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Class Counsel

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

A.B., C.D., E.F., G.H., I.J., K.L.,
M.N., on behalf of themselves and all
others similarly situated,

Plaintiffs,
v.

THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA
AND JAMES MASON HEAPS,
M.D., AND JOHN DOES 1-20,

Defendants.

Case No. 2:20-cv-09555-RGK (Ex)

Hon. R. Gary Klausner

**NOTICE OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Date: May 23, 2022
Time: 9:00 A.M PST
Courtroom: 850

**NOTICE OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Case No. 2:20-cv-09555-RGK (Ex)

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on May 23, 2022, or as soon thereafter as the
3 matter may be heard by the Honorable R. Gary Klausner in Courtroom 850, 8th Floor of
4 the above-entitled court located at 255 East Temple Street, Los Angeles, CA, 90012,
5 Plaintiffs A.B., C.D., E.F., G.H., I.J., K.L., and M.N., (“Plaintiffs”) will and hereby do
6 move the Court, pursuant to Federal Rules of Civil Procedure 23(h)(1) and 54(d)(2) for
7 an Order awarding to class counsel: (1) \$8,760,000 in payment of their attorneys’ fees
8 and expenses, to be paid separately by The Regents of the University of the California,
9 without diminishing the Settlement Fund; and (2) payments of \$15,000 for each of the
10 seven class representatives, to be paid from the Settlement Fund.

11 This motion is based upon this Notice; the Memorandum of Points and
12 Authorities in Support; the Joint Declaration of Plaintiffs’ Counsel and the attached
13 exhibits submitted herewith; any further papers filed in support of or cited within this
14 motion; arguments of counsel and all records on file in this matter; and any other
15 matters the Court may consider. This motion is made following conferences of counsel
16 for the Parties pursuant to Local Rule 7-3 beginning on January 31, 2022.

17
18
19 Dated: March 30, 2022

/s/ Daniel C. Girard

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SERVICE AWARDS**

Date: May 23, 2022

Time: 9:00 AM PST

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

Case No. 2:20-cv-09555-RGK (Ex)

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INTRODUCTION

Plaintiffs filed this class action against UCLA and Dr. James Heaps, a former gynecologist who saw patients at UCLA for decades, after allegations of Heaps's predatory behavior toward his patients surfaced. Following litigation and a protracted negotiation process, the parties entered into a comprehensive settlement, which this Court approved several months ago.

The parties agreed to a \$73 million class member fund to compensate women who were exposed to Dr. Heaps's allegedly predatory behavior, a trauma-informed claims process (administered at UCLA's expense), and significant changes to UCLA's policies and procedures. And the response was uniformly positive—not one class member objected. All have since received at least some payment, with the rest of the fund to be distributed in the coming months.

With settlement administration almost complete, class counsel now request the award of attorneys' fees and costs contemplated in the settlement. Their skill and experience in complex class cases, and specifically in sexual assault cases, facilitated this resolution. Class counsel have not been paid for their work to date in litigating this case, negotiating the settlement, consulting with the Special Master, and ensuring the settlement is implemented appropriately. The settlement itself contemplates, and class counsel here request, an award for attorneys' fees and costs of \$8,760,000—or, a 3.85 multiplier on time and expense incurred to date: \$2,262,197 in fees and \$42,038.19 in out-of-pocket costs. Compared with the \$73 million fund alone, class counsel's fee request amounts to 12% of the fund, significantly below the Ninth Circuit's 25% fee benchmark. If the award is granted, UCLA will pay it separately from, and without reducing, the \$73 million class member fund.

Plaintiffs, too, are entitled to service awards for their efforts representing the class, having repeatedly relived harrowing experiences to shepherd this result for thousands of

other former patients of Dr. Heaps. Class counsel requests that the Court award each of them \$15,000 in service awards, as contemplated by the settlement.

BACKGROUND

I. The approved settlement

The approved settlement provides significant relief to thousands of women who were treated by Dr. Heaps at UCLA, and also implements policy changes to ensure patients' medical experiences at UCLA are safer in the future.

a. The settlement fund

The settlement established a \$73 million fund—separate and apart from attorneys' fees and administrative costs—to be distributed to class members through a multi-tiered, trauma-informed process. *See generally* ECF No. 13-4, Claims Process ("Claims Process"). The appointed Special Master—Judge Irma Gonzalez—together with two other panelists—is currently overseeing the claims evaluation process. ECF No. 66, Final Approval Order ("FA Order") at 1 (appointing Judge Gonzalez).

The settlement's three-tiered structure provides compensation for all class members who were exposed to Dr. Heaps's alleged misconduct, while also offering additional compensation opportunities for those willing to participate in a trauma-informed claims process. Claims Process at 2-3. Class members have already received their \$2,500 Tier 1 payments, which were automatically mailed to all class members. Joint Decl. of Pls.' Counsel in Supp. of Mot. for Att'y Fees, Costs, and Service Awards ("Joint Decl.") ¶ 5. Additionally, class members who believed their experiences with Dr. Heaps fell outside of accepted medical standards could also submit a written claim form. Claims Process at 2-3. If validated by the Panel, that submission will entitle class members to an additional \$10,000, for a total Tier 2 payment of \$12,500. *Id.* at 3. Finally, under Tier 3, class members can receive up to \$250,000 if they both submitted a claim form *and* underwent an interview detailing the conduct they experienced and its impact.

1 *Id.* Five million dollars were set aside for additional compensation to those Tier 3
 2 claimants who the Panel believed were entitled to more than \$250,000. *Id.* at 4.

3 **b. Changes to UCLA's policies and procedures**

4 In addition to compensating class members for past exposure and harm, the
 5 settlement requires forward-looking policy changes, many of which have already been
 6 implemented. ECF No. 40-1, Mem. in Supp. of Final Approval ("FA Mem.") at 7-8.
 7 These changes include new systems for investigating alleged sexual harassment within
 8 UCLA's patient care context, formalized chaperone policies for sensitive appointments,
 9 mandated boundaries training for all physicians who practice at UCLA medical facilities,
 10 and more transparent notice to patients regarding how to report misconduct. *Id.*

11 **II. Class counsel's work to date**

12 Over the last few years, class counsel have investigated and prosecuted this case,
 13 negotiated the settlement on behalf of the class, obtained final approval of that settlement
 14 from this Court, and overseen the settlement's implementation.

15 Plaintiffs' efforts began in June 2019. Joint Decl. ¶ 12. Following an initial
 16 investigation, they strategized and drafted a complaint and filed suit in July 2019,
 17 seeking to represent a class of women examined by Heaps at UCLA facilities. *A.B. v.*
 18 *Regents of Univ. of Cal.*, Case No. 2:19-CV-06586 (C.D. Cal.). They obtained thousands
 19 of pages of documents through discovery, including Heaps's personnel file, the results of
 20 UCLA's investigations into Heaps's conduct, and the University's policies and
 21 procedures regarding sexual harassment and sexual violence. ECF No. 40-3, Final
 22 Approval Joint Decl. ("FA Joint Decl.") ¶¶ 4-5. In addition, UCLA produced anonymized
 23 records of calls from former Heaps patients to an abuse-prevention organization that
 24 UCLA hired to counsel victims after Heaps's arrest. *Id.* ¶ 5. While Plaintiffs made efforts
 25 to obtain central documents early, they also prepared and served third-party subpoenas,
 26 *id.* ¶¶ 4-8, and negotiated and submitted a protective order that Judge Eick entered, ECF
 27 Nos. 26, 28, C.D. Case No. 2:19-cv-06586-RGK-E.

1 Plaintiffs spent significant time analyzing these documents to prepare for
 2 depositions targeted at class certification. FA Joint Decl. ¶¶ 4-5. Given that the
 3 information spanned Heaps's over-35-year tenure at UCLA, Plaintiffs were
 4 simultaneously analyzing incoming materials, researching and refining their class
 5 certification strategy, and preparing for institutional depositions. *Id.* ¶ 8. Plaintiffs' first
 6 deposition was scheduled for March 10, 2020. ECF No. 13-2, Prelim. Approval Joint
 7 Decl. ("PA Joint Decl.") ¶ 8. It was cancelled that morning due the venue's new COVID-
 8 related restrictions. *Id.* COVID continued to disrupt the litigation, making a moving
 9 target of depositions of important university medical personnel who were themselves
 10 attempting to navigate the new disease as doctors. FA Joint Decl. ¶ 8. With few options
 11 to complete the planned depositions before the class certification motion deadline, PA
 12 Joint Decl. ¶¶ 8-10, the parties negotiated a tolling agreement and agreed to dismiss the
 13 case without prejudice while they pursued settlement. *Id.* ¶¶ 10-12.

14 Using the materials obtained through formal discovery and continuing
 15 investigation, Plaintiffs prepared for mediation. This preparation required not only
 16 performing factual analysis, brainstorming potential settlement structures and valuations,
 17 and preparing a mediation brief, but also creating and orchestrating video presentations
 18 to set the stage at mediation. FA Joint Decl. ¶¶ 13, 17. The two-day mediation with
 19 nationally recognized mediators Ken Feinberg and Camille Biros culminated in an
 20 agreement in principle to resolve the litigation. *Id.* ¶¶ 16-18. In the months that followed,
 21 the parties negotiated and drafted the details of the settlement, including the claim form
 22 and claims processing procedures. *Id.* ¶ 20.

23 Upon completion of settlement documentation, FA Joint Decl. ¶¶ 20-21, Plaintiffs
 24 refiled the action as a new case and moved for preliminary approval. ECF No. 13,
 25 Prelim. Approval Mot. ("PA Mot."); FA Joint Decl. ¶ 21. This Court granted preliminary
 26 approval of the settlement and provisionally certified the settlement class. *See generally*
 27 ECF No. 33, Order Granting Prelim. Approval ("PA Order"). Regarding attorneys' fees,
 28

1 this Court highlighted that the settlement fund “will be unaffected by the attorneys’ fee,”
 2 and “conditionally approve[d]” the award of \$8,760,000, or 12% of the settlement fund,
 3 “as it is lower than the accepted range for attorneys’ fees in the Ninth Circuit.” *Id.* at 10.
 4 This Court also “provisionally approve[d]” the proposed service award to class
 5 representatives of \$15,000 per Plaintiff, finding that an award is “reasonable here and is
 6 not the product of collusion or favoritism.” *Id.*

7 Once class notice was disseminated, class counsel received dozens of inquiries
 8 from class members. FA Mem. at 9-10. The response to the settlement was
 9 overwhelmingly positive—no class member objected, and many expressed support for
 10 the settlement’s confidential, non-adversarial, and streamlined claims process. FA Joint
 11 Decl. ¶¶ 46-50.

12 Between preliminary and final approval, class counsel worked diligently and
 13 promptly to respond to inquiries from women who would be impacted by the settlement
 14 about the settlement terms, the tiers of compensation available under the settlement, and
 15 the claims process associated with each tier. FA Joint Decl. ¶¶ 47-48; Joint Decl. ¶ 6.
 16 They also communicated consistently with the Panel, the claims administrator, and
 17 opposing counsel on a variety of issues, including developing claims processing
 18 protocols, ensuring that ready payments were disseminated promptly, and negotiating
 19 and answering process-related questions as they arose. Joint Decl. ¶ 6.

20 Following class counsel’s preparation and submission of final approval papers,
 21 this Court granted final approval of the settlement, appointed Plaintiffs as class
 22 representatives, and appointed Girard Sharp LLP, Gibbs Law Group LLP, and Erickson
 23 Kramer Osborne LLP as class counsel. ECF No. 51, Order Granting Final Approval (“FA
 24 Order”) at 1. At the final approval hearing, the Court acknowledged that the parties “put
 25 a lot of work into” the settlement, and commented that class counsel’s attorneys’ fees
 26 request “probably will be granted.” Joint Decl. Ex. D, Transcript, at 5:11, 5:17. Class
 27 counsel have continued to respond to class member inquiries, and work with the Panel,
 28

the claims administrator, and opposing counsel as issues have arisen in the implementation of this settlement. Joint Decl. ¶ 6.

ARGUMENT

Class counsel have spent a considerable amount of time and advanced litigation costs to prosecute this case, negotiate a resolution capable of meeting victims' specialized needs, and implement the resulting settlement—all without any guarantee of payment for their efforts. Plaintiffs thus request an award of their reasonable attorneys' fees and reimbursement of their litigation costs. Plaintiffs, too, should be granted service awards in recognition of their efforts on behalf of the class. All three requests—fees, costs, and service payments—are described in greater detail below.

I. The requested fee award is fair, reasonable, and justified

Class counsel requests a combined fee and cost award of \$8,760,000, or 12% of the \$73 million class settlement fund. This fee award is significantly lower than the Ninth Circuit's 25% benchmark, and lower still when accounting for the amounts UCLA has agreed to pay separate and apart from the class member fund. Beyond the figures, this fee award is justified given the monetary and injunctive relief to the class, and counsel's skill, efficiency, and care in litigating and settling this case.

a. This settlement is a constructive common fund

In a "common fund" settlement structure, class members are compensated through a single fund recovered on their behalf. *Stetson v. Grissom*, 821 F.3d 1157, 1165 (9th Cir. 2016). Traditionally, attorneys' fees are also taken from that fund, ensuring that each class member "contributes proportionately" to those fees. *Id.*

Sometimes, though, settlements account for the fee amount separately from the common fund itself. *See, e.g., Galavis v. Bank of Am., N.A.*, No. 2:18-CV-09490, 2020 WL 5898800, at *2 (C.D. Cal. July 14, 2020). Such a settlement is called a "constructive common fund" because regardless of its structure, it is "functionally a common fund settlement." *Id.*; *see also Green v. Lawrence Serv. Co.*, No. 2:12-CV-06155, 2014 WL

1 12778929, at *7 (C.D. Cal. Apr. 1, 2014) (applying a “constructive common fund”
2 approach).

3 Here, the settlement class counsel secured is a constructive common fund, with
4 \$73,000,000 for class members alone and separate payments for attorneys’ fees, costs,
5 and settlement administration. FA Joint Decl. ¶ 54. Because class relief and fees here are
6 a “package deal,” the settlement should be treated as a constructive common fund.
7 *Galavis*, 2020 WL 5898800, at *2.

8 **b. The fee award here should be calculated as a percentage of that fund**

9 Courts review fee awards to ensure they are reasonable. *Vizcaino v. Microsoft*
10 *Corp.*, 290 F.3d 1043, 1050 (9th Cir. 2002). Where parties have already stipulated to the
11 amount, this inquiry need not be exacting. *See Hensley v. Eckerhart*, 461 U.S. 424, 437
12 (1983) (“A request for attorney's fees should not result in a second major litigation.
13 Ideally, of course, litigants will settle the amount of a fee.”); *see also Hardisty v. Astrue*,
14 592 F.3d 1072, 1078 (9th Cir. 2010) (review of attorneys’ fees should not “spawn a
15 second litigation of significant dimension”).

16 The “dominant” method for evaluating fees in common fund cases is the
17 percentage-of-the-fund method. *In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036,
18 1046 (N.D. Cal. 2008) (collecting Ninth Circuit authority, including *Vizcaino*, 290 F.3d at
19 1047); *see also Elkies v. Johnson & Johnson Servs., Inc.*, No. 2:17-CV-7320, 2020 WL
20 10055593, at *8 (C.D. Cal. June 22, 2020) (“In the Ninth Circuit, use of the percentage
21 method in common fund cases appears to be dominant.”). Because this settlement is
22 constructively a common fund, the Court should apply the percentage-of-the-fund
23 approach. *See, e.g., Galavis*, 2020 WL 5898800, at *3 (applying percentage method to
24 constructive common fund); *Green*, 2014 WL 12778929, at *7 (same).

25 **c. The requested fee is justified**

26 Under the percentage-of-the-fund approach, the Ninth Circuit begins with a
27 benchmark “starting point” of 25%. *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d
28

934, 955 (9th Cir. 2015). “However, in most common fund cases, the award exceeds that benchmark.” *Omnivision*, 559 F. Supp. 2d at 1047 (citation omitted). Courts may also adjust the percentage downward “to account for any unusual circumstances.” *Williams v. MGM-Pathe Comm’ns Co.*, 129 F.3d 1026, 1027 (9th Cir. 1997).

Here, rather than exceeding the benchmark, class counsel requests a far lower percentage—12% of the class member fund, or \$8,760,000 for fees and costs combined, to be paid separately from the fund itself. FA Joint Decl. ¶ 54. That percentage becomes lower still after deducting the requested costs and accounting for Defendants’ other payments, like the cost of administering the settlement. *See e.g., In re Midland Nat. Life Ins. Co. Annuity Sales Pracs. Litig.*, No. 2:07-CV-1825, 2012 WL 5462665, at *2 (C.D. Cal. Nov. 7, 2012) (including items like class notice costs in the denominator “would only reduce the percentage of class counsel’s award below what is already a reasonable percentage fee and expense award”). Specifically, assuming the Court awards class counsel’s requested costs in full, the fee portion of the \$8,760,000 would be \$8,717,961.81 (the numerator), and the total size of the constructive fund would include \$73 million in class member compensation, the \$8.76 million fee-and-cost award, and the \$1.5 million UCLA has spent on settlement administration to date, or \$83.26 million (the denominator). FA Joint Decl. ¶ 54; Joint Decl. ¶ 6. Accounting for these additional figures, class counsel’s fee request amounts to 10.5% of the constructive settlement fund.

A closer examination also demonstrates that the requested award is fair, reasonable, and justified. Plaintiffs discuss below the following factors, which courts within this Circuit frequently use to assess percentage-based fee awards: (i) the results class counsel achieved for the class; (ii) whether counsel obtained benefits beyond the settlement fund; (iii) the case’s risks; (iv) class counsel’s experience litigating the case; (v) comparable fee awards; and (vi) the contingent nature of the case. *In re Optical Disk Drive Prod. Antitrust Litig.*, 959 F.3d 922, 930 (9th Cir. 2020).

i. Class counsel achieved an outstanding result for the class

The “most critical factor” in assessing attorneys’ fees is “the degree of success obtained.” *Hensley*, 461 U.S. at 436. This class settlement should be viewed as a successful result for a number of reasons.

