RICO and fraud (256 F.R.D. 284 (D. Conn. 2009)). On October 14, 2009, the Second Circuit Court of Appeals denied The Hartford's petition for interlocutory appeal under Federal Rule of Civil Procedure 23(f). On September 21, 2010, the U.S. District Court entered judgment granting final approval of a $72.5 million cash settlement.

- ***Nationwide Mutual Insurance Company v. O'Dell:*** The firm, together with co-counsel, prosecuted this class action against Nationwide Mutual Insurance Company in West Virginia Circuit Court, Roane County (*Nationwide Mutual Insurance Company v. O'Dell*, Case No. 00-C-37), on behalf of current and former West Virginia automobile insurance policyholders, which arose out of Nationwide's failure, dating back to 1993, to offer policyholders the ability to purchase statutorily-required optional levels of underinsured ("UIM") and uninsured ("UM") motorist coverage in accordance with West Virginia Code 33-6-31. The court certified a trial class seeking monetary damages, alleging that the failure to offer these optional levels of coverage, and the failure to provide increased first party benefits to personal injury claimants, breached Nationwide's insurance policies and its duty of good faith and fair dealing, and violated the West Virginia Unfair Trade Practices Act. On June 25, 2009, the court issued final approval of a settlement that provided a minimum estimated value of $75 million to Nationwide auto policyholders and their passengers who were injured in an accident or who suffered property damage.

Predatory Lending and Borrowers' Rights

Berger Montague's attorneys fight vigorously to protect the rights of borrowers when they are injured by the practices of banks and other financial institutions that lend money or service borrowers' loans. Berger Montague has successfully obtained multi-million-dollar class action settlements for nationwide classes of borrowers against banks and financial institutions and works tirelessly to protect the rights of borrowers suffering from these and other deceptive and unfair lending practices.

- ***Coonan v. Citibank, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Citibank and its affiliates in the United States District Court for the Northern District of New York concerning alleged kickbacks Citibank received in connection with its force-placed insurance programs. The firm obtained a settlement of $122 million on behalf of a class of hundreds of thousands of borrowers.

- ***Arnett v. Bank of America, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Bank of America and its affiliates in the United States District Court for the District of Oregon concerning alleged kickbacks received in connection with its force-placed flood insurance program. The firm obtained a settlement of $31 million on behalf of a class of hundreds of thousands of borrowers.

- ***Clements v. JPMorgan Chase Bank, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against JPMorgan Chase and its affiliates in the United States District Court for the Northern District of California concerning alleged kickbacks received in connection with its force-placed flood insurance program. The firm obtained a settlement of $22,125,000 on behalf of a class of thousands of borrowers.

- ***Holmes v. Bank of America, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Bank of America and its affiliates in the United States District Court for the Western District of North Carolina concerning alleged kickbacks received in connection with its force-placed wind insurance program. The firm obtained a settlement of $5.05 million on behalf of a class of thousands of borrowers.

Securities & Investor Protection

In the area of securities litigation, the firm has represented public institutional investors – such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey, Louisiana and Ohio, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the *Melridge Securities Litigation* in the Federal District Court in Oregon, in which jury verdicts of $88.2 million and a RICO judgment of $239 million were obtained. Berger Montague has served as lead or co-lead counsel in numerous other major securities class action cases where substantial settlements were achieved on behalf of investors.

- ***In re Merrill Lynch Securities Litigation:*** Berger Montague, as co-lead counsel, obtained a recovery of $475 million for the benefit of the class in one of the largest recoveries among the recent financial crisis cases. (No. 07-cv-09633 (S.D.N.Y.)).

- ***In re: Oppenheimer Rochester Funds Group Securities Litigation:*** The firm, as co-lead counsel, obtained a $89.5 million settlement on behalf of investors in six tax-exempt bond mutual funds managed by OppenheimerFunds, Inc. (No. 09-md-02063-JLK (D. Col.)).

- ***In re KLA Tencor Securities Litigation:*** The firm, as a member of Plaintiffs' Counsel's Executive Committee, obtained a cash settlement of $65 million in an action on behalf of investors against KLA-Tencor and certain of its officers and directors. (No. 06-cv-04065 (N.D. Cal.)).

- ***In re NetBank, Inc. Securities Litigation:*** The firm served as lead counsel in this certified class action on behalf of the former common shareholders of NetBank, Inc. The $12.5

million settlement, which occurred after class certification proceedings and substantial discovery, is particularly noteworthy because it is one of the few successful securities fraud class actions litigated against a subprime lender and bank in the wake of the financial crisis. (No. 07-cv-2298-TCB (N.D. Ga.)).

- ***The City Of Hialeah Employees' Retirement System v. Toll Brothers, Inc.:*** The firm, as co-lead counsel, obtained a class settlement of $25 million against Home Builder Toll Brothers, Inc. (No. 07-cv-1513 (E.D. Pa.)).

- ***In re Alcatel Alsthom Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement for investors of $75 million cash. (MDL Docket No. 1263 (PNB) (E.D. Tex.)).

- ***Qwest Securities Action:*** The firm represented New Jersey in an opt-out case against Qwest and certain officers, which was settled for $45 million. (C.A. No. L-3838-02 (Superior Court New Jersey, Law Division)).

Whistleblower, *Qui Tam*, and False Claims Act
Berger Montague has represented whistleblowers in matters involving healthcare fraud, defense contracting fraud, IRS fraud, securities fraud, and commodities fraud, helping to return more than $3 billion to federal and state governments. In return, whistleblower clients retaining Berger Montague to represent them in state and federal courts have received more than $500 million in rewards. Berger Montague's time-tested approach in whistleblower/*qui tam* representation involves cultivating close, productive attorney-client relationships with the maximum degree of confidentiality for our clients.

Judicial Praise for Berger Montague Attorneys

Berger Montague's record of successful prosecution of class actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

Antitrust Cases

From **Judge Lorna G. Schofield**, of the U.S. District Court for the Southern District of New York:

> "I'm not sure I've ever seen a case without a single objection or opt-out, so congratulations on that."

Transcript of the November 19, 2020 Hearing in ***Contant, et al. v. Bank of America Corp., et al.***, No. 1:17-cv-03139 (S.D.N.Y.).

From **Judge William E. Smith,** of the U.S. District Court for the District of Rhode Island:

> "The degree to which you all litigated the case is – you know, 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. So you, both sides, I think litigated the case as vigorously as any group of attorneys could. 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."

Transcript of the August 27, 2020 Hearing in ***In re Loestrin 24 Fe Antitrust Litigation***, No. 13-md-02472 (D.R.I.).

From **Judge Margo K. Brodie,** of the U.S. District Court for the Eastern District of New York:

> "Class counsel has without question done a tremendous job in litigating this case. They represent some of the best plaintiff-side antitrust groups in the country, and the size and skill of the defense they litigated against cannot be overstated. They have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required…"

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, No. 1:05-md-01720 (E.D.N.Y. 2019) (Mem. & Order).

From **Judge Brian M. Cogan**, of the U.S. District Court of the Eastern District of New York:

> "This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' lawyers in this case who were running it."

Transcript of the June 24, 2019 Fairness Hearing in ***In re Dental Supplies Antitrust Litigation***, No. 16-cv-696 (E.D.N.Y.).

From **Judge Michael M. Baylson**, of the U.S. District Court of the Eastern District of Pennsylvania:

> "[C]ounsel…for direct action plaintiffs have done an outstanding job here with representing the class, and I thought your briefing was always very on point. I thought the presentation of the very contentious issues on the class action motion was very well done, it was very well briefed, it was well argued."

Transcript of the June 28, 2018 Hearing in ***In re Domestic Drywall Antitrust Litigation***, No. MD-13-2437 at 11:6-11.

From **Judge Madeline Cox Arleo,** of the U.S. District Court for the District of New Jersey praising the efforts of all counsel:

> "I just want to thank you for an outstanding presentation. I don't say that lightly . . . it's not lost on me at all when lawyers come very, very prepared. And really, your clients should be very proud to have such fine lawyering. I don't see lawyering like this every day in the federal courts, and I am very grateful. And I appreciate the time and the effort you put in, not only to the merits, but the respect you've shown for each other, the respect you've shown for the Court, the staff, and the time constraints. And as I tell my law clerks all the time, good lawyers don't fight, good lawyers advocate. And I really appreciate that more than I can express."

Transcript of the September 9 to 11, 2015 Daubert Hearing in ***Castro v. Sanofi Pasteur***, No. 11-cv-07178 (D.N.J.) at 658:14-659:4.

From **Judge William H. Pauley, III**, of the U.S. District Court of the Southern District of New York:

> "Class Counsel did their work on their own with enormous attention to detail and unflagging devotion to the cause. Many of the issues in this litigation . . . were unique and issues of first impression."
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> * * *
>
> "Class Counsel provided extraordinarily high-quality representation. This case raised a number of unique and complex legal issues …. The law firms of Berger Montague and Coughlin Stoia were indefatigable. They represented the Class with a high degree of professionalism, and vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar."

In re Currency Conversion Fee Antitrust Litigation, 263 F.R.D. 110, 129 (2009).

From **Judge Faith S. Hochberg,** of the United States District court for the District of New Jersey:

> "[W]e sitting here don't always get to see such fine lawyering, and it's really wonderful for me both to have tough issues and smart lawyers … I want to congratulate all of you for the really hard work you put into this, the way you presented the issues, … On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do."

In re Remeron Antitrust Litig., Civ. No. 02-2007 (Nov. 2, 2005).

From U.S. District **Judge Jan DuBois**, of the U.S. District Court of the Eastern District of Pennsylvania:

> "[T]he size of the settlements in absolute terms and expressed as a percentage of total damages evidence a high level of skill by petitioners … The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does so again."

In re Linerboard Antitrust Litig., 2004 WL 1221350, at *5-*6 (E.D. Pa. 2004).

From **Judge Nancy G. Edmunds**, of the U.S. District Court of the Eastern District of Michigan:

> "[T]his represents an excellent settlement for the Class and reflects the outstanding effort on the part of highly experienced, skilled, and hard working Class Counsel….[T]heir efforts were not only successful, but were highly organized and efficient in addressing numerous complex issues raised in this litigation[.]"

In re Cardizem CD Antitrust Litig., MDL No. 1278 (E.D. Mich., Nov. 26, 2002).

From **Judge Charles P. Kocoras,** of the U.S. District Court for the Northern District of Illinois:

> "The stakes were high here, with the result that most matters of consequence were contested. There were numerous trips to the courthouse, and the path to the trial court and the Court of Appeals frequently traveled. The efforts of counsel for the class has [sic] produced a substantial recovery, and it is represented that the cash settlement alone is the second largest in the history of class action litigation. . . .There is no question that the results achieved by class counsel were extraordinary [.]"

Regarding the work of Berger Montague in achieving more than $700 million in settlements with some of the defendants in ***In Re Brand Name Prescription Drugs Antitrust Litigation***, 2000 U.S. Dist. LEXIS 1734, at *3-*6 (N.D. Ill. Feb. 9, 2000).

From **Judge Peter J. Messitte,** of the U.S. District Court for the District of Maryland:

"The experience and ability of the attorneys I have mentioned earlier, in my view in reviewing the documents, which I have no reason to doubt, the plaintiffs' counsel are at the top of the profession in this regard and certainly have used their expertise to craft an extremely favorable settlement for their clients, and to that extent they deserve to be rewarded."

Settlement Approval Hearing, Oct. 28, 1994, in ***Spawd, Inc. and General Generics v. Bolar Pharmaceutical Co., Inc.***, CA No. PJM-92-3624 (D. Md.).

From **Judge Donald W. Van Artsdalen,** of the U.S. District Court for the Eastern District of Pennsylvania:

> "As to the quality of the work performed, although that would normally be reflected in the not immodest hourly rates of all attorneys, for which one would expect to obtain excellent quality work at all times, the results of the settlements speak for themselves. Despite the extreme uncertainties of trial, plaintiffs' counsel were able to negotiate a cash settlement of a not insubstantial sum, and in addition, by way of equitable relief, substantial concessions by the defendants which, subject to various condition, will afford the right, at least, to lessee-dealers to obtain gasoline supply product from major oil companies and suppliers other than from their respective lessors. The additional benefits obtained for the classes by way of equitable relief would, in and of itself, justify some upward adjustment of the lodestar figure."

Bogosian v. Gulf Oil Corp., 621 F. Supp. 27, 31 (E.D. Pa. 1985).

From **Judge Krupansky**, who had been elevated to the Sixth Circuit Court of Appeals:

> "Finally, the court unhesitatingly concludes that the quality of the representation rendered by counsel was uniformly high. The attorneys involved in this litigation are extremely experienced and skilled in their prosecution of antitrust litigation and other complex actions. Their services have been rendered in an efficient and expeditious manner, but have nevertheless been productive of highly favorable result."

In re Art Materials Antitrust Litigation, 1984 CCH Trade Cases ¶65,815 (N.D. Ohio 1983).

From **Judge Joseph Blumenfeld,** of the U.S. District Court for the District of Connecticut:

> "The work of the Berger firm showed a high degree of efficiency and imagination, particularly in the maintenance and management of the national class actions."

In re Master Key Antitrust Litigation, 1977 U.S. Dist. LEXIS 12948, at *35 (Nov. 4, 1977).

Securities & Investor Protection Cases

From **Judge Brantley Starr** of the U.S. District Court for the Northern District of Texas, Dallas Division:

> "I think y'all have been a model on how to handle a case like this. So I appreciate the diligence y'all have put in separating the fee negotiations until after the main event is resolved…Everything I see here is in great shape, and really a testament to y'all's diligence and professionalism. So hats off to y'all…So thanks again for your professionalism in handling this case and handling the stipulated settlement. Y'all are model citizens, and so I wish I could send everyone to y'all's school of litigation management."

Howell Family Trust DTD 1/27/2004 v. Hollis Greenlaw, et al., No. 3:18-cv-02864-X (N.D. Tex., March 25, 2021).

From **Judge Jed Rakoff** of the U.S. District Court for the Southern District of New York:

> Court stated that lead counsel had made "very full and well-crafted" and "excellent submissions"; that there was a "very fine job done by plaintiffs' counsel in this case"; and that this was "surely a very good result under all the facts and circumstances."

In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation, Master File No. 07-cv-9633(JSR)(DFE) (S.D.N.Y., July 27, 2009).

From **Judge Michael M. Baylson** of the U.S. District Court for the Eastern District of Pennsylvania:

> "The Court is aware of and attests to the skill and efficiency of class counsel: they have been diligent in every respect, and their briefs and arguments before the Court were of the highest quality. The firm of Berger Montague took the lead in the Court proceedings; its attorneys were well prepared, articulate and persuasive."

In re CIGNA Corp. Sec. Litig., 2007 U.S. Dist. LEXIS 51089, at *17-*18 (E.D. Pa. July 13, 2007).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

> "The quality of lawyering on both sides, but I am going to stress now on the plaintiffs' side, simply has not been exceeded in any case, and we have had some marvelous counsel appear before us and make superb arguments, but they really don't come any better than Mrs. Savett… [A]nd the arguments we had on the motion to dismiss [Mrs. Savett argued the motion], both sides were fabulous, but plaintiffs' counsel were as good as they come."

In re U.S. Bioscience Secs. Litig., No. 92-0678 (E.D. Pa. April 4, 1994).

From **Judge Wayne Andersen** of the U.S. District Court for the Northern District of Illinois:

> "[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases…in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here…I would say this has been the best representation that I have seen."

In re: Waste Management, Inc. Secs. Litig., No. 97-C 7709 (N.D. Ill. 1999).

From **Chancellor William Chandler, III** of the Delaware Chancery Court:

> "All I can tell you, from someone who has only been doing this for roughly 22 years, is that I have yet to see a more fiercely and intensely litigated case than this case. Never in 22 years have I seen counsel going at it, hammer and tong, like they have gone at it in this case. And I think that's a testimony – Mr. Valihura correctly says that's what they are supposed to do. I recognize that; that is their job, and they were doing it professionally."

Ginsburg v. Philadelphia Stock Exchange, Inc., No. 2202 (Del. Ch., Oct. 22, 2007).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

> "Thanks to the nimble class counsel, this sum, which once included securities worth $149.5 million is now all cash. Seizing on an opportunity Rite Aid presented, class counsel first renegotiated what had been stock consideration into Rite Aid Notes and then this year monetized those Notes. Thus, on February 11, 2003, Rite Aid redeemed those Notes from the class, which then received $145,754,922.00. The class also received $14,435,104 in interest on the Notes."
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> "Co-lead counsel ... here were extraordinarily deft and efficient in handling this most complex matter... they were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the write down of over $1.6 billion in previously reported Rite Aid earnings. In short, it would be hard to equal the skill class counsel demonstrated here."

In re Rite Aid Corp. Securities Litigation, 269 F. Supp. 2d 603, 605, n.1, 611 (E.D. Pa. 2003).

From **Judge Helen J. Frye**, United States District Judge for the U.S. District Court for the District of Oregon:

> "In order to bring about this result [partial settlements then totaling $54.25 million], Class Counsel were required to devote an unusual amount of time and effort over more than eight years of intense legal litigation which included a four-month long jury trial and full briefing and argument of an appeal before the Ninth Circuit Court of Appeals, and which produced one of the most voluminous case files in the history of this District."
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> * * *
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> "Throughout the course of their representation, the attorneys at Berger Montague and Stoll, Stoll, Berne, Lokting & Shlachter who have worked on this case have exhibited an unusual degree of skill and diligence, and have had to contend with opposing counsel who also displayed unusual skill and diligence."

In Re Melridge, Inc. Securities Litigation, No. CV 87-1426-FR (D. Ore. April 15, 1996).

From **Judge Marvin Katz** of the U.S. District Court for the Eastern District of Pennsylvania:

> "[T]he co-lead attorneys have extensive experience in large class actions, experience that has enabled this case to proceed efficiently and professionally even under short deadlines and the pressure of handling thousands of documents in a large multi-district action... These counsel have also acted vigorously in their clients' interests...."
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> "The management of the case was also of extremely high quality.... [C]lass counsel is of high caliber and has extensive experience in similar class action litigation.... The submissions were of consistently high quality, and class counsel has been notably diligent in preparing filings in a timely manner even when under tight deadlines."

Commenting on class counsel, where the firm served as both co-lead and liaison counsel in ***In re Ikon Office Solutions, Inc. Securities Litigation***, 194 F.R.D. 166, 177, 195 (E.D. Pa. 2000).

From **Judge William K. Thomas,** Senior District Judge for the United States District Court for the Northern District of Ohio:

> "In the proceedings it has presided over, this court has become directly familiar with the specialized, highly competent, and effective quality of the legal services performed by Merrill G. Davidoff, Esq. and Martin I. Twersky, Esq. of Berger Montague...."
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> * * *

> "Examination of the experience-studded biographies of the attorneys primarily involved in this litigation and review of their pioneering prosecution of many class actions in antitrust, securities, toxic tort matters and some defense representation in antitrust and other litigation, this court has no difficulty in approving and adopting the hourly rates fixed by Judge Aldrich."

Commenting in ***In re Revco Securities Litigation***, Case No. 1:89CV0593, Order (N.D. Oh. September 14, 1993).

Consumer Protection Cases

From **Judge Paul A. Engelmayer** of the U.S. District Court for the Southern District of New York:

> "I know the diligence of counsel and dedication of counsel to the class…Thank you, Ms. Drake. As always I appreciate the – your extraordinary dedication to your – to the class and the very obvious backwards and forwards familiarity you have with the case and level of preparation and articulateness today. It's a pleasure always to have you before me…Class Counsel [] generated this case on their own initiative and at their own risk. Counsel's enterprise and ingenuity merits significant compensation…Counsel here are justifiably proud of the important result that they achieved."

Sept. 22, 2020, Final Approval Hearing, ***Gambles v. Sterling Info., Inc.***, No. 15-cv-9746.

From **Judge Joel Schneider** of the U.S. District Court for the District of New Jersey:

> "I do want to compliment all counsel for how they litigated this case in a thoroughly professional manner. All parties were zealously represented in the highest ideals of the profession, legitimately and professionally, and not the usual acrimony we see in these cases…I commend the parties and their counsel for a very workmanlike professional effort."

Transcript of the September 10, 2020 Final Fairness Hearing in ***Somogyi, et al. v. Freedom Mortgage Corp.***

From **Judge Harold E. Kahn** of the Superior Court of California County of San Francisco:

> "You are extraordinarily impressive. And I thank you for being here, and for your candid, non-evasive response to every question I have. I was extremely skeptical at the outset of this morning. You have allayed all of my concerns and have persuaded me that this is an important issue, and that you have done a great service to the class. And for that reason, I am going to approve your settlement in all respects, including the motion for attorneys' fees. And I congratulate you on your excellent work."

Transcript of the November 7, 2017 Hearing in ***Loretta Nesbitt v. Postmates, Inc.***, No. CGC-15-547146

Civil/Human Rights Cases

From **Deputy Treasury Secretary Stuart E. Eizenstat**:

> "We must be frank. It was the American lawyers, through the lawsuits they brought in U.S. courts, who placed the long-forgotten wrongs by German companies during the Nazi era on the international agenda. It was their research and their work which highlighted these old injustices and forced us to confront them. Without question, we would not be here without them.... For this dedication and commitment to the victims, we should always be grateful to these lawyers."

In his remarks at the July 17, 2000, signing ceremony for the international agreements which established the German Foundation to act as a funding vehicle for the payment of claims to Holocaust survivors.

Insurance Litigation

From **Judge Janet C. Hall**, of the U.S. District Court of the District of Connecticut:

> Noting the "very significant risk in pursuing this action" given its uniqueness in that "there was no prior investigation to rely on in establishing the facts or a legal basis for the case….[and] no other prior or even now similar case involving parties like these plaintiffs and a party like these defendants." Further, "the quality of the representation provided to the plaintiffs ... in this case has been consistently excellent…. [T]he defendant[s] ... mounted throughout the course of the five years the case pended, an extremely vigorous defense…. [B]ut for counsel's outstanding work in this case and substantial effort over five years, no member of the class would have recovered a penny…. [I]t was an extremely complex and substantial class ... case ... [with an] outstanding result."

Regarding the work of Berger Montague attorneys Peter R. Kahana and Steven L. Bloch, among other co-class counsel, in ***Spencer, et al. v. The Hartford Financial Services Group, Inc., et al.,*** in the Order approving the $72.5 million final settlement of this action, dated September 21, 2010 (No. 3:05-cv-1681, D. Conn.).

Customer/Broker Arbitrations

From **Robert E. Conner**, Public Arbitrator with the National Association of Securities Dealers, Inc.:

> "[H]aving participated over the last 17 years in 400 arbitrations and trials in various settings, ... the professionalism and the detail and generally the civility of everyone involved has been not just a cause for commentary at the end of these proceedings but between ourselves [the arbitration panel] during the course of them, and ... the detail and the intellectual rigor that went into the documents was fully reflective of the effort that was made in general. I wanted to make that known to everyone and to express my particular respect and admiration."

About the efforts of Berger Montague shareholders Merrill G. Davidoff and Eric L. Cramer, who achieved a $1.1 million award for their client, in ***Steinman v. LMP Hedge Fund, et al.***, NASD Case No. 98-04152, at Closing Argument, June 13, 2000.

Employment & Unpaid Wages Cases

From **Judge Timothy R. Rice**, United States Magistrate Judge for the U.S. District Court for the Eastern District of Pennsylvania:

> Describing Berger Montague as "some of the finest legal representation in the nation," who are "ethical, talented, and motivated to help hard working men and women."

Regarding the work of Berger Montague attorney Camille F. Rodriguez in ***Gonzalez v. Veritas Consultant Group, LLC, d/b/a Moravia Health Network***, No. 2:17-cv-1319-TR (E.D. Pa. March 13, 2019).

From **Judge Malachy E. Mannion**, United States District Judge for the U.S. District Court for the Middle District of Pennsylvania:

> "At the final approval hearing, class counsel reiterated in detail the arguments set forth in the named plaintiffs' briefing. … The court lauded the parties for their extensive work in reaching a settlement the court deemed fair and reasonable.
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> * * *
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> "The court is confident that [class counsel] are highly skilled in FLSA collective and hybrid actions, as seen by their dealings with the court and the results achieved in both negotiating and handling the settlement to date."

Acevedo v. Brightview Landscapes, LLC, No. 3:13-cv-2529, 2017 WL 4354809 (M.D. Pa. Oct. 2, 2017).

From **Judge Joseph F. Bataillon**, United States District Judge for the U.S. District Court for the District of Nebraska:

> [P]laintiffs' counsel succeeded in vindicating important rights. … The court is familiar with "donning and doffing" cases and based on the court's experience, defendant meat packing companies' litigation conduct generally reflects "what can only be described as a deeply-entrenched resistance to changing their compensation practices to comply with the requirements of FLSA." (citation omitted). Plaintiffs' counsel perform a recognized public service in prosecuting these actions as a 'private Attorney General' to protect the rights of underrepresented workers.
>
> The plaintiffs have demonstrated that counsel's services have benefitted the class. … The fundamental policies of the FLSA were vindicated and the rights of the workers were protected.

Regarding the work of Berger Montague among other co-counsel in ***Morales v. Farmland Foods****, Inc.*, No. 8:08-cv-504, 2013 WL 1704722 (D. Neb. Apr. 18, 2013).

From **Judge Jonathan W. Feldman**, United States Magistrate Judge for the U.S. District Court for the Western District of New York:

> "The nature of the instant application obliges the Court to make this point clear: In my fifteen years on the bench, no case has been litigated with more skill, tenacity and legal professionalism than this case. The clients, corporate and individual, should be proud of the manner in which their legal interests were brought before and presented to the Court by their lawyers and law firms."
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> and
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> "…the Court would be remiss if it did not commend class counsel and all those who worked for firms representing the thousands of current and former employees of Kodak for the outstanding job they did in representing the interests of their clients. For the last several years, lead counsel responsibilities were shared by Shanon Carson …. Their legal work in an extraordinarily complex case was exemplary, their tireless commitment to seeking justice for their clients was unparalleled and their conduct as officers of the court was beyond reproach."

Employees Committed For Justice v. Eastman Kodak, (W.D.N.Y. 2010) ($21.4 million settlement).