First, class members will receive significant compensation. Each class member has already received a \$2,500 payment designed to compensate them for their exposure to an alleged sexual predator. Joint Decl. ¶ 5. Those who submitted written materials establishing that their treatment exceeded the bounds of legitimate medical care will also receive an additional \$10,000. Those who established their treatment caused emotional distress or bodily injury by submitting written materials and participating in an interview with a trained specialist will receive up to \$250,000 in compensation—and, in some cases more from the supplemental payment fund. FA Mem. at 5-6. Without having to file individual cases, undergo adversarial discovery, and pursue their claims through trial, class members have received and will receive significant compensation for their alleged injuries. *See, e.g., In re Google Inc. St. View Elec. Comm’n Litig.*, 21 F.4th 1102, 1121-22 (9th Cir. 2021) (affirming a 25% attorney fee award where only *cy pres* payments were disseminated and class members received no payments, and collecting cases). The \$73 million class member fund was not a foregone conclusion, but rather the result of class counsel’s efforts.

Second, the claims process itself was an important achievement. Class members have praised its confidential, non-adversarial, and streamlined setup. FA Joint Decl. ¶ 49. Depending on the level of harm they suffered and their willingness to participate in a trauma-informed process, class members could choose from varying methods of receiving compensation: no action was required to obtain a base payment, enhanced settlement payments were available through a purely written process, and even more compensation could be obtained following a specially designed interview process. *See*

1 Claims Process at 2-3. And as with most class actions, those who preferred to pursue
2 their claims through an individual lawsuit were able to opt out of the class settlement.

3 Third, the class member fund “guarantee[s] ... immediate relief.” *Taylor v.*
4 *Shippers Transp. Exp., Inc.*, No. 2:13-CV-02092, 2015 WL 12658458, at *14 (C.D. Cal.
5 May 14, 2015). Class members already received their automatic \$2,500 payments, and
6 will soon receive the enhanced payments to which they are entitled. Joint Decl. ¶ 5. This
7 immediacy is the result of a court-supervised claims adjudication procedure, conducted
8 by an experienced Special Master and Panel, removed from adversarial litigation. FA
9 Joint Decl. ¶¶ 23-25, 49. It also stands in contrast to the uncertainty associated with
10 pursuing an individual case to trial.

11 Finally, and importantly, the class reaction underscores the strength of the results
12 achieved. Not one class member objected to the settlement and many others
13 communicated their appreciation to class counsel. FA Joint Decl. ¶¶ 47, 49, 50. This
14 “overwhelmingly positive” reaction also supports class counsel’s fee request. *Taylor*,
15 2015 WL 12658458, at *17 (only one objection helped justify a 33% fee request).

16 In sum, the settlement was a favorable result for class members, which strongly
17 supports class counsel’s fee request. *See Hensley*, 461 U.S. at 436.

18 **ii. The equitable relief achieved is also significant**

19 The equitable relief obtained through a settlement also influences the percentage
20 awarded for attorneys’ fees. *See Vizcaino*, 290 F.3d at 1049 (considering “generated
21 benefits beyond the cash settlement fund”).

22 Here, as a “product of considerable negotiation between the parties,” UCLA
23 agreed to several policy changes to prevent prolonged physician harassment. FA Joint
24 Decl. ¶ 36. These changes include: appointing an independent compliance monitor,
25 implementing a new framework to investigate allegations of sexual harassment and
26 sexual assault in the patient care context, implementing formal chaperone policies,
27 notifying patients of reporting options, and revising physician credentialing applications
28

1 to incorporate questions about allegations of sexual misconduct. ECF No. 13-5,
 2 Equitable Relief Measures; FA Joint Decl. ¶¶ 36-39. These foundational policy changes
 3 also support class counsel's fee request. *Cf. Cheryl Gaston v. FabFitFun, Inc.*, No. 2:20-
 4 CV-09534, 2021 WL 6496734, at *3 (C.D. Cal. Dec. 9, 2021) (improved security
 5 measures supported 25% fee request).

6 **iii. Further litigation would have entailed significant risk**

7 The risk of no recovery, another component courts assess for attorneys' fees in
 8 common fund cases, also weighs in favor of approving class counsel's fee request. *See*
 9 *Vizcaino*, 290 F.3d at 1048 ("[r]isk is a relevant circumstance").

10 Here, although class counsel is confident that Plaintiffs and other class members
 11 would have prevailed without settlement, the hurdles would have been significant. Class
 12 counsel intended to move to certify issue classes under Rule 23(c)(4). PA Joint Decl.
 13 ¶ 20. Even assuming Plaintiffs' success on the merits of these issues, class member relief
 14 would have entailed individual trials on the remaining elements. There would have been
 15 a real risk that Plaintiffs or other class members could lose at class certification, either
 16 stage of trials, other dispositive motions, or even on appeal, especially given the
 17 adversarial process and opposing counsel's resources and experience. *See, e.g., Thomas*
 18 *v. Dun & Bradstreet Credibility Corp.*, No. 2:15-CV-03194, 2017 WL 11633508, at *12,
 19 19 (C.D. Cal. Mar. 22, 2017) (delineating significant risks to recovery including class
 20 certification, trial, and appeals). These risks, too, weigh in favor of granting class
 21 counsel's fee request.

22 **iv. Class counsel displayed skill and effort in prosecuting this case**

23 The "[s]kill of [c]ounsel" is another factor courts consider when assessing
 24 common-fund attorneys' fees. *Omnivision*, 559 F. Supp. 2d at 1047 (citation omitted).
 25 Generally, the "prosecution and management of a complex national class action requires
 26 unique legal skills and abilities." *Id.* Class actions targeting systemic discrimination and
 27 mistreatment are particularly "difficult to win," especially when the allegations are
 28

levied against a large and well-respected institution like UCLA. *See Ingram v. The Coca-Cola Co.*, 200 F.R.D. 685, 696 (N.D. Ga. 2011) (that Coca-Cola is “highly respected ... and possesses the financial resources to vigorously defend” an employment discrimination case “merits recognition in the fee award”).

Here, class counsel has expended significant effort resolving this case favorably and efficiently. This work, to date, includes over 3,646.2 hours in prosecuting, settling, and administering the settlement in this case. *See Pan v. Qualcomm Inc.*, No. 3:16-CV-01885, 2017 WL 3252212, at *12 (S.D. Cal. July 31, 2017) (3,084 hours expended justified increasing the 25% benchmark by 4.6%). Further, class counsel is nationally recognized for their skill in prosecuting class actions and other complex litigation, including sexual assault class actions. Joint Decl. ¶ 3.

v. The requested fee is a smaller percentage than fee awards in comparable cases

Courts within the Ninth Circuit also examine fee awards from comparable settlements. *See Vizcaino*, 290 F.3d at 1050 (instructing courts to examine reasonable attorney expectations for fees “based on circumstances of the case and the range of fee awards out of common funds of comparable size”).

Class counsel requests a fee award here of approximately 10.5% of the constructive common fund. *Supra* at p. 8. This fee award is significantly lower than other recent sexual assault class actions. *See Rapuano v. Trs. of Dartmouth Coll.*, No. 1:18-CV-01070, 2020 WL 3965784, at *2 (D.N.H. July 14, 2020) (awarding 35% of a \$14 million sexual abuse class action settlement fund as fees, with costs to be deducted from the fund separately); *St. Louis v. Perlitz*, No. 3:13-CV-01332 (D. Conn. Aug. 27, 2019), ECF Nos. 1089, 1080 ¶ 14 (awarding 31% of the settlement fund as fees).

Class counsel’s requested fee is also lower than fees awarded from comparably-sized common funds. Courts regularly award as attorneys’ fees more than 12%. *See, e.g., Amador v. Baca*, No. 2:10-CV-01649, 2020 WL 5628938, at *12 (C.D. Cal. Aug. 11,

2020), *appeal dismissed sub nom., Amador v. Shorter*, No. 20-55965, 2021 WL 1037119 (9th Cir. Feb. 12, 2021), *cert. denied*, 142 S. Ct. 109 (2021) (granting 25% of a \$53 million fund); *Mild v. PPG Indus., Inc.*, No. 2:18-CV-04231, 2019 WL 9840633, at *1 (C.D. Cal. Oct. 25, 2019) (granting 25% of a \$25 million fund); *In re Heritage Bond Litig.*, No. 2:02-MD-00382, 2005 WL 1594403, at *23 (C.D. Cal. June 10, 2005) (approving a 33.33% award of a \$28 million fund); *In re Anthem, Inc. Data Breach Litig.*, No. 5:15-MD-02617, 2018 WL 3960068, at *16 (N.D. Cal. Aug. 17, 2018) (awarding 27% of a \$115 million fund).

vi. The contingent nature of the case supports the requested fee

Finally, courts also take into account the contingent nature of class litigation. The Ninth Circuit has deemed it an “established practice ... to reward attorneys for taking the risk of non-payment ... [in] contingency cases.” *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1299 (9th Cir. 1994).

Here, this lawsuit began nearly three years ago. Class counsel have expended over 3,646.2 hours, Joint Decl. ¶ 7, and advanced over \$42,038.19 in costs, none of which they have been paid for. *Id.* ¶ 11. This circumstance, too, justifies class counsel’s requested fee award.

d. A lodestar cross-check confirms the requested fee is reasonable

Although the Ninth Circuit “has consistently refused to adopt a [lodestar] crosscheck requirement,” such a crosscheck here confirms the reasonableness of class counsel’s fee request. *Farrell v. Bank of Am. Corp., N.A.*, 827 F. App’x 628, 630 (9th Cir. Sept. 2, 2020) (collecting published Ninth Circuit cases). To perform this crosscheck, courts first evaluate the lodestar (hours spent times the worker’s hourly rate), and then assess what “multiplier” would be applied to achieve the requested attorney fee award. Put differently, the requested fee award divided by the lodestar is the lodestar multiplier. *E.g., Thomas*, 2017 WL 11633508, at *24 (C.D. Cal. Mar. 22, 2017).

Generally, the Ninth Circuit and courts within it find lodestar multipliers lower than four to be reasonable. *See, e.g., Vizcaino*, 290 F.3d at 1051 n.6 (affirming a 25% fee award, explaining that multipliers “ranging from one to four are frequently awarded in common fund cases”); *Thomas*, 2017 WL 11633508, at *24 (finding 27% of the common fund, which produces a lodestar multiplier of 3.92, a reasonable award because the “lodestar multiplier [is] under four”).

Here, class counsel’s cross-check lodestar multiplier is within the range commonly granted in this circuit. Using the requested fee award of \$8,717,961.81 as the numerator, and the lodestar of \$2,262,197 as the denominator, class counsel’s requested cross-check multiplier is 3.85. That the multiplier is below four confirms the reasonableness of class counsel’s fee award.

In sum, because the only circumstance in this case justifying such a large departure from the Ninth Circuit’s 25% benchmark is the parties’ agreement, and because the requested award’s lodestar cross-check multiplier is within the range for approved fees in the Ninth Circuit, Plaintiffs respectfully request that this Court grant their request for \$8,717,961.81 in attorneys’ fees.

II. Class counsel’s litigation costs are reasonable and should be reimbursed

Reasonable litigation expenses are generally compensable. Fed. R. Civ. P. 23(h); *In re Toys R Us-Del., Inc. FACTA Litig.*, 295 F.R.D. 438, 469 (C.D. Cal. 2014). Among others, “travel, meals, lodging, photocopying, long-distance telephone calls, computer legal research, postage, courier service, mediation, exhibits, documents scanning, ... visual equipment ... consulting and expert witness fees ... are recoverable.” *Marshall v. Northrop Grumman Corp.*, No. 16-CV-06794, 2020 WL 5668935, at *9 (C.D. Cal. Sept. 18, 2020). Press release costs are also reimbursable. *See Order on Att’y Fees, Trevor Mild v. PPG Industries, Inc.*, No. 2:18-CV-04231 (C.D. Cal. Feb. 25, 2021) (awarding press release costs).

Class Counsel in this case have collectively incurred \$42,038.19 in litigation costs. Joint Decl. ¶ 11. These costs include mediation fees (\$21,285.00), legal research (\$9,811.95), court costs (\$1,493.50), service of process (\$504.70), messenger fees (\$256.50), copying (\$893.50), document management (\$2,724.81), travel costs, including meals and travel (\$4,786.37), long distance calls (\$254.36), press release costs (\$300), and postage (\$27.50). *Id.* Because these incurred costs are both reasonable and regularly reimbursed, class counsel requests the Court order their reimbursement.

III. Plaintiffs' requested service payments are reasonable and appropriate

Plaintiffs request service payments of \$15,000 each (\$105,000 in total) to compensate them for their efforts on behalf of the class. *See Rodriguez v. W. Publ'g Corp.*, 563 F.3d 948, 958 (9th Cir. 2009).

Service payments are “fairly typical in class action cases.” *Id.* Although courts often award service payments of \$5,000, *Song v. THC - Orange Cty., Inc.*, No. 8:17-CV-00965, 2019 WL 13030226, at *9 (C.D. Cal. Aug. 2, 2019), higher awards are granted where plaintiffs' representation entails personal risk and difficulty. For instance, where litigation requires examining plaintiffs' sensitive personal information, courts generally grant higher awards. *See, e.g., In re Cobra Sexual Energy Sales Pracs. Litig.*, No. 2:13-CV-05942, 2021 WL 4535790, at *9 (C.D. Cal. Apr. 7, 2021) (approving requested awards “given the sensitive issues” in a case about ads for aphrodisiac products); *see also In re Nucoa Real Margarine Litig.*, No. 2:10-CV-0927, 2012 WL 12854896, at *31 (C.D. Cal. June 12, 2012) (finding that awards were justified because plaintiffs had to disclose “personal health information, which might be embarrassing”). And specifically, plaintiffs alleging systemic gender-based violence or harassment receive significant service awards, accounting for “coming forward and describing deeply personal accounts of sexual harassment, assault, and trauma.” Mem. in Supp. of Mot. for Fees at 33, *Rapuano*, No. 1:18-CV-01070 (D.N.H. May 26, 2020), 2020 WL 6552248; *see Rapuano*, 2020 WL 3965784, at *2 (approving awards of \$75,000 for each of the nine representative

plaintiffs in a Title IX sexual predation case); *see also* Order on Att’y Fees, *In re USC Student Health Center Litig.*, No. 2:18-CV-04258 (C.D. Cal. July 12, 2021) (approving awards of \$15,000 each to 46 class representatives and \$20,000 to four class representatives who alleged sexual abuse by a university gynecologist).

Here, service awards to Plaintiffs of \$15,000 each are appropriate. Plaintiffs’ prosecution required repeated engagement with their traumatic experiences. *E.g.*, Joint Decl. ¶ 13; FA Joint Decl. ¶ 13; ECF No. 16, Corrected Class Action Compl. ¶¶ 23-27, 46-47, 55-56, 75-76, 95, 112-114 (alleging medically unnecessary and invasive vaginal “exams” performed in a sexual manner); *id.* ¶¶ 75, 99, 102-103, 112-114 (alleging attempts to sexually stimulate patients during their visits); *id.* ¶¶ 31-33, 72-73, 81-82, 86, 110 (alleging medically unnecessary breast exams, performed without gloves and in a sexual manner); *id.* ¶¶ 72, 73, 96-97, 99, 112 (alleging sexualized comments made to patients). Despite risk and personal difficulty, Plaintiffs retained class counsel and came forward, catalyzing this class settlement. *See, e.g.*, ECF No. 16 ¶¶ 100, 115-116, 219 (descriptions of Plaintiffs’ lasting and severe emotional distress and trauma). In fact, their recorded video testimonials played during the mediation grounded the parties in Plaintiffs’ experiences throughout the settlement negotiations. Joint Decl. ¶ 14; FA Joint Decl. ¶ 13. Plaintiffs also regularly communicated with counsel about the litigation, reviewed pleadings and discovery responses, and provided strategic input to class counsel. Joint Decl. ¶¶ 13, 15; FA Joint Decl. ¶ 13. In all, Plaintiffs made this settlement possible, including significant payments to class members through a trauma-informed and non-adversarial process, and systemic reform at the university. Joint Decl. ¶ 17; *see Gaston*, 2021 WL 6496734, at *4 (contributions to settlement and the fact that service award represented less than 2% of total settlement supported weighed in favor of request). Accordingly, recognizing Plaintiffs’ contributions to this litigation, Plaintiffs respectfully request the Court approve the requested service awards.

1 **CONCLUSION**

2 For all the foregoing reasons, Plaintiffs request the Court approve a combined
3 attorneys' fees and costs award of \$8,760,000, and service payments to Plaintiffs of
4 \$105,000 total, or \$15,000 apiece.

5
6 Respectfully submitted,

7
8 Dated: March 30, 2022

/s/ Daniel C. Girard

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

A.B., C.D., E.F., G.H., I.J., K.L.,
M.N., on behalf of themselves and all
others similarly situated,

Plaintiffs,
v.

THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA;
JAMES MASON HEAPS, M.D.;
AND JOHN DOES 1-20,

Defendants.

Case No. 2:20-cv-09555-RGK (Ex)

Hon. R. Gary Klausner

**JOINT DECLARATION OF
PLAINTIFFS' COUNSEL IN SUPPORT
OF MOTION FOR ATTORNEYS'
FEES, COSTS, AND SERVICE
AWARDS**

Date: May 23, 2022
Time: 9:00 AM PST
Courtroom: 850

**JOINT DECL. ISO PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Case No. 2:20-cv-09555-RGK (Ex)

1 Daniel C. Girard, Elizabeth A. Kramer, and Amanda M. Karl jointly declare:

2 1. We serve as class counsel in this action and submit this declaration in
3 support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards. We have
4 personal knowledge of the facts set forth below and can testify competently thereto if
5 called upon to do so.

6 2. To assist the Court in evaluating the reasonableness of Plaintiffs' fee
7 request, we provide the following supplemental information for the Court's
8 consideration: (i) our respective firm resumes, (ii) an update on implementation of the
9 approved settlement, (iii) lodestar data for the professional time we devoted to this
10 litigation, (iv) a summary of the costs we incurred to prosecute this action, and (v) a
11 summary of the class representatives' contribution to the litigation.

12 **Class counsel's experience**

13 3. Class counsel are nationally recognized for their skill in prosecuting class
14 actions and other complex litigation, including sexual assault class actions. *See Exhibit*
15 *A* (Gibbs Law Group LLP Firm Resume), *Exhibit B* (Girard Sharp LLP Firm Resume),
16 *Exhibit C* (Erickson Kramer Osborne LLP Firm Resume).

17 **Settlement approval and administration**

18 4. On November 10, 2021, the Court granted final approval of the settlement.
19 ECF No. 51. At the final approval hearing, the Court recognized that the parties "put a
20 lot of work into" the settlement, and commented that class counsel's fees request
21 "probably will be granted." *See* Transcript of Final Approval Hearing, attached hereto
22 as *Exhibit D*.

23 5. Since that final fairness hearing, Tier 1 payments of \$2,500 have been
24 delivered to the class. The Special Master and her team are completing the review of
25 Tier 2 and Tier 3 payments and those payments will be made in the coming weeks.

26 6. Class counsel continue to monitor the response to the settlement, and
27 communicate regularly with the Special Master and her team, the claims administrator,
28

and opposing counsel as questions regarding the settlement arise, and expect to continue doing so until settlement administration is completed. Counsel for UC Regents have represented to class counsel that they have spent at least \$1.5M to date on administrative fees.

Attorneys' lodestar contributions

7. Our firms have devoted a collective 3,646.2 hours to litigating this action, translating to a combined lodestar of \$2,262,197. For reference, the rates of key contributors to the firms' lodestar are listed below:

Gibbs Law Group LLP

Timekeeper	Title	Bar Date	Rate
Geoffrey Munroe	Partner	2003	\$795
Amy Zeman	Partner	2010	\$695
Amanda Karl	Partner	2014	\$535

Girard Sharp LLP

Timekeeper	Title	Bar Date	Rate
Daniel C. Girard	Partner	1984	\$1025
Jordan Elias	Partner	2003	\$775
Trevor T. Tan	Associate	2011	\$650
Elizabeth A. Kramer	Associate	2013	\$550
Makenna Cox	Associate	2019	\$450

Erickson Kramer Osborne LLP

Timekeeper	Title	Bar Date	Rate
Elizabeth A. Kramer	Partner	2013	\$700
Julie Erickson	Partner	2013	\$700
Kevin Osborne	Partner	2007	\$775

8. Prior to reporting the lodestar data reflected above, we each reviewed our contemporaneously recorded time and exercised billing discretion to avoid reporting duplicative, excessive, or unnecessary time. We did not include the time incurred to prepare this motion. Elizabeth Kramer recorded time in her capacity as an associate at Girard Sharp LLP until March 31, 2020, when she left to form Erickson Kramer Osborne LLP and began recording all subsequent time under that firm.

9. Our billing rates have been regularly evaluated and approved by federal courts throughout the country. *See, e.g.*, Order on Final Approval and Attorney Fees at 6-7, *Weeks v. Google LLC*, No. 5:18-cv-00801 (N.D. Cal. Dec. 13, 2019) (Girard Sharp LLP); Order on Final Approval and Attorney Fees at 2, *Deora v. NantHealth, Inc.*, No. 2:17-cv-01825 (C.D. Cal. Sep. 9, 2020) (Gibbs Law Group LLP); Order on Attorney Fees, Costs and Service Awards, *Torres v. N. Pac. Seafoods, Inc.*, No. 2:20-cv-01545 (W.D. Wash. Dec. 9, 2021) (Erickson Kramer Osborne LLP).

10. Having litigated and successfully resolved numerous complex class actions in recent years and given the nature of this case, we believe the time reported above was reasonable and necessary.

Summary of litigation costs

11. Our firms have also collectively incurred \$42,038.19 in litigation costs. These costs are detailed in the table below:

Cost category	Amount
Mediation fees	\$21,285.00
Court fees	\$1,998.20
Messenger fees	\$256.50
Copying	\$893.50
Legal research	\$9,811.95
Travel expenses	\$4,786.37
Computer document management	\$2,724.81

Cost category	Amount
Postage	\$27.50
Long distance calls	\$254.36
Total:	\$42,038.19

Plaintiffs' contribution

12. Plaintiffs came forward in June 2019 and authorized class counsel to file a proposed class action seeking damages and injunctive relief for sexual misconduct by former UCLA gynecologist-oncologist Dr. James Heaps.

13. Plaintiffs assisted with the complaint by providing intimate and painful details about their experiences with Dr. Heaps, and providing supporting evidence including medical records, academic and employment records, photographs, journal entries, and statements from mental health professionals. Plaintiffs regularly communicated with class counsel, and responded to discovery, both formally while the initial complaint was pending, and informally in connection with mediation.

14. In preparing for the mediation, Plaintiffs each gave a recorded interview recounting her experience with Dr. Heaps and detailing the resulting trauma. These interviews were played at the mediation, with Defendants, Defendants' counsel, and the mediator observing.

15. Plaintiffs also reviewed and provided feedback on the key terms of the settlement.

16. Although Plaintiffs used pseudonyms, they ultimately revealed their participation in the lawsuit to friends or family members because of the amount of time they were dedicating to the case and the associated mental and emotional distress.

17. Plaintiffs' efforts in this action brought about a settlement that recognizes and compensates thousands of Heaps's former patients while respecting privacy and personal choice, and served as catalyst for lasting institutional reform at UCLA Health.

1 We declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed March 30, 2022.

3
4 /s/ Daniel C. Girard

5 Daniel C. Girard

6 **Girard Sharp LLP**

7 /s/ Elizabeth A. Kramer

8 Elizabeth A. Kramer

9 **Erickson Kramer Osborne LLP**

10 /s/ Amanda M. Karl

11 Amanda M. Karl

12 **Gibbs Law Group LLP**

13
14 **ATTESTATION**

15 I attest that for all conformed signatures indicated by an “/s/” the signatory had
16 concurred in the filing of this document.

17
18 /s/ Daniel C. Girard

19 Daniel C. Girard

20 **Girard Sharp LLP**

EXHIBIT A

GibbsLawGroup^{LLP}

Firm Resume

Gibbs Law Group is a national litigation firm representing plaintiffs in class and collective actions in state and federal courts, and in arbitration matters worldwide. The firm serves clients in consumer protection, securities and financial fraud, antitrust, whistleblower, personal injury, and employment cases.

The firm regularly prosecutes multi-state class actions and has one of the best track records in the country for successfully certifying classes, developing practical damages methodologies, obtaining prompt relief for class members victimized by unlawful practices, and working cooperatively with other firms.

Our attorneys take pride in their ability to simplify complex issues; willingness to pursue narrow and innovative legal theories; ability to work cooperatively with other plaintiffs' firms; and desire to outwork and outlast well-funded defense teams.

As a result, our firm and attorneys are frequently recognized by the courts, our peers, and the legal media for the quality of their work:

- Top Plaintiff Lawyers in California, *Daily Journal*, 2021 (Andre Mura, Amy Zeman)
- Top Women Lawyers in California, *Daily Journal*, 2021 (Amy Zeman)
- Product Liability MVP, *Law360*, 2021 (Amy Zeman)
- Winning Litigators Finalist, *National Law Journal*, 2021 (Amy Zeman)
- Lawyer of the Year- Mass Torts/ Class Action, *Best Lawyers*, 2022 (Eric Gibbs)
- Winning Litigators Finalist, *National Law Journal*, 2021 (Amy Zeman)
- Class Action Practice Group of the Year, *Law360*, 2019
- Top Boutique Law Firms in California, *Daily Journal*, 2019
- Titans of the Plaintiffs Bar, *Law360*, 2019 (Eric Gibbs)
- Two 2019 California Lawyer Attorney of the Year (CLAY) Awards
- Top Plaintiff Lawyers in California, *Daily Journal*, 2020, 2019, 2016 (Eric Gibbs)
- Cybersecurity and Privacy MVP, *Law360*, 2018 (Eric Gibbs)
- Top Cybersecurity/ Privacy Attorneys Under 40, *Law360 Rising Stars*, 2017 (Andre Mura)
- Top Class Action Attorneys Under 40, *Law360 Rising Stars*, 2017 (David Stein)
- Top 40 Lawyers Under 40, *Daily Journal*, 2017 (David Stein)
- AV-Preeminent, *Martindale-Hubbell* (Eric Gibbs)

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Zeke Wald	p. 40
Tayler Walters	p. 41

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Diversity, Equity & Inclusiveness

Gibbs Law Group is committed to diversity, inclusion, and racial justice in everything we do. Our commitment to equity and opportunity starts within our firm and extends to our community and to our work. We seek to create a culture where our employees feel comfortable bringing their full selves to work, and where we have the knowledge and skills necessary to effectively advocate for our diverse clients.

To support our goal of advancing equity both inside and outside our firm, we created an Equity, Diversity and Inclusion Task Force comprised of partners, associates, and staff. The Task Force is working to promote diversity among our employees, the clients we represent, and the causes we support. Some of the Task Force's work to date includes:

- Implementing modifications to the firm's hiring practices to diversify our applicant pool and to prioritize diversity in hiring and retention.
- Participated in the California State Bar's annual summit on diversity and equity in the legal profession.
- Outreach to diversity-focused law school organizations to expand awareness of complex litigation opportunities and ensure a diverse pool of applicants.
- Identifying and supporting diversity-focused legal organizations and non-profits.
- Maximizing the firm's capacity for social change in the community.
- Commitment to implementing annual anti-bias and microaggressions trainings.

Voting Rights Task Force

Gibbs Law Group is proud to have launched our Voting Rights Task Force, through which we have been participating in efforts to protect and expand civic participation across the country. The Task Force seeks to identify specific opportunities for both our attorneys and staff to promote voter engagement and maximize voter participation. We implemented new programs to promote firmwide involvement in protecting and expanding the right to vote, including:

- Making Election Day a firm holiday.
- Allowing support staff to bill a set number of hours per week to Voting Rights Task Force efforts, including with nonprofit organizations.
- Encouraging attorney participation in voter protection volunteer opportunities during elections, including staffing voter protection hotlines, poll watching, and helping triage issues that arise.



Eric H. Gibbs | Partner

Eric Gibbs prosecutes antitrust, consumer protection, whistleblower, financial fraud and mass tort matters. He has been appointed to leadership positions in dozens of contested, high profile class actions and coordinated proceedings. Eric has recovered billions of dollars for the clients and classes he represents and has negotiated groundbreaking settlements that resulted in meaningful reforms to business practices and have favorably impacted plaintiffs' legal rights.

Reputation and Recognition by the Courts

In over 20 years of practice, Eric has developed a distinguished reputation with his peers and the judiciary for his ability to work efficiently and cooperatively with co-counsel, and professionally with opposing counsel in class action litigation.

"[Mr. Gibbs] efficiently managed the requests from well over 20 different law firms and effectively represented the interests of Non-Settling Plaintiffs throughout this litigation."

- Hon. G. Wu, *In re Hyundai & Kia Fuel Economy Litig.* (C.D. Cal)

"The attorneys who handled the case were particularly skilled by virtue of their ability and experience."

- Hon. D. Debevoise, *In re: Mercedes-Benz Teleaid Contract Litig.* (D. N.J.)

"They are experienced and knowledgeable counsel and have significant breadth of experience in terms of consumer class actions."

- Hon. R. Sabraw, *Mitchell v. Am. Fair Credit Assoc'n* (Alameda Cty. Superior Ct.)

"Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

- Hon. J. Fogel, *Sugarman v. Ducati N. Am.* (N.D. Cal)

Achievements and Leadership

Eric has been recognized as a leading lawyer in class and mass actions. In 2019, *Law360* recognized Eric among its "Titans of the Plaintiffs Bar," one of only 10 attorneys nationwide to receive the prestigious award. He also received the 2019 *California Lawyer Attorney of the Year (CLAY) Award* for his work in the Anthem Data Breach Litigation. *Daily Journal* named him to its coveted list of "Top Plaintiff Lawyers in California" for 2020, 2019 and 2016. *Law360* recognized Eric as a "2016 Consumer Protection MVP," (the only plaintiff-side lawyer in the country selected in that category) and as a "2018 Cybersecurity & Privacy MVP." Consumer Attorneys of California selected Eric and co-counsel as finalists for *Consumer Attorney of the Year* for achieving a \$100 million settlement in the Chase "Check Loan" Litigation. His cases have been chronicled in major legal and news publications including *NBC News*, *CNN*, the *National Law Journal*, *The New York Times*, *Market Watch*, and *Bloomberg News*. Eric holds a variety of leadership positions in professional associations for consumer advocacy, and he frequently presents on developing trends in the law at conferences throughout the country.

Litigation Highlights

In re Anthem, Inc. Data Breach Privacy Litigation – Served as a court-appointed member of the Plaintiffs' Steering Committee representing the interests of plaintiffs and putative class members following a massive data breach of approximately 80 million personal records. The lawsuit settled in August 2018 for \$115 million, the largest data breach settlement in history at the time.

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Practice Emphasis

Antitrust & Unfair Competition
Banking and Financial Fraud
Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower

Education

Seattle University School of
Law, J.D., 1995

San Francisco State
University, B.A., 1991

Awards & Honors

Titans of the Plaintiffs Bar,
Law 360, 2019

*California Lawyer Attorney of
the Year Award*, 2019

"*Lawyer of the Year*," *Best
Lawyers in America for Class
Actions/ Mass Tort Litigation*
(2022)

*Top Plaintiff Lawyers in
California for 2020, 2019,
2016*, *Daily Journal*

*Lawdragon 500 Leading
Plaintiff Consumer Lawyer*,
2019- 2021

*Cybersecurity & Privacy
MVP*, *Law 360*, 2018

Consumer Protection MVP,
Law 360, 2016

AV Preeminent® Peer
Review Rated by Martindale-
Hubbell

*Top 100 Super Lawyers in
Northern California*

Admissions

California

In re Chase Bank U.S.A., N.A. “Check Loan” Contract Litigation – multidistrict litigation that alleged Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. Eric led negotiations in the case, which resulted in a \$100 million settlement with Chase eight weeks prior to trial.

In re Adobe Systems Inc. Privacy Litigation – As court-appointed lead counsel, Eric and his team reversed a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41 page decision in plaintiffs’ favor and Eric negotiated a comprehensive reform of Adobe’s data security practices. The court’s landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

In re Hyundai & Kia Fuel Econ. Litigation – As court-appointed liaison counsel, Eric reconciled the plaintiffs’ interests and coordinated discovery and settlement negotiations. He helped finalize a settlement with an estimated value of up to \$210 million.

Skold v. Intel Corp. – After more than a decade of litigation, Eric as lead counsel achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel’s benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

Parkinson v. Hyundai Motor America – Eric served as class counsel in this lawsuit alleging that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, Hyundai agreed to a settlement that provided for 50-100% reimbursements to class members for their repairs and full reimbursement for rental vehicle expenses.

De La Cruz v. Masco Retail Cabinet Group – Eric served as lead attorney litigating the collective claims of dozens of misclassified account representatives for overtime pay under the Fair Labor Standards Act (FLSA). Successfully certified a class of current and former Masco account representatives and personally arbitrated the case to judgment obtaining full recovery for the class.

In re Providian Credit Card Cases – Eric played a prominent role in this nationwide class action suit brought on behalf of Providian credit card holders alleging that Providian engaged in unlawful and fraudulent business practices in connection with the marketing and fee assessments for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

Professional Affiliations

American Association for Justice
American Bar Foundation- Fellow
Consumer Attorneys of California
National Association of Consumer Advocates
Pound Civil Justice Institute- Fellow
Public Justice Foundation- Class Action Preservation Project Committee



David M. Berger | Partner

David Berger represents plaintiffs in class actions with a special emphasis on data breach, privacy, and financial services litigation. He currently serves as court-appointed Class Counsel in *In re US Fertility LLC Data Security Litigation*, and has represented data breach victims in some of the largest and most influential privacy cases, including litigation against Equifax, Anthem, Vizio, Adobe, Banner Health, and Excellus BlueCross BlueShield. David has repeatedly obtained record-breaking settlements on behalf of his clients, including in the Equifax and Anthem data breach cases, which set successive records for the largest data breach settlement in history.

David is widely regarded as a leader in emerging litigation involving data breach and privacy, which is underscored by his broad technical expertise—from hacking techniques and cybersecurity controls to industry standard IT practices, information security frameworks, and auditing processes. He has deposed Chief Information Security Officers and information security professionals at Fortune 500 corporations, worked with expert witnesses on cutting-edge cybersecurity and damages theories, and supervised large-scale document review teams poring over millions of technical documents in a compressed timeframe. In addition, David holds the Certified Information Privacy Technologist (CIPT) certification through the International Association of Privacy Professionals, a program primarily designed for career IT professionals; this allows him to communicate directly with company witnesses, without the need for expert translation.

Outside of his litigation experience, David is an active member of the class action legal community, frequently speaking at conferences on data breach cases and security issues and other class action topics. David serves as the Chair of the American Association for Justice's Consumer Privacy and Data Breach Litigation Group and is an active member of the Sedona Conference's Working Group on Data Security and Privacy Liability.

Prior to joining Gibbs Law Group, he served as a law clerk to the Honorable Laurel Beeler, Northern District of California (2011-2014). Before law school, David worked as a magazine editor and television presenter in Taiwan and managed an outdoor center on an island off the West Coast of Scotland.

Litigation Highlights

In re Equifax, Inc. Customer Data Security Breach Litigation – Key member of litigation team securing historic \$1.5 billion class action settlement on behalf of 147 million consumers whose social security numbers and other private data were exposed in a 2017 data breach, described by the court as “the largest and most comprehensive recovery in a data breach case in U.S. history by several orders of magnitude.” David played an integral role in negotiating key business practice changes, including overhauling Equifax's handling of consumers' personal information and data security and requiring that the company spend at least \$1 billion for data security and related technology over five years.