Other Cases

From **Stephen M. Feiler, Ph.D.,** Director of Judicial Education, Supreme Court of Pennsylvania, Administrative Office of Pennsylvania Courts, Mechanicsburg, PA *on behalf of the Common Pleas Court Judges (trial judges) of Pennsylvania*:

> "On behalf of the Supreme Court of Pennsylvania and AOPC's Judicial Education Department, thank you for your extraordinary commitment to the *Dealing with Complexities in Civil Litigation* symposia. We appreciate the considerable time you spent preparing and delivering this important course across the state. It is no surprise to me that the judges rated this among the best programs they have attended in recent years."

About the efforts of Berger Montague attorneys Merrill G. Davidoff, Peter Nordberg and David F. Sorensen in planning and presenting a CLE Program to trial judges in the Commonwealth of Pennsylvania.

Our Founding Partner and Attorneys

Founding Partner

David Berger – *1912-2007*
David Berger was the founder and the Chairman of Berger Montague. He received his A.B. *cum laude* in 1932 and his LL.B. *cum laude* in 1936, both from the University of Pennsylvania. He was a member of The Order of the Coif and was an editor of the *University of Pennsylvania Law Review*. He had a distinguished scholastic career including being Assistant to Professor Francis H. Bohlen and Dr. William Draper Lewis, Director of the American Law Institute, participating in the drafting of the first Restatement of Torts. He also served as a Special Assistant Dean of the University of Pennsylvania Law School. He was a member of the Board of Overseers of the Law School and Associate Trustee of the University of Pennsylvania. In honor of his many contributions, the Law School established the David Berger Chair of Law for the Improvement of the Administration of Justice.

David Berger was a law clerk for the Pennsylvania Supreme Court. He served as a deputy assistant to Director of Enemy Alien Identification Program of the United States Justice Department during World War II.

Thereafter he was appointed Lt.j.g. in the U.S. Naval Reserve and he served in the South Pacific aboard three aircraft carriers during World War II. He was a survivor of the sinking of the U.S.S. Hornet in the Battle of Santa Cruz, October 26, 1942. After the sinking of the Hornet, Admiral Halsey appointed him a member of his personal staff when the Admiral became Commander of the South Pacific. Mr. Berger was ultimately promoted to Commander. He was awarded the Silver Star and Presidential Unit Citation.

After World War II, he was a law clerk in the United States Court of Appeals. The United States Supreme Court appointed David Berger a member of the committee to draft the Federal Rules of Evidence, the basic evidentiary rules employed in federal courts throughout the United States.

David Berger was a fellow of the American College of Trial Lawyers, the International Society of Barristers, and the International Academy of Trial Lawyers, of which he was a former Dean. He was a Life Member of the Judicial Conference of the Third Circuit and the American Law Institute.

A former Chancellor (President) of the Philadelphia Bar Association, he served on numerous committees of the American Bar Association and was a lecturer and author on various legal subjects, particularly in the areas of antitrust, securities litigation, and evidence.

David Berger served as a member of President John F. Kennedy's committee which designed high speed rail lines between Washington and Boston. He drafted and activated legislation in the Congress of the United States which resulted in the use of federal funds to assure the continuance of freight and passenger lines throughout the United States. When the merger of the Pennsylvania Railroad and the New York Central Railroad, which created the Penn Central Transportation Company, crashed into Chapter 11, David Berger was counsel for Penn Central and a proponent of its reorganization. Through this work, Mr. Berger ensured the survival of the major railroads in the Northeastern section of the United States including Penn Central, New Jersey Central, and others.

Mr. Berger's private practice included clients in London, Paris, Dusseldorf, as well as in Philadelphia, Washington, New York City, Florida, and other parts of the United States. David Berger instituted the first class action in the antitrust field, and for over 30 years he and the Berger firm were lead counsel and/or co-lead counsel in countless class actions brought to successful conclusions, including antitrust, securities, toxic tort and other cases. He served as one of the chief counsel in the litigation surrounding the demise of Drexel Burnham Lambert, in which over $2.6 billion was recovered for various violations of the securities laws during the 1980s. The recoveries benefitted such federal entities as the FDIC and RTC, as well as thousands of victimized investors.

In addition, Mr. Berger was principal counsel in a case regarding the Three Mile Island accident near Harrisburg, Pennsylvania, achieving the first legal recovery of millions of dollars for economic harm caused by the nation's most serious nuclear accident. As part of the award in the case, David Berger established a committee of internationally renowned scientists to determine the effects on human beings of emissions of low-level radiation.

In addition, as lead counsel in *In re Asbestos School Litigation*, he brought about settlement of this long and vigorously fought action spanning over 13 years for an amount in excess of $200 million.

David Berger was active in Democratic politics. President Clinton appointed David Berger a member of the United States Holocaust Memorial Council, in which capacity he served from 1994-2004. In addition to his having served for seven years as the chief legal officer of Philadelphia, he was a candidate for District Attorney of Philadelphia, and was a Carter delegate in the Convention which nominated President Carter.

Over his lengthy career David Berger was prominent in a great many philanthropic and charitable enterprises some of which are as follows: He was the Chairman of the David Berger Foundation and a long time honorary member of the National Commission of the Anti-Defamation League. He was on the Board of the Jewish Federation of Philadelphia and, at his last place of residence, Palm Beach, as Honorary Chairman of the American Heart Association, Trustee of the American Cancer Society, a member of the Board of Directors of the American Red Cross, and active in the Jewish Federation of Palm Beach County.

David Berger's principal hobby was tennis, a sport in which he competed for over 60 years. He was a member of the Board of Directors of the International Tennis Hall of Fame and other related organizations for assisting young people in tennis on a world-wide basis.

Firm Chair

Eric L. Cramer – Chairman

Eric L. Cramer is Chairman of Berger Montague and Co-Chair of its antitrust department. He has a national practice in the field of complex litigation, primarily in the area of antitrust class actions. He is currently co-lead counsel in multiple significant antitrust class actions across the country in a variety of industries and is responsible for winning numerous significant settlements for his clients totaling well over $3 billion. Most recently, he has focused on representing workers claiming that anticompetitive practices have suppressed their pay, including cases on behalf of mixed-martial-arts fighters, healthcare and luxury retail workers, and chicken growers. Further, in late 2021, Mr. Cramer served as one of the main trial counsel in an antitrust class action relating to an alleged international cartel of capacitors' suppliers, which was tried to a jury and settled after nearly three weeks of trial.

In 2020, Law360 named Mr. Cramer a Titan of the Plaintiffs Bar, and Who's Who Legal identified him as a Global Elite Thought Leader, stating that he "comes recommended by peers as a top name for antitrust class action proceedings." In 2019, The National Law Journal awarded Mr. Cramer the Keith Givens Visionary Award, which was developed to honor an outstanding trial lawyer who has moved the industry forward through his or her work within the legal industry ecosystem, demonstrating excellence in all aspects of work from client advocacy to peer education and mentoring. In 2018, he was named Philadelphia antitrust "Lawyer of the Year" by Best Lawyers, and in 2017, he won the American Antitrust Institute's Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in *Castro v. Sanofi Pasteur Inc*., No. 11-cv-07178 (D.N.J.). In that case, Mr. Cramer represented a national class of physicians challenging Sanofi Pasteur with anticompetitive conduct in the market for meningitis vaccines, resulting in a settlement of more than $60 million for the class. He has also been identified as a top tier antitrust lawyer by Chambers & Partners in Pennsylvania and nationally. In 2020, Chambers & Partners observed that Mr. Cramer is "a fantastic lawyer…He has real trial experience and is very capable and super smart." He has been highlighted annually since 2011 by The Legal 500 as one of the country's top lawyers in the field of complex antitrust litigation and repeatedly deemed one of the "Best Lawyers in America," including for 2021.

Mr. Cramer is also a frequent speaker at antitrust and litigation related conferences and a leader of multiple non-profit advocacy groups. He is a past President of the Board of Directors of Public Justice, a national public interest advocacy group and law firm; a former Vice President of the Board of Directors of the American Antitrust Institute; a past President of COSAL (Committee to

Support the Antitrust Laws), a leading industry group; and a member of the Advisory Board of the Institute of Consumer Antitrust Studies of the Loyola University Chicago School of Law.

He has written widely in the fields of class certification and antitrust law. Among other writings, Mr. Cramer has co-authored *Antitrust as Antiracism: Antitrust as a Partial Cure for Systemic Racism* (*and Other Systemic "Isms"*), Vol. 66(3) The Antitrust Bulletin 359-393 (2021) and *Antitrust, Class Certification, and the Politics of Procedure*, 17 George Mason Law Review 4 (2010), the latter of which was cited by both the First Circuit in *In re Nexium Antitrust Litig*., 777 F.3d 9, 27 (1st Cir. 2015), and the Third Circuit in *Behrend v. Comcast Corp*., 655 F.3d 182, 200, n.10 (3d Cir. 2011), *rev'd on other grounds*, 133 S. Ct. 1426 (2013). He has also co-written a number of other pieces, including: *Of Vulnerable Monopolists?: Questionable Innovation in the Standard for Class Certification in Antitrust Cases*, 41 Rutgers Law Journal 355 (2009-2010); *A Questionable New Standard for Class Certification in Antitrust Cases*, published in the ABA's Antitrust Magazine, Vol. 26, No. 1 (Fall 2011); a Chapter of American Antitrust Institute's Private International Enforcement Handbook (2010), entitled "Who May Pursue a Private Claim?;" and a chapter of the American Bar Association's Pharmaceutical Industry Handbook (July 2009), entitled "Assessing Market Power in the Prescription Pharmaceutical Industry."

Mr. Cramer is a *summa cum laude* graduate of Princeton University (1989), where he earned membership in Phi Beta Kappa. He graduated *cum laude* from Harvard Law School with a J.D. in 1993.

Executive Shareholders

Sherrie R. Savett – Executive Shareholder, Chair *Emeritus*
Sherrie R. Savett, Chair *Emeritus* of the Firm, Co-Chair of the Securities Litigation Department and *Qui Tam*/False Claims Act Department, and member of the Firm's Management Committee, has practiced in the areas of securities litigation, class actions, and commercial litigation since 1975.

Ms. Savett serves or has served as lead or co-lead counsel or as a member of the executive committee in a large number of important securities and consumer class actions in federal and state courts across the country, including:

- ***In re Alcatel Alsthom Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement for investors of $75 million cash. (MDL Docket No. 1263 (PNB) (E.D. Tex.));
- ***In re CIGNA Corp. Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of $93 million for the benefit of the class. (Master File No. 2:02-cv-8088 (E.D. Pa.));
- ***In re Fleming Companies, Inc. Securities Litigation:*** The firm, as lead counsel, obtained a class settlement of $94 million for the benefit of the class. (No. 5-03-MD-1530 (TJW) (E.D. Tex.));
- ***In re KLA Tencor Securities Litigation*:** The firm, as a member of Plaintiffs' Counsel's Executive Committee, obtained a cash settlement of $65 million in an action on behalf of

investors against KLA-Tencor and certain of its officers and directors. (No. 06-cv-04065 (N.D. Cal.));

- ***Medaphis/Deloitte & Touche*** (class settlement of $96.5 million) (No. 1:96-CV-2088-FMH (N.D. GA));
- ***In re Rite Aid Corp. Securities Litigation:*** The firm, as co-lead counsel, obtained settlements totaling $334 million against Rite Aid's outside accounting firm and certain of the company's former officers. (No. 99-cv-1349) (E.D. Pa.));
- ***In re Sotheby's Holding, Inc. Securities Litigation:*** The firm, as lead counsel, obtained a $70 million settlement, of which $30 million was contributed, personally, by an individual defendant (No. 00-cv-1041 (DLC) (S.D.N.Y.));
- ***In re Waste Management, Inc. Securities Litigation:*** In 1999, the firm, as co-lead counsel, obtained a class settlement for investors of $220 million cash, which included a settlement against Waste Management's outside accountants. (No. 97-cv-7709 (N.D. Ill.)); and
- ***In re Xcel Inc. Securities, Derivative & "ERISA" Litigation***: The firm, as co-lead counsel in the securities actions, obtained a cash settlement of $80 million on behalf of investors against Xcel Energy and certain of its officers and directors. (No. 02-cv-2677 (DSD/FLN) (D. Minn.)).

Ms. Savett has helped establish several significant precedents. Among them is the holding (the first ever in a federal appellate court) that municipalities are subject to the anti-fraud provisions of SEC Rule 10b-5 under § 10(b) of the Securities Exchange Act of 1934, and that municipalities that issue bonds are not acting as an arm of the state and therefore are not entitled to immunity from suit in the federal courts under the Eleventh Amendment. *Sonnenfeld v. City and County of Denver*, 100 F.3d 744 (10th Cir. 1996).

In the *U.S. Bioscience* securities class action, a biotechnology case where critical discovery was needed from the federal Food and Drug Administration, the court ruled that the FDA may not automatically assert its administrative privilege to block a subpoena and may be subject to discovery depending on the facts of the case. *In re U.S. Bioscience Secur. Litig.*, 150 F.R.D. 80 (E.D. Pa. 1993).

In the *CIGNA Corp. Securities Litigation*, the Court denied defendants' motion for summary judgment, holding that a plaintiff has a right to recover for losses on shares held at the time of a corrective disclosure and his gains on a stock should not offset his losses in determining legally recoverable damages. *In re CIGNA Corp. Securities Litigation*, 459 F. Supp. 2d 338 (E.D. Pa. 2006).

Additionally, Ms. Savett has become increasingly well-known in the area of consumer litigation, achieving a groundbreaking $24 million settlement in 2008 in the *Menu Foods* case brought by pet owners against manufacturers of allegedly contaminated pet food. *(In re Pet Food Products Liability Litigation*, MDL Docket No. 1850 (D.N.J. 2007).

In the data breach area, she was co-lead counsel in *In re TJX Retail Securities Breach Litigation*, MDL Docket No. 1838 (D. Mass.), the first very large data breach case where hackers stole personal information from 45 million consumers. The settlement, which became the template for future data breach cases, consisted of providing identity theft insurance to those whose social security or driver's license numbers were stolen, a cash fund for actual damages and time spent mitigating the situation, and injunctive relief.

Ms. Savett also litigated a case on behalf of the City of Philadelphia titled *City of Philadelphia v. Wells Fargo & Co.*, No. 17-cv-02203 (E.D. Pa.), involving alleged violations of the Fair Housing Act. The case was resolved in 2019 with a settlement providing $10 million to go to citizens of Philadelphia for down payment assistance, to local agencies to assist homeowners in foreclosure, and for greening and cleaning foreclosed properties in Philadelphia which blight neighborhoods.

In the past decade, she has also actively worked in the False Claims Act arena. She was part of the team that litigated over more than a decade and settled the Average Wholesale Price *qui tam* cases, which collectively settled for more than $1 billion.

Ms. Savett speaks and writes frequently on securities litigation, consumer class actions and False Claims Act litigation. She is a lecturer and panelist at the University of Pennsylvania Law School on the subjects of Securities Law and the False Claims Act/*Qui Tam* practice from the whistleblower's perspective. She has also lectured at the Wharton School of the University of Pennsylvania and at the Stanford Law School on prosecuting shareholder class actions and on False Claims Act Litigation. She is frequently invited to present and serve as a panelist in American Bar Association, American Law Institute/American Bar Association and Practicing Law Institute (PLI) conferences on securities class action litigation and the use of class actions in consumer litigation. She has been a presenter and panelist at PLI's Securities Litigation and Enforcement Institute annually from 1995 to 2010. She has also spoken at major institutional investor and insurance industry conferences, and DRI – the Voice of the Defense Bar. In February 2009, she was a member of a six-person panel who presented an analysis of the current state of securities litigation before more than 1,000 underwriters and insurance executives at the PLUS (Professional Liability Underwriting Society) Conference in New York City. She has presented at the Cyber-Risk Conference in 2009, as well as the PLUS Conference in Chicago on November 16, 2009 on the subject of litigation involving security breaches and theft of personal information.

Most recently, in April 2019, she spoke as a panelist at PLI's Securities Litigation 2019: From Investigation to Trial program. Her panel was titled "Commencement of a Civil Action: Filing the Complaint, Preparing the Motion to Dismiss, Coordinating Multiple Securities Litigation Actions." Ms. Savett also co-authored an article for the program that was published in PLI's *Corporate Law and Practice Court Handbook Series*. The article is titled "After the Fall—A Plaintiff's Perspective."

In 2015 and 2016, she served as a panelist in American Law Institute programs held in New York City called "Securities and Shareholder Litigation: Cutting-Edge Developments, Planning and Strategy." Ms. Savett also spoke at the 2013 ABA Litigation Section Annual Conference in Chicago on two panels. One program on securities litigation was entitled "The Good, The Bad,

and The Ugly: Ethical Issues in Class Action Settlements and Opt Outs." The other program focused on consumer class actions in the real estate area and was entitled "The Foreclosure Crisis Puzzle: Navigating the Changing Landscape of Foreclosure."

In May 2007, Ms. Savett spoke in Rome, Italy at the conference presented by the Litigation Committee of the Dispute Resolution Section of the International Bar Association and the Section of International Law of the American Bar Association on class certification. Ms. Savett participated in a mock hearing before a United States Court on whether to certify a worldwide class action that includes large numbers of European class members.

Ms. Savett has written numerous articles on securities and complex litigation issues in professional publications, including:

- "After the Fall – A Plaintiff's Perspective," with Phyllis M. Parker, *PLI Corporate Law and Practice Course Handbook Series No. B-2475*, pg. 73-105, April 2019
- "Plaintiffs' Vision of Securities Litigation: Current Trends and Strategies," 1762 *PLL* October 2009
- "Primary Liability of 'Secondary' Actors Under the PSLRA," I *Securities Litigation Report*, (Glasser) November 2004
- "Securities Class Actions Since the 1995 Reform Act: A Plaintiffs Perspective," 1442 *PLI! Corp.13*, September – October 2004
- "Securities Class Actions Since the 1995 Reform Act: A Plaintiffs Perspective," SJ084 ALI-ABA 399, May 13-14, 2004
- "The 'Indispensable Tool' of Shareholder Suits," *Directors & Boards*, Vol. 28, February 18, 2004
- "Plaintiffs Perspective on How to Obtain Class Certification in Federal Court in a Non-Federal Question Case," 679 *PLI*, August 2002
- "Hurdles in Securities Class Actions: The Impact of Sarbanes-Oxley From a Plaintiffs Perspective," 9 *Securities Litigation and Regulation Reporter* (Andrews), December 23, 2003
- "Securities Class Actions Since the 1995 Reform Act: A Plaintiffs Perspective," SG091 ALI-ABA, May 2-3, 2002
- "Securities Class Actions Since the 1995 Reform Act: A Plaintiffs Perspective," SF86 ALI-ABA 1023, May 10, 2001
- "Greetings From the Plaintiffs' Class Action Bar: We'll be Watching," SE082 ALI-ABA739, May 11, 2000
- "Preventing Financial Fraud," B0-00E3 *PLJB0-00E3* April – May 1999
- "Shareholders Class Actions in the Post Reform Act Era," SD79 ALI-ABA 893, April 30, 1999
- "What to Plead and How to Plead the Defendant's State of Mind in a Federal Securities Class Action," with Arthur Stock, *PLI*, ALI/ABA 7239, November 1998
- "The Merits Matter Most: Observations on a Changing Landscape Under the Private Securities Litigation Reform Act of 1995," 39 *Arizona Law Review* 525, 1997

- "Everything David Needs to Know to Battle Goliath," ABA Tort & Insurance Practice Section, The Brief, Vol. 20, No.3, Spring 1991
- "The Derivative Action: An Important Shareholder Vehicle for Insuring Corporate Accountability in Jeopardy," *PLIH4-0528*, September 1, 1987
- "Prosecution of Derivative Actions: A Plaintiffs Perspective," *PLIH4-5003*, September 1, 1986

Ms. Savett is widely recognized as a leading litigator and a top female leader in the profession by local and national legal rating organizations.

In 2019, *The Legal Intelligencer* named Ms. Savett a "Distinguished Leader," and in 2018 she was named to the *Philadelphia Business Journal*'s 2018 Best of the Bar: Philadelphia's Top Lawyers.

The Legal Intelligencer and *Pennsylvania Law Weekly* named her one of the "56 Women Leaders in the Profession" in 2004.

In 2003-2005, 2007-2013, and 2015-2016, Berger Montague was named to the *National Law Journal's* "Hot List" of 12-20 law firms nationally "who specialize in plaintiffs' side litigation and have excelled in their achievements." The firm is on the *National Law Journal*'s "Hall of Fame," and Ms. Savett's achievements were mentioned in many of these awards.

Ms. Savett was named a "Pennsylvania Top 50 Female Super Lawyer" and/or a "Pennsylvania Super Lawyer" from 2004 through 2021 by Thomson Reuters after an extensive nomination and polling process among Pennsylvania lawyers.

In 2006 and 2007, she was named one of the "500 Leading Litigators" and "500 Leading Plaintiffs' Litigators" in the United States by *Lawdragon*. In 2008, Ms. Savett was named as one of the "500 Leading Lawyers in America." Also in 2008, she was named one of 25 "Women of the Year" in Pennsylvania by *The Legal Intelligencer* and *Pennsylvania Law Weekly,* which stated on May 19, 2008 in the *Women in the Profession* in *The Legal Intelligencer* that she "has been a prominent figure nationally in securities class actions for years, and some of her recent cases have only raised her stature." In June 2008, Ms. Savett was named by *Lawdragon* as one of the "100 Lawyers You Need to Know in Securities Litigation."

Unquestionably, it is because of Ms. Savett, who for decades has been in the top leadership of the firm, that the firm has a remarkably high proportion of women lawyers and shareholders.

Ms. Savett has aggressively sought to hire women, without regard to age or whether they are "right out of law school." Several of the women who have children are able to continue working at the firm because Ms. Savett has instituted a policy of flexible work time and fosters an atmosphere of cooperation, teamwork and mutual respect. As a result, the women attorneys stay on and have long and productive careers while still maintaining a balanced life. Ms. Savett has a personal understanding of the challenges and satisfactions that women experience in practicing law while

raising a family. Ms. Savett has three children and five grandchildren. One of her daughters and her daughter-in-law are lawyers.

Ms. Savett has taught those around her more than good lawyering. She places great emphasis in her own life on devotion to family, community service and involvement in charitable organizations. She teaches others by her example and her obvious interest in their efforts and achievements.

Ms. Savett is a well-known leader of the Philadelphia legal, business, cultural and Jewish community. She is an exemplary citizen who spends endless hours of her after-work time helping others in the community.

From 2011 – 2014, Ms. Savett served as President and Board Chair of the Jewish Federation of Greater Philadelphia (JFGP), a community of over 215,000 Jewish people. She is only the third woman to serve as the President, the top lay leader of the Federation, in the 117 years of its existence.

Ms. Savett also serves on the Board of the National Liberty Museum, The National Museum of American Jewish History, and the local and national boards of American Associates of Ben Gurion University of the Negev. She had previously served as Chairperson of the Southeastern Pennsylvania State of Israel Bonds Campaign and has served as a member of the National Cabinet of State of Israel Bonds. In 2005, Ms. Savett received The Spirit of Jerusalem Medallion, the State of Israel Bonds' highest honor.

Ms. Savett has used her positions of leadership in the community to identify and help promote women as volunteer leaders. Ms. Savett has selected a few worthy causes to which she tirelessly dedicates herself. According to leaders of The Jewish Federation of Greater Philadelphia, Ms. Savett is viewed by many women in the philanthropic world as a role model.

Ms. Savett earned her J.D. from the University of Pennsylvania Law School and a B.A. *summa cum laude* from the University of Pennsylvania. She is a member of Phi Beta Kappa.

Ms. Savett has three married children, four grandsons, and two granddaughters. She enjoys tennis, biking, physical training, travel, and collecting art, especially glass and sculpture.

Daniel Berger – Executive Shareholder

Daniel Berger graduated with honors from Princeton University and Columbia Law School, where he was a Harlan Fiske Stone academic scholar. He is a senior member and Executive Shareholder. Over the last two decades, he has been involved in complicated commercial litigation including class action securities, antitrust, consumer protection and bankruptcy cases. In addition, he has prosecuted important environmental, mass tort and civil rights cases during this period. He has led the Firm's practice involving improprieties in the marketing of prescription drugs and the abuse of marketing exclusivities in the pharmaceutical industry, including handling

landmark cases involving the suppression of generic competition in the pharmaceutical industry. For this work, he has been recognized by the *Law360* publication as a "titan" of the plaintiffs' Bar ("Titan of the Plaintiffs Bar: Daniel Berger" *Law360*, September 23, 2014).

In the civil rights area, he has been counsel in informed consent cases involving biomedical research and human experimentation by federal and state governmental entities. He also leads the firm's representation of states and other public bodies and agencies.

Mr. Berger has frequently represented public institutional investors in securities litigation, including representing the state pension funds of Pennsylvania, Ohio and New Jersey in both individual and class action litigation. He also represents Pennsylvania and New Jersey on important environmental litigation involving contamination of groundwater by gasoline manufacturers and marketers.

Mr. Berger has a background in the study of economics, having done graduate level work in applied microeconomics and macroeconomic theory, the business cycle, and economic history. He has published law review articles in the *Yale Law Journal*, the *Duke University Journal of Law and Contemporary Problems*, the *University of San Francisco Law Review* and the *New York Law School Law Review*. Mr. Berger is also an author and journalist who has been published in *The Nation* magazine, reviewed books for *The Philadelphia Inquirer* and authored a number of political blogs, including in *The Huffington Post* and the Roosevelt Institute's *New Deal 2.0*. He has also appeared on MSNBC as a political commentator.

Mr. Berger has been active in city government in Philadelphia and was a member of the Mayor's Cultural Advisory Council, advising the Mayor of Philadelphia on arts policy, and the Philadelphia Cultural Fund, which was responsible for all City grants to arts organizations. Mr. Berger was also a member of the Pennsylvania Humanities Council, one of the State organizations through which the NEA makes grants. Mr. Berger also serves on the board of the Wilma Theater, Philadelphia's pre-eminent theater for new plays and playwrights.