In re Anthem, Inc. Data Breach Privacy Litigation – Key member of the litigation team representing interests of plaintiffs and putative class members following massive data breach of approximately 80 million personal records, including names, dates of birth, Social Security numbers, health care ID numbers, email and physical addresses, employment information, and income data. The lawsuit settled in August 2018 for \$115 million, the largest data breach settlement in history.

Fero v. Excellus Health Plan Inc. – Key member of the litigation team representing the interests of 7 million Excellus health plan subscribers and 3.5 million Lifetime subscribers whose personal and medical information was compromised.

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Practice Emphasis

Class Actions
Consumer Protection
Privacy

Education

J.D., Northwestern University
School of Law, 2008

B.A., University of Wisconsin,
Madison, 1998

Admissions

California

In re Adobe Systems Inc. Privacy Litigation – Key member of the litigation team that succeeded in reversing a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41-page decision in plaintiffs' favor and the settlement resulted in a comprehensive reform of Adobe's data security practices. The court's landmark decision on Article III standing marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

Awards & Honors

Certified Information Privacy Technologist, International Association of Privacy Professionals (IAPP)

Northern California Super Lawyers (2021)

Rising Star, Northern California Super Lawyers (2016- 2018)

Professional Affiliations

Chair, American Association for Justice- Consumer Privacy and Data Breach Litigation Group

Consumer Attorneys of California

Sedona Conference, Working Group on Data Security and Privacy Liability

Presentations and Publications

Presenter, "Communicating with the Class," Class Action Mastery Forum, January 2019.

Presenter, "Hot Topics in Consumer Class Actions Against Insurers: Filed Rate Doctrine, Standing, and Reverse Preemption of RICO Claims," Sacramento California Insurance Regulation and Litigation Seminar, Clyde & Co., March 2018.

Presenter, "Winning strategies in privacy and data security class actions: the plaintiffs' perspective," Berkeley Center for Law & Technology, Berkeley Law School, January 2017.

Presenter, "Don't be Spokeo'd: What You Need to Know in Litigating Data Breach Cases (from breach to remedies)," ABA Business Law Section Annual Meeting, September 8, 2016.

Presenter, "Developments in 'E-Commerce' Class Actions and Privacy Law," Perrin Class Action Litigation Conference, May 16, 2016.

Presenter, "Data Breach Class Action Litigation," Mass Torts Made Perfect Conference, April 22, 2016.



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Practice Emphasis

Class Actions
Consumer Protection
Employment Law
Whistleblower

Education

University of California,
Hastings College of Law, J.D.,
2000

University of California at
Berkeley, B.A., 1995

Admissions

California

Dylan Hughes | Partner

Dylan Hughes concentrates his practice on investigating and prosecuting fraud matters on behalf of whistleblowers, consumers and employees who have been harmed by corporate misconduct. He coordinates initial case evaluations and analyses in a variety of practice areas and has substantial experience in matters involving health care fraud, particularly in the Medicare and pharmaceutical contexts. Dylan represents consumers in cases ranging from false advertising to defective products, and employees in misclassification and wage and hour cases under state and federal laws.

Mr. Hughes has extensive experience prosecuting complex personal injury cases. He helped to obtain millions of dollars for women who suffered blood clots and other serious injuries after taking birth control pills. He has also represented clients injured by defective medical devices, including defibrillators, blood filters, as well as back pain implants. Mr. Hughes was part of the team that recently settled a case alleging medical malpractice for a spinal surgery that resulted in partial paralysis.

Mr. Hughes began his career as a law clerk for the Honorable Paul A. Mapes, Administrative Law Judge of the Office of Administrative Law Judges, United States Department of Labor. He is a member of the American Bar Association, Consumer Attorneys of California, American Association for Justice Class Action Litigation Group and the Consumer Rights Section of the Barristers Club.

Litigation Highlights

Skold v. Intel Corp. – Key member of the legal team in this decade-long litigation that achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel's benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

In re Adobe Systems Inc. Privacy Litigation – Key member of the litigation team that succeeded in reversing a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41-page decision in plaintiffs' favor and the settlement resulted in a comprehensive reform of Adobe's data security practices. The court's landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

Velasco v. Chrysler Group LLP – represented consumers who alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. In addition to negotiating a recall of all 2012-13 Jeep Grand Cherokee and Dodge Durango vehicles, the lawsuit also resulted in Chrysler reimbursing owners for all repair and rental car expenses, and extending its warranty.

Parkinson v. Hyundai Motor America – certified a nationwide class alleging Hyundai sold vehicles with defective flywheel systems, resulting in a favorable settlement for the class.

Awards & Honors

Northern California Super Lawyer (2012-2021)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group



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Education

University of California at Berkeley, J.D., *Order of the Coif*, 2014

Columbia University, B.A., *magna cum laude*, 2009

Admissions

California

Amanda Karl | Partner

Amanda Karl represents consumers, employees and others who have been harmed by corporations. She has prosecuted a wide range of complex cases, including product defect, failure-to-warn, wage and hour, data breach, sexual assault, and securities cases, within a variety of industries. In addition, Amanda is committed to fighting voter suppression—she spearheads Gibbs Law Group’s Voting Rights Task Force.

Amanda is a 2014 graduate (Order of the Coif) of the University of California at Berkeley School of Law, where she served as the Managing Editor of the California Law Review and Director of the Workers’ Rights Disability Law Clinic. During law school, she worked as a Clinical Law Student at the East Bay Community Law Center, assisting with litigation targeting criminal record reporting violations, and as a law clerk at Equal Rights Advocates, working on women’s employment issues. Amanda received her undergraduate degree, *magna cum laude*, in Sociology and Human Rights from Columbia University in 2009.

Following graduation from law school, she served as a law clerk to the Honorable Richard A. Paez, United States Court of Appeals for the Ninth Circuit and to the Honorable Claudia Wilken, Northern District of California. Outside of work, Amanda serves on the Board of Directors of the East Bay Community Law Center, a legal nonprofit organization that is both the largest provider of free legal services in the East Bay Area and Berkeley Law’s largest clinical offering.

Litigation Highlights

Hamilton v. American Income Life – Represented a class of insurance agents and trainees in employment litigation alleging that they were misclassified as independent contractors, not paid properly while training, and not reimbursed for expenses. The case culminated in a \$5.75 million settlement for class members.

A.B. v. Regents of the University of California – Member of the litigation team representing plaintiffs who were former patients of UCLA OB-GYN Dr. James Heaps, alleging Title IX violations and sexual harassment against both Heaps and UCLA. A \$73 million dollar settlement has been reached that, if approved, will go towards compensating over 5,500 women who received treatment from Dr. Heaps.

In re Taxotere Products Liability Litigation – Member of the litigation team representing plaintiffs throughout the country who allege that they suffered permanent, disfiguring hair loss after treatment with a chemotherapy drug that did not warn of this possible side effect.

Reyes v. Chilton – Represents Latino voters and community organizations challenging alleged discrimination and wrongful rejection of mail-in ballots in Washington’s Benton, Yakima and Chelan counties.

Deora v. NantHealth – Represented a certified class of investors in litigation alleging multiple violations of federal securities laws related to the healthcare technology company’s initial public offering in 2016. Amanda was a member of the team that achieved a \$16.5 million dollar settlement in favor of NantHealth investors.

Awards & Honors

Rising Star, *Northern California Super Lawyers*, (2018-2021)

Professional Affiliations

East Bay Community Law Center, Board Member
American Association for Justice
Consumer Attorneys of California

Presentations and Articles

Presenter, “Looking Forward Post-COVID,” CAOC Sonoma Travel Seminar, March 2022

Author, “Work Unseen: Successfully Effectuating a Damages Class Settlement,” Daily Journal, November 2021

Presenter, “Unpacking Public Interest Law,” People’s Parity Project, April 2021

Presenter, “Wage and Hour Litigation & Enforcement Webinar,” HB Litigation, February 2020

Author, “Epic Systems and the Erosion of Federal Class Actions,” Law260 Expert Analysis, July 2018

Presenter, “From Clerkship to Career in Public Interest,” Berkeley Consumer Advocacy and Protection Society, October 2017

Author, “California Omissions Claims: Safety Required?” Law360 Expert Analysis, February 2017



Linda Lam | Partner

Linda Lam focuses her practice on representing individuals who have been harmed by corporate misconduct. She has prosecuted fraud, employment, breach of contract, breach of fiduciary duty, and medical malpractice claims brought under federal and state laws.

Linda has been an advocate for borrowers who lost their homes to foreclosure during the financial crisis, individuals who were fraudulently induced to purchase investment products, as well as veterans who received negligent care at VA facilities. Linda's dedication to her clients has led her to being recognized as a "Rising Star" by the *Northern California Super Lawyers* for the past three years.

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Practice Emphasis

Class Actions
Consumer Protection

Education

University of California,
Hastings College of Law, J.D.,
magna cum laude, 2014

University of California Los
Angeles, B.A., 2011

Admissions

California

Linda graduated *magna cum laude* from the University of California, Hastings College of the Law in 2014. Before joining Gibbs Law Group, Linda was an associate attorney at a national employment law firm, where she represented employees and retirees in wage and hour and employee benefits cases.

Litigation Highlights

Hernandez v. Wells Fargo Bank, N.A. – represents a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo erroneously denied them trial mortgage modifications. The case settled in two phases for a total of \$40.3 million, resulting in significant compensation payments to each class member.

RCHF, LLC v. Marriott Vacations Worldwide Corp. – represents plaintiffs alleging that Marriott Vacations Worldwide and other defendants breached various fiduciary duties by engaging in acts that decimated the value of the plaintiffs' property interests in the Ritz-Carlton Club located in Aspen, Colorado.

Cooper v. United States of America – represented a veteran of the United States Army who alleged that he received negligent medical care at a VA facility, resulting in a delayed diagnosis of aggressive prostate cancer. The plaintiff alleged that by the time the cancer was discovered and diagnosed, it had become incurable. Linda was part of the trial team that won a \$2.5 million judgment for the plaintiff.

Ulti-Mate Connectors, Inc. v. American General Life Insurance Agency – represented plaintiffs who alleged that American General, among other defendants, fraudulently organized, administered, and sold rights to participate in voluntary employee beneficiary association plans that were not compliant with IRS regulations. The litigation resulted in a favorable settlement for the plaintiffs.

Awards & Honors

Northern California Super Lawyers, *Rising Star* (2017 - 2021)

Professional Affiliations

American Association for Justice
Consumer Attorneys of California

Publications & Presentations

The Real ID Act: Proposed Amendments for Credibility Determinations, *11 Hastings Race & Poverty L.J.* 321, 2014.



Steve Lopez | Partner

Steve Lopez represents consumers, employees and whistleblowers who have been harmed by corporate misconduct. He has prosecuted a variety of consumer protection cases ranging from false advertising to defective products, as well as complex employment cases involving also involved in the investigation and development of new cases.

He serves on the Board of Directors of Consumer Attorneys of California and was selected from a statewide pool of applicants for the 2015 Diversity Leadership Academy, a prestigious training program aimed to educate the next generation of progressive leaders.

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sal@classlawgroup.com

Practice Emphasis

Class Actions
Consumer Protection

Education

University of California at
Berkeley (Berkeley Law),
J.D., 2014

University of Virginia, B.A.,
2008

Admissions

California

Steve is a 2014 graduate of the University of California, Berkeley School of Law, where he was a Publishing Editor for the California Law Review and an Editor for the Berkeley Journal of Employment and Labor Law. He was also a member of the La Raza Law Students Association and the Legal Aid Society–Employment Law Center’s Berkeley Workers’ Rights Clinic.

Prior to law school, Mr. Lopez performed research for a consulting firm dedicated to improving justice programs. He received his B.A. in economics and international relations from the University of Virginia in 2008.

Litigation Highlights

Velasco v. Chrysler Group LLC – Member of the litigation team that represented consumers who alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. The lawsuit resulted in a recall of all 2012-13 Jeep Grand Cherokee and Dodge Durango vehicles, as well as reimbursements for all repair and rental car expenses, and extended vehicle warranties.

In re Hyundai Sonata Engine Litigation – Representing plaintiffs who allege that their 2011-2014 Hyundai Sonatas suffered premature and catastrophic engine failures due to defective rotating assemblies. The Court granted preliminary approval to a comprehensive settlement in June 2016.

Southern California Gas Leak Cases – Member of the litigation team representing residents of communities in or near the Los Angeles suburbs of Porter Ranch who were affected by the Aliso Canyon well rupture and ensuing gas leak, the largest methane leak in U.S. history. The lawsuits seek relief for those who were displaced from their homes, suffered illnesses and injuries, sustained property value losses, or lost business due to the leak.

Smith v. Family Video Movie Club, Inc. – Member of the litigation team representing the interests of hourly retail employees who alleged they were not properly compensated for all wages and overtime earned. The Court recently certified a class.

Awards & Honors

Northern California Super Lawyers, *Rising Star* (2017 - 2021)

Professional Affiliations

American Association for Justice
Board of Directors, Consumer Attorneys of California



kbm@classlawgroup.com

Practice Emphasis

Class Actions

Mass Personal Injury

Education

University of California, Davis
King Hall School of Law, J.D.,
1995.

Colorado State University,
B.A., 1989.

Admissions

California

Karen Barth Menzies | Partner

Karen is a nationally recognized mass tort attorney with more than twenty years of experience in federal and state litigation. Courts throughout the country have appointed Karen to serve in leadership positions including Lead Counsel, Liaison Counsel and Plaintiff Steering Committee in some of the largest pharmaceutical and device mass tort cases. Karen currently serves in leadership positions in the Taxotere Litigation (federal court), Zolof Birth Defect Litigation (federal and California state courts), Transvaginal Mesh Litigation (federal and California state courts), Fosamax Femur Fracture Litigation (California state court), Lexapro/Celexa Birth Defect Litigation (Missouri state court).

Karen is particularly focused on women's health issues and sexual abuse claims, including a current Boy Scouts of America sexual abuse lawsuit investigation involving claims of abuse by scoutmasters, troop leaders and other adults affiliated with the Boy Scouts of America. She also represents women suffering permanent baldness following breast cancer chemotherapy treatments with Taxotere, and children who experienced severe side effects after taking the widely prescribed medication Risperdal. Karen believes in advocating for the victims who've been taken advantage of, and helping to ensure drug safety in the face of profit-driven corporations that hide the risks of their products. She has testified twice before FDA advisory boards as well as the California State Legislature on the safety concerns regarding the SSRI antidepressants and the manufacturers' misconduct. She has also advised victim advocacy groups in their efforts to inform governmental agencies and legislative bodies of harms caused by corporations.

Karen frequently publishes and presents on issues involving drug safety, mass tort litigation, FDA reform and federal preemption for both legal organizations (plaintiff and defense) and medical groups.

Awards & Honors

AV Preeminent® Peer Review Rated by Martindale-Hubbell
Best Lawyers in America, Personal Injury Litigation (2021)
Individual Recognition Chambers USA: Product Liability Plaintiffs (2020)
Southern California Super Lawyer (2004-2021)
Lawyer of the Year by *Lanier's Weekly USA* (2004)
California Lawyer of the Year by *California Lanier* magazine (2005)
Consumer Attorney of the Year Finalist by CAOC (2006)

Professional Affiliations

American Association for Justice, Co-Chair, Taxotere Litigation Group
Consumer Attorneys of California
Consumer Attorneys of Los Angeles
American Bar Association (appointed member of the Plaintiffs' Task Force)
Women En Mass
The Sedona Conference (WG1, Electronic Document Retention and Production)
The National Trial Lawyers
National Women Trial Lawyers Association
LA County Bar Association
Women Lawyers Association of Los Angeles
Public Justice

Select Publications & Presentations

Author, "Prepping for the Prescriber Deposition," Trial Magazine, American Association for Justice, January 2020.

Presenter, “Deposing the Treating/ Prescribing Physician, Learned Intermediary, the One Potentially Fatal Fact Witness,” American Association for Justice Convention: Discovery and Litigation Strategies for Drug and Device Cases, February 2019.

Presenter, “A Funny Thing Did Happen on the Way to the Forum: Navigating the New Landscape of Personal Jurisdiction Challenges,” ABA Section of Litigation 2019 Environmental & Energy, Mass Torts, and Products Liability Litigation Committees’ Joint CLE Seminar, March 2018.

Presenter, “Federal and State Court Coordination of Mass Tort Litigation: Navigating State Court vs. Multidistrict Litigation, Mass Torts Made Perfect Conference, October 2018.

Presenter, “Taxotere Litigation: Federal MDL 2740, New Orleans and State Court Jurisdictions, Mass Torts Made Perfect Conference, October 2018.

Presenter, “505(b)(2) Defendants – The Non-Generic Alternative; Social Media and Support Groups; Settlement Committees,” AAJ Section on Torts, Environmental and Product Liability (STEP): On the Cutting Edge of Torts Litigation, July 2018.

Presenter, “Location, Location, Location Part II: State Court Consolidations,” AAJ Mass Torts Best Practices Seminar, July 2017.

Presenter, “Personal Jurisdiction in Mass Torts and Class Actions: Bristol-Myers Squibb Co. v. Superior Court (Cal. 2016),” Mass Torts Judicial Forum with Judge Corodemus and JAMS, April 2017.

Author, “Bringing the Remote Office Closer,” Trial Magazine, American Association for Justice, March 2017.



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Practice Emphasis

Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower

Education

University of California,
Berkeley School of Law, J.D.,
2003

University of California at
Berkeley, B.A., 2000

Admissions

California

Geoffrey Munroe | Partner

Geoffrey Munroe represents plaintiffs in high-profile class action and mass tort cases in both federal and state courts throughout the United States. He was selected as a Rising Star by Northern California Super Lawyers (2010-2014), recognizing him as one of the best young attorneys practicing in Northern California, and as a Northern California Super Lawyer every year from 2015-2020. He is the co-author of "*Consumer Class Actions in the Wake of Daugherty v. American Honda Motor Company*," CAOC's Forum Magazine, January/February 2009, and a frequent contributor to the Class Action Litigation Group Newsletter of the American Association for Justice.

Mr. Munroe is a 2003 graduate of the University of California at Berkeley School of Law (Berkeley Law), where he was the recipient of the American Jurisprudence Award in Torts, Business Law & Policy and Computer Law. He received his undergraduate degree in chemistry from the University of California at Berkeley in 2000. Mr. Munroe is a member of the Public Justice Class Action Preservation Project Committee, the Class Action Litigation Group of the American Association for Justice and the Consumer Attorneys of California. He is a member of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit, as well as the United States District Courts for the Northern, Central and Southern Districts of California.

Litigation Highlights

Skold v. Intel Corp. – Key member of the briefing team in this decade-long litigation that achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel's benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

In re Chase Bank U.S.A., N.A. "Check Loan" Contract Litigation – Key member of the litigation team in this multidistrict case alleging that Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. The litigation resulted in a \$100 million settlement with Chase eight weeks prior to trial.

In re Mercedes-Benz Tele Aid Contract Litigation – Key member of the litigation team in this multi-district litigation alleging that Mercedes-Benz failed to disclose to its customers that the "Tele Aid" equipment installed in their vehicles would soon be obsolete and require an expensive replacement to keep working. Resulted in a class settlement providing for cash reimbursements of \$650, or new vehicle credits for up to \$1,300.

Parkinson v. Hyundai Motor America – key member of the briefing team that achieved certification of a nationwide class alleging Hyundai sold vehicles with defective flywheel systems, before ultimately reaching a favorable settlement for the class.

Awards & Honors

Northern California Super Lawyers (2015-2021)
Northern California Super Lawyers, *Rising Star* (2010 - 2014)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group
Public Justice- Class Action Preservation Project



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Practice Emphasis

Class Actions
Consumer Protection
Constitutional Law
Employment Law
Mass Personal Injury

Education

The George Washington
University Law School, J.D.,
2004

Williams College, B.A., 2000

Admissions

California
District of Columbia

Andre M. Mura | Partner

Andre M. Mura represents plaintiffs in class action and complex litigation concerning consumers' and workers' rights, products liability, drug and medical devices, federal jurisdiction, and constitutional law. Before joining Gibbs Law Group, Andre was senior litigation counsel at the Center for Constitutional Litigation PC, where he represented plaintiffs in high-stakes appeals and complex litigation in state supreme courts and federal appellate courts.

Andre was named among the Top Plaintiff Lawyers in California for 2021 by Daily Journal, and he received a 2019 California Lawyer Attorney of the Year Award for his work in the California Supreme Court in *De La Torre v. CashCall*. He is on the Board of the Civil Justice Research Initiative of Berkeley Law, a Fellow of the American Bar Foundation, a member of the Lawyers Committee of the National Center for State Courts, a Trustee of the Pound Civil Justice Institute, immediate past Chair of the American Association for Justice's LGBT Caucus, past Trustee of the National College of Advocacy, and a member of Williams College's Latino/a Alumni Network.

Litigation Highlights

In re: 3M Combat Arms Earplug Products Liability Litigation – Andre was court-appointed to the plaintiffs' law-and-briefing committee in this multi-district litigation on behalf of military servicemembers and veterans who suffered injuries due to defective 3M earplugs, which were standard-issue for U.S. military members for more than a decade.

In re: Taxotere (Docetaxel) Products Liability Litigation – Andre was a member of the trial team in a two-week federal jury trial and is member of Plaintiffs' Steering Committee and co-chair of Law and Briefing in this multi-district litigation on behalf of breast cancer survivors who suffered permanent hair loss after using the Taxotere chemotherapy drug.

In re: Vizio, Inc. Consumer Privacy Litigation – Andre is co-lead counsel for the settlement class in this multi-district lawsuit alleging that Vizio collected and sold data about consumers' television viewing habits and their digital identities to advertisers without consumers' knowledge or consent. He negotiated a settlement providing for class-wide injunctive relief transforming the company's data collection practices, as well as a \$17 million fund to compensate consumers who were affected.

De La Torre v. CashCall - Andre played a key role in briefing before the California Supreme Court, resulting in a unanimous decision in the plaintiffs' favor. The decision changed decades-old assumptions that lenders in California had a virtual "safe harbor" from unconscionability challenges to loan interest rate terms.

In re: Lenovo Adware Litigation - Andre briefed and argued a motion to dismiss and motion to certify a nationwide litigation class for monetary damages. The court approved a \$7.3 million class action settlement to resolve allegations that Lenovo preinstalled software on laptops that caused performance, privacy and security issues for consumers.

Beaver et. al. v. Tarsadia Hotels, Inc. et. al. – Andre contributed to briefing before the Ninth Circuit Court of Appeals resulting in a unanimous decision affirming the lower court's ruling that the UCL's four-year statute of limitations (and its accrual rule) applied in claims alleging violations of the Interstate Land Sales Full Disclosure Act (ILSA) even though ILSA has a shorter statute of limitations.

Watts v. Lester E. Cox Medical Centers, 376 S.W.3d 633 (Mo. 2012) Andre successfully argued that a state law limiting compensatory damages in medical malpractice cases violated his client's right to trial by jury. In ruling for Andre's client, the Missouri high court agreed to overturn a 20-year-old precedent.

U.S. Supreme Court Advocacy

Merck Sharp & Dohme Corp. v. Albrecht, 139 S. Ct. 1668 (2019), Before the U.S. Supreme Court, in a case concerning the scope of federal immunity for brand-name drug manufacturers, Andre represented medical doctors appearing as amici curiae. His amicus brief was much discussed at oral argument, with Supreme Court counsel for Albrecht telling the Justices, “It’s a beautifully done amicus brief to explain what the scientists knew and when they knew it....”

J. McIntyre Machinery, Ltd. v. Nicaastro, 131 S. Ct. 2780 (2011), Andre was a lead author of merits briefing addressing whether personal jurisdiction exists over a foreign manufacturer.

Mutual Pharmaceutical Co., Inc. v. Bartlett, 133 S. Ct. 2466 (2013), Andre was the lead author of an amicus curiae brief for the American Association for Justice and Public Justice in case examining whether federal drug safety law preempts state-law liability for defectively designed generic drugs.

Awards & Honors

Top Plaintiff Lawyers in California, *Daily Journal* (2021)

California Lawyer Attorney of the Year (CLAY) Award, *Daily Journal* (2019)

Top Cybersecurity & Privacy Attorneys Under 40, *Law360* Rising Stars (2017)

Northern California Super Lawyers (2019-2021); *Rising Star* (2016-2018)

Professional Affiliations

American Association for Justice- Board of Governors, Class Action Litigation Group, Legal Affairs Group, LGBT Caucus

American Bar Association Tort Trial and Insurance Practice Section, Plaintiff's Practice Standing Committee Member

American Bar Foundation, Fellow

Consumer Attorneys of California, Member

Civil Justice Research Initiative of Berkeley Law, Board Member

National Center for State Courts, Lawyers Committee

Pound Civil Justice Institute, Trustee

Public Justice Foundation, Class Action Preservation Project Committee

Select Publications & Presentations

Presenter, “Consumer Advocates Speak,” Practicing Law Institute, 24th Annual Consumer Financial Services Institute.

Author, “Staying on Track After Bristol-Myers,” Trial Magazine, American Association for Justice, April 2019.

Presenter, “Personal Jurisdiction, Choice of Law & Hyundai,” Class Action Mastery Forum, January 2019.

Presenter, “Jurisdictional Issues Post Bristol-Myers,” Bridgeport 2018 Class Action Litigation Conference, September 2018.

Panelist, “State Court Protection of Individual Constitutional Rights,” Pound Civil Justice Institute 2018 Forum for State Appellate Court Judges, July 2018.

Author, *Buckman Stops Here! Limits on Preemption of State Tort Claims Involving Allegations of Fraud on the PTO or the FDA*, 41 Rutgers L.J. 309, 2010.



Rosemary Rivas | Partner

Rosemary has dedicated her legal career to representing consumers in complex class action litigation involving a wide variety of claims, from false advertising and defective products to privacy violations. She is committed to obtaining justice for consumers and has recovered billions of dollars for her clients and the classes they represent.

Rosemary serves in leadership positions in a number of large-scale complex class action cases and multi-district litigation. She was appointed to the Plaintiffs' Steering Committee in the Volkswagen Clean Diesel Litigation, which resulted in a record-breaking settlement totaling more than \$14 billion. For her work in the Volkswagen case, Rosemary received the 2018 *California Lawyer Attorney of the Year (CLAY) Award*, which is given to outstanding California lawyers "whose extraordinary work and cases had a major impact on the law."

She has received numerous awards and honors for the quality of her legal work, including the Bay Area Legal Aid Guardian of Justice Award for her achievements in the law and her role in helping direct *cy pres* (remaining settlement) funds to promote equal access to the legal system. She was also recognized as a *Northern California Super Lawyer* and previously was named a *Rising Star* by Super Lawyers Magazine.

Rosemary is a fluent Spanish-speaker and previously served on the Board and as Diversity Director of the Barristers Club of the San Francisco Bar Association. She frequently presents at legal conferences on developments in consumer protection and class action litigation.

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Practice Emphasis

Class Actions
Consumer Protection

Education

University of California,
Hastings College of Law, J.D.,
2000

San Francisco State
University, B.A., 1997

Admissions

California

Awards & Honors

California Lawyer Attorney of the Year (CLAY) Award (2018)
Northern California Super Lawyers (2019-2021)
Guardian of Justice Award, Bay Area Legal Aid (2015)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group
Public Justice- Class Action Preservation Project

Publications and Presentations

Presenter, "Consumer Class Actions," Western Alliance Bank Class Action Law Forum, 2021.

Presenter, "Nationwide Settlement Classes: The Impact of the Hyundai/ Kia Litigation," National Consumer Law Center's Consumer Rights Litigation Conference and Class Action Symposium, 2018.

Presenter, "One Class or 50? Choice of Law Considerations as Potential Impediment to Nationwide Class Action Settlements," 5th Annual Western CLE Program on Class Actions and Mass Torts, 2018.

Presenter, "The Right Approach to Effective Claims," Beard Group- Class Action Money & Ethics, 2018.

Presenter, "False Advertising Class Actions: A Practitioner's Guide to Class Certification, Damages and Trial," The Bar Association of San Francisco, 2017.



Michael Schrag | Partner

Michael Schrag has 25 years of experience representing individual and small business plaintiffs in a broad range of complex class actions against large corporations in the banking, credit card, telecommunications, and real estate sectors. He has recovered hundreds of millions of dollars on behalf of his clients and his class action practice covers a broad range of legal areas including, breach of contract, consumer protection, antitrust, and civil RICO cases. Michael also represents individuals and large groups of plaintiffs in breach of fiduciary duty product liability, personal injury and medical malpractice cases.

He currently serves as court-appointed Co-Lead class counsel in *Hernandez v. Wells Fargo Bank*, representing a certified class of over one thousand borrowers who lost their homes after Wells Fargo wrongfully denied them mortgage modifications. Michael, helped craft an innovative damages theory to help borrowers recover losses, and achieved a \$40 million settlement, which was praised for bringing “significant” relief to the class. Michael was also appointed Co-Lead class counsel in a related case that settled for \$12 million.

Michael is also on the Expert Committee and trial team in the *In re: Disposable Contact Lens Antitrust Litigation*, a nationwide class action lawsuit alleging that manufacturers and distributors conspired to fix prices of contact lenses being sold to consumers. The court certified a nationwide class, and plaintiffs have obtained partial settlements from three defendants totaling \$45 million. Michael was also appointed by a federal judge to serve on the Plaintiffs’ Executive Committee in the *In Re Cattle Antitrust Litigation* and is prosecuting an antitrust class action against Jiffy Lube, which accuses the company of suppressing employees’ wages by prohibiting them from transferring from one Jiffy Lube franchise to another. He is also representing victims of a real estate Ponzi scheme in *Camenisch v. Umpqua Bank*, an action against a bank for allegedly aiding and abetting a fraudulent investment scheme that caused California investors to lose hundreds of millions of dollars.

A Bay Area native, Michael began his career prosecuting securities class actions and serving as a law clerk to the Honorable Judith N. Keep, U.S. District Judge, Southern District of California. Before joining Gibbs Law Group, Michael was a partner and co-founder of Meade & Schrag, LLP, where he prosecuted class actions and also litigated personal injury, medical malpractice, breach of contract, and business litigation matters.

Litigation Highlights

Hernandez v. Wells Fargo Bank, N.A. - Michael serves as court-appointed co-lead counsel representing a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo Bank erroneously denied their home loan modification requests. The case settled in two phases for a total of \$40.3 million. Class members have received significant compensation payments.

Ryder v. Wells Fargo - Michael was appointed co-lead class counsel in a lawsuit related to *Hernandez* on behalf of Wells Fargo borrowers who were erroneously denied trial modifications but didn’t lose their homes. In August 2021, the Court granted preliminary approval of a \$12 million settlement and set the final approval hearing for January 2022.

In re: Wells Fargo Collateral Protection Insurance Litigation - Michael served on the court-appointed, three-firm Plaintiffs’ Steering Committee in this multi-district litigation on behalf of consumers who took out car loans from Wells Fargo and were charged for auto insurance they did not need. The parties agreed to a settlement of \$393.5 million for affected consumers and the Court granted final approval in November 2019.

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Practice Emphasis

Antitrust
Class Actions
Consumer Protection
Mass Personal Injury
Securities and Financial Fraud
Whistleblower

Education

University of California,
Berkeley School of Law, J.D.,
1996

Columbia College at Columbia
University, B.A., 1989

Admissions

California

Awards & Honors

*Northern California Super
Lawyers*, 2019-2020

Best Lawyers in America, 2020-
2021 Edition

In re: Disposable Contact Lens Antitrust Litigation-(MDL No. 2626) Michael is currently a member of the expert committee in this antitrust class action challenging the minimum resale pricing policies of the dominant disposable contact lens manufacturers. After a two-day hearing the Court certified the class and trial is set for later this year.

Beaver v. Tarsadia Hotels- Michael served as co-lead counsel on behalf of consumers in this unfair competition class action against real estate developers selling hotel-condominium units. Lawsuit alleged that sellers concealed certain Congressionally-mandated protections in the sales contracts, including a statutory rescission right. After six years of litigation including a win in the Ninth Circuit that established favorable law for consumers, the lawsuit settled for \$51.15 million. In granting final approval, Judge Curiel concluded that the settlement was "an excellent result," and noted "Class Counsel overcame several hurdles that reflect their skill and experience." *Beaver v. Tarsadia Hotels*, 816 F. 3d1170 (9th Cir. 2016)

In re Currency Conversion Fee Antitrust Litigation (MDL No. 1409)– This action alleged that Visa, MasterCard and their then member banks, including Bank of America and Chase, fixed the price of foreign currency conversion fees on international credit and debit card transactions. Michael was part of the team that prevailed at trial in a related state court action, and then obtained a \$336 million global settlement for the class in this multidistrict antitrust litigation against the country's largest credit card issuers and networks.

Asokan et. al. v. American General Ins. Co.- Member of the trial team in this insurance and investment fraud case against American General Insurance Co, an AIG subsidiary. Michael and his team represented six plaintiffs who were marketed an investment involving a specialized whole life policy that would supposedly provide tax benefits. American General knew but concealed from plaintiffs that the plans no longer complied with the law. Plaintiffs suffered losses as a result of this fraud by concealment. Among other tasks, Michael had primary responsibility for working with plaintiffs' damages expert and conducted the direct and re-direct examination of this expert at trial. The case settled for a confidential sum 8 days into the jury trial.

Smith et. al. v. American General Ins. Co. - Michael was a key member of the litigation team that represented nine high net worth plaintiffs in this RICO action alleging that American General and the other members of the enterprise falsely marketed and sold our clients a whole life policy that would *supposedly* provide a multitude of tax benefits, but concealed the fact that the IRS had changed its regulations, rendering these plans no longer compliant with the law. Among other tasks, Michael had primary responsibility for working with plaintiffs' damages expert and deposing the defendants' damages expert. The case settled for a confidential sum.

Ammari v. Pacific Bell Directory – Represented consumers who overpaid an AT&T subsidiary for advertising in Yellow Pages directories. Plaintiffs prevailed at trial and on two appeals to obtain a \$27 million judgment for class members, a result the *National Law Journal* deemed as one of the top 100 verdicts in 2009.

In Re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation – recovered over \$10 million on behalf of his clients in this multidistrict litigation that awarded a total of \$1 billion to patients who received defective hip implants.

Awards & Honors

Best Lawyers in America, 2020-2021 Edition
Northern California Super Lawyers, 2019-2021



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Practice Emphasis

Class Actions
Consumer Protection
Financial Fraud
Securities Litigation

Education

Emory University School of
Law, J.D., 2007

University of California at
Santa Barbara, B.A., 2003

Admissions

California

David Stein | Partner

David Stein represents clients in federal and state cases nationwide, ranging from securities and financial fraud class actions, to product liability, privacy, and data breach suits. Courts have appointed David as lead counsel in a number of these cases and he has been praised by *Law360* as a tenacious litigator with a “reputation as one of the best consumer advocates around.”

The *Daily Journal* recognized David as one of the Top 40 attorneys in the state of California under the age of 40, and he was also honored in *Law360*’s nationwide list of “Top Class Action Attorneys Under 40.” For the last seven years, he has been rated by his colleagues as a Northern California Super Lawyers Rising Star.

David is frequently called upon to discuss emerging issues in complex litigation. He currently serves on *Law360*’s Product Liability Editorial Advisory Board, advising on emerging trends impacting product liability cases.

Before entering private practice, David served as judicial law clerk to U.S. District Court Judge Keith Starrett and U.S. Magistrate Judge Karen L. Hayes.

Reputation and Recognition by the Courts

David has built a reputation for the quality of his representation and tenacious advocacy on behalf of the clients and classes he represents:

“[T]his is an extraordinarily complex case and an extraordinarily creative solution... I [want to] thank you and compliment you gentlemen. It's been a real pleasure to work with you.” - *Hon. D. Carter, Glenn v. Hyundai Motor America (C.D. Cal.)*

“You made it very easy to deal with this case and clearly your years of expertise have carried the day here. Nice work. Thank you.” -*Hon. M. Watson, In re Am. Honda Motor CR-V Vibration Litig. (S.D. Ohio)*

“Exceedingly well argued on both sides. Sometimes people really know their stuff on both sides which is what happened today so thank you.” -*Hon. J. Tigar, In re General Motors CP4 Fuel Pump Litig. (N.D. Cal.)*

Litigation Highlights

In re: Peregrine PFG Best Customer Accounts Litigation - Represented investors in a lawsuit against U.S. Bank and JPMorgan Chase arising from the collapse of Peregrine Financial Group, Inc. The former Peregrine customers were seeking to recover the millions of dollars that was stolen from them out of segregated funds accounts. Plaintiffs’ efforts led to settlements with JPMorgan Chase and U.S. Bank worth over \$75 million.