Shanon J. Carson – Executive Shareholder

Shanon J. Carson is an Executive Shareholder of the firm. He Co-Chairs the Employment & Unpaid Wages, Consumer Protection, Defective Products, and Defective Drugs and Medical Devices Departments and is a member of the Firm's Commercial Litigation, Employee Benefits & ERISA, Environment & Public Health, Insurance Fraud, Predatory Lending and Borrowers' Rights, and Technology, Privacy & Data Breach Departments.

Mr. Carson has achieved the highest peer-review rating, "AV," in Martindale-Hubbell, and has received honors and awards from numerous publications. In 2009, Mr. Carson was selected as one of 30 "Lawyers on the Fast Track" in Pennsylvania under the age of 40. In both 2015 and 2016, Mr. Carson was selected as one of the top 100 lawyers in Pennsylvania, as reported by Thomson Reuters. In 2018, Mr. Carson was named to the *Philadelphia Business Journal*'s "2018 Best of the Bar: Philadelphia's Top Lawyers."

Mr. Carson is often retained to represent plaintiffs in employment cases, wage and hour cases for minimum wage violations and unpaid overtime, ERISA cases, consumer cases, insurance cases, construction cases, automobile defect cases, defective drug and medical device cases, product liability cases, breach of contract cases, invasion of privacy cases, false advertising cases, excessive fee cases, and cases involving the violation of state and federal statutes. Mr. Carson represents plaintiffs in all types of litigation including class actions, collective actions, multiple plaintiff litigations, and single plaintiff litigation. Mr. Carson is regularly appointed by federal courts to serve as lead counsel and on executive committees in class actions and mass torts.

Mr. Carson is frequently asked to speak at continuing legal education seminars and other engagements and is active in nonprofit and professional organizations. Mr. Carson currently serves on the Board of Directors of the Philadelphia Trial Lawyers Association (PTLA) and as a Co-Chair of the PTLA Class Action/Mass Tort Committee. Mr. Carson is also a member of the American Association for Justice, the American Bar Foundation, Litigation Counsel of America, the National Trial Lawyers - Top 100, and the Pennsylvania Association for Justice.

While attending the Dickinson School of Law of the Pennsylvania State University, Mr. Carson was senior editor of the Dickinson Law Review and clerked for a U.S. District Court Judge. Mr. Carson currently serves on the Board of Trustees of the Dickinson School of Law of the Pennsylvania State University.

Michael Dell'Angelo – Executive Shareholder

Michael Dell'Angelo is an Executive Shareholder in the Antitrust, Commercial Litigation, Commodities & Financial Instruments practice groups, and Co- Chair of the Securities department. He serves as co-lead counsel in a variety of complex antitrust cases, including Le, et al. v. Zuffa, LLC, No. 15-1045 (D. Nev.) (alleging the Ultimate Fighting Championship ("UFC") obtained illegal monopoly power of the market for Mixed Martial Arts promotions and suppressed the compensation of MMA fighters).

Mr. Dell'Angelo is responsible for winning numerous significant settlements for his clients and class members. Mr. Dell'Angelo helped to reach settlements totaling more than $190 million in the multidistrict litigation In re Domestic Drywall Antitrust Litig., No. 13-md-2437 (E.D. Pa.). There, in granting final approval to the last settlement, the court observed about Mr. Dell'Angelo and his colleagues that "Plaintiffs' counsel are experienced antitrust lawyers who have been working in this field of law for many years and have brought with them a sophisticated and highly professional approach to gathering persuasive evidence on the topic of price-fixing." In re Domestic Drywall Antitrust Litig., No. 13-md-2437, 2018 WL 3439454, at *18 (E.D. Pa. July 17, 2018). "[I]t bears repeating," the court emphasized, "that the result attained is directly attributable to having highly skilled and experienced lawyers represent the class in these cases." Id.

Mr. Dell'Angelo also serves or has recently served as co-lead counsel or class counsel in numerous cases alleging price-fixing or other wrongdoing affecting a variety of financial

instruments, including In re Commodity Exchange, Inc., Gold Futures and Options Trading Litig., 1:14-MD-2548-VEC (S.D.N.Y) ($152 million settlements); In re Platinum and Palladium Antitrust Litig., No. 14-cv-09391-GHW (S.D.N.Y.); Contant, et al. v. Bank of America Corp., et al., 1:17-cv-03139-LGS (S.D.N.Y.) ($23.6 million in settlements); In re Libor-Based Financial Instruments Antitrust Litig., No. 11-md-2262 (S.D.N.Y.) ($187 million in settlements pending final approval); Alaska Elec. Pension Fund, et al. v. Bank of Am. Corp., et al., No. 14 Civ. 7126-JMF (S.D.N.Y.) ($504.5 million in settlements); In re Crude Oil Commodity Futures Litig., No. 11-cv-3600 (S.D.N.Y.); and In re London Silver Fixing, Ltd. Antitrust Litig., No. 14-md-2573 (S.D.N.Y.) ($38 million partial settlement).

Mr. Dell'Angelo also serves as lead counsel in numerous individual antitrust cases on behalf of purchasers of rail freight services from the four major rail carriers in the United States.

The National Law Journal featured Mr. Dell'Angelo in its profile of Berger Montague for a special annual report entitled "Plaintiffs' Hot List." The National Law Journal's Hot List identifies the top plaintiff practices in the country. The Hot List profile focused on Mr. Dell'Angelo's role in the MF Global litigation (In re MF Global Holding Ltd. Inv. Litig., No. 12-MD-2338-VM (S.D.N.Y.)). In MF Global, Mr. Dell'Angelo represented former commodity account holders seeking to recover approximately $1.6 billion of secured customer funds after the highly publicized collapse of MF Global, a major commodities brokerage. At the outset of this high-risk litigation, the odds appeared grim: MF Global had declared bankruptcy, leaving the corporate officers, a bank, and a commodity exchange as the only prospect for the recovery of class's misappropriated funds. Nonetheless, four years later, a result few would have believed possible was achieved. Through a series of settlements, the former commodity account holders recovered more than 100 percent of their missing funds, totaling over $1.6 billion.

Mr. Dell'Angelo has been recognized consistently as a Pennsylvania Super Lawyer, a distinction conferred upon him annually since 2007. He is regularly invited to speak at Continuing Legal Education (CLE) and other seminars and conferences, both locally and abroad. In response to his recent CLE, "How to Deal with the Rambo Litigator," Mr. Dell'Angelo was singled out as "One of the best CLE speakers [attendees] have had the pleasure to see."

E. Michelle Drake – Executive Shareholder

E. Michelle Drake is an Executive Shareholder in the Firm's Minneapolis office. With career settlements and verdicts valued at more than $150 million, Michelle has had great success in a wide variety of cases.

Michelle focuses her practice primarily on consumer protection, improper credit reporting, and financial services class actions. Michelle is empathetic towards her clients and unyielding in her desire to win. Possessing a rare combination of an elite academic pedigree and real-world trial skills, Michelle has successfully gone toe-to-toe with some of the world's most powerful companies.

Michelle helped achieve one of the largest class action settlements in a case involving improper mortgage servicing practices associated with force-placed insurance, resulting in a settlement valued at $110 million for a nationwide class of borrowers who were improperly force-placed with overpriced insurance. Michelle also served as liaison counsel and part of the Plaintiffs' Steering Committee on behalf of consumers harmed in the Target data breach, a case she helped successfully resolve on behalf of over ninety million consumers whose data was affected by the breach. In 2015, Michelle resolved a federal class action on behalf of a group of adult entertainers in New York for $15 million. Most recently, Michelle has been successful in litigating numerous cases protecting consumers' federal privacy rights under the Fair Credit Reporting Act, securing settlements valued at over $10 million on behalf of tens of thousands of consumers harmed by improper background checks and inaccurate credit reports in the last two years alone.

Michelle was admitted to the bar in 2001 and has since served as lead class counsel in over fifty class and collective actions alleging violations of the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Fair Labor Standards Act, various states' unfair and deceptive trade practices acts, breach of contract and numerous other pro-consumer and pro-employee causes of action.

Michelle serves on the Board of the National Association of Consumer Advocates, is a member of the Partner's Council of the National Consumer Law Center, and is an At-Large Council Member for the Consumer Litigation Section for the Minnesota State Bar Association. She was named as a Super Lawyer in 2013-2018 and was named as a Rising Star prior to that. Michelle was also appointed to the Federal Practice Committee in 2010 by the United States District Court for the District of Minnesota. She has been quoted in the New York Times and the National Law Journal, and her cases were named as "Lawsuits of the Year" by Minnesota Law & Politics in both 2008 and 2009.

Michelle began her practice of law by defending high stakes criminal cases as a public defender in Atlanta. Michelle has never lost her desire to litigate on the side of the "little guy."

David F. Sorensen – Executive Shareholder

David Sorensen is an Executive Shareholder and Co-Chair of the Firm’s antitrust department. He graduated from Duke University (A.B. 1983) and Yale Law School (J.D. 1989), and clerked for the Hon. Norma L. Shapiro (E.D. Pa.). He concentrates his practice on antitrust and environmental class actions.

Mr. Sorensen co-tried *Cook v. Rockwell Int'l Corp.*, No. 90-181 (D. Colo.) and received, along with the entire trial team, the "Trial Lawyer of the Year" award in 2009 from the Public Justice Foundation for their work on the case, which resulted in a jury verdict of $554 million in February 2006, after a four-month trial, on behalf of thousands of property owners near the former Rocky Flats nuclear weapons plant located outside Denver, Colorado. The jury verdict was then the largest in Colorado history, and was the first time a jury has awarded damages to property owners living near one of the nation's nuclear weapons sites. In 2008, after extensive post-trial motions,

the District Court entered a $926 million judgment for the plaintiffs. The jury verdict in the case was vacated on appeal in 2010. In 2015, on a second trip to the Tenth Circuit Court of Appeals, Plaintiffs secured a victory with the case being sent back to the district court. In 2016, the parties reached a $375 million settlement, which received final approval in 2017.

Mr. Sorensen played a major role in the Firm's representation of the State of Connecticut in *State of Connecticut v. Philip Morris, Inc., et al.*, in which Connecticut recovered approximately $3.6 billion (excluding interest) from certain manufacturers of tobacco products. And he served as co-lead class counsel in *Johnson v. AzHHA, et al.*, No. 07-1292 (D. Ariz.), representing a class of temporary nursing personnel who had been underpaid because of an alleged conspiracy among Arizona hospitals. The case settled for $24 million.

Mr. Sorensen also has played a leading role in numerous antitrust cases representing direct purchasers of prescription drugs. Many of these cases have alleged that pharmaceutical manufacturers have wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws. Many of these cases have resulted in substantial cash settlements, including *In re: Namenda Direct Purchaser Antitrust Litigation*, (S.D.N.Y.) ($750 million settlement – largest single-defendant settlement ever for a case alleging delayed generic competition); King *Drug Co. v. Cephalon, Inc.*, (E.D. Pa.) ($512 million partial settlement); *In re: Aggrenox Antitrust Litigation* ($146 million settlement); *In re Loestrin 24 Fe Antitrust Litigation* ($120 million); *In re: K-Dur Antitrust Litigation* ($60.2 million); *In re: Prandin Direct Purchaser Antitrust Litigation* ($19 million); *In re: Doryx Antitrust Litigation* ($15 million); *In re: Skelaxin Antitrust Litigation* ($73 million); *In re: Wellbutrin XL Antitrust Litigation* ($37.50 million); *In re: Oxycontin Antitrust Litigation* ($16 million); *In re: DDAVP Direct Purchaser Antitrust Litigation* ($20.25 million settlement following precedent-setting victory in the Second Circuit, which Mr. Sorensen argued, see 585 F.3d 677 (2d Cir. 2009)); *In re: Nifedipine Antitrust Litigation* ($35 million); *In re: Terazosin Hydrochloride Antitrust Litigation*, MDL 1317 (S.D. Fla.) ($74.5 million); and *In re: Remeron Antitrust Litigation* ($75 million). Mr. Sorensen is serving as co-lead counsel or on the executive committee of numerous similar, pending cases.

In 2017, the American Antitrust Institute presented its Antitrust Enforcement Award to Mr. Sorensen and others for their work on the *K-Dur* case. In 2019, Mr. Sorensen and others were recognized again by the AAI for their work on the *King Drug* case, being awarded the Outstanding Antitrust Litigation Achievement in Private Law Practice. Mr. Sorensen and his team received the same award in 2020 for their work on the *Namenda* case. Also in 2020, *Law360* named Mr. Sorensen a Competition MVP of the Year.

Shareholders

John G. Albanese – Shareholder
John Albanese is a Shareholder in the Minneapolis office. Mr. Albanese concentrates his practice on consumer protection with a focus on Fair Credit Reporting Act violations related to criminal background checks. Mr. Albanese has also prosecuted class actions related to illegal online lending, unfair debt collection, privacy breaches, and other consumer law issues. Mr. Albanese is

regularly invited to speak on consumer law and litigation issues. Mr. Albanese has obtained favorable decisions for consumers in state and federal courts all over the country. He also frequently represents consumer advocacy groups as *amici curiae* at the appellate level.

Mr. Albanese is a graduate of Columbia Law School and Georgetown University. At Columbia, he was a managing editor of the Columbia Law Review and was elected to speak at graduation by his classmates. Mr. Albanese clerked for Magistrate Judge Geraldine Brown in the Northern District of Illinois.

Zachary Caplan – Shareholder
Zach Caplan is a Shareholder at Berger Montague. Recently, Zach was in service with the U.S. Department of Justice Antitrust Division in Washington, DC. While at the Justice Department, he led teams investigating anticompetitive conduct in the healthcare space, engaged with senior Division leadership on a statement of interest arguing that the American Red Cross is subject to antitrust law, and assisted with fast-paced monopolization litigation against a major tech company. He also served on the Division-wide Discovery and Technology Working Group where he contributed to guidelines for all attorneys on cutting-edge issues such as technology assisted review and ephemeral messaging. Prior to his work at the Justice Department, Zach was an attorney in the Antitrust Department at Berger Montague for a decade.

Joy P. Clairmont – Shareholder
Joy Clairmont is a Shareholder in the Whistleblower, *Qui Tam* & False Claims Act Group, which has recovered more than $3 billion for federal and state governments, as well as over $500 million for the firm's whistleblower clients. Ms. Clairmont also has experience practicing in the area of securities fraud litigation.

Ms. Clairmont has been investigating and litigating whistleblower cases for over fifteen years and has successfully represented whistleblower clients in federal and state courts throughout the United States. On behalf of her whistleblower clients, Ms. Clairmont has pursued fraud cases involving a diverse array of companies: behavioral health facilities, a national retail pharmacy chain, a research institution, pharmaceutical manufacturers, skilled nursing facilities, a national dental chain, mortgage lenders, hospitals and medical device manufacturers.

Most notably, Ms. Clairmont has participated in several significant and groundbreaking cases involving fraudulent drug pricing:

> ***United States ex rel. Streck v. AstraZeneca, LP, et al.*, C.A. No. 08-5135 (E.D. Pa.):** a Medicaid rebate fraud case which settled in 2015 for a total of $55.5 million against three pharmaceutical manufacturers, AstraZeneca, Cephalon, and Biogen. The case alleged that the defendants did not properly account for millions of dollars of payments to wholesalers for drug distribution and other services. As a result, the defendants underpaid the government in rebates owed under the Medicaid Drug Rebate Program.

***United States ex rel. Kieff and LaCorte v. Wyeth and Pfizer, Inc.*, Nos. 03-12366 and 06-11724-DPW (D. Mass.):** a Medicaid rebate fraud case involving Wyeth's acid-reflux drug, Protonix, which settled for $784.6 million in April 2016.

***"AWP"* Cases:** a series of cases in federal and state courts against many of the largest pharmaceutical manufacturers, including Bristol-Myers Squibb, Boehringer Ingelheim, and GlaxoSmithKline, for defrauding the government through false and inflated price reports for their drugs, which resulted in more than $2 billion in recoveries for the government.

Earlier in her career, Ms. Clairmont gained experience litigating securities fraud class actions including, most notably, *In Re Sunbeam Securities Litigation*, a class action which led to the recovery of over $142 million for the class of plaintiffs in 2002.

Ms. Clairmont graduated in 1995 with a B.A. *cum laude* from George Washington University and in 1998 with a J.D. from George Washington University Law School.

Caitlin G. Coslett – Shareholder
Caitlin G. Coslett is a Shareholder and Co-Chair of the Firm's Antitrust Department. She also serves on the Firm's Diversity, Equity, and Inclusion Task Force and as the Work Assignment Coordinator. Ms. Coslett concentrates her practice on complex litigation, including antitrust and mass tort litigation.

Ms. Coslett represents classes of direct purchasers of pharmaceutical drugs who allege that drug manufacturers have violated federal antitrust law by wrongfully keeping less-expensive generic drugs off the market and/or by wrongfully impeding generic competition. Her work on generic suppression cases has contributed to significant settlements totaling hundreds of millions of dollars, including in the cases of In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation (for which Ms. Coslett served as Co-Lead Counsel), In re Lidoderm Antitrust Litigation, and In re Skelaxin (Metaxalone) Antitrust Litigation. Ms. Coslett is currently litigating several similar antitrust pharmaceutical cases, such as In re Effexor XR Antitrust Litigation, In re Bystolic Antitrust Litigation, In re Intuniv Antitrust Litigation, In re Lamictal Antitrust Litigation, In re Novartis and Par Antitrust Litigation, In re Opana ER Antitrust Litigation, and In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation. She was honored for "Outstanding Antitrust Litigation Achievement by a Young Lawyer" for her work in In re Lidoderm Antitrust Litigation.

Ms. Coslett's experience litigating antitrust class actions also includes In re CRT Antitrust Litigation, In re Domestic Drywall Antitrust Litigation, In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, In re Steel Antitrust Litigation, and In re Urethane [Polyether Polyols] Antitrust Litigation.

Ms. Coslett also played a significant role in the post-trial litigation in Cook v. Rockwell International Corporation, a mass tort class action brought on behalf of thousands of property owners near the Rocky Flats nuclear plant in Colorado. The case settled for $375 million following a successful appeal to the Tenth Circuit and, in ruling for the plaintiffs on appeal, then-Judge Neil Gorsuch

(who is now a Supreme Court Justice) praised Class Counsel's successful "judicial jiu jitsu" in litigating the case through the second appeal.

Ms. Coslett was named a "Next Generation Lawyer" by The Legal 500 United States 2019 in the Civil Litigation/Class Actions: Plaintiff category and was selected as a Rising Star by Super Lawyers every year from 2014 – 2021. She has served as pro bono counsel for clients referred by the AIDS Law Project of Pennsylvania and Philly VIP and is a member of the National LGBT Bar Association.

A Philadelphia native, Ms. Coslett graduated magna cum laude from Haverford College with a B.S. in mathematics and economics and graduated cum laude from New York University School of Law. At NYU Law, Ms. Coslett was a Lederman/Milbank Fellow in Law and Economics and an articles selection editor for the NYU Review of Law and Social Change. Prior to law school, she was an economics research assistant at the Federal Reserve Board in Washington, D.C. Ms. Coslett was formerly one of the top 75 rated female chess players in the U.S.

Andrew C. Curley – Shareholder
Andrew C. Curley is a Shareholder in the Antitrust practice group. He concentrates his practice in the area of complex antitrust litigation.

Mr. Curley served as Co-Lead Class Counsel on behalf of a class of independent truck stops and other retail merchants in *Marchbanks Truck Service, Inc. v. Comdata Network, Inc.*, Case No. 07-1078 (E.D. Pa.). The *Marchbanks* litigation settled in January 2014 for $130 million and significant prospective relief in the form of, among other things, meaningful and enforceable commitments by the largest over-the-road trucker fleet card issuer in the United States to modify or not to enforce those portions of its merchant services agreements that plaintiffs challenged as anticompetitive, and that an expert economist has determined to be worth an additional $260 million to $491 million (bringing the total value of the settlement to between $390 and $621 million).

Mr. Curley is also involved in a number of antitrust cases representing direct purchasers of prescription drugs. These cases have alleged that pharmaceutical manufacturers have wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws. Those cases include: *In re Solodyn Antitrust Litig.*, 14 MD 2503 (D. Mass.) ($76 million settlements); and *In re Aggrenox Antitrust Litig.*, No. 3:14-md-02516 (D. Conn.) ($146 million settlement); *In re Skelaxin (Metaxalone) Antitrust Litig.*, No. 12-MD-2343 (E.D. Tenn.) ($73 million settlement); *In re Wellbutrin XL Antitrust Litig.*, No. 08-2431 (E.D. Pa.) ($37.5 million settlement with one of two defendants); *In re Opana ER Antitrust Litig.*, No. 14-cv-10150 (N.D. Ill.) and *In re Niaspan Antitrust Litig.*, No. 12-MD-2460 (E.D. Pa.).

Prior to joining the firm, Mr. Curley practiced in the litigation department of a large Philadelphia law firm where he represented clients in a variety of industries in complex commercial litigation in both state and federal court.

Josh P. Davis – Shareholder
Josh supervises the Firm's San Francisco Bay Area Office. He focuses his practice on antitrust, appeals, class certification, and class action and complex litigation ethics. He is one of the leading scholars in the nation on antitrust procedure, class certification, and ethics in class actions and complex litigation.

Josh is currently a Research Professor at the University of California, Hastings College of the Law, where he is associated with the Center for Litigation and Courts, and the Director of the Center for Law and Ethics at the University of San Francisco School of Law. He has also taught at the Willamette University College of Law and the Georgetown University Law Center. He has testified before Congress on matters related to civil procedure and presented on matters related to private antitrust enforcement before the U.S. Department of Justice and the Federal Trade Commission.

Josh received a CLAY California Attorney of the Year Award in Antitrust in 2016. His law review article, "Defying Conventional Wisdom: The Case for Private Antitrust Enforcement," 48 Ga. L. Rev. 1 (2013), won the 2014 award for best academic article from George Washington University School of Law and Institute on Competition Law. His scholarship has been cited by multiple federal appellate and trial courts. He has published dozens of articles and book chapters on antitrust, civil procedure, class certification, legal ethics, and legal philosophy, among other topics. He regularly presents throughout the country and the world at scholarly and professional conferences and symposia on aggregate litigation, civil procedure, and ethics. Recently, he has written various articles and book chapters on artificial intelligence (AI) and the law and is completing his first book, "Unnatural Law: AI, Consciousness, Ethics, and Legal Theory" (forthcoming in Cambridge University Press 2022/23).

Josh graduated from N.Y.U. School of Law in 1993, where he won the Frank H. Sommer Memorial Award for top general scholarship and achievement in his class, served as the Articles Editor for the N.Y.U. Law Review, and was admitted to the Order of the Coif. After law school, he was a law clerk for Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit. He was a partner at Lieff, Cabraser, Heimann & Bernstein, LLP, until 2000, when he entered full-time legal academia until joining the Firm in 2022.

Lawrence Deutsch – Shareholder
Mr. Deutsch has been involved in numerous major shareholder class action cases. He served as lead counsel in the Delaware Chancery Court on behalf of shareholders in a corporate governance litigation concerning the rights and valuation of their shareholdings. Defendants in the case were the Philadelphia Stock Exchange, the Exchange's Board of Trustees, and six major Wall Street investment firms. The case settled for $99 million and also included significant corporate governance provisions. Chancellor Chandler, when approving the settlement allocation and fee awards on July 2, 2008, complimented counsel's effort and results, stating, "Counsel, again, I want to thank you for your extraordinary efforts in obtaining this result for the class." The Chancellor had previously described the intensity of the litigation when he had approved the settlement, "All I can tell you, from someone who has only been doing this for roughly 22 years,

is that I have yet to see a more fiercely and intensely litigated case than this case. Never in 22 years have I seen counsel going at it, hammer and tong like they have gone at it in this case."

Mr. Deutsch was one of principal trial counsel for plaintiffs in *Fred Potok v. Floorgraphics, Inc., et al.* (Phila Co. CCP 080200944 and Phila Co. CCP 090303768) resulting in an $8 million judgment against the directors and officers of the company for breach of fiduciary duty.

Over his 25 years working in securities litigation, Mr. Deutsch has been a lead attorney on many substantial matters. Mr. Deutsch served as one of lead counsel in the *In Re Sunbeam Securities Litigation* class action concerning "Chainsaw" Al Dunlap (recovery of over $142 million for the class in 2002). As counsel on behalf of the City of Philadelphia he served on the Executive Committee for the securities litigation regarding *Frank A. Dusek, et al. v. Mattel Inc., et al.* (recovery of $122 million for the class in 2006).

Mr. Deutsch served as lead counsel for a class of investors in Scudder/Deutsche Bank mutual funds in the nationwide *Mutual Funds Market Timing* cases. Mr. Deutsch served on the Plaintiffs' Omnibus Steering Committee for the consortium of all cases. These cases recovered over $300 million in 2010 for mutual fund purchasers and holders against various participants in widespread schemes to "market time" and late trade mutual funds, including $14 million recovered for Scudder/Deutsche Bank mutual fund shareholders.

Mr. Deutsch has been court-appointed Lead or a primary attorney in numerous complex litigation cases: *NECA-IBEW Pension Trust Fund, et al. v. Precision Castparts Corp., et al.* (Civil Case No. 3:16-cv-01756-YY); *Fox et al. v. Prime Group Realty Trust, et al.* United States District Court Northern District of Illinois (Civil Case No. 1:12-cv-09350) ($8.25 million settlement pending); served as court-appointed lead counsel in *In Re Inergy LP Unitholder Litigation* (Del. Ch. No. 5816-VCP) ($8 million settlement).

Mr. Deutsch served on a team of lead counsel in *In Re: CertainTeed Fiber Cement Siding Litigation*, E.D.Pa. MDL NO. 11-2270 ($103.9 million settlement); *Tim George v. Uponor, Inc., et al.*, United States District Court, District of Minnesota, Case No. 12-CV-249 (ADM/JJK) ($21 million settlement); *Batista, et al. v. Nissan North America, Inc.*, United States District Court, Southern District of Florida, Miami Division, Case No 1;14-cv-24728 (settlement valued at $65,335,970.00).