Deora v. NantHealth - Lead Counsel for certified classes of investors in litigation alleging violations of federal securities laws related to the healthcare technology company’s initial public offering in 2016. In September 2020, the Court granted final approval to a \$16.5 million class action settlement.

LLE One v. Facebook - Represented small businesses who alleged that Facebook overstated, for over a year, how long users were watching video ads on Facebook’s platform. After years of litigation, the federal court approved a \$40 million settlement for the class.

Paeste v. Government of Guam - Secured a judgment against the Government of Guam and several of its highest-ranking officials in a suit involving the government’s unlawful administration of income tax refunds. Mr. Stein defended the judgment in an oral argument before the U.S. Court of Appeals for the Ninth Circuit, leading to a complete victory for the taxpayers in the published decision, *Paeste v. Government of Guam*, 798 F.3d 1228 (9th Cir. 2015)

Edwards v. Ford Motor Co. – In a class action alleging that Ford sold vehicles despite a known safety defect, Mr. Stein twice argued plaintiff's position before the U.S. Court of Appeals for the Ninth Circuit. In the first appeal, Mr. Stein succeeded in obtaining a reversal of the trial court's denial of class certification. In the second, plaintiff again prevailed, with the Ninth Circuit affirming the conclusion that the lawsuit had driven Ford to offer free repairs, reimbursements, and extended warranties to the class.

In re: Hyundai Sonata Engine Litigation – Mr. Stein served as court-appointed co-lead counsel in this nationwide suit involving engine seizures at high speeds. The litigation led to a settlement that included nationwide vehicle recalls, extended warranties, and payments that averaged over three thousand dollars per class member.

Browne v. American Honda Motor Co., Inc. – Represented consumers who alleged that 750,000 Honda Accord and Acura TSX vehicles were sold with brake pads that wore out prematurely. A settlement ensued worth approximately \$25 million, with hundreds of thousands of class members electing to participate.

Awards & Honors

"2017 Top 40 Under 40," *Daily Journal*

Top Class Action Attorneys Under 40, *Law360* Rising Stars (2017)

Northern California Super Lawyers *Rising Star* (2013-2021)

Professional Affiliations

American Association for Justice

Consumer Attorneys of California

Federal Bar Association

Public Justice Foundation

Publications & Presentations

Co-Author, "Recent Decision Highlights the Importance of Early Discovery in Arbitration," *Daily Journal*, May 2019.

Presenter, "Article III Standing in Data Breach Litigation," AAJ Class Action Seminar, December 2018.

Presenter, "Determining Damages in Class Actions," *Class Action Mastery Conference*, HB Litigation, May 2018.

Presenter, "Mass Torts and Class Actions: The Latest and Greatest, Update on Class Action Standing" *56th Annual Consumer Attorneys of California Convention*, November 2017.

Author, Third Circuit Crystallizes Post-Spokeo Standard, *Impact Fund Practitioner Blog*, July 2017.

Presenter, "Class Certification," "Class Remedies," *HB Litigation Conferences, Mass Tort Med School + Class Actions*, March 2017.

Co-Author, "Beware Intended Consequences of Class Action Reform, Too," *Law360 Expert Analysis*, March 14, 2017.

Author, *Wrong Problem, Wrong Solution: How Congress Failed the American Consumer*, 23 Emory Bankr. Dev. J. 619 (2007).



Steven Tindall | Partner

Steven Tindall represents employees seeking fair pay and just treatment in individual and class action lawsuits against employers. His cases involve allegations of misclassification, sexual harassment, discrimination, wrongful termination, retaliation, WARN Act, and ERISA violations. He has more than 20 years of experience representing employees in a variety of industries, including tech, gig economy, financial services, construction, transportation, and private education. Steven also represents consumers in individual and mass tort personal injury lawsuits and class action litigation. In 2019, he won a *California Lawyer Attorney of the Year Award*, which honors outstanding California lawyers “whose extraordinary work and cases had a major impact on the law.”

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Practice Emphasis

Class Actions
Employment Litigation

Education

University of California,
Berkeley School of Law, J.D.,
magna cum laude, 1996.

Yale University, B.A., *summa cum laude*, *Phi Beta Kappa*.

Admissions

California

Steven clerked for Hon. Judith N. Keep of the United States District Court for the Southern District of California and for Hon. Claudia Wilken of the U.S. District Court for the Northern District of California. Prior to joining Gibbs Law Group, he was a partner at Rukin Hyland Doria & Tindall, and at Lieff Cabraser Heimann & Bernstein. At Rukin Hyland and Lieff Cabraser, he focused on plaintiffs’ class action litigation in the fields of wage and hour law, antitrust, and consumer protection. Steven also litigated a number of mass tort personal injury and toxic tort cases.

He received his B.A. degree in English Literature from Yale University, graduating *summa cum laude*, Phi Beta Kappa, and with distinction in his major. He earned his J.D. degree from the University of California at Berkeley School of Law in 1996. While at Berkeley Law, Steven co-directed the East Bay Workers’ Rights Clinic.

Litigation Highlights

Breach of Contract – As co-lead counsel, Steven helped recover over \$29 million on behalf of hundreds of employees in a class action lawsuit involving breach of contract claims against a global consulting company.

Retirement Benefits – Represented retirees whose retirement benefits were slashed after a corporate spinoff. The litigation resulted in a \$9 million recovery paid out to class members.

Gig Economy – Represents thousands of individual clients in multiple gig economy cases alleging that they were misclassified as independent contractors and should be entitled to minimum wage, overtime pay, and expense reimbursement under California and other state labor laws.

Consumer Loans – Represents over 100,000 borrowers in a certified class action lawsuit against online lender, CashCall, alleging that they preyed on low-income borrowers through high interest rate loans. Steven was a key member of the litigation team that achieved a unanimous ruling from the CA Supreme Court regarding unconscionability of contracts.

Awards & Honors

California Lawyer Attorney of the Year (CLAY) Award (2019)
Northern California Super Lawyers (2009-2021)

Publications & Presentations

Co-Author, “DoorDash: Quick Food, Slow Justice,” Daily Journal, March 24, 2020.

Presenter, “Damages & Penalties in Exemption and Misclassification Cases,” Bridgeport Independent Contractor, Joint Employment Misclassification Litigation Conference, July 26, 2019.

Contributor, “Can Interest Rates be Unconscionable?” Daily Journal Appellate Report Podcast, July 6, 2018.

Co-Author, “Epic Systems and the Erosion of Federal Class Actions,” Law360 Expert Analysis, July 5, 2018.

Co-Author, “Senate Should Reject Choice Act and Its Payday Free Pass,” Law360 Expert Analysis, July 12, 2017.

Presenter, “Understanding and Litigating PAGA Claims,” Bridgeport Continuing Legal Education, March 3, 2017.

Contributing Author, California Class Actions Practice and Procedure, Matthew Bender & Co., Inc., 2006

Author, *Do as She Does, Not as She Says: The Shortcomings of Justice O'Connor's Direct Evidence Requirement in Price Waterhouse v. Hopkins*, Berkeley Journal of Employment and Labor Law, 17, No. 2, 1996



Amy Zeman | Partner

Amy has built a reputation in the plaintiffs' bar for delivering results and justice to consumers and sexual assault survivors in class action and mass tort litigation. She secured a \$73 million settlement in 2021 from UCLA on behalf of sexual assault survivors who brought claims against gynecologist Dr. James Heaps and achieved an historic \$14.975 million dollar jury verdict as co-lead trial counsel on behalf of Pacific Fertility Center patients whose genetic material was destroyed in a catastrophic cryo-preservation tank failure. Media throughout the country have hailed the verdict as groundbreaking, and the Washington Post noted it as "a historic verdict that could have far-reaching consequences for the loosely regulated U.S. fertility industry."

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Practice Emphasis

Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower/ Qui Tam

Education

University of California,
Hastings College of Law,
J.D., *magna cum laude*,
2010.

University of Missouri, B.A.,
summa cum laude, 1998.

Admissions

California
Florida

The Daily Journal recognized Amy among the Top Women Lawyers in California for 2021 and the Top Plaintiff Lawyers in California for 2021, and Northern California Super Lawyers named her a 2021 Super Lawyer. *Law360* honored Amy as an MVP in Product Liability for 2021, and the National Law Journal named her a 2021 Winning Litigators finalist. In 2020, Amy was elected co-chair of the American Association for Justice's Class Action Litigation Group.

Amy currently represents clients in a variety of mass injury matters, including additional families in the Pacific Fertility Center matter, individuals harmed by the chemotherapy drug Taxotere (docetaxel), and individuals affected by the Porter Ranch/Aliso Canyon gas leak. She serves in a court-appointed leadership role in a mass action coordinating claims on behalf of 18,000 boys who suffered irreversible male breast growth after being prescribed the antipsychotic medication Risperdal. Amy has previously represented clients injured by transvaginal mesh, the birth control medications Yaz and Yasmin, and the diabetes drug Actos.

Prior to attending law school, Amy pursued a career in the financial sector, acting as the Accounting and Compliance Manager for the Marin County Federal Credit Union for almost seven years. Amy was a spring 2010 extern for the Honorable Marilyn Hall Patel of the United States District Court, Northern District of California.

Litigation Highlights

Mass Tort Litigation

Pacific Fertility Center Litigation – Amy served as co-lead trial counsel in a three-week trial on behalf of several patients who tragically lost eggs and embryos in a catastrophic cryo-preservation tank failure at San Francisco's Pacific Fertility Center in 2018. The jury found the cryogenic tank manufacturer, Chart Inc., liable on all claims, and awarded \$14.975 million in aggregate damages to the five plaintiffs. Amy leads the Gibbs Law Group team, which first filed the lawsuit in March 2018 with co-counsel, and represents dozens of PFC patients whose frozen eggs and embryos were harmed or destroyed as a result of the tank failure. This was the first trial in the consolidated litigation, and five additional trials against Chart are scheduled for 2022 and 2023.

In re Risperdal and Invega Product Liability Cases – appointed by a California judge to serve as liaison counsel, responsible for coordinating and overseeing the lawsuits filed on behalf of thousands of male children who took the popular antipsychotic drug Risperdal and suffered irreversible gynecomastia, or male breast growth.

Taxotere (Docetaxel) Products Liability Litigation – selected to serve on the discovery committee in this multi-district litigation on behalf of breast cancer survivors who suffered permanent, disfiguring hair loss after using the Taxotere chemotherapy drug.

Yaz & Yasmin Birth Control Litigation – represented women throughout the country who suffered serious side effects after taking Yaz, Yasmin and Ocella birth control. The federal litigation resulted in settlements worth approximately \$1.6 billion.

Defective Product and Consumer Protection Litigation

Sanborn, et al. v. Nissan North America, Inc. – appointed as class counsel with Eric Gibbs and others. Obtained a settlement 11 days before trial was set to begin on claims that the dashboards in certain Nissan vehicles were melting into a shiny, sticky surface that produced a dangerous glare. The settlement allowed class members to obtain a \$1500-\$2000 dashboard replacement for just \$250, or equivalent reimbursement for prior replacements.

Chase Bank U.S.A., N.A. “Check Loan” Contract Litigation – key member of the litigation team in this multidistrict case alleging that Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. The litigation resulted in a \$100 million settlement eight weeks prior to trial.

Sugarman v. Ducati North America, Inc., - represented Ducati motorcycle owners whose fuel tanks on their motorcycles degraded and deformed due to incompatibility with the motorcycles’ fuel. In January 2012, the Court approved a settlement that provided an extended warranty and repairs, writing, “The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court’s opinion, counsel obtained an excellent result for the class.”

Awards & Honors

Winning Litigators Finalist, National Law Journal (2021)
 Product Liability MVP, Law360 (2021)
 Top Plaintiff Lawyers in California, Daily Journal (2021)
 Top Women Lawyers in California, Daily Journal (2021)
 Northern California Super Lawyers (2021)
 Rising Star, Northern California Super Lawyers (2013-2020)

Professional Affiliations

American Association for Justice - Co-Vice Chair of the Class Action Litigation Group; Past Co-Chair of the Qui Tam Litigation Group; Member of the Women Trial Lawyers Caucus
 Consumer Attorneys of California

Publications & Presentations

Co-author, “Tips on Client Contact and Case Management in Mass Torts Part I: Client Intake and Gathering Relevant Information,” American Association for Justice, Women Trial Lawyers Caucus Connections Count Newsletter, 2013.

Co-author, “Tips on Client Contact and Case Management in Mass Torts Part II: Organizing and Working with Client Information,” American Association for Justice, Women Trial Lawyers Caucus Connections Count Newsletter, 2013.

Presenter, “Fees in Class Action Cases,” and “Qui Tam Case Strategies,” Mass Tort Med School and Class Action Conference, March 2017.

Presenter, “Claims-processing in Large and Mass-Tort MDLs,” Emerging Issues in Mass-Tort MDLs Conference, Duke University, October 2016.

Presenter, “Best Practices in Law Firm Management,” American Association for Justice 2016 Winter Convention, Women’s Trial Lawyers Caucus Leadership Summit, February 2016.

Presenter, “Lumber Liquidators Litigation,” American Association for Justice 2015 Annual Convention, July 2015.



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Practice Emphasis

Antitrust
Class Actions
Consumer Protection

Education

UCLA School of Law, J.D.,
2000
University of Pennsylvania,
B.A., with honors, 1996

Admissions

California

Josh Bloomfield | Counsel

Josh Bloomfield represents plaintiffs in class and other complex litigation, with particular experience in antitrust, consumer protection and data breach matters. He is a member of the California Bar and is admitted to practice before the United States District Courts for the Northern, Central and Southern Districts of California.

At Gibbs Law Group, Josh has been an advocate for borrowers who lost their homes to foreclosure during the financial crisis, individuals harmed by corporate misconduct related to the COVID-19 pandemic, and consumers and employees who have suffered the consequences of antitrust conspiracies.

During more than 20 years of practice, Josh has represented clients in a variety of civil, criminal and administrative matters - from a distinguished professor of aeronautics and astronautics in a National Science Foundation research misconduct investigation, to several Major League Baseball teams in player arbitrations. Josh also served as vice president and general counsel to an innovative business venture in the second-home alternative marketplace, offering investors direct participation in ownership of a portfolio of luxury vacation properties.

Litigation Highlights

Hernandez v. Wells Fargo Bank, N.A.

Represents a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo erroneously denied them trial mortgage modifications. The case settled in two phases for a total of \$40.3 million, resulting in significant compensation payments to each class member.

Disposable Contact Lens Antitrust Litigation

Represents a class of consumers in the Disposable Contact Lens Antitrust Litigation, which challenges a series of “minimum pricing” policies imposed by contact lens manufacturers. The suit alleges that consumers paid supracompetitive prices as a result of a conspiracy among optometrists, manufacturers and a distributor of disposable contact lenses.

In re Anthem, Inc. Data Breach Privacy Litigation

Represented interests of plaintiffs and putative class members following massive data breach of approximately 80 million personal records, including names, dates of birth, Social Security numbers, health care ID numbers, email and physical addresses, employment information, and income data.

Jiffy Lube Antitrust Litigation

Represents Jiffy Lube workers who were harmed by a “no-poach” policy whereby Jiffy Lube required its franchisees to agree not to solicit or hire current or former employees of other franchisees. The suit alleges that workers’ wages were suppressed by this restraint on the market for their labor.

Airbnb Host Class Action Lawsuit

Represents Airbnb hosts – in federal court and in individual arbitrations - who allege that Airbnb took advantage of the COVID-19 pandemic and seized funds that belonged to hosts while claiming that the money would be refunded to guests.



Parker Hutchinson | Counsel

Parker Hutchinson represents plaintiffs in class actions and other complex litigation, with extensive practice in the field of prescription drug product liability. Parker currently represents clients in multi district litigation including servicemembers who suffered hearing loss or tinnitus from defective 3M ear plugs and cancer survivors who suffered permanent disfiguring hair loss from the chemotherapy drug Taxotere. Prior to joining Gibbs Law Group, Parker wrote extensive briefing *In re Taxotere* as a member of the Plaintiffs' Law & Briefing Committee. In his appellate advocacy work, Parker has also achieved an expansion of the definition of "adverse employment action" under Title VII in an issue of first impression.

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Education

Columbia Law School, J.D.,
2009

Tulane University, B.A., *cum
laude*, 2004

Admissions

New York

Louisiana

Parker is a 2009 graduate of Columbia Law School, where he was a leader at the Columbia Journal of European Law. During law school, Parker was a judicial extern with the Honorable Stanwood Duval, Jr. of the Eastern District of Louisiana. Before law school, Parker worked as a congressional staffer, a musician, and a writer. He involved himself closely in New Orleans's recovery following Hurricane Katrina, including the resurrection of progressive community radio station WTUL. He received his undergraduate degree, *cum laude*, from Tulane University in 2004.



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Practice Emphasis

Class Actions

Consumer Protection

Education

The Ohio State University
Moritz College of Law, J.D.,
1998

Wright State University, M.A.,
1995

The College of Wooster, B.A.,
with honors, 1993

Admissions

Ohio

Shawn Judge | Counsel

Shawn Judge focuses on class actions, mass torts, and other complex litigation matters. Shawn has been appointed Chair by a federal court to two pipeline compensation commissions, and he currently serves as Special Counsel for the Ohio Attorney General litigating claims against the five of the country's largest pharmaceutical companies alleging misrepresentations and deceptive marketing that caused the nation's current devastating current opioid crisis. He routinely serves as an invited speaker on civil litigation and mediation and is a former Ohio Bar Examiner.