In addition to his litigation work, Mr. Deutsch has been a member of the firm's Executive Committee and also manages the firm's paralegals. He has also regularly represented indigent parties through the Bar Association's VIP Program, including the Bar's highly acclaimed representation of homeowners facing mortgage foreclosure.

Prior to joining the firm, Mr. Deutsch served in the Peace Corps from 1973-1976, serving in Costa Rica, the Dominican Republic, and Belize. He then worked for ten years at the United States General Services Administration.

Mr. Deutsch is a graduate of Boston University (B.A. 1973), George Washington University's School of Government and Business Administration (M.S.A. 1979), and Temple University's School of Law (J.D. 1985). He became a member of the Pennsylvania Bar in 1986 and the New Jersey Bar in 1987. He has also been admitted to practice in Eastern District of Pennsylvania, the First Circuit Court of Appeals, the Second Circuit Court of Appeals, the Third Circuit Court of Appeals, the Fourth Circuit Court of Appeals, Eleventh Circuit Court of Appeals and the U.S. Court of Federal Claims as well as various jurisdictions across the country for specific cases.

William H. Ellerbe – Shareholder
William H. Ellerbe is a Shareholder in the Philadelphia office and practices in the firm's Whistleblower, *Qui Tam* & False Claims Act group, which has collectively recovered more than $3 billion for federal and state governments, as well as over $500 million for the firm's whistleblower clients. Mr. Ellerbe represents whistleblowers in litigation across the country and also actively assists in investigating and evaluating potential whistleblower claims before a lawsuit is filed.

Mr. Ellerbe received an A.B. in English from Princeton University. He graduated *magna cum laude* from the University of Michigan Law School and also received a certificate in Science, Technology, and Public Policy from the Ford School of Public Policy. During law school, Mr. Ellerbe was an Associate Editor of the *Michigan Telecommunications and Technology Law Review* and an active member of both the Environmental Law Society and the Native American Law Students Association.

Prior to joining the firm, Mr. Ellerbe clerked for the Honorable Anne E. Thompson of the United States District Court for the District of New Jersey. He also worked as a white collar and commercial litigation associate at two large corporate defense firms.

Mr. Ellerbe is admitted to practice in the state courts of Pennsylvania, New Jersey, and New York, as well as the Third and Fourth Circuit Courts of Appeals and the United State District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey, the Southern District of New York, and the Eastern District of New York.

Candice J. Enders – Shareholder
Candice J. Enders is a Shareholder in the Antitrust practice group. She concentrates her practice in complex antitrust litigation.

Ms. Enders has significant experience investigating and developing antitrust cases, navigating complex legal and factual issues, negotiating discovery, designing large-scale document reviews, synthesizing and distilling conspiracy evidence, and working with economic experts to develop models of antitrust impact and damages. Her work on antitrust conspiracy cases has contributed to significant settlements totaling hundreds of millions of dollars, including in *In re Domestic Drywall Antitrust Litigation*, No. 13-2437 (E.D. Pa.) ($190 million in total settlements); *In re Commodity Exchange, Inc. Gold Futures & Options Trading Litigation*, No. 14-2548 (S.D.N.Y.) ($60 million settlement with Deutsche Bank preliminarily approved; preliminary approval of $42

million settlement with Defendant HSBC pending; litigation continuing against remaining defendants); *In re Microcrystalline Cellulose Antitrust Litigation, No. 01-111* (E.D. Pa.) ($50 million settlement achieved shortly before trial).

In addition to her case work, Ms. Enders contributes to the administration of the firm by serving as the firm's Attorney Recruitment Coordinator, Paralegal Coordinator, and a member of the Diversity, Equity & Inclusion Task Force.

Michael T. Fantini – Shareholder
Michael T. Fantini is a Shareholder in the Consumer Protection and Commercial Litigation practice groups. Mr. Fantini concentrates his practice on consumer class action litigation.

Mr. Fantini has considerable experience in notable consumer cases such as: *In re TJX Companies Retail Security Breach Litigation*, Master Docket No. 07-10162 (D. Mass) (class action brought on behalf of persons whose personal and financial data were compromised in the largest computer theft of personal data in history - settled for various benefits valued at over $200 million); *In re Educational Testing Service Praxis Principles of Learning and Teaching: Grade 7-12 Litigation*, MDL No. 1643 (E.D. La. 2006) (settlement of $11.1 million on behalf of persons who were incorrectly scored on a teachers' licensing exam); *Block v. McDonald's Corporation*, No: 01CH9137 (Cir. Ct. Of Cook County, Ill.) (settlement of $12.5 million where McDonald's failed to disclose beef fat in french fries); *Fitz, Inc. v. Ralph Wilson Plastics Co.*, No. 1-94-CV-06017 (D. N.J.) (claims-made settlement whereby fabricators fully recovered their losses resulting from defective contact adhesives); *Parker v. American Isuzu Motors, Inc.*; No: 3476 (CCP, Philadelphia County) (claims-made settlement whereby class members recovered $500 each for their economic damages caused by faulty brakes); *Crawford v. Philadelphia Hotel Operating Co.*, No: 04030070 (CCP Phila. Cty. 2005) (claims-made settlement whereby persons with food poisoning recovered $1,500 each); *Melfi v. The Coca-Cola Company* (settlement reached in case involving alleged misleading advertising of Enviga drink); *Vaughn v. L.A. Fitness International LLC*, No. 10-cv-2326 (E.D. Pa.) (claims made settlement in class action relating to failure to cancel gym memberships and improper billing); *In re Chickie's & Pete's Wage and Hour Litigation*, Master File No. 12-cv-6820 (E.D. Pa.) (settled class action relating to failure to pay proper wage and overtime under FLSA).

Notable security fraud cases in which Mr. Fantini was principally involved include: *In re PSINet Securities Litigation*, No: 00-1850-A (E.D. Va.) (settlement in excess of $17 million); *Ahearn v. Credit Suisse First Boston, LLC*, No: 03-10956 (D. Mass.) (settlement of $8 million); and *In re Nesco Securities Litigation*, 4:0l-CV-0827 (N.D. Okla.).

Mr. Fantini has represented the City of Chicago in an action against certain online travel companies, such as Expedia, Hotels.com, and others, for their alleged failure to pay hotel taxes. He also represented the City of Philadelphia in a similar matter.

Prior to joining the firm, Mr. Fantini was a litigation associate with Dechert LLP. At George Washington University Law School, he was a member of the Moot Court Board. From 2017 - 2021, Mr. Fantini was named a Pennsylvania Super Lawyer by Thomson Reuters.

Michael J. Kane – Shareholder
Michael J. Kane, a Shareholder of the firm, is a graduate of Rutgers University and Ohio Northern University School of Law, with distinction, where he was a member of the Law Review. Mr. Kane is admitted to practice in Pennsylvania and various federal courts.

Mr. Kane joined the antitrust practice in 2005. Prior to joining the firm, Mr. Kane was affiliated with Mager, White & Goldstein, LLP where he represented clients in complex commercial litigation involving alleged unlawful business practices including: violations of federal and state antitrust and securities laws, breach of contract and other unfair and deceptive trade practices. Mr. Kane has extensive experience working with experts on economic issues in antitrust cases, including impact and damages. Mr. Kane has served in prominent roles in high profile antitrust, securities, and unfair trade practice cases filed in courts around the country.

Currently, Mr. Kane is one the lead attorneys actively litigating and participating in all aspects of the *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) alleging, *inter alia*, that certain of Visa and MasterCard rules, including anti-steering restraints and default interchange fees, working in tandem have caused artificially inflated interchange fees paid by Merchants on credit and debit card transactions. After over a decade of litigation, a settlement of as much as $6.24 billion and no less than $5.54 billion was preliminary approved in January 2019. He is also one of the lead counsel in *Contant, et al. v. Bank of America Corp., et al.*, 1:17-cv-03139-LGS (S.D.N.Y.) alleging a conspiracy among horizontal competitors to fix the prices of foreign currencies and certain foreign currency instruments to recover damages caused by defendants on behalf of plaintiffs and members of a proposed class of indirect purchasers of FX instruments from defendants.

Mr. Kane was also one of the lead lawyers in *Castro v. Sanofi Pasteur, Inc.*, No. 2:11-cv-07178-JMV-MAH (D.N.J.), a certified class action of over 26,000 physician practices, other healthcare providers, and vaccine distributors direct purchasers, alleging that defendant Sanofi engaged in anticompetitive conduct to maintain its monopoly in the market for MCV4 vaccines resulting in artificially inflated prices for Sanofi's MCV4 vaccine Menactra and the MCV4 vaccine Menveo. In October 2017 the court granted final approval the $61.5 million settlement.

Mr. Kane also had a leading role in *Ross v. American Express Company* (S.D.N.Y.) ($49.5 million settlement achieved after more than 7 years of litigation and after summary judgment was denied). In the related matter *Ross v. Bank of America* (S.D.N.Y.) involving claims that the defendant banks and American Express unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections, and to preclude cardholders from participating in any class actions, Mr. Kane was one of the primary trial counsel in the five week bench trial. Mr. Kane also has had a prominent role in several antitrust cases against pharmaceutical companies challenging so-called pay for delay agreements wherein the brand drug company allegedly seeks

to delay competition from generic equivalents to the brand drug through payments by the brand drug company to the generic drug company. Mr. Kane served as co-lead counsel in *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct., Middlesex Cty.), in which plaintiffs alleged that as a result of Microsoft Corporation's anticompetitive practices, Massachusetts consumers paid more than they should have for Microsoft's operating systems and software. The case was settled for $34 million. Other cases in which Mr. Kane has had a prominent role include: *In re Currency Conversion Fee Antitrust Litig.* (S.D.N.Y.) (settlement for $336 million and injunctive relief); *In re Nasdaq Market Makers Antitrust Litig*. (S.D.N.Y); *In re Compact Disc Antitrust Litig.* (C.D. Cal.); *In re WorldCom, Inc. Securities Litig.* (S.D.N.Y); *In re Lucent Technologies, Inc. Securities Litig*. (D.N.J.); *City Closets LLC v. Self Storage Assoc., Inc.* (S.D.N.Y.); *Rolite, Inc. v. Wheelabrator Environmental Sys. Inc.*, (E.D. Pa.); and *Amin v. Warren Hospital* (N.J. Super.).

Robert Litan – Shareholder

Robert Litan is a Shareholder in the Antitrust practice group. Litan is one of the few practicing lawyers (in any field, including antitrust) with a PhD in economics and an extensive research and testimonial career in economics. During his legal career, Litan has specialized in administrative and antitrust litigation, concentrating on economic issues, working closely with economic experts (having been a testimonial witness in more than 20 legal and administrative proceedings himself). He previously was a partner with Powell, Goldstein, Frazier and Murphy (Washington, D.C and Atlanta) and Korein Tillery (St. Louis Chicago). He began his legal career as an Associate at Arnold & Porter (Washington, D.C.)

Litan has directed economic research at three leading national organizations: the Brookings Institution, the Kauffman Foundation and Bloomberg Government.

Litan has held several appointed positions in the federal government. In 1993, he was appointed Principal Deputy Assistant Attorney General in the Antitrust Division of the Justice Department, where he oversaw civil non-merger litigation and the Department's positions on regulatory matters, primarily in telecommunications. During his tenure, he settled the Department's antitrust lawsuit against the Ivy League and MIT for fixing financial aid awards, oversaw the Department's first monopolization case against Microsoft (resulting in 1994 consent decree) and the initial stages of the Antitrust Division's price fixing case against Nasdaq (also resulting in a consent decree). In 1995, Litan was appointed Associate Director of the Office of Management and Budget, where he oversaw the budgets of five cabinet level agencies.

Litan has co- chaired two panels of studies for the National Academy of Sciences (Measuring Innovation and Disaster Loan Estimation), has served on one other NAS Committee (Use of Scientific Evidence), and consulted for NAS (on energy modeling). He has also been a member of the Presidential-Congressional Commission on the Causes of the Savings and Loan Crisis (1991-93).

Litan has consulted for a broad range of private and governmental organizations, including the U.S. Justice Department (antitrust division), the U.S. Treasury Department, the Federal Reserve

Bank of New York, the Federal Home Loan Bank of San Francisco, and the Financial Institutions Subcommittee of the House Banking Committee, the Monetary Authority of Singapore and the World Bank.

Litan has been adjunct professor teaching banking law at the Yale Law School and a Lecturer in Economics at Yale University. He also has taught economics and counter-insurgency at the U.S. Army Command General Staff College, Ft. Leavenworth

Hans Lodge – Shareholder
Hans Lodge is a zealous advocate and is dedicated to protecting the rights of consumers in and out of court. Hans assists consumers who have been denied jobs or housing due to inaccurate criminal history information reporting in their employment/tenant background check reports. Hans also assists consumers who have been denied credit due to inaccurate information reporting in their credit reports and have suffered harm due to unlawful debt collection behavior.

Hans is an aggressive and strategic litigator who has a reputation of working tirelessly to get favorable outcomes for his clients. Hans understands how frustrating it can be trying to deal with background check companies, credit reporting agencies, credit bureaus, and debt collectors, and has a passion for helping clients navigate these areas of the law during their times of need.

Prior to joining the firm, Hans combined his passions for fighting for the little guy and oral advocacy by representing consumers in individual and class action litigation where he held businesses, banks, background check companies, credit bureaus, and debt collectors accountable for illegal practices. As an Associate Attorney at a consumer rights law firm, Hans represented consumers who had trouble paying their bills and were abused and harassed by debt collection agencies, some of whom had their motor vehicles wrongfully repossessed, bringing numerous individual and class action claims under the Fair Debt Collection Practices Act (FDCPA).

Hans also represented consumers who had trouble obtaining credit, employment, and housing due to inaccuracies in their credit reports and background check reports, bringing numerous individual and class action claims under the Fair Credit Reporting Act (FCRA). As an Associate Attorney at a national employment and consumer protection law firm, Hans represented consumers who purchased defective products and employees misclassified as independent contractors, bringing class action claims under consumer protection statues and the Fair Labor Standards Act (FLSA).

Hans grew up in the Twin Cities and received his Bachelor's Degree from Gustavus Adolphus College in St. Peter, Minnesota, where he double-majored in Political Science and Communication Studies and graduated with honors. His first experience resolving quasi-legal disputes began as a Student Representative on the Campus Judicial Board, where he served for three years and resolved numerous complex disputes between students and the College. His interests in sports and ethics took him to New Zealand, Australia, and Fiji, where he studied Sports Ethics.

During his time at Marquette University Law School, Hans concentrated his legal studies on civil litigation and sports law. As a second-year law student, Hans gained valuable experience working as a law clerk for the Honorable Joan F. Kessler at the Wisconsin Court of Appeals. He also served as a member of the Marquette Sports Law Review where he wrote and edited articles about legal issues impacting the sports industry.

As a member of Marquette Law's moot court team, his brief writing and oral advocacy skills earned him a regional championship and an appearance in the national competition at the New York City Bar Association. Hans was also a member of Marquette's mock trial team, finishing in third place at the regional competition at the Daley Center in Chicago, Illinois.

Mr. Lodge is admitted to practice law in the United States District Court, District of Minnesota; United States District Court, Western District of Wisconsin; and both Minnesota and Wisconsin state courts.

In addition to practicing law, Hans is an Adjunct Professor at Concordia University, St. Paul, where he teaches a sports law course in the Master of Arts in Sports Management program.

Patrick F. Madden – Shareholder

Patrick F. Madden is a Shareholder in the Antitrust, Consumer Protection, Insurance Fraud, and Predatory Lending and Borrowers' Rights practice groups. His practice principally focuses on class actions concerning antitrust violations, financial practices, and insurance products.

Mr. Madden has served in key roles in multiple nationwide consumer class actions. For example, he represented homeowners whose mortgage loan servicers force-placed extraordinarily high-priced insurance on them and allegedly received a kickback from the insurer in exchange. Collectively, Mr. Madden's force-placed insurance settlements have made more than $175 million in recoveries available to class members.

He has also represented plaintiffs in antitrust class actions. For example, Mr. Madden represents a proposed class of elite mixed martial arts fighters in an antitrust lawsuit against the Ultimate Fighting Championship. *Le, et al. v. Zuffa, LLC*, No. 15-cv-1045 (D. Nev.). Mr. Madden also represents a proposed class of broiler chicken farmers in an antitrust suit against the major chicken processing companies for colluding to suppress compensation to the farmers.

Prior to attending law school, Mr. Madden worked at the United States Department of Labor, Office of Labor-Management Standards as an investigator during which time he investigated allegations of officer election fraud and financial crimes by union officers and employees.
While at Temple Law School, Mr. Madden was the Executive Editor of Publications for the Temple Journal of Science, Technology & Environmental Law.

Ellen T. Noteware – Shareholder

Ms. Noteware has successfully represented investors, retirement plan participants, employees, consumers, and direct purchasers of prescription drug products in a variety of class action cases. She currently chairs the firm's Pro Bono Committee.

Ms. Noteware served on the trial team for *Cook v. Rockwell Int'l Corp.* No. 90-181 (D. Colo.) and received, along with the entire trial team, the "Trial Lawyer of the Year" award in 2009 from the Public Justice Foundation for their work on the case, which resulted in a jury verdict of $554 million in February 2006, after a four-month trial, on behalf of thousands of property owners near the former Rocky Flats nuclear weapons plant located outside Denver, Colorado. The jury verdict was then the largest in Colorado history, and was the first time a jury has awarded damages to property owners living near one of the nation's nuclear weapons sites. In 2008, after extensive post-trial motions, the District Court entered a $926 million judgment for the plaintiffs. The jury verdict in the case was vacated on appeal in 2010. In 2015, on a second trip to the Tenth Circuit Court of Appeals, Plaintiffs secured a victory with the case being sent back to the district court. In 2016, the parties reached a $375 million settlement, which received final approval in 2017.

Ms. Noteware also has played a leading role in numerous antitrust cases representing direct purchasers of prescription drugs. Many of these cases have alleged that pharmaceutical manufacturers have wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws. Many of these cases have resulted in substantial cash settlements, including *In re: Namenda Direct Purchaser Antitrust Litigation*, (S.D.N.Y.) ($750 million settlement – largest single-defendant settlement ever for a case alleging delayed generic competition); *In re Loestrin 24 Fe Antitrust Litigation*, (D.R.I.) ($120 million settlement 3 weeks before trial was set to begin); *In re Ovcon Antitrust Litigation*, (D.D.C.) ($22 million settlement); *In re Tricor Direct Purchaser Antitrust Litigation*, (D. Del.) ($250 million settlement); *Meijer, Inc. v. Abbott Laboratories*, (N.D. Cal.) (Norvir) ($52 million); and *In re Celebrex*, No. 14-cv-00361 (E.D. Va.) ($95 million).

Ms. Noteware is also extensively involved in litigating breach of fiduciary duty class action cases under the Employee Retirement Income Securities Act ("ERISA"). Her ERISA settlements include: *In re Nortel Networks Corp. ERISA Litigation* (M.D. Tenn.) ($21 million settlement); *In re Lucent Technologies, Inc. ERISA Litigation* (D.N.J.) ($69 million settlement); *In re SPX Corporation ERISA Litigation* (W.D.N.C.) ($3.6 million settlement); *Short v. Brown University*, (D.R.I.) ($3.5M settlement plus requirement that independent adviser for ERISA plans be retained); *Dougherty v. The University of Chicago*, No. 1:17-cv-03736 (N.D. Ill.) ($6.5M settlement); and *Nicolas v. The Trustees of Princeton University*, No. 3:17-cv-03695 (D.N.J.) (settlement announced).

Ms. Noteware is a graduate of Cornell University (B.S. 1989) and the University of Wisconsin-Madison Law School (J.D. *cum laude* 1993) where she won the Daniel H. Grady Prize for the highest grade point average in her class, served as Managing Editor of the Law Review, and earned Order of the Coif honors. She is currently a member of the Pennsylvania, New York, and District of Columbia bars.

Russell D. Paul – Shareholder

Russell Paul is a Shareholder in the Consumer Protection, Qui Tam/Whistleblower, and Securities/Governance/Shareholder Rights practice groups and heads the Automobile Defect practice area. He concentrates his practice on consumer class actions, securities class actions and derivative suits, complex securities, and commercial litigation matters, and False Claims Act suits.

Mr. Paul has successfully litigated and led consumer protection and product defect actions in the automotive, pet food, soft drink, and home products industries. He has been appointed to a leadership position in several automotive defect cases. See Francis v. General Motors, LLC, No. 2:19-cv-11044-DML-DRG (E.D. Mich.), ECF No. 40 (appointed as member of Plaintiffs' Steering Committee); Weston v. Subaru of America, Inc., No. 1:20-cv-05876 (D.N.J.), ECF No. 49 (appointed as Interim Co-Lead Counsel); Miller v. Ford Motor Co., No. 2:20-cv-01796 (E.D. Cal.) ECF No. 60 (appointed to Interim Class Counsel Executive Committee) and Powell v. Subaru of America, Inc., No. 1:19-cv-19114 (D.N.J.), ECF No. 26 (appointed as Interim Co-Lead Counsel). Mr. Paul has litigated securities class actions against Tyco International Ltd., Baxter Healthcare Corp., ALSTOM S.A., Able Laboratories, Inc., Refco Inc., Toll Brothers and the Federal National Mortgage Association (Fannie Mae). He has also litigated derivative actions in various state courts around the country, including in the Delaware Court of Chancery. Mr. Paul has also briefed and argued several federal appeals, including in the Third, Sixth and Ninth Circuits.

In addition to securities litigation, Mr. Paul has broad corporate law experience, including mergers and acquisitions, venture capital financing, proxy contests, and general corporate matters. He began his legal career in the New York office of Skadden, Arps, Slate, Meagher & Flom.

Mr. Paul has been designated a "Pennsylvania Super Lawyer" and a "Top Attorney in Pennsylvania."

Mr. Paul graduated from the Columbia University School of Law (J.D. 1989) where he was a Harlan Fiske Stone Scholar, served on the Moot Court Review Board, was an editor of Pegasus (the law school's catalog) and interned at the United States Attorneys' Office for the Southern District of New York. He completed his undergraduate studies at the University of Pennsylvania, earning a B.S. in Economics from the Wharton School (1986) and a B.A. in History from the College of Arts and Sciences (1986). He was elected to the Beta Gamma Sigma Honors Society.

Alexandra Koropey Piazza – Shareholder

Alexandra Koropey Piazza, Shareholder, is a member of the firm's Employment Law, Consumer Protection and Lending Practices & Borrowers' Rights practice groups. In the Employment Law practice group, Ms. Piazza primarily focuses on wage and hour class and collective actions arising under state and federal law. Ms. Piazza's work in the Consumer Protection and Lending Practices & Borrowers' Rights practice groups involves consumer class actions concerning financial practices.

Ms. Piazza is a graduate of the University of Pennsylvania and Villanova University School of Law. During law school, Ms. Piazza served as a managing editor of the Villanova Sports and Entertainment Law Journal and as president of the Labor and Employment Law Society. Ms. Piazza also interned at the United States Attorney's Office and served as a summer law clerk for the Honorable Eduardo C. Robreno of the United States District Court for the Eastern District of Pennsylvania.

Barbara A. Podell – Shareholder
Barbara A. Podell is a Shareholder in the Securities practice group at the firm. She concentrates her practice on securities class action litigation.

Ms. Podell graduated from the University of Pennsylvania (*cum laude*) and the Temple University School of Law (*magna cum laude*), where she was Editor-in-Chief of the Temple Law Quarterly.

Ms. Podell was one of the firm's senior attorneys representing the Pennsylvania State Employees' Retirement System ("SERS") as the lead plaintiff in the *In re CIGNA Corp. Sec. Litig.*, No. 02-CV-8088 (E.D. Pa.), a federal securities fraud class action in which SERS moved for, and was appointed, lead plaintiff. CIGNA allegedly concealed crucial operational problems, which, once revealed, caused the company's stock price to fall precipitously. The firm obtained a $93 million settlement. This was a remarkable recovery because there were no accounting restatements, government investigations, typical indicators of financial fraud, or insider trading. Moreover, the case was settled on the eve of trial (22.7% of losses recovered).

Before joining the firm, Ms. Podell was a founding member of Savett Frutkin Podell & Ryan, P.C., and before that, a shareholder at Kohn, Savett, Klein & Graf and an associate at Dechert LLP, all in Philadelphia.

Camille Fundora Rodriguez – Shareholder
Ms. Rodriguez is a Shareholder in the firm's Employment & Unpaid Wages, Consumer Protection, and Lending Practices & Borrowers' Rights practice groups. Ms. Rodriguez primarily focuses on wage and hour class and collective actions arising under the Fair Labor Standards Act and state laws. She is also the Diversity, Equity, and Inclusion Coordinator and leads the Firm's DEI Task Force, which enacts a broad range of diversity efforts, including efforts to hire and retain attorneys and non-attorneys from diverse backgrounds and to foster an inclusive work environment, including through Firmwide trainings on implicit bias issues that may impact the workplace.

Prior to joining the firm, Ms. Rodriguez practiced in the litigation department at a boutique Philadelphia law firm where she represented clients in a variety of personal injury, disability, and employment discrimination matters. Ms. Rodriguez is a graduate of Widener University School of Law.

Ms. Rodriguez was recently named a 2023 The Best Lawyers in America: Ones to Watch. She was also a Pennsylvania Super Lawyer "Rising Star" in 2022. In 2021, Ms. Rodriguez was named a "Rising Star" by *Law360*, a "Rising Star of the Plaintiffs Bar" by the *National Law Journal*, and

"Lawyer on the Fast Track" by *The Legal Intelligencer*. She also has been a Pennsylvania Super Lawyer "Rising Star" between 2017 and 2021.

Ms. Rodriguez is an active member of the Pennsylvania, Philadelphia, and Hispanic Bar Associations.

Y. Michael Twersky – Shareholder

Y. Michael Twersky concentrates his practice primarily on representing plaintiffs in complex litigation, including on insurance, antitrust, and environmental matters.

In the past, Mr. Twersky has worked on a wide variety of insurance matters including an insurance case in which a Federal District Court found on Summary Judgement that a large insurance company had breached its policy when it denied benefits under an accidental death insurance plan. Mr. Twersky has also worked on a number of antitrust class actions alleging that pharmaceutical manufacturers wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws, including: *In re Skelaxin (Metaxalone) Antitrust Litigation*, 1:12-md-02343 (E.D. Tenn.) ($73 million settlement in 2014), and *In re Solodyn Antitrust Litig.*, 14 MD 2503 (D. Mass.) (combined settlements in excess of $76 million in 2018). Mr. Twersky has also represented inmates in connection with allegations that various inmate calling services charged unreasonable rates and fees in violation of the Federal Communication Act.

Currently, Mr. Twersky is litigating a number of complex class actions related to insurance products, including proposed class actions in multiple forums against a workers' compensation insurance company alleging that the company deceptively sold illegal workers' compensation programs that were not properly filed with state regulators. *E.g.*, *Shasta Linen Supply, Inc. v Applied Underwriters et al.*, No. 2:16-cv-0158 (N.D. Cal.). Mr. Twersky is also involved in a proposed class action in Federal Court brought on behalf of Alaska-enrolled Medicaid Healthcare Providers against the developers of the Alaska Medicaid Management Information System Company alleging that providers were harmed as a result of the negligent and faulty design and implementation of the MMIS system. *See South Peninsula Hospital et al v. Xerox State Healthcare, LLC*, 3:15-cv-00177 (D. Alaska). Mr. Twersky is also involved in environmental litigation on behalf of various states to recover the costs of remediation for contamination to groundwater resources.

Mr. Twersky graduated from Temple University Beasley School of Law in 2011, where he was a member of the Rubin Public Interest Law Honors Society and a Class Senator. In addition, Mr. Twersky advised various clients in business matters as part of Temple University's Business Law Clinic.

Daniel J. Walker – Shareholder

Dan Walker is a Shareholder of the firm, which he rejoined in July 2017 after serving three years in the Health Care Division at the Federal Trade Commission. Mr. Walker practices in the firm's Washington, D.C. office.

While at the Federal Trade Commission, Mr. Walker investigated and litigated antitrust matters in the health care industry. In addition to leading various nonpublic investigations in the pharmaceutical and health information technology sectors, Mr. Walker litigated *Federal Trade Commission v. AbbVie Inc., et al.*, a case alleging that a brand pharmaceutical manufacturer engaged in sham patent litigation to delay generic competition, and *Federal Trade Commission v. Cephalon Inc.*, a "pay-for-delay" lawsuit over a brand pharmaceutical manufacturer's payment to four generic competitors in return for the generics' agreement to delay entry into the market. The Cephalon case settled shortly before trial for $1.2 billion-the largest equitable monetary relief ever secured by the Federal Trade Commission-as well as significant injunctive relief.

During his time in private practice, Mr. Walker has litigated cases on behalf of plaintiffs and defendants in many areas of law, including antitrust, financial fraud, breach of contract, bankruptcy, and intellectual property. Mr. Walker has helped recover hundreds of millions of dollars on behalf of plaintiffs, including in *In re Titanium Dioxide Antitrust Litigation* (with settlements totaling $163.5 million for purchasers of titanium dioxide), *In re High Tech Employee Antitrust Litigation* (with settlements totaling $435 million for workers in the high tech industry), and *Adriana Castro, M.D., P.A., et al. v. Sanofi Pasteur Inc.*, No. 11-cv-07178 (D.N.J.) (with a $61.5 million settlement pending court approval for purchasers of pediatric vaccines). Mr. Walker was also a member of the team that recovered the funds lost by account holders during MF Global's collapse and a member of the trial team that successfully represented the Washington Mutual stockholders seeking to recover investments lost in the bankruptcy.

In addition, Mr. Walker has spoken frequently on antitrust issues, including on the intersection of antitrust and intellectual property in the health care industry.

Mr. Walker is a *magna cum laude* graduate of Amherst College and Cornell University Law School, where he was an Articles Editor for the Cornell Law Review. Before entering private practice, Mr. Walker clerked for the Honorable Richard C. Wesley of the United States Court of Appeals for the Second Circuit.

Michaela Wallin – Shareholder

Michaela Wallin is a Shareholder in the Antitrust and Employment Law practice groups. Ms. Wallin's work in the Antitrust group involves complex class actions, including those alleging that pharmaceutical manufacturers have wrongfully kept less expensive drugs off the market, in violation of the antitrust laws. In the Employment Law Group, Ms. Wallin focuses on wage and hour class and collective actions arising under federal and state law.

Prior to joining the firm, Ms. Wallin served as a law clerk for the Honorable James L. Cott of the United States District Court of the Southern District of New York. She also completed an Equal Justice Works Fellowship at the ACLU Women's Rights Project, where she worked to challenge local laws that target domestic violence survivors for eviction and impede tenants' ability to call the police.

Ms. Wallin is a graduate of Columbia Law School, where she was a Harlan Fiske Stone Scholar. Ms. Wallin graduated *magna cum laude* from Bowdoin College, where she was Phi Beta Kappa and a Sarah and James Bowdoin Scholar.

Alfred W. Zaher – Shareholder
Alfred Zaher is a Shareholder with the firm's Intellectual Property Department and he focuses his practice on patent, trademark, and trade secret litigation, licensing, and counseling. He has experience representing clients before the U.S. Patent and Trademark Office and the U.S. Copyright Office. He counsels companies in the biotechnology, pharmaceuticals, medical devices, electronics, and software industries. Having close relationships with Chinese officials and law firms, Alfred has a particular focus on managing clients' patent and trademark portfolios in China, including securing and prosecuting infringers in the Chinese court system. In his role as the firm's Chief Diversity & Inclusion Officer, Alfred is responsible for overseeing, implementing, and providing leadership to Montgomery McCracken's diversity initiatives. Prior to his legal career, Alfred was a research engineer and electrical engineer with more than 10 years of technical experience with companies like The Boeing Company and Litton Industries.

Senior Counsel

Andrew Abramowitz – Senior Counsel
Andrew Abramowitz, Senior Counsel in the Securities Department, concentrates his practice in shareholder litigation, representing investors in matters under the federal securities laws and state law governing breach of fiduciary duty. Prior to joining the firm, Mr. Abramowitz was a partner with a prominent Philadelphia law firm where he practiced for more than twenty years.

Mr. Abramowitz has served as one of the lead counsel in numerous cases, including, of note, *In re Parmalat Securities Litigation* (S.D.N.Y.), often referred to as "the Enron of Europe," which was a worldwide securities fraud involving an international dairy conglomerate; *In re SCOR Holding (Switzerland) AG Litigation* (S.D.N.Y.), the first case ever to secure recovery for investors in both a U.S. jurisdiction and a foreign forum; and *In re Abbott Depakote Shareholder Derivative Litigation* (N.D. Ill.), involving the off-label marketing of an anti-seizure drug.

Other notable cases in which Mr. Abramowitz played a significant role include: *Howard v. Liquidity Services, Inc.* (D.D.C.); *In re The Bancorp, Inc. Securities Litigation* (D. Del.); *In re Life Partners Holdings, Inc. Derivative Litigation* (W.D. Tex.); *In re Synthes Inc. Shareholder Litigation* (Del. Ch.); *In re Atheros Communications, Inc. Shareholder Litigation* (Del. Ch.); *Utah Retirement Systems v. Strauss* (American Home Mortgage) (E.D.N.Y.); *In re PSINet, Inc. Securities Litigation* (E.D. Va.); *Penn Federation BMWE v. Norfolk Southern Corp.* (E.D. Pa.); *Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters v. Cybersource Corp.* (Del. Ch.).

He previously served as Legal Counsel to Tradeoffs, a popular health policy podcast launched by a prominent Philadelphia journalist.

Mr. Abramowitz graduated *cum laude* from Franklin & Marshall College (1993) where he earned membership in Phi Beta Kappa. He earned a J.D. from the University of Maryland School of Law (1996), where he was Assistant Editor for *The Business Lawyer*, published jointly with the American Bar Association.

He was a long-standing member of the Corporate Advisory Board of the Pennsylvania Association of Public Employee Retirement Systems (PAPERS), an organization dedicated to educating trustees and fiduciaries of public pension funds throughout Pennsylvania. He has also participated for more than fifteen years in the University of Pennsylvania School of Law's Mentoring Program, in which he mentors international students in the L.L.M. program about the practice of law in the U.S. He has written and spoken extensively on matters relating to securities litigation and corporate governance.

Mr. Abramowitz is also the author of two novels, *A Beginner's Guide to Free Fall* (Lake Union Publishing, 2019), and *Thank You, Goodnight* (Touchstone/Simon & Schuster, 2015).

Natisha Aviles – Senior Counsel
Natisha Aviles is Senior Counsel in the firm's Antitrust practice group. She concentrates her practice on complex antitrust litigation.

Stephanie K. Benecchi – Senior Counsel
Stephanie K. Benecchi is Senior Counsel with the firm's Intellectual Property Department in Philadelphia. Prior to joining Berger Montague, Stephanie was a partner at Montgomery McCracken Walker & Rhoads in their Philadelphia and Cherry Hill, NJ offices, where she focused her practice on commercial litigation, including class action defense, as well as white collar defense and government investigations. Prior to her time at MMWR, Stephanie was an associate at Kasowitz Benson Torres in New York.

Stephanie manages an interdisciplinary litigation team representing a medical device manufacturer in multiple patent infringement suits. Stephanie's experience focuses on health care, where she represents both entities and individuals from health systems, medical practices, and medical device and pharmaceutical manufacturers in conjunction with government investigations including billing, labeling and monitoring of medical devices, and pharmaceutical sales practices.

Stephanie is a member of the Legal Ethics and Professional Responsibility committee for the Pennsylvania Bar Association, and has devoted time to speaking and writing on legal ethics issues. Her presentations have yielded "wow" reviews from attendees impressed with her ability to tackle difficult issues like mental health services on campus. Her publications regarding the ethics of representing clients at risk of suicide provided valuable guidance to the bar. Stephanie co-wrote articles on the merits of removing "zeal" from the ABA model rules of professional conduct, published by the ABA Section of Litigation Ethics and Professionalism ("Exploring the Bounds of Professionalism: Is it Time to Remove 'Zeal' from the ABA Model Rules of Professional

Conduct?") and the Pennsylvania Lawyer ("The Pennsylvania Supreme Court Should Remove the 'Z' Words from the Rules of Professional Conduct").

Stephanie is a graduate of Fordham Law School, where she served as a staff member on the Fordham Journal of Corporate & Financial Law, and received the Archibald R. Murray Public Service Award for externing at the NYSE. Stephanie also graduated from Columbia University with a B.A. in Psychology, where she was a member of the Varsity Women's Swim Team.

Mark DeSanto – Senior Counsel
Mark B. DeSanto is Senior Counsel in the Firm's Consumer Protection department in Philadelphia. Prior to joining Berger Montague, Mark was an associate at Sauder Schelkopf where he litigated various consumer class actions with a particular emphasis on automotive defect cases, Chimicles Schwartz Kriner & Donaldson-Smith where he litigated various consumer, data breach, and ERISA class actions that helped recover over $82 million for aggrieved class members and was a member of the firm's securities financial institution marketing committee, and Kessler Topaz Meltzer & Check where he worked as an associate in the securities department and helped secure over $220 million for investors in securities fraud class actions. In April 2023, Mark was selected by the Legal Intelligencer as a "Lawyer on the Fast Track."

Mark graduated from the University of Miami School of Law, cum laude, in 2013, where he was a member of the National Security and Armed Conflict Law Review and earned President's Honor Roll and Dean's List distinction in multiple semesters. Mark also earned his Bachelor of Business Administration in Finance from the University of Miami in 2009. Mark is admitted to practice law in Florida, Pennsylvania, and New Jersey.

Jennifer Elwell – Senior Counsel
Jennifer Elwell is Senior Counsel in the firm's Consumer Protection group. She concentrates her practice in complex civil litigation involving actions brought on behalf of consumers for corporate wrongdoing and consumer fraud.

Patrick J. Farley – Senior Counsel
Patrick J. Farley is Senior Counsel in the firm's Intellectual Property Department. Mr. Farley has over 20 years of international experience in intellectual property law and concentrates his practice on all aspects of intellectual property, including patent drafting, patent prosecution, patent litigation, patent and trademark portfolio management, and licensing. Patrick counsels companies in the biotechnology and pharmaceuticals industries with a particular focus on patent and trademark portfolios, agreements, and due diligence. Prior to joining Berger Montague, Patrick was a partner at a Philadelphia law firm.

Abigail J. Gertner – Senior Counsel
Abigail J. Gertner is an attorney in the firm's Philadelphia office and practices in the firm's Consumer Protection and ERISA Litigation practice groups.

Before joining the firm, Ms. Gertner worked at both plaintiff and defense firms, where she gained experience in complex litigation, including consumer fraud, ERISA, toxic tort, and antitrust matters. She concentrates her current practice on automotive defect, consumer fraud, and ERISA class actions.

Ms. Gertner graduated from Santa Clara University School of Law in 2003, where she interned for the Santa Clara County District Attorney's Office in the Child and Elder Abuse Unit. She completed her undergraduate studies at Tulane University in 2000, earning a B.S. in Psychology and a B.A. in Classics.

She is also active in her community, formerly serving as a Youth Aid Panel chairperson for Upland in Delaware County. She now serves on the Upland Borough Council, beginning her four-year term in January 2020.

Ms. Gertner is admitted to practice in state courts in Pennsylvania and New Jersey; and the United States District Courts for the Eastern District of Pennsylvania, the District of New Jersey, and the Eastern District of Michigan.

Aaron Haleva – Senior Counsel

Aaron Haleva is Senior Counsel in the firm's Intellectual Property Department where he focuses his practice on intellectual property litigation, trademarks, and patent preparation and prosecution in various industries including healthcare, pharmaceuticals and immunology, chemical preparations and manufacture, computing systems and architectures, digital technology and coding, memory devices and interfaces, large data mining and artificial intelligence. Aaron has developed on-board interactive vision systems for mobile autonomous robots, created big data analytical tools for immunology-based patient data to predict onset of disease and severity of conditions, and has navigated the patent procurement process both as an inventor and as an attorney. Prior to joining Berger Montague, Aaron was an attorney at a national law firm.

Karen L. Handorf – Senior Counsel

Karen L. Handorf is Senior Counsel at Berger Montague and a member of the firm's Employee Benefits & ERISA practice group, where she represents the interests of employees, retirees, plan sponsors, plan participants and beneficiaries in employee benefit and ERISA cases in the district court and on appeal. Ms. Handorf brings four decades of ERISA knowledge to Berger Montague's practice, where she will focus on emergent issues in health care, with a particular focus on the actions of insurance carrier TPAs that exercise fiduciary duties under ERISA-covered health plans. Ms. Handorf also advises employers and other plan sponsors on the provisions in their administrative service agreements that might cause them to unwittingly violate ERISA or other employee benefit laws. Ms. Handorf is also focused on other legal violations related to patient health care under other (non-ERISA) federal statutes and state consumer statutes in her efforts to address the exorbitant health care costs facing most Americans.

Prior to joining Berger Montague, Ms. Handorf was a partner at another prominent plaintiffs' class action firm and the immediate-past chair and then co-chair of that firm's Employee Benefits/ERISA practice group, where she led efforts in identifying, litigating, and when necessary, appealing often

novel employee benefits issues. In that role, Ms. Handorf was one of the pioneers of the church plan litigation against organizations claiming to be exempt from ERISA due to their affiliation with or status as religious organizations.

Prior to that, Ms. Handorf had a distinguished career in government service. She spent 25 years at the Department of Labor, where, among other senior positions, she was the Deputy Associate Solicitor in the Plan Benefits Security Division. During her tenure at the Department of Labor, Ms. Handorf played a major role in formulating and litigating the Government's position on a wide variety of ERISA issues, from conception through expression in amicus briefs filed by the United States Solicitor General in the United States Supreme Court.

Matthew Hartman – Senior Counsel
Matthew Hartman is Senior Counsel in the firm's San Diego office. He primarily practices in complex litigation.

Joseph C. Hashmall – Senior Counsel
Joe Hashmall, Senior Counsel, is a member of the firm's Consumer Protection practice group. In that practice group, Mr. Hashmall primarily focuses on consumer class actions concerning financial and credit reporting practices.

Mr. Hashmall is a graduate of the Grinnell College and the Cornell University School of Law. During law school, Mr. Hashmall served as the Executive Editor of the Cornell Legal Information Institute's Supreme Court Bulletin and as an Editor for the Cornell International Law Journal. Mr. Hashmall has also worked as law clerk for President Judge Bonnie B. Leadbetter of the Pennsylvania Commonwealth Court and for the Honorable David J. Ten Eyck of the Minnesota District Court.

Mariyam Hussain – Senior Counsel
Mariyam Hussain is Senior Counsel with the Firm's Employment department. Before joining Berger Montague, Mariyam was counsel at Justice Catalyst Law, where she developed interdisciplinary impact litigation cases and legal strategies to advance economic and social justice. Prior to that, Mariyam served as a supervising attorney with Legal Aid Chicago's Immigrant and Workers' Rights Practice Group, managing a team of attorneys and paralegals in complex multi-plaintiff litigation on behalf of migrant farmworkers in Illinois. During her time with Legal Aid Chicago, Mariyam played a leading role in the filing of a federal complaint in U.S. Bankruptcy Court alleging racketeering, human trafficking, forced labor, and FLSA violations and other wrongful conduct against H-2A employers doing business under various names. Mariyam also previously worked as a senior associate doing class-action and wage-and-hour litigation at a plaintiff side law firm in New York, and as staff attorney with the New York City Commission on Human Rights.

Mariyam received her Juris Doctorate and undergraduate degrees from DePaul University and a Masters in Comparative Literature from the University of London.

J. Quinn Kerrigan – Senior Counsel
J. Quinn Kerrigan is Senior Counsel in the firm's Consumer Protection practice group. He concentrates his practice in the area of complex consumer litigation, prosecuting actions against corporate defendants and other institutions for violations of state and federal law, including state causes of action challenging unfair and deceptive practices.

Before joining the firm, Mr. Kerrigan gained notable experience litigating antitrust and consumer class actions, corporate mergers, derivative claims, and insurance coverage disputes.

Mr. Kerrigan is admitted to practice in state courts in Pennsylvania and New Jersey, the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, and the District of New Jersey.

Mr. Kerrigan is a graduate of Temple University's Beasley School of Law and John Hopkins University.

Joseph P. Klein – Senior Counsel
Joseph Klein is Senior Counsel in the Antitrust practice group and focuses his work on complex antitrust litigation.

David A. Langer – Senior Counsel
David A. Langer is Senior Counsel in the Antitrust practice group. He concentrates his practice in complex antitrust litigation.

Mr. Langer has had a primary role in the prosecution of the following antitrust class actions: *In re Currency Conversion Fee Antitrust Litigation* (S.D.N.Y.) (after 5½ years of litigation, through the close of fact and expert discovery, achieved a settlement consisting of $336 million and injunctive relief for a class of U.S. Visa and MasterCard cardholders; extraordinary settlement participation from class members drawing more than 10 million claimants in one of the largest consumer antitrust class actions); *Ross and Wachsmuth v. American Express Co., et al.* (S.D.N.Y.) ($49.5 million settlement achieved after more than 7 years of litigation and after summary judgment was denied); *Ross, et al. v. Bank of America, N.A. (USA), et al.* (S.D.N.Y.) (obtained settlements with four of the nations' largest card issuers (Bank of America, Capital One, Chase and HSBC) to drop their arbitration clauses for their credit cards for 3.5 years, and a settlement with the non-bank defendant arbitration provider (NAF), who agreed to cease administering arbitration proceedings involving business cards for 3.5 years); and *In re Linerboard Antitrust Litigation* (E.D. Pa.) (helped obtain settlements of more than $200 million dollars).

Mr. Langer was one of the trial team chairs in the 5-week consolidated bench trial of arbitration antitrust claims in *Ross v. American Express* and *Ross v. Bank of America*, where the Honorable William H. Pauley, III of the United States District Court for the Southern District of New York, commended the "extraordinary talents of Plaintiffs' counsel."

Mr. Langer has also had a primary role in appellate proceedings, obtaining relief for his clients in a number of matters, including *Ross, et al. v. American Express Co., et al.*, 547 F.3d 137 (S.D.N.Y. 2008) (precluding an alleged co-conspirator from relying on the doctrine of equitable estoppel to invoke arbitration clauses imposed by its competitor co-conspirators); *Ross, et al. v. Bank of America, N.A. (USA), et al.*, 524 F.3d 217 (S.D.N.Y. 2008) (holding that antitrust plaintiffs possess Article III standing to challenge the defendants' collusive imposition of arbitration clauses barring participation in class actions); *In re Pharmacy Benefit Managers Antitrust Litig.*, 700 F.3d 109 (3d Cir. 2012) (finding opposing party waived the right to compel arbitration and reversing district court).

While at Vermont Law School, Mr. Langer was Managing Editor and a member of the Vermont Law Review.

Natalie Lesser – Senior Counsel
Natalie Lesser is Senior Counsel in the firm's Consumer Protection and Employee Benefits & ERISA practice groups. She concentrates her practice on automotive defect, consumer fraud, and ERISA class actions.

Before joining the firm, Ms. Lesser gained experience at both plaintiff and defense firms, litigating complex matters involving consumer fraud, securities fraud, and managed care disputes.

Ms. Lesser is admitted to practice in state courts in Pennsylvania and New Jersey, the United States District Courts for the Eastern District of Pennsylvania, the District of New Jersey, and the Eastern District of Michigan, and the United States Courts of Appeals for the Third Circuit and the Ninth Circuit.

Ms. Lesser received her law degree from the University of Pittsburgh School of Law in 2010 and her undergraduate degree in English from the State University of New York at Albany in 2007. While attending the University of Pittsburgh School of Law, Ms. Lesser was Editor in Chief of the University of Pittsburgh Law Review.

Shawn S. Li – Senior Counsel
Dr. Shawn Li is Senior Counsel in the firm's Intellectual Property Department. Dr. Li has developed global protection strategies, drafted, and prosecuted U.S. and international patent applications, prosecuted patent reexaminations, and negotiated and prepared complex licenses and related agreements. Relying on his education in the medical sciences, he provides counsel to clients in biotechnology, pharmaceutical, chemical, medical device, and other technology related industries. He also advises U.S. and multinational clients on issues related to protecting intellectual property in China, including patent, trademark, and trade secret enforcement actions, as well as cross border technology transfers and joint ventures. Prior to joining Berger Montague, Shawn gained experience working for nationally recognized law firms in Philadelphia. He has conducted patent infringement, validity, and inequitable conduct analysis and assisted in preparation for expert reports and prepared expert witnesses. Shawn worked as a postdoctoral research fellow in the department of physiology at the University of Pennsylvania School of

Medicine and as a graduate research assistant at the Skirball Institute of Biomolecular Medicine at the New York University School of Medicine.

James Maro – Senior Counsel
James Maro is Senior Counsel with the Firm's Securities department in Philadelphia. Prior to joining Berger Montague, Jim was a partner at Kessler Topaz Meltzer & Check, LLP, where he focused his practice on securities fraud and consumer protection class action litigation. Jim also represented investors in derivative, as well as mergers and acquisitions litigation. Most recently, Jim managed Kessler Topaz's "startup" department where he developed policies and practices regarding the firm's marketing efforts, potential investor and client communications, and client retention.

Jim graduated from Villanova University School of Law and received his undergraduate degree from the Johns Hopkins University.

Richard L. Moss – Senior Counsel
Richard L. Moss is Senior Counsel in the firm's Intellectual Property Department. He focuses his practice on U.S. and foreign patent prosecution matters in electrical, electromechanical, general mechanical, medical device, computer software, and process technology areas. Richard also represents and counsels clients in intellectual property litigation matters and post-grant proceedings before the U.S. Patent and Trademark Office Patent Trial and Appeal Board, as well as in business transactions involving intellectual property assets, including licensing and corporate due diligence matters.

Prior to joining Berger Montague, Richard was a Partner at a Philadelphia law firm and, before that, a Special Counsel at a prominent New York City based international law firm.

Jeffrey L. Osterwise – Senior Counsel
Mr. Osterwise pursues relief for consumers and businesses in a broad array of matters.

Mr. Osterwise litigates class actions on behalf of consumers who have been damaged by automobile manufacturers that conceal known defects in their vehicles and refuse to fulfill their warranty obligations. His experience includes actions against General Motors, Nissan North America, American Honda Motor Company, among others.

Mr. Osterwise also has substantial experience advising consumers and businesses of their rights with respect to a variety of other defective products. He has helped injured parties pursue their claims arising from defects in pharmaceuticals, solar panels, riding lawn tractors, and HVAC and plumbing products.

In addition to defective product claims, Mr. Osterwise has fought to protect consumers from unfair business practices. For example, he has represented clients deceived by their auto insurance carriers and consumers improperly billed by a national health club chain.

Mr. Osterwise also has significant experience representing the interests of shareholders in securities fraud and corporate governance matters. And, he represented the City of Philadelphia

and the City of Chicago in separate actions against certain online travel companies for their failure to pay hotel taxes.

Kerri Petty – Senior Counsel
Kerri Petty is Senior Counsel for the firm and concentrates her practice on complex litigation.

Jacob M. Polakoff – Senior Counsel
Since joining the firm in 2006, Mr. Polakoff has concentrated his practice on the prosecution of class actions and other complex litigation, including the representation of plaintiffs in consumer protection, securities, and commercial cases.

Mr. Polakoff currently represents homeowners throughout the country in various product liability actions concerning defective construction products, including plumbing and roofing. He served on the teams of co-lead counsel in two nationwide class action plumbing lawsuits: (i) against NIBCO, Inc., claiming that NIBCO's cross-linked polyethylene (PEX) plumbing tubes and component parts were defective and prematurely failed ($43.5 million settlement), and (ii) in *George v. Uponor, Inc., et al.*, a class action about Uponor's high zinc yellow brass PEX plumbing fittings ($21 million settlement).

He represented the shareholders of the Philadelphia Stock Exchange in *Ginsburg v. Philadelphia Stock Exchange, Inc., et al.*, in the Delaware Court of Chancery, which settled for in excess of $99 million in addition to significant corporate governance provisions. He also is on the team of co-lead counsel representing the shareholders of Patriot National, Inc., and helped secure a $6.5 million settlement with the bankrupt company's directors and officers.