Shawn is also an experienced mediator offering private mediation services for civil disputes. For over a decade, Shawn mediated cases for the U.S. District Court for the Southern District of Ohio as a judicial clerk. He received mediation training at the Harvard Negotiation Institute at Harvard Law School and the Straus Institute for Dispute Resolution at the Pepperdine University School of Law.

Previously, Shawn has served as a judicial clerk for the U.S. District Court for the Southern District of Ohio, the Supreme Court of Ohio, and Ohio's Ninth District Court of Appeals. He has previously served as adjunct professor at The Ohio State Second University Moritz College of Law, Ohio Northern University Pettit College of Law, and Capital University Law School. Shawn received his B.A. with honors from The College of Wooster, holds an M.A. in English from Wright State University, and received his J.D. with honors from The Ohio State University Moritz College of Law.

Awards & Honors

Ohio Super Lawyer (2021)

Litigation Highlights

State of Ohio ex rel. Dave Yost, Ohio Attorney General v. Purdue Pharma L.P.:

Represents the State of Ohio in litigation alleging that the six major manufacturers of prescription opioids created a public nuisance, which caused billions of dollars in damages to the state and its citizens. The litigation is ongoing.

Eaton v. Ascent Resources – Utica, LLC: Represents a class and sub-classes of oil and gas lessors with leases with Ascent Resources – Utica, LLC. Plaintiffs claim that Ascent takes improper post-production deductions from their royalty payments that are either not allowed under their contracts or are unreasonable in amount. On August 4, 2021, the Court granted class certification in the case, which marks one of the first cases of a court certifying an Ohio class action regarding the underpayment of oil and gas royalties.. The lawsuit is ongoing.



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Practice Emphasis

Class Actions
Consumer Protection

Education

University of San Francisco
School of Law, J.D., 2005
University of California at
Santa Cruz, B.A., 1995

Admissions

California

Rosanne Mah | Counsel

Rosanne Mah represents consumers in complex class action litigation involving deceptive or misleading practices, false advertising, and data/privacy issues. She is a member of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California.

Rosanne is integrally involved in the discovery and client outreach process for the Boy Scouts of America Lawsuits, where she represents sexual abuse survivors who were abused by leaders and other affiliates within the organization. She is also involved in communicating with potential class representatives and clients for both the Toxic Baby Food lawsuit, alleging that certain baby food manufacturers were selling products containing poisonous heavy metals, and the Midwestern Pet Food lawsuit alleging that over 70 dogs have died after eating food contaminated with dangerous levels of aflatoxin, a mold toxin.

Rosanne has 15 years of experience in providing the highest level of legal representation to individuals and businesses in a wide variety of cases. Throughout her career she has specialized in consumer protection, defective products, cybersecurity, data privacy, and employment law at several law firms, all while running her own practice. Rosanne attended the University of San Francisco, School of Law, during which she was a judicial extern with the Honorable Anne Bouliane of the San Francisco Superior Court.



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Practice Emphasis

Antitrust Litigation
 Class Actions

Education

New York University School
 of Law, J.D.
 Cornell University, B.A

Admissions

Washington

George Sampson | Of Counsel

George Sampson brings 35 years of experience prosecuting complex antitrust cases on behalf of consumers and small businesses. George began his career in antitrust enforcement in 1984, when he joined the New York Attorney General's Antitrust Bureau. He served as an Assistant Attorney General for 10 years – the last two years (1992-1994) as Chief of the Antitrust Bureau. George was the lead trial attorney in a civil bid-rigging action in which he won the state's first ever bid-rigging jury trial, recovering \$7.8 million for the state.

George's principal experience has been to assist expert witnesses in antitrust cases. He has either taken or defended the deposition of nearly every leading antitrust economist, whether at the class certification stage or the liability and damages phases of complex antitrust class actions. He is conversant with complex economic analyses, econometric damages models, and equally important, translating expert economic analysis into language judges and juries can readily grasp.

Currently George serves as Trial Counsel in the Disposable Contact Lens Antitrust Litigation, a class action lawsuit filed 14 years after the original Contact Lens case was tried in 2001. Along with Michael Schrag, he has been principally responsible for all of the expert economics work on the case, including presenting evidence at the two-day class certification hearing. The court's 178 page order granting class certification has been appealed by defendants.

George Sampson is Of Counsel to Gibbs Law Group and the founding partner of Sampson Dunlap LLP.

Litigation Highlights

In re Disposable Contact Lens Antitrust Litigation

George served as co-lead counsel where he was principally responsible for all expert economic testimony. He successfully settled the case after five weeks of trial for a total recovery in excess of \$90 million.

In re Visa Check/MasterMoney Antitrust Litigation

George was appointed co-lead counsel to the litigation team. His team achieved settlement on the eve of trial for \$3 billion, at the time the largest antitrust class settlement ever achieved.

McDonough v. Toys R Us

George took on a "hub-and-spoke" case against Toys R Us for forcing baby product manufacturers to raise prices at competing retailers. Again, George was principally responsible for all expert economic testimony. After extensive discovery and a two-day class certification hearing, the case settled for \$35 million.

Professional Affiliations

American Antitrust Institute, Advisory Board Member
 American Bar Association, Antitrust Law Section
 Washington State Bar Association, Antitrust and Consumer Protection Committee



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Practice Emphasis

Class Actions

Consumer Protection

Education

The Ohio State University
Moritz College of Law, J.D.,
2003

The Ohio State University,
B.A., *summa cum laude*,
2000

Admissions

Ohio

Mark Troutman | Counsel

Mark Troutman is dedicated to protecting consumers against corporate misdeeds and has led class action efforts across the country. Mark has been appointed to leadership roles in many of his complex litigation cases, and he currently serves as Special Counsel for the Ohio Attorney General in bringing claims against five of the country's largest pharmaceutical companies alleging misrepresentations and deceptive marketing that have caused the nation's current devastating opioid crisis.

As lead counsel in a consumer class action against Porsche, Mark achieved a \$45 million settlement for the class. Previously, Mark has been lead counsel in a consumer class action against a fitness chain, and co-lead counsel in a class action claiming improper deductions from royalty payments to lessors of a major oil and gas operator.

Before joining Gibbs Law Group, Mark co-led the class action practice group of a leading Ohio firm. Mark has been honored as a top plaintiff-side Class Action Litigator by the Best Lawyers in America and as a Rising Star by Ohio Super Lawyers. He has co-authored the leading guide on Ohio Consumer Law for more than 10 years and he continues to help advance the Ohio plaintiffs' bar as a member of the Ohio Association for Justice.

Litigation Highlights

State of Ohio ex rel. Dave Yost, Ohio Attorney General v. Purdue Pharma L.P.:

Represents the State of Ohio in litigation alleging that the six major manufacturers of prescription opioids created a public nuisance, which caused billions of dollars in damages to the state and its citizens. The litigation is ongoing.

In re Porsche Cars North America, Inc. Coolant Tubes Product Liability Litigation:

Represented a class of nearly 50,000 Porsche Cayenne vehicle owners alleging that Porsche defectively designed its 2003-2010 model year vehicles with plastic coolant tubes, which due to their positioning, would prematurely wear them down from the vehicle's heat and require costly repairs. The settlement compensated class members for a significant portion of the repair costs, with an estimated settlement value of more than \$40 million.

Gascho v. Global Fitness Holdings: Represented a class and sub-classes of current and former gym members alleging that the Urban Active gym chain took excessive and/or unauthorized fees from gym members, which were not included in class members' contracts or in violation of state law. The settlement reimbursed class members for the improper charges to their accounts.

Eaton v. Ascent Resources – Utica, LLC: Represents a class and sub-classes of oil and gas lessors with leases with Ascent Resources – Utica, LLC. Plaintiffs claim that Ascent takes improper post-production deductions from their royalty payments that are either not allowed under their contracts or are unreasonable in amount. On August 4, 2021, the Court granted class certification in the case, which marks one of the first cases of a court certifying an Ohio class action regarding the underpayment of oil and gas royalties.. The lawsuit is ongoing.



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Education

Texas A&M University
School of Law, J.D., 2016

Colorado Technical
University, B.S., *with honors*

Admissions

Texas

Brian Bailey | Associate

Brian represents clients who have been harmed by corporate misconduct in complex litigation including employment discrimination, personal injury, data breach and consumer protection cases. He represents people who were injured and lost homes or businesses in our PG&E wildfire cases.

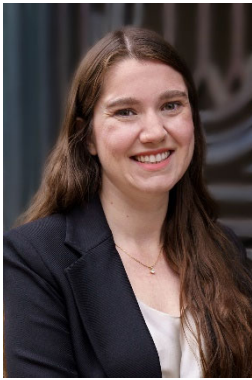
Prior to Gibbs Law Group, Brian worked at the Federal Labor Relations Authority in Dallas, Texas where he conducted investigations on federal unfair labor practices and coordinated federal union elections. Previously, Brian represented a high volume of disabled individuals in administrative hearings.

Brian is a 2016 graduate of Texas A&M University School of Law, where he served as the president of the TAMU Black Law Student Association. During law school, he interned for the Honorable Justice Ken Molberg when he was District Judge at the 95th Texas Civil District Court and served as a research assistant for Professors Michael Z. Green and Sahar Aziz. Prior to law school, Brian worked as an international flight attendant at United Airlines and volunteered as an Occupational Injury Representative at the Association of Flight Attendants, Local Council 11 in Washington D.C. Brian holds a B.S. with honors in business administration from Colorado Technical University.

Professional Affiliations

L. Clifford Davis Legal Association
The International Legal Honor Society of Phi Delta Phi
The American Constitution Society for Law & Policy
Texas Young Lawyers Association
State Bar of Texas, member of the following Sections:

- African-American Lawyers (AALS)
- Consumer and Commercial Law
- Labor and Employment Law
- LGBT Law



Erin Barlow | Associate

Erin is a zealous advocate for survivors of sexual assault as well as consumers who have been harmed by corporate wrongdoing. She also has experience advocating for California wildfire victims, as well as fighting for individuals who suffered injuries from using defective drug and medical devices.

Erin is a 2021 graduate, *cum laude*, of the University of California Hastings College of the Law. In law school, she served as Senior Acquisitions Editor for Hastings Environmental Law Journal. She also was a Certified Law Student in the Individual Representation Clinic where she successfully appealed an adverse Social Security determination and got an individual's prior criminal convictions expunged. Erin received CALI awards for receiving the highest grade in Legal Research and Writing and in Environmental Justice and the Law. She received her undergraduate degrees in Politics and Marine Biology from the University of California Santa Cruz in 2014.

Presentations and Articles

Author, "Unprecedented Marine Biodiversity Shifts Necessitate Innovation: The Case for Dynamic Ocean Management in the UN High-Seas Conservation Agreement the Presenter, "Unpacking Public Interest Law," Hastings Environmental Law Journal, 27 Hastings Env't'l L.J. 121, 2021

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Education

University of California,
Hastings College of Law, J.D.,
cum laude, 2021

University of California at Santa
Cruz, B.A. and B.S., 2014

Admissions

California



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Education

University of California,
Berkeley Law, J.D., 2015

University of California at
Berkeley, B.A., *Phi Beta
Kappa*, 2008

Admissions

California

Aaron Blumenthal | Associate

Aaron Blumenthal represents employees, whistleblowers, and consumers in complex and class action litigation. He is a member of our California whistleblower attorney practice group.

Aaron attended law school at the University of California at Berkeley, where he graduated *Order of the Coif*, the highest level of distinction. While in law school, Aaron wrote an article about class action waivers that was published by the California Law Review, one of the top law reviews in the country. He also served as a research assistant to Professor Franklin Zimring, who described Aaron in the acknowledgements section of one of his books as a “statistical jack-of-all-trades.”

Litigation Highlights

In Re Anthem, Inc. Data Breach Litigation - represented consumers whose personal information was impacted by the Anthem data breach, which was announced in 2015 as affecting nearly 80 million insurance customers. The case resulted in a \$115 million settlement, which offered extended credit monitoring to affected consumers.

LLE One v. Facebook – key member of the litigation team representing video advertisers in a putative class action against Facebook alleging that the company inflated its metrics for the average time users spent watching video ads, causing the plaintiffs to spend more for video advertising on Facebook than they otherwise would have.

JPMorgan Chase Litigation - represented a class of mortgage borrowers against JPMorgan Chase, alleging that the bank charged them invalid “post-payment interest” when they paid off their loans. The case resulted in an \$11 million settlement.

Neilson Mass Layoff Lawsuit - represents a putative class of former employees of Neilson Financial Services, who allege they were laid off in violation of the California WARN Act.

Awards & Honors

Rising Star, Northern California Super Lawyers, 2018-2021

Presentations and Articles

Co-author, “DoorDash: Quick Food, Slow Justice,” Daily Journal, March 2020

Co-author, “In the Breach,” Trial Magazine, American Association for Justice, September 2017

Author, “Winning Strategies in Privacy and Data Security Class Actions: The Plaintiffs’ Perspective,” Berkeley Center for Law & Technology, January 2017

Author, “Circumventing Concepcion: Conceptualizing Innovative Strategies to Ensure the Enforcement of Consumer Protection Laws in the Age of the Inviolable Class Action Waiver,” 103 Calif. L. Review 699, 2015

Author, “Religiosity and Same-Sex Marriage in the United States and Europe,” 32 Berkeley J. Int’l. L. 195, 2014.



Kyla Gibboney | Associate

Kyla represents consumers, employees, investors, and others who have been harmed by corporate misconduct. She prosecutes a wide range of complex class action cases, including antitrust, securities, consumer protection, financial fraud, and product defect across a variety of industries.

Kyla is a vital member of the team prosecuting the firm's financial fraud lawsuits against GreenSky, a financial technology company that facilitates consumer loans for construction projects and medical procedures. As part of her work on that case, she helped defeat GreenSky's motions to dismiss borrowers' complaints that GreenSky charges unlawful fees and attempts to force borrowers to pursue their claims in arbitration instead of in court. Kyla also has extensive experience litigating antitrust class actions. She currently represents cattle ranchers in *In re Cattle Antitrust Litigation*, a lawsuit challenging the country's largest beef purchasers' method for setting prices for fed cattle, and has worked on several pharmaceutical lawsuits that challenged reverse payment patent settlements, a practice in which brand pharmaceutical companies pay generic would-be competitors to stay out of the market, resulting in higher drug prices.

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kig@classlawgroup.com

Education

University of California,
Hastings College of Law, J.D.,
cum laude, 2014

University of California at
Berkeley, B.A., 2009

Admissions

California

Kyla is a 2014 graduate of the University of California Hastings School of Law, where she was an extern with the United States Department of Justice's Antitrust Division and for Magistrate Judge Kandis A. Westmore and California Court of Appeal Justice Sandra Margulies. During law school, Kyla was also a law clerk for the Anti-Predatory Lending group of Community Legal Services in East Palo Alto, where she fought for economic justice for low-income borrowers and homeowners in East Palo Alto, and volunteered with the General Assistance Advocacy Project in San Francisco.

Litigation Highlights

GreenSky Litigation – Key member of the litigation team representing consumers who took out loans for home maintenance repairs and were charged hidden fees by GreenSky, Inc.

Deora v. NantHealth – Represented investors who alleged that NantHealth's founder violated federal securities law and artificially inflated stock prices by structuring a purportedly philanthropic donation to the University of Utah to require the University to pay NantHealth \$10 million for research services. Kyla gathered the evidence necessary to come to a settlement in the case, which included interrogating several key fact witnesses.

LLE One v. Facebook – Part of the team representing advertisers who accused Facebook of inflating its viewership metrics by as much as 900% when selling its ad services. The lawsuit resulted in a \$40 million settlement for the class, and Kyla helped to oversee settlement distribution to over 1 million individuals and entities.

Awards & Honors

Rising Star, *Northern California Super Lawyers*, (2018-2021).



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Education

University of California at
Berkeley, J.D., 2021

Yale University, B.A., *cum
laude*, 2013

Admissions

California

Julia Gonzalez | Associate

Julia works with employees who have faced discrimination, misclassification, wage and hour violations, and other workplace injustices, advocating for their rights in individual and class cases. She is also a member of the litigation team in our Washington State Voter Discrimination lawsuit, working to combat voter suppression and to ensure equal access to the democratic process.

Julia is a 2021 graduate of the University of California, Berkeley, School of Law. In law school, she was an Articles Editor and Executive Editor for the Berkeley Journal of Employment and Labor Law, the leading law review for employment and labor law scholarship. She twice competed in the Traynor Moot Court competition, where her team received the award for Best Brief in 2020. Julia was a member of the Consumer Advocacy and Protection Society and received the American Jurisprudence Award in Consumer Protection Law. She also provided direct legal services through the Workers' Rights Clinic and the Tenants' Rights Workshop. Julia received her undergraduate degree, *cum laude*, in Sociology from Yale University in 2013, and spent the year between college and law school as a full-time volunteer at the St. Francis Center, a multi-service non-profit in the North Fair Oaks neighborhood of Redwood City.

Litigation Highlights

Postmates Driver Misclassification – Represents hundreds of gig economy workers in legal actions alleging that they were misclassified as independent contractors and should be entitled to minimum wage, overtime pay, and expense reimbursement under California and other state labor laws.



Jeff Kosbie | Associate

Jeff Kosbie represents plaintiffs in class actions and other complex lawsuits involving consumer protection, securities fraud and employment law. He previously worked as a staff attorney in the United States Court of Appeals for the Ninth Circuit (2017-2018) and served as a Multidistrict Litigation Law Clerk to the Judges Lucy Koh, Beth Freeman, and Edward Davila of the Northern District of California (2018-2019).

Jeff serves as Co-chair of Bay Area Lawyers for Individual Freedom (“BALIF”), the nation’s oldest and largest association of lesbian, gay, bisexual and transgender (LGBTQI) persons in the field of law, and he is on the board of the BALIF Foundation. He was also selected to serve on the California Lawyers Association Litigation Section Executive Committee. He has published multiple articles in law reviews related to the history of LGBTQ rights. Jeff is a 2015 graduate, *magna cum laude*, of Northwestern University School of Law and Northwestern University Graduate School where he received a J.D. and a Ph.D. in Sociology. While in law school, Jeff served as an Articles Editor of the Northwestern Journal of Law and Social Policy. He received his undergraduate degree, *summa cum laude*, *Phi Beta Kappa*, in Sociology from Brandeis University in 2006.