Mr. Polakoff's experience also includes representing entrepreneurs and small businesses in actions against Fortune 500 companies.

Mr. Polakoff was selected as a Pennsylvania Super Lawyer in 2021, an honor conferred upon only the top 5% of attorneys in Pennsylvania. He was previously selected as a Pennsylvania Super Lawyer – Rising Star in 2010 and 2013-2019.

Mr. Polakoff is a 2006 graduate of the joint J.D./M.B.A. program at the University of Miami, where he was the recipient of the Dean's Certificate of Achievement in Legal Research & Writing, was awarded a Graduate Assistantship and was honored with the Award for Academic Excellence in Graduate Studies.

He holds a 2002 B.S.B.A. from Boston University's School of Management, where he concentrated in finance.

Mr. Polakoff is the Judge of Election for Philadelphia's 30th Ward, 1st Division. He was also a member of the planning committee and the sponsorship sub-committee for the Justice for All 5K from its inception. The event benefited Community Legal Services of Philadelphia, which provides free legal services, in civil matters, to low-income Philadelphians.

Geoffrey C. Price – Senior Counsel
Geoffrey C. Price is Senior Counsel in the firm's antitrust division, specializing in complex litigation related to pharmaceuticals, investment fraud, and general anti-competitive business practices.

Richard Schwartz – Senior Counsel
Richard Schwartz is Senior Counsel in the Antitrust practice group. Mr. Schwartz concentrates his practice in the area of complex antitrust litigation with a focus on representation of direct purchasers of prescription drugs.

Prior to joining the firm, Mr. Schwartz was an attorney in the New York and Philadelphia offices of a firm where he represented plaintiffs in a variety of matters before trial and appellate courts with a focus on antitrust and shareholder class actions.

Mr. Schwartz is a member of the teams prosecuting a number of antitrust class actions on behalf of direct purchasers of prescription drugs in which the purchasers allege that generic drugs have been illegally kept off the market. Those cases include *In re Opana ER Antitrust Litigation*, No. 14-cv-10151 (N.D. Ill.); *In re Suboxone*, No. 13-MD-2445 (E.D. Pa.); *In re Solodyn*, No. 14-MD-2503 (D. Mass.) and *In re Celebrex*, No. 14-cv-00361 (E.D. Va.).

Mr. Schwartz is admitted to practice in New York, Pennsylvania, and Illinois.

Julie Selesnick – Senior Counsel
Julie S. Selesnick is Senior Counsel at Berger Montague and a member of the firm's Employee Benefits & ERISA practice group, where she represents the interests of employees, retirees, plan sponsors, plan participants and beneficiaries in employee benefit and ERISA cases in the district court and on appeal. Ms. Selesnick' s practice is focused on health care, where she brings more than a decade of insurance coverage experience to good use focusing on the behaviors of insurance carrier TPAs that exercise fiduciary duties under ERISA-covered health plans and counseling employers and other plan sponsors on provisions in their administrative service agreements that might cause them to unwittingly violate ERISA or other employee benefit laws. Ms. Selesnick is also focused on other legal violations related to patient health care under various federal statutes and state consumer statutes to help everyday American's bring down the out-of-control health care costs they face.

Prior to joining Berger Montague, Ms. Selesnick was of counsel at another prominent plaintiffs' class action firm, where she practiced primarily in the ERISA group representing plaintiffs in class cases related to 401K excessive fee disputes, actuarial equivalence pension issues, church plan litigation, and cases against third-party administrators for breach of fiduciary duty in connection with their administration of ERISA-covered group health plans. Ms. Selesnick also worked in that firm's Consumer Protection group litigating consumer class action lawsuits and policyholder insurance coverage actions on behalf of individual and class plaintiffs.

Prior to that, Ms. Selesnick was a partner at a Washington D.C. law firm in both the insurance coverage and employment law groups, where she represented carriers in insurance coverage litigation and subrogation litigation in state and federal courts throughout the United States, and represented both employers and employees in employment litigation, as well as negotiating severance agreements and reviewing and updating employee handbooks. Ms. Selesnick has first chair trial experience in jury and bench trials and has experience with arbitration and mediation of complex disputes.

Ms. Selesnick is an accomplished writer and has written numerous legal and non-legal articles and blog posts. She has also contributed to ERISA Litigation textbooks and cumulative supplements, and written materials for use in health-care litigation conferences.

Ms. Selesnick graduated with a B.A., cum laude, from the San Diego State University and was elected Phi Beta Kappa and Pi Sigma Alpha, and she received her J.D., from the George Washington University School of Law, where she was a member of the George Washington University Law Review and was inducted into the Order of the Coif.

John Timmer – Senior Counsel

John Timmer is senior counsel in the Firm's Commercial Litigation Department. Prior to joining Berger Montague, John was a partner at Schnader Harrison Segal & Lewis LLP where he focused on commercial litigation matters. John represented a manufacturer of roofing shingles and a truck manufacturer in numerous matters involving product defect claims, and also represented the School District of Philadelphia in various matters alleging breaches of contract. John also successfully represented the Philadelphia District Attorney's Office in litigation relating to an alleged "Do Not Call" list that went to trial in June 2023 in which a nonsuit was entered at the close of plaintiff's case.

Prior to working at Schnader Harrison, John worked at the Hoyle Law Firm, where he represented defendants in class actions involving defective roofing shingles and violations of the Driver's Privacy Protection Act, and where he was counsel for a receiver charged with recovering money for defrauded investors in a Ponzi scheme. John started his career at Pepper Hamilton (now Troutman Pepper) where he represented pharmaceutical and medical device companies.

John has represented numerous pro bono clients, including on behalf of incarcerated individuals asserting civil rights claims and on behalf of tenants in landlord-tenant court. John graduated from Wake Forest University and Vanderbilt Law School.

Zachary M. Vaughan – Senior Counsel

Zach Vaughan is Senior Counsel who works with the Firm’s consumer department remotely from New York. Prior to joining Berger Montague, Zach was an associate at Scott+Scott Attorneys at Law LLP in New York, where he represented institutional and retail investors in securities class actions under the ’33 and ’34 Acts. Prior to that, Zach

was a general commercial litigator at Patterson Belknap Webb & Tyler LLP, also in New York.

Zach graduated from the Georgetown University Law Center in 2011. Before beginning his career as a litigator, he served as a law clerk to Judge D. Michael Fisher of the U.S. Court of Appeals for the Third Circuit in Pittsburgh and to Judge Colleen McMahon of the U.S. District Court for the Southern District of New York.

Lane L. Vines – Senior Counsel

Lane L. Vines's practice is concentrated in the areas of securities/investor fraud, consumer and *qui tam* litigation. For more than 17 years, Mr. Vines has prosecuted both class action and individual opt-out securities cases for state government entities, public pension funds, and other large investors. Mr. Vines also represents consumers in class actions involving unlawful and deceptive practices, as well as relators in *qui tam*, whistleblower and False Claims Act litigations. Mr. Vines is admitted to practice law in Pennsylvania, New Jersey and numerous federal courts.

Mr. Vines also has experience in the defense of securities and commercial cases. For example, he was one of the firm's principal attorneys defending a public company which obtained a pre-trial dismissal in full of a proposed securities fraud class action against a gold mining company based in South Africa. See *In re DRDGold Ltd. Securities Litigation*, 05-cv-5542 (VM), 2007 U.S. Dist. LEXIS 7180 (S.D.N.Y. Jan. 31, 2007).

During law school, Mr. Vines was a member of the Villanova Law Review and served as a Managing Editor of Outside Works. In that role, he selected outside academic articles for publication and oversaw the editorial process through publication.

Prior to law school, Mr. Vines worked as an auditor for a Big 4 public accounting firm and a property controller for a commercial real estate development firm, and served as the Legislative Assistant to the Minority Leader of the Philadelphia City Council.

Mr. Vines has achieved the highest peer rating, "AV Preeminent" in Martindale-Hubbell for legal abilities and ethical standards. Mr. Vines is admitted to practice law in Pennsylvania, New Jersey and several federal courts.

William Walsh – Senior Counsel

William Walsh is Senior Counsel within the Environmental Department. Prior to joining Berger Montague, he was part of the environmental team at Weitz & Luxenberg for 16 years. There, Will played a significant role representing several states and municipal water providers in actions against polluters for groundwater contamination. He was also directly involved in PFOA/PFOS litigation and the Roundup litigation, representing individuals who developed non-Hodgkin's lymphoma from their exposure to glyphosate.

Will graduated from Haverford College with a degree in political science and worked as a legislative assistant on a Senate staff for two years before attending law school. At the University of Minnesota Law School, Will assisted in the rewriting of the law school's Honor Code and was a member of the Minnesota Law Review and served as a moot court director.

Dena Young – Senior Counsel

Dena Young is Senior Counsel in the firm's Consumer Protection practice group. She concentrates her practice in the area of complex consumer litigation, prosecuting actions against pharmaceutical and product manufacturers for violations of state and federal law.

Before joining the firm, Dena worked for prominent law firms in the Philadelphia region where she worked on personal injury and mass tort cases involving dangerous and defective medical devices, pharmaceutical, and consumer products including Talcum Powder, Transvaginal Mesh, Roundup, Risperdal, Viagra, Zofran, and Xarelto. She also assisted in the prosecution of cases on behalf of the U.S. Government and other government entities for violations of federal and state false claims acts and anti-kickback statutes.

Recently, the Honorable Brian R. Martinotti appointed Dena to serve on the plaintiffs' steering committee (PSC) of MDL 2921 in the *Allergan BIOCELL Textured Breast Implant Products Liability Litigation*, situated in the United States District Court for the District of New Jersey. In this case, Dena represents plaintiffs diagnosed with breast implant associated anaplastic large cell lymphoma (BIA-ALCL), a deadly form of cancer caused by Allergan's textured breast implants.

Early in her legal career, Dena represented clients diagnosed with devastating asbestos-related diseases, including mesothelioma and lung cancer. Cases she handled resulted in millions of dollars in settlements for her clients.

During law school, Dena represented defendants in preliminary hearings and misdemeanor trials while working for the Defender Association of Philadelphia. She also clerked for the Animal Protection Litigation section of the United States Humane Society. In 2008-2009, Young worked for the Honorable Renee Cardwell Hughes of Philadelphia's Court of Common Pleas.

In 2010, she received her Juris Doctor degree, with honors, from Drexel University's Thomas R. Kline School of Law where she founded the School's Student Animal Legal Defense Fund chapter.

Dena is admitted to practice in state courts in Pennsylvania and New Jersey, the U.S. District Court for the Eastern District of Pennsylvania, and the U.S. District Court for the District of New Jersey.

Associates

Michael Anderson – Associate

Michael Anderson is an Associate in the Wage and Hour department based out of the Firm's Philadelphia office. Michael graduated cum laude from William & Mary Law School and was recognized for his work in public service. Michael represented his third-year class on the Student Bar Association, participated in the Leadership Institute, and served as a member of the William & Mary Journal of Race, Gender, and Social Justice.

During law school, Michael completed two federal judicial externships with the Hon. Raymond A. Jackson and the Hon. John A. Gibney in the Eastern District of Virginia. In his final year, Michael spent much of his time advocating for students with disabilities through William & Mary's Special Education Advocacy Clinic. In the clinic, Michael counseled families, represented clients at special education meetings, and negotiated with school districts to provide appropriate special education services under the Individuals with Disabilities Education Act (IDEA). Michael also worked as a law clerk at Victor M. Glasberg & Associates, where he assisted the firm with litigating complex civil rights cases involving law enforcement misconduct, police brutality, and employment discrimination under federal laws.

Prior to law school, Michael worked as the Director of Auxiliary Programs and taught a high school philosophy course at a nationally recognized charter school in southern Arizona.

Robert Berry – Associate*
******not yet admitted, pending admission*

Robert Berry is with the Firm's Antitrust department in Philadelphia. Robert graduated Magna Cum Laude from the University of Pennsylvania Carey Law School in May 2022. At Penn, Robert served on the editorial board of the University of Pennsylvania Journal of Law and Public Affairs as Research Editor. Robert was heavily engaged in clinic programs, directly representing clients in landlord-tenant disputes, social security matters, and asylum-seeking matters with the Civil Practice Clinic and the Transnational Legal Clinic. Robert also worked heavily with Professor Herbert Hovenkamp on antitrust matters, taking two separate antitrust classes from the professor, serving as the professor's antitrust TA during the summer of 2021, and working with the professor on an independent study project examining the current state of horizontal merger law.

Prior to law school, Robert graduated from Cornell University with a bachelor's degree in history with a minor in classical civilizations. While at Cornell Robert was inducted into the Phi Beta Kappa honor society for academic excellence.

Laurel Boman – Associate
Laurel Boman is an associate with the Firm's antitrust department in Philadelphia. Laurel returned to Berger Montague after being a summer associate at the Firm in 2020. Upon graduating from NYU School of Law in 2021, Laurel clerked for the Honorable Richard G. Andrews in the District of Delaware and the Honorable Timothy B. Dyk at the U.S. Court of Appeals for the Federal Circuit.

At NYU, Laurel was involved in the Law Review as an Executive Editor, the Herman Biggs Society (a health policy lecture series), and the Technology Law & Policy Clinic. With the Clinic, Laurel co-authored the white paper Clinical Trial Cost Transparency at the National Institutes of Health: Law and Policy Recommendations, which sets forth recommendations to achieve greater transparency into the costs of pharmaceutical research and development. During law school, Laurel also worked as a research assistant for Rhochelle Dreyfuss and interned with Knowledge Ecology International in Washington, D.C. At NYU, Laurel was a Pomeroy Scholar, a Florence Allen Scholar, and graduated magna cum laude.

Laurel received her Bachelor's degree in Classics from Gustavus Adolphus College in St. Peter, MN.

Grace Ann Brew – Associate

Grace Ann Brew is an Associate in the Antitrust group at the Firm's Philadelphia office. Before joining the Firm, Grace Ann clerked for the Honorable Maryellen Noreika in the United States District Court for the District of Delaware. Grace Ann is a graduate of Stanford Law School, where she received high pro bono distinction for her work with various organizations including Legal Aid at Work and the ACLU of Pennsylvania. She earned the Judge Thelton E. Henderson Prize for Outstanding Performance for her work in Stanford's Juelsgaard Intellectual Property and Innovation Clinic. While in law school, Grace Ann worked as a summer associate at a civil rights litigation firm specializing in prisoners' rights class actions and interned for the Los Angeles City Attorney's Civil Litigation Branch. Grace Ann served as a member of the Stanford Law Review and a managing editor of the Stanford Journal of Civil Rights & Civil Liberties.

Grace Ann completed her undergraduate degree at Pomona College, where she studied English and Classics.

Hope Brinn – Associate

Hope Brinn is an Associate in the firm's Antitrust group. Prior to joining the firm, Ms. Brinn clerked for the Honorable Janet Bond Arterton in the District of Connecticut. Ms. Brinn graduated from the University of Michigan Law School, where she was a senior editor for the Michigan Law Review, and the executive notes editor for the Michigan Journal of Race & the Law.

Prior to law school, Ms. Brinn worked at The Philadelphia School and Breakthrough of Greater Philadelphia.

William H. Fedullo – Associate

William H. Fedullo is an Associate in the firm's Philadelphia office, practicing in the Whistleblower, *Qui Tam* & False Claims Act group, which has collectively recovered more than $3 billion for federal and state governments, as well as over $500 million for the firm's whistleblower clients. Mr. Fedullo represents whistleblowers in active litigation throughout the country. He also assists in the pre-litigation investigation and evaluation of potential whistleblower claims.

Prior to joining the firm, Mr. Fedullo was a commercial litigation associate at a large full-service Philadelphia law firm. His practice there focused on protecting small businesses that had been the victims of usurious "merchant cash advance" lending practices. He also took an active role in franchisee rights litigation in the hospitality industry. He served as lead associate in numerous state and federal litigations as well as AAA and JAMS arbitrations. His accomplishments included primarily authoring briefs that obtained critical injunctive relief in bet-the-business arbitration; primarily authoring dispositive and appellate briefs in parallel state and federal actions against one of the largest debt collection companies in the world, resulting in a federal court denying a motion to dismiss a consumer's Fair Debt Collections Practices Act claims; and authoring a complaint brought by over ninety hotel franchisees against a prominent international hotel franchisor. Additionally, Mr. Fedullo played key roles in several other cases that resulted in favorable verdicts or settlements for his clients.

Mr. Fedullo received a Bachelor of Arts from Swarthmore College with High Honors, with a major in Philosophy and minor in English Literature. He graduated from the University of Pennsylvania Law School *cum laude*. In law school, he was an executive editor of the Penn Law Journal of Constitutional Law, where he published a Comment, "Classless and Uncivil." He also worked as a research assistant for the reporter for the forthcoming Restatement (Third) of Conflicts of Law, and as a teaching assistant at the Wharton School of Business for the undergraduate class "Constitutional Law and Free Enterprise." He was the recipient of the 2019 Penn Law Fred G. Leebron Memorial Prize for Best Paper in Constitutional Law for his paper "Original Public Meaning Originalism and Women Presidents." Finally, he received honors from both the Philadelphia Bar Association and Penn Law for his involvement in pro bono activities, which included serving as a board member for the Custody and Support Assistance Clinic, a student-run organization that provides legal assistance to low-income Philadelphians facing family law issues; working on low-income housing and utility issues at Community Legal Services; and working as a certified legal intern in the Civil Practice Clinic, litigating several cases for low-income Philadelphians before the Philadelphia Court of Common Pleas.

Mr. Fedullo is admitted to practice law in the state courts of the Commonwealth of Pennsylvania as well as the United States District Court for the Eastern District of Pennsylvania.

Jeremy Gradwohl – Associate
Jeremy is an Associate in the Antitrust group at the Firm's Philadelphia office.

Before joining the Firm, Jeremy clerked for Judge Harvey Bartle III of the United States District Court for the Eastern District of Pennsylvania.

Jeremy is a graduate of Temple University Beasley School of Law's evening program. During law school, he served as an intern with the American Civil Liberties Union of Pennsylvania as well as for Judges Michael A. Shipp of the United States District Court for the District of New Jersey and Cheryl Ann Krause of the United States Court of Appeals for the Third Circuit. He represented noncitizens in Third Circuit immigration appeals through the Federal Appellate Litigation Clinic. He was also a member of the Temple Law Review editorial board.

Before law school, Jeremy worked as a constituent services representative for a member of Philadelphia City Council.

Taylor Hollinger – Associate*
**not yet admitted, pending admission*

Taylor is in the Firm's Antitrust group in the Philadelphia office. Taylor is a recent graduate of Georgetown Law. There, Taylor was an Articles Editor with The Georgetown Law Journal and Treasurer for the First Generation Student Union. During her time as a law student in D.C., Taylor externed with the Division of Enforcement of the CFTC, the Bureau of Competition of the FTC, and the Antitrust Division of the DOJ. Taylor received her undergraduate degree from Pitzer College in Claremont, California, with a major in Creative Writing.

Najah Jacobs – Associate
Ms. Jacobs is an Associate in the firm's Consumer Protection & ERISA Departments.

Prior to joining Berger Montague, Najah Jacobs was an associate at Stevens & Lee, P.C., where she focused her practice on commercial litigation matters with an emphasis on litigation involving financial products and representation of broker-dealers in FINRA arbitration matters related to the purchase and sale of securities and insurance products. Prior to that, Najah was an associate at a large New Jersey law firm, where she defended large oil companies in complex statewide environmental litigation. During her time there, Najah played a major role in formulating a defense strategy and obtaining a favorable disposition for the City of Philadelphia in a constitutional rights case brought by the Fraternal Order of Police over an alleged "do not call list."

Najah graduated from Drexel University Thomas R. Kline School of Law, where she was an active leader. Najah served as the President of the Black Law Students Association, a Law School Ambassador, a Diversity and Inclusion Fellow, and as a Marshall Brennan Constitutional Literacy Fellow, where she taught high school students about their constitutional rights. Najah was also the Executive Symposium Editor of the Drexel Law Review and a competitor on Drexel's nationally recognized Trial Team, leading the group to back-to-back victories in national mock trial competitions against some of the nation's top law schools. During law school, Najah served as a judicial extern for the Honorable Robert B. Kugler of the United States District Court for the District of New Jersey and also served as an intern for the Philadelphia District Attorney's Office. At graduation, Najah received the Faculty Award for Contributions to the Intellectual Life of the Law School and the Thomas R. Kline School of Law Trial Team Award for Outstanding Advocacy.

Najah is currently an adjunct faculty member at the Kline School of Law, serving as a coach and mentor for teams competing in national trial advocacy competitions. In her spare time, Najah enjoys playing basketball, mentoring high school and college students, and hosting events for her non-profit organization, which focuses on giving back to underserved communities.

Ariana B. Kiener – Associate

Ariana B. Kiener is an Associate in the firm's Minneapolis office and practices in the firm's Consumer Protection group.

Before joining the firm, Ms. Kiener worked for several years in education, first as a classroom teacher (through a Fulbright Scholarship in Northeastern Thailand) and eventually as the communications director for an education advocacy nonprofit organization. While in law school, she clerked at the Firm and served as a Certified Student Attorney and Student Director with the Mitchell Hamline Employment Discrimination Mediation Representation Clinic.

Olivia Lanctot – Associate

Olivia Lanctot is an Associate with the Firm's Wage and Hour department in Philadelphia. Prior to joining Berger Montague, she was an associate at Comegno Law Group in Moorestown, NJ, where she focused her practice on education and employment law.

Olivia received her law degree from William & Mary Law School and her B.A. from Gettysburg College.

During law school, she was heavily involved with William & Mary's Special Education Advocacy Clinic, where she negotiated with school districts to provide students with the appropriate accommodations and services necessary to access their education. During her final year, Olivia also worked as a law clerk for a plaintiffs' employment litigation firm, assisting with employee rights violations and discrimination cases before the Equal Employment Opportunity Commission (EEOC) and the Merit Systems Protection Board (MSPB).

Julia McGrath – Associate

Julia McGrath is an Associate in the firm's Antitrust practice group. She represents consumers, businesses, and public entities in complex class action litigation, prosecuting anticompetitive conduct such as price-fixing, bid-rigging, and illegal monopolization.

Ms. McGrath has challenged anticompetitive conduct in a variety of industries, including the single-serve coffee industry in *In Re Keurig Green Mountain Single-Serve Antitrust Litigation*; the pharmaceutical industry in *In Re: Ranbaxy Generic Drug Application Antitrust Litigation* (D. Mass) and *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation* (E.D. Pa.); and the financial industry in *In re London Silver Fixing Ltd. Antitrust Litigation* (S.D.N.Y.) and *In re: GSE Bonds Antitrust Litigation* (S.D.N.Y.).

Prior to law school, Ms. McGrath had a successful career in government and politics. She worked on political campaigns at the local, state, and federal level. She's advised top-tier congressional, gubernatorial, and U.S. Senate candidates in Pennsylvania and New Jersey and served as the Finance Director for U.S. Senator Bob Casey. In 2013, she was appointed by President Obama to serve as Special Assistant to the Mid-Atlantic Regional Administrator of the U.S. General Services Administration.

Ms. McGrath earned her J.D., *cum laude*, from Temple University Beasley School of Law and her B.A. in History from Boston University.

Marika O'Connor Grant – Associate
Marika O'Connor Grant is an Associate with the Firm's consumer department in its Minneapolis office. Prior to joining Berger Montague, Marika worked as an Associate at Tycko & Zavareei LLP, where she focused on consumer, appellate, and False Claims Act cases. Most notably, while at TZ, Marika worked on a class-action suit against Facebook for tracking users' location without their consent; a case brought by the District of Columbia against major oil companies for deceiving DC consumers regarding the existence of climate change and for misrepresenting the environmental friendliness of the companies' products; and a case against USC for misrepresenting its online graduate program. Prior to joining TZ, Marika served as a Law Clerk for the Honorable Wilhelmina M. Wright on the United States District Court for the District of Minnesota, worked as an Associate in Cooley LLP's general litigation practice group, and served as a Vetting Attorney for the Biden-Harris Administration's Transition Team.

Marika graduated from Stanford Law School with high pro bono distinction. While at Stanford, Marika worked in the Immigrants' Rights Clinic and volunteered with the Economic Advancement Pro Bono Project. While at SLS, Marika also served as a Research Assistant to Professor Michelle Wilde Anderson, analyzing local governments' novel efforts to address poverty, and as a Teaching Assistant to Professor Keith Hennessey at the Stanford Graduate School of Business. While in law school, Marika served as a board member of Women of Stanford Law and as the Technical Managing Editor of the Stanford Journal of Civil Rights and Civil Liberties. Marika spent her 2L summer working at Debevoise & Plimpton LLP, where she contributed to abortion impact litigation cases, assisted on data-privacy and cybersecurity matters, and first-chaired the appeal of the Social Security Administration's denial of disability benefits for a pro bono client. Marika spent her 1L summer as the Janet D. Steiger Fellow in the Consumer Protection Division at the Massachusetts Attorney General's Office, where she worked on data-breach enforcement actions and investigations; fair-lending investigations; enforcement actions against for-profit schools; and the MA AGO's response to the Department of Education's Borrower Defense rulemaking.

Before law school, Marika worked as a paralegal for three years. Marika first worked as a paralegal for two years at the civil rights impact litigation firm Relman Colfax PLLC and then spent another year working as a paralegal at what was then Harvard Law School's Project on Predatory Student Lending. Marika earned her undergraduate degree at Carleton College.

Amey J. Park – Associate
Amey J. Park is an Associate in the firm's Philadelphia office and practices in the firm's Consumer Protection and Commercial Litigation practice groups.

Before joining the firm, Ms. Park was an associate in the litigation department of a large corporate defense firm. She represented corporate and individual clients in complex commercial litigation, product liability, and personal injury matters in a wide variety of industries, including financial services, insurance, trust administration, and real estate. Ms. Park also represented clients *pro*

bono, serving as first-chair counsel in a federal jury trial for violations of an inmate's constitutional rights by law enforcement officers and assisting a young refugee seeking asylum in federal immigration court.

Ms. Park is admitted to practice in state courts in Pennsylvania and New Jersey; the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, and the District of New Jersey; and the United States Court of Appeals for the Third Circuit.

Julie Pollock – Associate*
Julie Pollock is part of the Firm's San Francisco Bay Area office in the Antitrust Department.

Julie graduated summa cum laude from USF School of Law. While in law school, Julie clerked in the Firm's Antitrust Department, and served as a judicial extern to Chief Justice Cantil-Sakauye of the California Supreme Court. Julie also served on the Board of Directors for the Legal Aid Association of California, advocating to expand access to critical legal services for low-income Californians.

Julie is passionate about social and economic justice. Prior to joining the firm, she earned a Master's Degree in Social Welfare from UCLA, and started her career doing policy work to improve healthcare and housing access for low-income older adults. Julie believes in aggressive antitrust enforcement as a tool to combat the excessive concentration of economic power and its resulting structural inequities.

Radha Raghavan – Associate
Radha Raghavan is an associate with the Firm's Consumer Department. Prior to joining Berger Montague, Radha was an associate at Wolf Popper LLP, where she focused her practice on consumer fraud, healthcare and securities class action litigation representing clients in state and federal courts across the country. Prior to that, Radha worked with well-respected dispute resolution firms in India and New York focusing on international disputes. At these firms, she represented clients in both international commercial and investor-state arbitrations under the ICC and UNCITRAL rules respectively.

Radha graduated from University Law College, Bangalore University with a law degree (BA.L., LL.B.) in 2014, where she was valedictorian for the Bachelor of Academic Law (BA.L.) program. Subsequently, Radha received her masters of law degree (LL.M.) from NYU in 2015. After her LL.M., Radha served as a judicial extern for Judge Gerald Lebovits at the New York State Supreme Court.

Sophia Rios – Associate
Sophia Rios is an associate in the firm's San Diego office and practices in the Consumer Protection and Antitrust practice groups.

Before joining the firm, Sophia was an associate in the litigation department of a large international law firm. She represented corporate and individual clients in consumer protection, complex

commercial litigation, securities, and Americans with Disabilities Act (ADA) matters. In her pro bono practice, Sophia assisted refugees seeking asylum in the United States.

Sophia is committed to furthering diversity and inclusion in law firms. She serves on the firm's Diversity, Equity & Inclusion Task Force. Sophia has also participated in the Leadership Council on Legal Diversity's Pathfinder Program.

While at Stanford Law School, Sophia served as an extern Legal Adviser in the Office of Commissioner Julie Brill at the Federal Trade Commission in Washington, DC. Sophia co-founded the Stanford Critical Law Society, which serves as a student forum for the discussion of the relationship between law and race. Sophia was a Lead Article Editor for the Stanford Environmental Law Journal.

Before beginning law school, Sophia attended UC Berkeley and served as an intern on the White House Council of Environmental Quality. She is a first-generation college student and a San Diego native.

Joseph Samuel – Associate
Joseph Samuel is an Associate in the Intellectual Property department, where he focuses his practice on patent, trademark, copyright, and trade secret litigation.

Joe is licensed to practice in Pennsylvania and California. He earned his J.D. degree, magna cum laude, from Villanova University Charles Widger School of Law, where he was elected to the Order of the Coif. Joe served as an editor and staff writer of the Villanova Law Review and as a judicial extern to the Honorable Elizabeth T. Hey in the Eastern District of Pennsylvania. He also worked in Villanova's Federal Tax Clinic, where he represented low-income taxpayers in IRS assessment and collections matters before the United States Tax Court.

Before becoming a lawyer, Joe worked as a political consultant for campaigns at the federal, state, and local level. He has experience advising clients on Pennsylvania election law issues.

Counsel

Zubair Ahmad – Counsel
Zubair Ahmad is Counsel with the Antitrust department in the Philadelphia office. He has extensive experience with e-discovery in large scale litigation and has also spent time as associate in-house counsel with a developer of ambulatory surgical centers as well as a large regional hospital.

Mr. Ahmad graduated from the University of Michigan Law School where he was a member of the Journal of Law Reform. He received his undergraduate degree from Franklin & Marshall College where he was pre-med with a physics and sociology double major.

Caitlin Adorni – Counsel
Caitlin works at the Firm as Counsel. Prior to joining the team at Berger Montague, her professional experience included work at JP Morgan Chase as well as CBS/Showtime Networks in New York City. Her professional background is focused on corporate and securities litigation. Additionally, with the rise in AI technology being utilized within the legal profession, she recently completed a professional certification in Artificial Intelligence (AI) Strategy and utilizes this education and knowledge with the Firm's Antitrust group.

Alexandra Antoniou – Counsel
Alexandra Antoniou is an attorney in the firm's Philadelphia office, and works in the firm's Auto Defect practice area.

David Catherine – Counsel
David M. Catherine is Counsel with the Firm's Antitrust department in Philadelphia. Prior to joining Berger Montague, David was an Attorney in a boutique law firm, representing numerous plaintiffs in class-action pharmaceutical antitrust litigation, specializing in electronic discovery as well as legal research and deposition preparation. Prior to that, David was a Project Attorney at a large American multinational firm, representing clients in pharmaceutical products liability multi-district litigation, specializing in discovery and evidentiary preparation. Before that, David spent several years assisting several firms throughout the Philadelphia region with various aspects of discovery, legal research and litigation preparation.

David graduated from Syracuse University College of Law, where he also served in the Criminal Law Clinic, representing indigent clients in Syracuse City Court. David also graduated from Duquesne University, earning a Bachelor of Arts with a major in English while also serving in the Student Government Association and as an Officer in the National Service Fraternity, Alpha Phi Omega.

James Christensen – Counsel
James Christensen is Counsel in the Firm's Antitrust department. He possesses expertise across various legal domains, with a particular focus on eDiscovery. In this capacity, he offers solutions for complex managed reviews and litigation preparation, with a specific emphasis on antitrust/M&A, financial and securities regulations, internal investigations, and FTC/DOJ 2nd Requests.

Previously, during his tenure as Enforcement Counsel at the Chicago Stock Exchange (CSE), Jim conducted investigations into potential violations of federal securities laws, prosecuted disciplinary matters, and oversaw the arbitration program, which included the issuance of Wells Notices. Before his time at the CSE, Jim served as an Associate Attorney at a mid-sized firm, where his practice revolved around general civil litigation.

Jim obtained his Juris Doctor from the John Marshall Law School in Chicago, Illinois, and during his time there, he served as a Staff Editor on the Journal of Information Technology & Privacy Law. He also holds a Bachelor of Arts in Economics and English from the University of Wisconsin-Madison.

Carl Copenhaver – Counsel
Carl Copenhaver is Counsel in the Firm's Antitrust Department. Carl has almost 18 years of experience in complex securities and antitrust class action litigation as a discovery specialist. Over that span, he has worked independently, and later through his own discovery firm, with a wide variety of firms on a range of cases assisting in discovery and evidentiary-related matters.

Mr. Copenhaver received his Bachelor of Arts with Scholastic Distinction in History and a concentration in African American Studies from Carleton College, graduating magna cum laude. He was a member of the Mortar Board National Honor Society and was a nationally ranked member of the tennis team while winning multiple All-Conference Awards.

Mr. Copenhaver attended The George Washington University Law School where he was a Murray Snyder Public Interest Fellow and worked with local and national civil rights organizations on Fair Housing issues.

Cate Crowe – Counsel
Cate Crowe is Counsel in the Firm's antitrust department. She joined Berger Montague from Lockridge Grindal Nauen P.L.L.P. where her practice focused on private enforcement of antitrust laws against price fixing cartels and pay-for-delay schemes. Cate has supported plaintiff-side discovery and trial teams in complex consumer fraud, data breach, and antitrust litigations. She has experience identifying and vetting damages experts, mining evidence from document databases and phone records, and synthesizing evidence to develop narratives of overarching conspiracies for depositions and trial.

Cate also managed large-scale document reviews and is comfortable drafting coding instructions, administering document databases, and supervising coders. Before that, she operated a general litigation practice in Iowa where she practiced family law, juvenile law, and criminal defense.

Cate is active in Complex Litigation E-Discovery Forum and with the Committee to Support the Antitrust Laws.

Stephen Farese – Counsel
Stephen Farese is Counsel in the Firm's Antitrust Department.

Stephen has over eighteen years of solid e-discovery experience and has developed significant technical skills on various e-discovery software platforms. Since 2004, he has helped large and small firms with their e-discovery needs including document productions, witness preparation, and quality control. He has interfaced with and assisted partners and associates in finding optimal ways to cull large document collections and has assisted them in the development of protocols setting the rules upon which the remaining documents are to be coded by reviewers.

Stephen has significant document review experience and is fully capable of handling a review from its initial stage (raw document collection) through to the use of legally supportable search terms to cull the initial population of documents into a subset to be reviewed by reviewers for responsiveness and privilege. He has an in-depth knowledge of attorney-client privilege and work product rules and has been instrumental in 2nd level (QC) and privilege reviews including privilege log creation.

Stephen has been hired as an E-discovery Subject Matter Expert on the document review side of the e-discovery equation. He is proficient in dealing with clients in answering their questions and presenting PowerPoint presentations illustrating costs and workflow. His legal background also positions him in a unique position of being able to assist in the writing of substantive review protocols and have the technical expertise to design and implement the necessary review coding panels.

Stephen Received his JD from Widener University School of Law in 1998. He is actively licensed in the Commonwealth of Pennsylvania and the State of New York.

Stephen Federbusch – Counsel
Stephen Federbusch is counsel in the Antitrust department, with a focus on eDiscovery. Prior to joining Berger Montague, Stephen was a Staff Attorney at Simpson Thacher & Bartlett, LLP, where he worked in Discovery on numerous high-profile cases, specifically on shareholder class action suits and DOJ Second Requests. Prior to that, Stephen worked as a Family Law and Real Estate Attorney at Federbusch & Weinstein in New Jersey. Additionally, he has been an attorney for various independent production companies, writers, and actors, having negotiated licensing agreements, partnership agreements, option agreements and other entertainment related contracts.

Stephen graduated from Yeshiva University's Cardozo School of law. During law school, Stephen interned at the Legal Department for BBC American, and worked as a Contract Analyst for Universal Music Group, where he reviewed recording agreements and producer agreements, specifically focusing on Universal's rights in new digital formats.

Stephen graduated from New York University's Tisch School of the Arts, with a degree in Film/Theater.

Dominic Gallucci – Counsel
Dominic Gallucci is Counsel with the Firm's Antitrust Department. Prior to joining Berger Montague, Dominic worked contractually on many discovery matters, serving in leadership and fact development roles; these included several 2nd Request merger productions and complex antitrust litigations. Prior to that, Dominic conducted research for and edited two books for Judge Scott Hempling, pertaining to public utility mergers and regulation. Before that, Dominic worked with a small DC-based practice, gaining experience with class action and consumer protection matters.

At Georgetown University Law Center, Dominic co-founded and served as Treasurer for Georgetown Law Students for Democratic Reform, and contributed to the American Constitutional Society and National Lawyers Guild. There he also took significant antitrust coursework, including: Antitrust Economics and Law, International Antitrust Law, Advanced Antitrust Economics and Law Seminar, and Hot Topics in Antitrust Seminar.

Dominic is currently providing pro bono assistance to U-visa applicants with the Northwest Immigration Rights Project, and detained asylum-seekers with the Immigration Justice Project.

Clare Kirui – Counsel
Clare Kirui is Counsel practicing in the Firm's Antitrust practice group. Clare has extensive experience working in eDiscovery. Prior to joining Berger Montague, she worked on eDiscovery reviews and managed complex review projects. Clare has extensive experience conducting fact development for large-scale litigations, culling through large volumes of documents and analyzing and summarizing pertinent factual findings for relevance to legal issues.

Clare has served in an eDiscovery project management role during various phases of litigation. Clare has worked on multiple Antitrust matters conducting fact development for depositions, expert discovery, and trial preparation.

Clare is a California licensed attorney. She received her undergraduate degree from UCLA and earned her J.D. from the George Washington University Law School.

Daniel E. Listwa – Counsel
Daniel E. Listwa has worked on a number of antitrust matters, with a focus on the suppression of generic competition by major pharmaceutical manufacturers. Before joining the firm, Mr. Listwa clerked for the Honorable J. Brian Johnson of the Lehigh County Court of Common Pleas, and was an associate at a medical malpractice defense firm in Blue Bell, PA. While in law school, Mr. Listwa was a staff writer for the Boston College Environmental Affairs Law Review, and interned at the U.S. District Court for the Eastern District of Pennsylvania.

Ivy Marsnik – Counsel
Ivy L. Marsnik is a litigation attorney based out of the Firm's Minneapolis office where she focuses her current practice on representing individuals who have been harmed by violations of the Fair Credit Reporting Act.

Prior to joining Berger Montague, Ms. Marsnik worked on behalf of individual plaintiffs at a premier employment and civil rights law firm and in several legal counsel positions at the Minnesota state legislature. She has also provided legal services to individual clients at Tubman, a nonprofit serving survivors of domestic violence, and at a University of Minnesota Law School clinic where she worked primarily as an advocate for tenants' rights.

Elaine Oldenettel – Counsel
Elaine Oldenettel is Counsel with the Firm's Antitrust department. Prior to joining the Firm, Elaine was a staff attorney at Kessler Topaz Meltzer & Check, LLC, where she focused her practice on pharmaceutical antitrust litigation.

Elaine received her law degree from University of Maryland Francis King Carey School of Law and her undergraduate degree from University of Oregon. While in law school, she interned at the United States Court of Federal Claims and the Circuit Court for Baltimore City.

Bryan Plaster – Counsel

Bryan L. Plaster is based out of the Firm's Minneapolis office and serves as Counsel to the Credit Reporting and Background Checks practice group. Prior to joining Berger Montague, Bryan was employed as in-house counsel through a fellowship with SICK, Inc., an international manufacturer of industrial sensor technology. During his time at the University of Minnesota Law School, he served as a Student Attorney in the Consumer Protection Clinic, clerked at a mid-sized commercial litigation firm, and completed two judicial internships.

Bryan graduated cum laude from the University of Minnesota Law School and completed a B.A. with distinction in Economics and Geography at the University of Wisconsin-Madison. Prior to embarking on a career in law, he spent five years in a variety of positions in the technology industry, including leadership roles in a late-stage startup where, in part, he assisted in guiding the company through various stages of growth and acquisition.

Lara Sawczuk – Counsel
Lara Sawczuk has joined the Firm as counsel within the Antitrust practice group. Lara has extensive experience with e-discovery, and brings with her a dedicated and thoughtful approach to all stages of the discovery process. She served as a discovery staff attorney at a prominent law firm in New York City, where she worked on large scale litigation including antitrust cases, bankruptcy cases, and class action lawsuits. She has helped firms with a wide range of discovery needs, including document productions, witness preparation, and quality control.

Lara received her undergraduate degree from New York University and earned her J.D. from Brooklyn Law School. Upon graduating from Brooklyn Law, she began her career with a judicial clerkship in the New York State Supreme Court, Civil Term. She is admitted to practice in New Jersey and New York.

Shannon Sawyer – Counsel
Shannon is Counsel with the Firm's Antitrust department. She earned her undergraduate degree from Purdue University and her Juris Doctorate degree from Loyola New Orleans College of Law. While in law school, Shannon worked at the Louisiana Supreme Court Office of Special Counsel and the United States Attorney's Office (EDLA) in New Orleans, Louisiana. She also clerked for the Allen County Public Defender's Office in Fort Wayne, Indiana.

Shannon's practice has included numerous complex litigations nationwide, including: In re Taxotere (Docetaxel) Products Liability Litigation (E.D. LA), and In re Broiler Chicken Grower Litigation (E.D. Okla.). Shannon is licensed to practice in Louisiana and Indiana and focuses her practice on securities fraud and antitrust litigation.

Alston Slay – Counsel
Prior to joining Berger Montague, Alston was an eDiscovery Attorney at Motley Rice, where he worked on multiple large-scale eDiscovery projects, including the ongoing litigation between states and major opioid manufacturers and distributors. Alston concurrently assisted a small law firm in Greensboro, North Carolina, with a diverse range of personal injury matters. Over the course of his career, Alston has developed extensive knowledge of eDiscovery tools, expertise in

constructing case narratives through document review and analysis, and best practices in the use of legal technology in large, complex case settings.

Alston graduated from Charleston School of Law in Charleston, South Carolina, where he was active in the Maritime Law Society, Family Law Society, and other groups. He clerked at law firms of various sizes and areas of law throughout his law school career. Prior to law school, Alston studied History and Political Science at the College of Charleston in Charleston, South Carolina.

Richa Sprung – Counsel

Richa Sprung is Counsel with the Firm's Antitrust department. Prior to joining Berger Montague, Richa was an eDiscovery Review Manager at Consilio where she focused her practice on large-scale eDiscovery projects ranging in various civil actions. Prior to that, Richa was involved in eDiscovery client services ranging from in-house to vendor positions. During her eDiscovery career, Richa has developed extensive knowledge into tools, best practices to gather and produce ESI, and expert level communication with clients to achieve the optimal discovery process while minimizing costs.

Richa graduated from The Catholic University of America, Columbus School of Law, where she was active in various clubs as well as the Health Law Journal. Richa served as the President of the South Asian Law School Association, Secretary of the Federalist Society, Vice-President of the Criminal Law society, and had active membership in additional groups. Richa was also a member of the National Moot Trial Team where she competed throughout the states and received high praises for her advocacy skills.

Francine D. Wilensky - Counsel

Francine D. Wilensky is Counsel in the Firm's Philadelphia Office in the Antitrust Department. She has more than fifteen years of experience in discovery, trial preparation and litigation. Ms. Wilensky has experience in Antitrust, Commercial Litigation, Pharmaceutical Litigation, Securities Litigation, Construction Litigation and Real Estate Law.

Prior to joining the firm, most recently, Fran practiced as a public interest attorney for a legal aid organization representing tenants facing eviction and homelessness and was Co-Chair of the City of Philadelphia's Committee to prevent Illegal Evictions. She also served on the Philadelphia Court of Common Pleas Committee for Real Estate Working Professionals.

Ms. Wilensky graduated from Temple University School of Law with Honors in Real Estate Law. Fran received her undergraduate degree from Temple University with a Bachelor of Arts Degree in History and an Accounting Minor, Summa Cum Laude, Phi Beta Kappa.

Fran is admitted to practice law in the Federal and State Courts in Pennsylvania and New Jersey.

Of Counsel

H. Laddie Montague Jr. – Chair *Emeritus* & Of Counsel

H. Laddie Montague Jr. is Chairman *Emeritus* of the firm, in addition to his continuing work as Of Counsel. Mr. Montague was Chairman of the firm from 2003 to 2016 and served as a member of the firm's Executive Committee for decades, having joined the firm's predecessor David Berger, P.A., at its inception in 1970.

In addition to being one of the courtroom trial counsel for plaintiffs in the mandatory punitive damage class action in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague has served as lead or co-lead counsel in many class actions, including, among others, *High Fructose Corn Syrup Antitrust Litigation* (2006), *In re Infant Formula Antitrust Litigation* (1993) and *Bogosian v. Gulf Oil Corp.* (1984), a nationwide class action against thirteen major oil companies. Mr. Montague was co-lead counsel for the State of Connecticut in its litigation against the tobacco industry. He is currently co-lead counsel in several pending class actions. In addition to the *Exxon Valdez Oil Spill Litigation*, he has tried several complex and protracted cases to the jury, including three class actions: *In re Master Key Antitrust Litigation* (1977), *In re Corrugated Container Antitrust Litigation* (1980) and *In re Brand Name Prescription Drugs Antitrust Litigation*, M.D.L. (1997-1998). For his work as trial counsel in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague shared the Trial Lawyers for Public Justice 1995 Trial Lawyer of the Year Award.

Mr. Montague has been repeatedly singled out by *Chambers USA: America's Leading Lawyers for Business* as one of the top antitrust attorneys in the Commonwealth of Pennsylvania. He is lauded for his stewardship of the firm's antitrust department, referred to as "the dean of the Bar," stating that his peers in the legal profession hold him in the "highest regard," and explicitly praised for, among other things, his "fair minded[ness]." He also is or has been listed in *Lawdragon, An International Who's Who of Competition Lawyers*, and *The Legal 500: United States (Litigation)*. He has repeatedly been selected by *Philadelphia Magazine* as one of the top 100 lawyers in Pennsylvania. Mr. Montague has also been one of the only two inductees in the American Antitrust Institute's inaugural Private Antitrust Enforcement Hall of Fame.

He has been invited and made a presentation at the Organization for Economic Cooperation and Development (Paris, 2006); the European Commission and International Bar Association Seminar (Brussels, 2007); the Canadian Bar Association, Competition Section (Ottawa, 2008); and the 2010 Competition Law & Policy Forum (Ontario).

Mr. Montague is a graduate of the University of Pennsylvania (B.A. 1960) and the Dickinson School of Law (L.L.B. 1963), where he was a member of the Board of Editors of the Dickinson Law Review. He is the former Chairman of the Board of Trustees of the Dickinson School of Law of Penn State University and current Chairman of the Dickinson Law Association.

Harold Berger –Of Counsel, Executive Shareholder *Emeritus*

Judge Berger is an Executive Shareholder *Emeritus* & Of Counsel. He participated in many complex litigation matters, including the *Exxon Valdez Oil Spill Litigation*, No. A89-095, in which he served on the case management committee and as Co-Chair of the national discovery team. He also participated in the *Three Mile Island Litigation*, No. 79-0432 (M.D. Pa.), where he acted as liaison counsel, and in the nationwide school asbestos property damage class action, *In*

re Asbestos School Litigation, Master File No. 83-0268 (E.D. Pa.), where the firm served as co-lead counsel.

A former Judge of the Court of Common Pleas of Philadelphia, he has long given his service to the legal community and the judiciary. He is also active in law and engineering alumni affairs at the University of Pennsylvania and in other philanthropic endeavors. He serves as a member of Penn's Board of Overseers and as Chair of the Friends of Penn's Biddle Law Library, having graduated from both the engineering and law schools at Penn. Judge Berger also serves on the Executive Board of Penn Law's Center for Ethics and Rule of Law. In 2017, he was the recipient of Penn Law's Inaugural Lifetime Commitment Award, which recognizes graduates "who through a lifetime of service and commitment to Penn Law have truly set a new standard of excellence."

He is past Chair of the Federal Bar Association's National Committee on the Federal and State Judiciary and past President of the Federal Bar Association's Eastern District Chapter. He is the author of numerous law review articles, has lectured extensively before bar associations and at universities, and has served as Chair of the International Conferences on Global Interdependence held at Princeton University. Judge Berger has served as Chair of the Aerospace Law Committees of the American, Federal and Inter-American Bar Associations and, in recognition of the importance and impact of his scholarly work, was elected to the International Academy of Astronautics in Paris.

As his biographies in *Who's Who in America*, *Who's Who in American Law* and *Who's Who in the World* outline, he is the recipient of numerous awards, including the Special Service Award of the Pennsylvania Conference of State Trial Judges, a Special American Bar Association Presidential Program Award and Medal, and a Special Federal Bar Association Award for distinguished service to the Federal and State Judiciary. He has been given the highest rating (AV Preeminent) for legal ability as well as the highest rating for ethical standards by Martindale-Hubbell. Judge Berger was also presented with a Lifetime Achievement Award in 2014 by *The Legal Intelligencer* in recognition of figures who have helped shape the law in Pennsylvania and who had a distinct impact on the legal profession in the Commonwealth.

He is a permanent member of the Judicial Conference of the United States Court of Appeals for the Third Circuit and has served as Chair of both the Judicial Liaison and International Law Committees of the Philadelphia Bar Association. He has also served as National Chair of the FBA's Alternate Dispute Resolution Committee.

Recipient of the Alumnus of the Year Award of the Thomas McKean Law Club of the University of Pennsylvania Law School, he was further honored by the University's School of Engineering and Applied Science by the dedication of the Harold Berger Biennial Distinguished Lecture and Award given to a technical innovator who has made a lasting contribution to the quality of our lives. He was also honored by the University by the dedication of an auditorium and lobby bearing his name and by the dedication of a student award in his name for engineering excellence.

Long active in diverse, philanthropic, charitable, community and inter-faith endeavors Judge Berger serves as a Lifetime Honorary Trustee of the Federation of Jewish Charities of Greater Philadelphia, as a Director of the National Museum of Jewish History, as a National Director of the Hebrew Immigrant Aid Society (HIAS) in its endeavors to assist refugees and indigent souls of all faiths, as A Charter Fellow of the Foundation of the Federal Bar Association and as a member of the Hamilton Circle of the Philadelphia Bar Foundation.

Among other honors and awards, as listed above, Judge Berger was honored by the University of Pennsylvania Law School at its annual Benefactors' Dinner and is the recipient of the "Children of the American Dream" award of HIAS for his leadership in the civic, legal, academic and Jewish communities.

Gary E. Cantor – Of Counsel
Gary E. Cantor is Of Counsel in the Philadelphia office. He concentrates his practice on securities and commercial litigation and derivatives valuations.

Mr. Cantor served as co-lead counsel in *Steiner v. Phillips, et al. (Southmark Securities)*, Consolidated C.A. No. 3-89-1387-X (N.D. Tex.), (class settlement of $82.5 million), and *In re Kenbee Limited Partnerships Litigation*, Civil Action No. 91-2174 (GEB), (class settlement involving 119 separate limited partnerships resulting in cash settlement, oversight of partnership governance and debt restructuring (with as much as $100 million in wrap mortgage reductions)). Mr. Cantor also represented plaintiffs in numerous commodity cases.

In recent years, Mr. Cantor played a leadership role in *In re Oppenheimer Rochester Funds Group Securities Litigation* ($89.5 million settlement on behalf of investors in six tax-exempt bond mutual funds managed by OppenheimerFunds, Inc.), No. 09-md-02063-JLK (D. Col.); *In re KLA-Tencor Corp. Securities Litigation*, Master File No. C-06-04065-CRB (N.D. Cal.) ($65 million class settlement); *In re Sepracor Inc. Securities Litigation*, Civil Action no. 02-12235-MEL (D. Mass.) ($52.5 million settlement.); *In re Sotheby's Holding, Inc. Securities Litigation*, No. 00 Civ. 1041 (DLC) (S.D.N.Y.) ($70 million class settlement). He was also actively involved in the *Merrill Lynch Securities Litigation* (class settlement of $475 million) and *Waste Management Securities Litigation* (class settlement of $220 million).

For over 20 years, Mr. Cantor also has concentrated on securities valuations and the preparation of event or damage studies or the supervision of outside damage experts for many of the firm's cases involving stocks, bonds, derivatives, and commodities. Mr. Cantor's work in this regard has focused on statistical analysis of securities trading patterns and pricing for determining materiality, loss causation and damages as well as aggregate trading models to determine class-wide damages.

Mr. Cantor was a member of the Moot Court Board at University of Pennsylvania Law School where he authored a comment on computer-generated evidence in the University of Pennsylvania Law Review. He graduated from Rutgers College with the highest distinction in economics and was a member of Phi Beta Kappa.

Peter R. Kahana –Of Counsel

Peter R. Kahana is Of Counsel in the Insurance and Antitrust practice groups. He concentrates his practice in complex civil and class action litigation involving relief for insurance policyholders and consumers of other types of products or services who have been victimized by fraudulent conduct and unfair business practices.

Significant class cases vindicating the rights of insurance policyholders or consumers in which Mr. Kahana was appointed as co-class counsel have included: settlement in 2012 for $90 million of breach of fiduciary duty and negligence claims (certified for trial in 2009) on behalf of a class of former policyholder-members of Anthem Insurance Companies, Inc. ("Anthem") alleging the class was paid insufficient cash compensation in connection with Anthem's conversion from a mutual insurance company to a publicly-owned stock insurance company (a process known as "demutualization") (*Ormond v. Anthem, Inc., et al.*, USDC, S.D. Ind., Case No. 1:05-cv-01908 (S.D. Ind. 2012)); settlement in 2010 for $72.5 million of a nationwide civil RICO and fraud class action (certified for trial in 2009) against The Hartford and its affiliates on behalf of a class of personal injury and workers compensation claimants for the Hartford's alleged deceptive business practices in settling these injury claims for Hartford insureds with the use of structured settlements (*Spencer, et al. v. The Hartford Financial Services Group, Inc., et al.*, 256 F.R.D. 284 (D. Conn. 2009)); settlement in 2009 for $75 million of breach of contract, Unfair Trade Practices Act and insurance bad faith tort claims on behalf of a class of West Virginia automobile policyholders (certified for trial in 2007) alleging that Nationwide Mutual Insurance Company failed to properly offer and provide them with state-required optional levels of uninsured and underinsured motorist coverage (*Nationwide Mutual Insurance Company v. O'Dell, et al.*, Circuit Court of Roane County, W. Va., Civ. Action No. 00-C-37); and, settlement in 2004 for $20 million on behalf of a class of cancer victims alleging that their insurer refused to pay for health insurance benefits for chemotherapy and radiation treatment (*Bergonzi v. CSO, USDC, D.S.D.*, Case No. C2-4096). For his efforts in regard to the Bergonzi matter, Mr. Kahana was named as the recipient of the American Association for Justice's Steven J. Sharp Public Service Award, which is presented annually to those attorneys whose cases tell the story of American civil justice and help educate state and national policymakers and the public about the importance of consumers' rights.

Mr. Kahana has also played a leading role in major antitrust and environmental litigation, including cases such as *In re Brand Name Prescription Drugs Antitrust Litigation* ($723 million settlement), *In re Ashland Oil Spill Litigation* ($30 million settlement), and *In re Exxon Valdez* ($287 million compensatory damage award and $507.5 million punitive damage award). In connection with his work as a member of the trial team that prosecuted *In re The Exxon Valdez*, Mr. Kahana was selected in 1995 to share the Trial Lawyer of the Year Award by the Public Justice Foundation.

Maryellen Madden – Of Counsel

Maryellen Madden focuses her practice on complex litigation and commercial disputes, including securities, corporate governance, real estate, commercial contracts, health care and the sale and

distribution of goods. She has handled litigation, including complex, multi-district litigation, in 22 states, as well as before domestic and international arbitration panels, administrative agencies and industry self-regulatory organizations. Prior to joining Berger Montague, she was an attorney with a national law firm.

Susan Schneider Thomas – Of Counsel
Susan Schneider Thomas concentrates her practice on *qui tam* litigation.

Ms. Thomas has substantial complex litigation experience. Before joining the firm, she practiced law at two Philadelphia area firms, Schnader, Harrison, Segal & Lewis and Greenfield & Chimicles, where she was actively involved in the litigation of complex securities fraud and derivative actions.

Upon joining the firm, Ms. Thomas concentrated her practice on complex securities and derivative actions. In 1986, she joined in establishing Zlotnick & Thomas where she was a partner with primary responsibility for the litigation of several major class actions including *Geist v. New Jersey Turnpike Authority, C.A.* No. 92-2377 (D.N.J.), a bond redemption case that settled for $2.25 million and *Burstein v. Applied Extrusion Technologies, C.A.* No. 92-12166-PBS (D. Mass.), which settled for $3.4 million.

Upon returning to the firm, Ms. Thomas has had major responsibilities in many securities and consumer fraud class actions, including *In re CryoLife Securities Litigation, C.A.* No. 1:02-CV-1868 BBM (N.D.Ga.), which settled in 2005 for $23.25 million and *In re First Alliance Mortgage Co.*, Civ. No. SACV 00-964 (C.D.Cal.), a deceptive mortgage lending action which settled for over $80 million in cooperation with the FTC. More recently, Ms. Thomas has concentrated her practice in the area of healthcare *qui tam* litigation. As co-counsel for a team of whistleblowers, she worked extensively with the U.S. Department of Justice and various State Attorney General offices in the prosecution of False Claims Act cases against pharmaceutical manufacturers that recovered more than $2 billion for Medicare and Medicaid programs and over $350 million for the whistleblowers. She has investigated or is litigating False Claims Act cases involving defense contractors, off-label marketing by drug and medical device companies, federal grant fraud, upcoding and other billing issues by healthcare providers, drug pricing issues and fraud in connection with for-profit colleges and student loan programs.

Tyler E. Wren – Of Counsel
Mr. Wren is a trial lawyer with over 35 years of experience in both the public and private sectors.

Mr. Wren has represented both plaintiffs and defendants in a broad spectrum of litigation matters, including class actions, environmental, civil rights, commercial disputes, personal injury, insurance coverage, election law, zoning and historical preservation matters and other government affairs. Mr. Wren routinely appears in both state and federal courts, as well as before local administrative agencies.

Following his graduation from law school, Mr. Wren served as staff attorney to the Committee of Seventy, a local civic watchdog group. Mr. Wren then spent a decade in the Philadelphia City Solicitor's Office in various positions in which his litigation and counseling skills were developed: Chief Assistant City Solicitor for Special Litigation and Appeals, Divisional Deputy City Solicitor for the Environment, Counsel to the Philadelphia Board of Ethics and Counsel to the Philadelphia Planning Commission. After leaving government employ and before joining the Firm in 2010, Mr. Wren was in private practice, including nine years with the Sprague and Sprague firm, headed by nationally recognized litigator Richard Sprague.

Exhibit 3

E. MICHELLE DRAKE

BERGER MONTAGUE PC
1229 Tyler Street NE, Suite 205
Minneapolis, Minnesota 55413
612.594.5933
emdrake@bm.net

Experience

Executive Shareholder
Berger Montague
Minneapolis, Minnesota *January 2016-present*
Manage the firm's Minneapolis office. Chair of the FCRA Department. Co-chair of the Consumer Protection & Mass Tort Department. Serve as lead class counsel on dozens of consumer class actions filed throughout the United States, including cases involving improper credit and background reporting, defective consumer products and unlawful financial services practices.

Partner
Nichols Kaster, PLLP
Minneapolis, Minnesota *May 2007-December 2015*
Represented thousands of employees and consumers in collective and class actions. Led the firm's Consumer Class Action Team which originated individual and class action cases.

Solo Practitioner
E. Michelle Drake, LLC
Atlanta, Georgia *March 2006-May 2007*
Practiced both civil and criminal law. Served as "of counsel" attorney to Richard S. Alembik, P.C., a civil firm focused on real estate litigation. Served as co-counsel in pending death penalty case which was accepted by the Georgia Supreme Court for interim appellate review.

Attorney
Georgia Capital Defender Office
Atlanta, Georgia *October 2004-March 2006*
Provided trial level representation for indigent clients facing the death penalty. Directed all aspects of death penalty litigation in capital cases throughout Georgia.

Staff Attorney
Fulton County Conflict Defender, Major Case Division
Atlanta, Georgia *May 2002-August 2004*
Served as lead counsel for over one hundred indigent defendants facing felony criminal charges. Had primary responsibility for cases where juveniles were being tried as adults in Superior Court. Served as lead counsel in four murder trials to verdict.

Staff Attorney
Fulton County Public Defender,
Atlanta, Georgia *August 2001-May 2002*
Served as lead counsel for pre-indictment felony cases and probation revocations.

Admissions

- *U.S. Supreme Court, 2017*
- *State Bar of Georgia, 2001*
- *Georgia Supreme Court, 2006*
- *Minnesota Supreme Court, 2007*
- *U.S. Court of Appeals for the 8th Cir., 2010*
- *U.S. Court of Appeals for the 1st Cir., 2011*
- *U.S. Court of Appeals for the 7th Cir., 2014*
- *U.S. Court of Appeals for the 9th Cir., 2015*
- *U.S. Court of Appeals for the 10th Cir., 2018*
- *U.S. Court of Appeals for the 3d Cir., 2019*
- *U.S. District Court for the Northern District of Georgia, 2007*
- *U.S. District Court for the District of Minnesota, 2007*
- *U.S. District Court for the Eastern District of Wisconsin, 2011*
- *U.S. District Court for the Western District of Texas, 2011*
- *U.S. District Court for the Western District of Wisconsin, 2015*
- *U.S. District Court for the Eastern District of Michigan, 2015*
- *U.S. District Court for the Central District of Illinois, 2016*
- *U.S. District Court for the Southern District of Texas, 2017*
- *U.S. District Court for the Western District of New York, 2017*
- *U.S. District Court for the Western District of Michigan, 2018*
- *U.S. District Court for the Northern District of Illinois, 2020*

Law Clerk
Defense Team For Kristen Gilbert
Springfield, Massachusetts *Fall 1999-May 2001*
Assisted in the first federal death penalty trial in Massachusetts. Lived in Springfield, MA three days a week during last year of law school to assist with eighth month trial which resulted in a life sentence.

Education

Harvard Law School, J.D., *cum laude* *June 2001*
Recipient of Edith Fine Fellowship, awarded to graduating woman most committed to public interest law. Recipient of Kauffman Fellowship, awarded to graduating students most committed to public interest law. Co-chair of Harvard Innocence and Justice Project, an organization which provided legal research and assistance to capital defense attorneys nationwide.

Oxford University, M.Sc. in Sociology *June 1998*
Recipient of Rotary International Ambassadorial Scholarship, nominated by Edina Rotary Club. Thesis: *Criticisms of Herbert Packer's Two Models of the Criminal Process*.

Harvard College, B.A. in Government, *cum laude* *June 1996*
Harvard Nominee for the Rhodes Scholarship. Graduated with Advanced Standing (in three years instead of four).

Titles, Awards, Memberships

Partner's Council Member for the National Consumer Law Center, 2014 – present

Board Member for the National Association of Consumer Advocates, 2014 – present

Board Member for the Southern Center for Human Rights, 2018 – present

Co-Chair of Minnesota State Bar Association Consumer Litigation Section, 2016 – present

Member of Ethics Committee for the National Association of Consumer Advocates, 2015

2014-2015 Treasurer, MSBA Consumer Litigation Section Council. 2013-14 At-Large Council Member.

Named an Elite Woman of the Plaintiffs' Bar by National Law Journal, 2020

Named to LawDragon's 500 Leading Plaintiff Financial Lawyers List, 2019

Named to The Best Lawyers of America since 2016

Named to the Top 50 Women Minnesota Super Lawyers since 2015

Recent Judicial Praise

*You're **very articulate** on this issue... Obviously, you're **very thoughtful** and you have given it a great deal of thought... You're **demonstrating credibility by a mile** as you go ... You are **extraordinarily impressive**... You have allayed all of my concerns and have persuaded me that this is an important issue, and that **you have done a great service to the class**... I congratulate you on your **excellent work**.*

Hon. Harold E. Kahn, Cal. Super. Ct., San Fran. Cnty., Nov. 7, 2017 Final Approval Hearing, Nesbitt v. Postmates, Inc., No. CGC-15-547146 (emphasis added)

Named to the Super Lawyers list, Minnesota Super Lawyers, Minneapolis/St. Paul Magazine, and Minnesota Business Journal, –since 2013

Named to the Rising Stars list, Minnesota Super Lawyers, Minneapolis/St. Paul Magazine, and Minnesota Business Journal, 2011-2012

Federal Practice Committee, U.S. District Court, Minnesota, Appointed 2010

Thurgood Marshall Defender Award, Massachusetts Committee for Public Counsel Services Recipient, 2001

American Bar Association Member

Hennepin County Bar Association Member

Minnesota Association for Justice Member

National Association of Consumer Advocates Member

Public Justice Member

American Association for Justice Member

Publications/Speaking Engagements

"National FCRA Landscape," National Association of Consumer Advocates Spring Training, May 2022.

"Sealing, Expungement and FCRA: Criminal Records Reporting in a New Era," Equal Justice Conference, May 2022.

"Evidentiary Challenges in Certifying Class Actions," Class Action Symposium, Consumer Rights Litigation Conference, National Consumer Law Center, December 2021.

"COVID and Post-COVID Issues in FCRA Litigation," National Association of Consumer Advocates Spring Training, Virtual, April 2021.

"Consumer Law: Overview of the Fair Credit Reporting Act," Minnesota Continuing Legal Education, Virtual, December 2020.

"The Role of the Lawyer in Class Actions," Panel Chair, Global Class Actions Symposium 2020, Virtual, November 2020.

"Hunting the Snark: Finding & Effectively Using Data to Certify Classes," Class Action Symposium, National Consumer Law Center Consumer Rights Litigation Conference, Virtual, November 2020.

"Specialty CRAs Part 1: Conviction Histories, Expungement, and FCRA: Keeping up with Developments in a Changing Legal Landscape," National Consumer Law Center Consumer Rights Litigation Conference, Virtual, November 2020.

"Conducting Financial & Criminal Background Checks – Applicant Rights & Employer Best Practices," Minnesota Continuing Legal Education, Minneapolis, MN, October 2020.

"Current Accuracy Topics for Traditional Credit Reporting," Accuracy in Consumer Reporting, FTC/CFPB Workshop, Washington, DC, December 2019.

Plaintiffs' Food Fraud Litigation Forum, Cambridge Forums, Manalapan, FL, November 2019.

"Sealing, Expungement, and FCRA: Criminal Records Reporting in a New Era," Consumer Rights Litigation Conference, National Consumer Law Center, Boston, MA, November 2019.

"Stop Stealing the Microphone! Amped-Up Judicial Scrutiny of Class-Action Settlements," Class Action Institute, American Bar Association, Nashville, TN, October 2019.

"The Complete Lawyer: Consumer Law," Minnesota Continuing Legal Education, Minneapolis, MN, June 2019.

"Fair Credit Reporting Act/Debt Collection Issues," 24th Annual Consumer Financial Services Institute, Practising Law Institute, Chicago, IL, May 2019.

"Ethics Session: Referrals and Fee-Sharing," Fair Credit Reporting Act Conference, National Association of Consumer Advocates, Long Beach, CA, May 2019.

Contributing Author, "Consumer Law," The Complete Lawyer's Quick Answer Book, Minnesota Continuing Legal Education, 2d. ed. (forthcoming.)

Contributing Author, "Financial and Criminal Background Checks," Job Applicant Screening: A Practice Guide, Minnesota Continuing Legal Education Publication, 2d. Edition (forthcoming).

Contributing Author, "Chapter 1: Case and Claims Selection, Other First Considerations," Consumer Class Actions, National Consumer Law Center, 10th ed. (forthcoming),

"Consumer Law: Recent Trends and Hot Topics in FCRA Litigation," Minnesota Continuing Legal Education, Minneapolis, MN, January 2019.

"Diamonds in the Rough: Identifying Good Class Claims," Mass Torts Made Perfect Fall Seminar, Las Vegas, NV, October 2018.

"Nationwide Settlement Classes – The Impact of the Hyundai/Kia Litigation," Class Action Symposium, Consumer Rights Litigation Conference, National Consumer Law Center, Denver, CO, October 2018.

"Developments in Public Records Litigation," Consumer Rights Litigation Conference, National Consumer Law Center, Denver, CO, October 2018.

"Big Challenges in the City of BIG Shoulders, Electronic Discovery's Rise to Prominence," ABA 22nd Annual National Institute on Class Actions, Chicago, IL, October 2018.

"Jurisdiction Issues Post *Bristol-Myers*," Bridgeport 2018 Class Action Litigation Conference, San Francisco, CA, September 2018.

"New Developments in the Law of Personal Jurisdiction in the Aftermath of the Supreme Court's Decisions in *BNSF Railway Co. v. Tyrrell* and *Bristol Myers* and the Strategies," Plaintiffs' Class Action Roundtable, Rancho Palos Verdes, CA, April 2018.

"New Developments in Personal Jurisdiction," Litigator's Short Course, Minnesota Continuing Legal Education, Minneapolis, MN, February 2018.

"Game Changing Blindspots that Create Privacy Liabilities – a Plaintiff-Side Litigator's Insights," Midwest Legal Conference on Privacy & Data Security, Minneapolis, MN, January 2018.

"Federal Discovery: Winning Your Cases Early," "FCRA Report Disclosures: Issues and Litigation," Consumer Rights Litigation Conference, National Consumer Law Center, Washington, D.C., November 2017.

"Strategic Response to Recent Supreme Court Decision in *Bristol-Myers*," Consumer Rights Litigation Conference, Class Action Symposium, National Consumer Law Center, Washington, D.C., November 2017.

Conference Co-Chair, "Class Actions: Legislative Developments, Updates & More," CLE International, Los Angeles, CA, November 2017.

"The Times They Are a-Changin': The Role of Administrative Agencies and Private Counsel in the Trump Era," American Bar Association Annual National Institute on Class Actions, Washington, D.C., October 2017.

"The CFPB's New Rule on Arbitration: What It Is and What Comes Next," Minnesota State Bar Association Continuing Legal Education Presentation, Minneapolis, MN, September 2017.

"Standing: Assessing Article III Jurisdiction One Year After Spokeo," Minnesota State Bar Association Continuing Legal Education Presentation, Minneapolis, MN, June 2017.

"House Resolution 985 – Update and Strategies for Defeat," Cambridge Forums – Plaintiffs' Class Action Forum, Carefree, AZ, May 2017.

"TCPA/Fair Credit Reporting Act/Debt Collection Issues," PLI 22nd Annual Consumer Financial Services Institute, Chicago, IL, May 2017.

"Case Law and Recent Trial Update," Panelist, Fair Credit Reporting Act Conference, National Association of Consumer Advocates, Baltimore, MD, April 2017.

"Using the FCRA for Criminal Background Checks," "Spokeo Standing Challenges (and Opportunities)." Consumer Rights Litigation Conference, National Consumer Law Center, Anaheim, CA, October 2016.

"Appeals: Whether, When and How." Consumer Rights Litigation Conference Class Action Symposium, National Consumer Law Center, Anaheim, CA, October 2016.

"Recent Developments in Food Class Action Litigation." Perrin Food & Beverage Litigation Conference, New York, NY, October 2016.

"A Winning Hand or a Flop? After 50 Years are Class Actions Still Legit?" American Bar Association Annual National Institute on Class Actions, Las Vegas, NV, October 2016.

Contributing Author, "Consumer Law," The Complete Lawyer's Quick Answer Book, Minnesota Continuing Legal Education, 2016.

"Changing Standard for Class Certification Including a Discussion of the Use of Experts and Statistical Sampling at Class Certification in Light of Spokeo and Tyson." Bridgeport Continuing Education 2016 Class Action Litigation Conference, San Francisco, CA, September 2016.

"The U.S. Supreme Court's Big New Decisions." Minnesota Continuing Legal Education Presentation, Minneapolis, MN, August 2016.

"The Complete Lawyer Series: Consumer Law, Debt Collection and Credit Reporting." Minnesota Continuing Legal Education Webcast, Minneapolis, MN, July 2016.

"What Does the Spokeo Decision Mean for Consumer Lawyers." National Association of Consumer Advocates Webinar, May 2016.

"Hot Button Consumer Issues." Practising Law Institute's Annual Consumer Financial Services Institute, Chicago, IL, May 2016.

"Consumer Law." Minnesota Continuing Education Seminar, Minneapolis, MN, May 2016.

"Hot Topics in Class Actions." Bridgeport Class Action Conference, Hollywood, CA, April 2016.

"Hot Button Consumer Issues." Practicing Law Institute's Annual Consumer Financial Services Institute, New York, NY, April 2016.

"Beyond the Headlines – What EVERY Lawyer Should Know About the U.S. Supreme Court's Big New Decisions." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, August 2015.

"Financial and Criminal Background Checks." National Employment Lawyers Association Annual Convention Presentation, Atlanta, GA, June 2015.

"The Complete Lawyer: Consumer Law." Minnesota Continuing Legal Education Presentation, Minneapolis, MN, May 2015.

"Protecting Your Plaintiffs and the Class: Rule 68 Offers and Other Pick-Off Tactics." Impact Fund Class Action Conference, Berkeley, CA, February 2015.

"Be Careful what you Wish For: Trends in Arbitration." ACI Wage & Hour Claims and Class Actions Summit Panel, Miami, FL, January 2015.

"Job Applicant Screening, Financial & Criminal Background Checks – Applicant Rights and Employer Best Practices." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, December 2014.

"Economics of Objecting for the Right Reasons." Class Action Symposium Panel, National Consumer Rights Litigation Conference, Tampa, FL, November 2014.

"Data Harvesting, Background Checks, and the Fair Credit Reporting Act for Criminal Attorneys." Criminal Law Section, Minnesota State Bar Association Presentation, November 2014.

"Discovery Strategies in Class Actions: When Less is More and When it Isn't." Bridgeport Class Action Conference, Chicago, IL, June 2014.

"Job Applicant Screening Crash Course." Upper Midwest Employment Law Institute, Saint Paul, MN, May 2014.

"Financial and Criminal Background Checks." Job Applicant Screening: A Practice Guide, Minnesota Continuing Legal Education Publication, May 2014.

"The Complete Lawyer: Quick Answers to Questions about Consumer Law." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, May 2014.

"Employment Law 360." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, February 2014.

"Precertification Discovery Strategies including Issues of Standing & Certification." Bridgeport Class Action Conference, San Francisco, CA, August 2013.

"Beyond the Headlines – What Every Lawyer Should Know About the U.S. Supreme Court's Big New Decision." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, August 2013.

"The Complete Lawyer: Quick Answers to Questions about Consumer Law." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, June 2013.

"The Misclassification Mess – What Do You Do If You Have Misclassified Workers as Exempt?" Upper Midwest Employment Law Institute, Minneapolis, MN, May 2013.

"Housing Finance – Consumer Financial Services." Panelist, American Bar Association Business Law Section Spring Meeting, Washington, D.C., April 2013.

"5 Developments in E-Discovery." The Civil Litigator's Annual Short Course, Minnesota Continuing Legal Education, Minneapolis, MN, February 2013.

"Employment Rights & Criminal Backgrounds in the Context of the FCRA and Title VII." Goodwill Easter Seals Presentation, Saint Paul, MN, December 2012.

"Federal Court 101." National Business Institute Webinar, Eau Claire, WI, December 2012.

"Employment Law Series: Ethics Issues for Employment Law Lawyers." Minnesota Continuing Legal Education Webcast, Minneapolis, MN, October 2012.

"Real World Ethics Issues and Answers for the Employment Lawyer." Upper Midwest Employment Law Institute, Minneapolis, MN, May 2012.

"Real World Ethics Issues and Answers for the Employment Lawyer." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, November 2011.

"The Complete Lawyer: Consumer Law 101." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, November 2011.

"Litigation and the Federal Rules. What Every Paralegal Should Know", National Federation of Paralegal Associations, Annual Convention, Bloomington, MN, October 2011.

"Dukes v. Wal-Mart: the View from the Plaintiff's Bar." American Conference Institute's Defending and Managing Retaliation and Discrimination Claims Conference, New York City, NY, July 2011.

"How to Practice in Federal Court: Complaints, Answers, and Service of Process." Minnesota Continuing Legal Education Seminar, Minneapolis, MN, October 2010.

"Recent Trends in FLSA Collective Actions Panel." Minnesota Federal Bar Association Annual Seminar, Minneapolis, MN, June 2010,

Minnesota Continuing Legal Education Panel on Real-World Ethics Issues and Answers for the Employment Lawyer, Minneapolis, MN, June 2010.

"Maintaining Privilege and Confidentiality." National Federation of Paralegal Association Annual Convention, Bloomington, MN, June 2010.

"Strategic Discovery Practice", Upper Midwest Employment Law Institute, Minneapolis, MN, May 2010.

Minnesota Continuing Legal Education Panel on the Impact of Twombly and Iqbal on the Pleading standard, Minneapolis, MN, February 2010.

Interviewed by National Law Journal regarding recent wave of tip pooling cases (June 2009).

Strategic Discovery: How to Fight Discovery Abuses and Win Discovery Disputes, Minnesota Institute for Continuing Legal Education (May 2009).

Who's the Boss? Joint employers, successor employers and integrated enterprises, Equal Employment Opportunity Commission Investigator training (March 2008).

Litigating Capital Cases Under Georgia's New Discovery Statutes, Advanced Capital Defender Training (St. Simons Island, GA, January 2006).

Responding to Changes in Georgia's Criminal Discovery Statutes, Advanced Capital Defender Training. (St. Simons Island, GA, July 2005).