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Education

Northwestern University School of Law, J.D., *magna cum laude*, 2015

Northwestern University Graduate School, Ph.D., 2015

Brandeis University, B.A., *summa cum laude*, *Phi Beta Kappa*, 2006

Admissions

California

Awards & Honors

Best LGBTQ+ Lawyers Under 40, LGBT Bar Association, 2021
Unity Award, Minority Bar Coalition, 2019
Rising Star, Northern California Super Lawyers, 2021

Professional Affiliations

American Association for Justice
Bay Area Lawyers for Individual Freedom, Co-chair
BALIF Foundation, Board
California Lawyers Association, Litigation Section Executive Committee
Consumer Attorneys of California

Presentations and Articles

- Author, “Overdue Protection for LGTBQ Workers,” Trial Magazine, American Association for Justice, September 2020
- Author, “How the Right to be Sexual Shaped the Emergence of LGBT Rights,” 22 U. Pa. J. Const. L. 1389, August 2020
- Presenter, “LGBTQ+ Employment Rights Webinar,” American Association for Justice, June 2020
- Presenter, “Free Speech & LGBTQ+ Advocacy,” Annual Symposium, William & Mary Journal of Race, Gender, and Social Justice, February 2020
- Presenter, “Wage and Hour Litigation & Enforcement Webinar,” HB Litigation, February 2020
- Author, “Donor Preferences and the Crisis in Public Interest Law,” 57 Santa Clara L. Rev. 43, 2017
- Author, “(No) State Interests in Regulating Gender: How Suppression of Gender Nonconformity Violates Freedom of Speech,” 19 Wm. & Mary J. Women & L. 187, 2013



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Education

Seattle University School of Law, J.D., 2014

Bates College, B.A., 2010

Admissions

California

Ashleigh Musser | Associate

Ashleigh represents consumers and employees in class actions and mass arbitration involving consumer protection and employment law. She litigates complex cases involving misclassification, discrimination, and wage and hour claims brought under state law, including under the Private Attorneys General Act (PAGA). She currently represents thousands of gig economy workers in legal actions alleging that they were misclassified as independent contractors and should be entitled to minimum wage, overtime pay, and expense reimbursement under California and other state labor laws. Ashleigh is a proficient Spanish speaker and has experience representing and working with Spanish-speaking clients.

Ashleigh previously worked at a litigation firm in San Francisco, representing clients in criminal and civil proceedings, with an emphasis in personal injury, real estate, and wrongful death claims. More recently, she counseled and represented plaintiffs in individual and representative labor and employment matters at a boutique law firm in San Francisco. She has extensive experience protecting the rights of employees in cases involving California Labor Code violations, California Family Rights Act violations, and violations of the California Fair Employment and Housing Act, which includes representing plaintiffs with sexual harassment, disability and pregnancy discrimination, and retaliation claims.

Ashleigh is a 2014 graduate of Seattle University School of Law, where she served as the treasurer of the Moot Court Board, and as a chair of the International Law Society. During her time in law school, Ashleigh externed at the AIDS Legal Referral Panel of San Francisco, and subsequently volunteered as a licensed lawyer, where she represented clients facing eviction, and researched issues including the impact lump sum payments have on Section 8, the Housing Choice Voucher Program. As a law student, Ashleigh studied abroad at the University of Witwatersrand in Johannesburg, South Africa, focusing on how businesses adversely impact human rights, primarily in African countries. Ashleigh further diversified her legal experience by becoming a licensed to practice intern in Washington State, allowing her to practice law as a law student for the City Prosecutor's Office. In this role, she had to balance defending the City with the rights of the individuals that came before her in court.

Professional Affiliations

California Employment Lawyers Association
San Francisco Trial Lawyers Association

Awards & Honors

Rising Star, Northern California Super Lawyers, 2021



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Education

Seattle University School of Law, J.D., *cum laude*, 2021

Yeshiva University, B.A., 2015

Admissions

California

Dasha Sominski | Associate

Dasha Sominski represents plaintiffs in a wide range of complex class action cases, including defective products, financial fraud, securities, and sexual assault. Dasha's background as a transactional paralegal and litigation assistant at major defense firms in the Pacific Northwest continues to aid her in prosecuting corporate misconduct. Her insider knowledge about corporate practices offers a helpful perspective, and enables case teams to learn critical information early and deploy unique litigation strategies as a result.

Dasha graduated *cum laude* from Seattle University School of Law in 2021. While in law school, Dasha was a staff editor for the Seattle Journal of Technology, Environmental, and Innovation Law, received a CALI award for earning the highest grade in Torts, and was recognized by the Alpha Sigma Nu honor society for her achievement being in the top 4% of her class. During her 3L year, Dasha externed for Associate Chief Justice Charles W. Johnson at the Washington Supreme Court, which helped her develop an understanding of a judicial chambers' inner workings and further enhanced her legal research and strategy skills.

As a college student, Dasha engaged in community building and advocacy work. In 2015, Dasha was selected for the 36 under 36 award by the Jewish Week in recognition of her outstanding advocacy for LGBTQ+ people within the Orthodox Jewish community, including at Yeshiva University, where she received her undergraduate degree in psychology and creative writing. Her participation in the art activism project "Jews of New York" was recognized by the Boston Globe, Jerusalem Post, NY Daily News and other media outlets.

Dasha is fluent in Russian and proficient in Hebrew.

Dasha is admitted to practice law in California under her full legal name, Iudis Sominskaia.

Professional Affiliations

American Association for Justice
Bay Area Lawyers for Individual Freedom
Consumer Attorneys of California
Eastern European Bar Association
Jewish Bar Association of San Francisco



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Education

University of California at
Berkeley, Berkeley Law, J.D.,
2021

University of California at Santa
Barbara, B.A., highest honors,
2016

Admissions

California

Zeke Wald | Associate

Zeke is dedicated to representing plaintiffs in class action and complex litigation concerning consumers' and workers' rights, products liability, privacy law, and constitutional law.

Zeke graduated from the University of California, Berkeley School of Law in 2021, where he was an Articles editor for the California Law Review, a research assistant for Professor Sean Farhang's work on complex litigation, and an advocate with the East Bay Community Law Center's Community Economic Justice clinic. Zeke also co-founded the Law and Political Economy society, which focuses on bringing students deeper into critical legal theory, and served as a leader of Berkeley's Gun Violence Prevention Project, an organization that supported the Giffords Law Center and the Brady Center's national, state, and local litigation efforts and policy advocacy on behalf of survivors of gun violence.

Zeke received his undergraduate dual degrees in Economics and Psychology from the University of California, Santa Barbara with highest honors. Prior to law school, Zeke worked for a tech startup dedicated to providing consumers with access to objective, unbiased information about products and services, and as a legal secretary at a family law firm focusing on complex parentage and custody cases and assisted reproduction law.

Litigation Highlights

In re: 3M Combat Arms Earplug Products Liability Litigation – This multi-district litigation concerns allegations that 3M's dual-ended Combat Arms earplugs were defective and caused servicemembers and civilians to develop hearing loss or tinnitus. Zeke is a member of the team supporting the Law, Briefing, and Legal Drafting Committee.

Presentations and Articles

- Author, "Election Law's Efficiency-Convergence Dilemma," October 2020
- Author, "Driving in the Rearview: Looking Forward by Looking Back," The Law and Political Economy Society at Berkeley Law Blog, March 2020
- Author, "The Efficient Administration of Elections: How Competing Economic Principles Have Overtaken the Law of Democracy," The Law and Political Economy Society at Berkeley Law Blog, November 2019



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Education

University of San Francisco
School of Law, J.D., *magna cum laude*, 2020

University of Colorado
Boulder, B.A., 2017

Admissions

California

Tayler Walters | Associate

Tayler Walters works with consumers in class actions to combat unfair business practices by corporations, including investors who have been victimized in financial fraud schemes and people whose personal information has been compromised in large-scale data/privacy breaches. She previously worked in a plaintiff's law firm advocating for consumers in a range of areas, including personal injury, product liability, premises liability, employment law, and elder abuse.

Tayler is a 2020 graduate, *magna cum laude*, of the University of San Francisco School of Law. In law school, she served as a Development Director on the Moot Court Board where she coached her fellow students and competed in the National Appellate Advocacy Competition. Tayler received a Merit Scholarship, earned CALI awards for receiving the highest grade in Professional Responsibility and in Contracts Law, and externed for California Supreme Court Chief Justice Tani Cantil-Sakauye. Tayler received her undergraduate degree in Political Science and Government from the University of Colorado Boulder in 2017.

SIGNIFICANT RECOVERIES

Some examples of the cases in which our lawyers played a significant role are described below:

Deceptive Marketing

Hyundai and Kia Fuel Economy Litigation, No. 2:13-md-2424 (C.D. Cal.). In a lawsuit alleging false advertising of vehicle fuel efficiency, the court appointed Eric Gibbs as liaison counsel. Mr. Gibbs regularly reported to the Court, coordinated a wide-ranging discovery process, and advanced the view of plaintiffs seeking relief under the laws of over twenty states. Ultimately Mr. Gibbs helped negotiate a revised nationwide class action settlement with an estimated value of up to \$210 million. The Honorable George H. Wu wrote that Mr. Gibbs had “efficiently managed the requests from well over 20 different law firms and effectively represented the interests of Non-Settling Plaintiffs throughout this litigation. This included actively participating in revisions to the proposed settlement in a manner that addressed many weaknesses in the original proposed settlement.”

In Re Mercedes-Benz Tele Aid Contract Litigation, MDL No. 1914, No. 07-cv-02720 (D.N.J.). Gibbs Law Group attorneys and co-counsel served as co-lead class counsel on behalf of consumers who were not told their vehicles’ navigation systems were on the verge of becoming obsolete. Counsel successfully certified a nationwide litigation class, before negotiating a settlement valued between approximately \$25 million and \$50 million. In approving the settlement, the court acknowledged that the case “involved years of difficult and hard-fought litigation by able counsel on both sides” and that “the attorneys who handled the case were particularly skilled by virtue of their ability and experience.”

In re Providian Credit Card Cases, JCCP No. 4085 (Cal. Super. Ct. San Francisco Cty). Mr. Gibbs played a prominent role in this nationwide class action suit brought on behalf of Providian credit card holders. The lawsuit alleged that Providian engaged in unlawful, unfair and fraudulent business practices in connection with the marketing and fee assessments for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

In re Hyundai and Kia Horsepower Litigation, No. 02CC00287 (Cal. Super. Ct. Orange Cty). In a class action on behalf of U.S. Hyundai and Kia owners and lessees, contending that Hyundai advertised false horsepower ratings in the United States, attorneys from Gibbs Law Group negotiated a class action settlement valued at between \$75 million and \$125 million which provided owners nationwide with cash payments and dealer credits.

Skold v. Intel Corp., No. 1-05-cv-039231 (Cal. Super. Ct. Santa Clara Cty.). Gibbs Law Group attorneys represented Intel consumers through a decade of hard-fought litigation, ultimately certifying a nationwide class under an innovative “price inflation” theory and negotiating a settlement that provided refunds and \$4 million in cy pres donations. In approving the settlement, Judge Peter Kirwan wrote: “It is abundantly clear that Class Counsel invested an incredible amount of time and costs in a case which lasted approximately 10 years with no guarantee that they would prevail.... Simply put, Class Counsel earned their fees in this case.”

Steff v. United Online, Inc., No. BC265953 (Cal. Super. Ct. Los Angeles Cty.). Mr. Gibbs served as lead counsel in this nationwide class action suit brought against NetZero, Inc. and its parent, United Online, Inc., by former NetZero customers. Plaintiffs alleged that defendants falsely advertised their internet service as unlimited and guaranteed for a specific period of time. The Honorable Victoria G. Chaney of the Los Angeles Superior Court granted final approval of a settlement that provided full refunds to customers whose services were cancelled and which placed restrictions on Defendants' advertising.

Khaliki v. Helzberg's Diamond Shops, Inc., No. 11-cv-00010 (W.D. Mo.). Gibbs Law Group attorneys and co-counsel represented consumers who alleged deceptive marketing in connection with the sale of princess-cut diamonds. The firms achieved a positive settlement, which the court approved, recognizing "that Class Counsel provided excellent representation" and achieved "a favorable result relatively early in the case, which benefits the Class while preserving judicial resources." The court went on to recognize that "Class Counsel faced considerable risk in pursuing this litigation on a contingent basis, and obtained a favorable result for the class given the legal and factual complexities and challenges presented."

Defective Products

In re Pacific Fertility Center Litigation, Case No. 3:18-cv-01586 (N.D. Cal). Gibbs Law Group attorneys served as co-lead trial counsel in a three-week trial on behalf of several patients who tragically lost eggs and embryos in a catastrophic cryo-preservation tank failure at San Francisco's Pacific Fertility Center in 2018. The jury found cryogenic tank manufacturer, Chart Inc., liable on all claims, determining that the tank contained manufacturing and design defects, and that Chart had negligently failed to recall or retrofit the tank's controller, despite having known for years that the controller model was prone to malfunction. For each claim, the jury found that the deficiency was a substantial factor in causing harm to the plaintiffs, and awarded \$14.975 million in aggregate damages. This was the first trial in the consolidated litigation, and five additional trials against Chart are scheduled for 2022 and 2023.

In re: American Honda Motor Co., Inc., CR-V Vibration Marketing and Sales Practices Litigation, No. 2:15-md-02661 (S.D. Ohio) Gibbs Law Group attorneys served as co-lead counsel in this multidistrict litigation on behalf of Honda CR-V owners who complained that their vehicles were vibrating excessively. After several lawsuits had been filed, Honda began issuing repair bulletins, setting forth repairs to address the vibration. Honda did not publicize the repairs well and as a result, Plaintiffs' alleged many CR-V owners and lessees—including those who had previously been told that repairs were unavailable—continued to experience the vibration. In early 2018, the parties negotiated a comprehensive settlement to resolve the multidistrict litigation on a class-wide basis. The settlement ensured that all affected vehicle owners were made aware of the free warranty repairs, including requiring Honda to proactively reach out to CR-V owners and dealers in several ways to publicize the repair options available.

In re General Motors Cases, No. JCCP 4396 (Cal. Super. Ct. L.A. Cty) - certified California state court class action against General Motors alleging violations of California's "Secret Warranty" law, California Civil Code § 1794.90 et seq.

Glenn v. Hyundai Motor America, Case No. 8:15-cv-02052 (C.D. Cal.). Gibbs Law Group attorneys represented drivers from six states who alleged their vehicles came with defective sunroofs that could shatter without warning. The case persisted through several years of fiercely contested litigation before resolving for a package of class-wide benefits conservatively valued at over \$30 million. In approving the settlement, U.S. District Court Judge David O. Carter praised the resolution: "[T]his is an extraordinarily complex case and an extraordinarily creative solution."

Amborn et al. v. Behr Process Corp., No. 17-cv-4464 (N.D. Ill.) Gibbs Law Group served as co-lead counsel in this coordinated lawsuit against Behr and Home Depot alleging that Behr's DeckOver deck resurfacing product is prone to peeling, chipping, bubbling, and degrading soon after application. The team negotiated a class-wide settlement, which provided class members who submitted claims with 1) a refund for their purchase; and 2) substantial compensation for money spent removing DeckOver or repairing their deck. The settlement was granted final approval on December 19, 2018.

In re Hyundai Sonata Engine Litigation, Case No. 5:15-cv-01685 (N.D. Cal.). Gibbs Law Group attorneys served as court-appointed co-lead class counsel on behalf of plaintiffs who alleged their 2011-2014 Hyundai Sonatas suffered premature and catastrophic engine failures due to defective rotating assemblies. We negotiated a comprehensive settlement providing for nationwide recalls, warranty extensions, repair reimbursements, and compensation for class members who had already traded-in or sold their vehicles at a loss. The average payment to class members exceeded \$3,000.

Sugarman v. Ducati North America, Inc., No. 10-cv-05246 (N.D. Cal.). Gibbs Law Group attorneys served as class counsel on behalf of Ducati motorcycle owners whose fuel tanks on their motorcycles degraded and deformed due to incompatibility with the motorcycles' fuel. In January 2012, the Court approved a settlement that provided an extended warranty and repairs, writing, "The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

Parkinson v. Hyundai Motor America, No. 06-cv-00345 (C.D. Cal.). Gibbs Law Group attorneys served as class counsel in this class action featuring allegations that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, our lawyers negotiated a settlement that provided for reimbursements to class members for their repairs, depending on their vehicle's mileage at time of repair, from 50% to 100% reimbursement. The settlement also provided full reimbursement for rental vehicle expenses for class members who rented a vehicle while flywheel or clutch repairs were being performed. After the settlement was approved, the court wrote, "Perhaps the best barometer of ... the benefit obtained for the class ... is the perception of class members themselves. Counsel submitted dozens of letters from class members sharing their joy, appreciation, and relief that someone finally did something to help them."

Browne v. Am. Honda Motor Co., Inc., No. 09-cv-06750 (C.D. Cal.). Gibbs Law Group attorneys and co-counsel represented plaintiffs who alleged that about 750,000 Honda Accord and Acura TSX vehicles were sold with brake pads that wore out prematurely. We negotiated a settlement in which improved brake pads were made available and class members who had them installed could be reimbursed. The settlement received final court approval in July 2010 and provided an estimated value of \$25 million.

In Re General Motors Dex-Cool Cases., No. HG03093843 (Cal. Super Ct. Alameda Cty). Gibbs Law Group attorneys served as co-lead counsel in these class action lawsuits filed throughout the country, where plaintiffs alleged that General Motors' Dex-Cool engine coolant damaged certain vehicles' engines, and that in other vehicles, Dex-Cool formed a rusty sludge that caused vehicles to overheat. After consumer classes were certified in both Missouri and California, General Motors agreed to cash payments to class members nationwide. On October 27, 2008, the California court granted final approval to the settlement.

In re iPod Cases, JCCP No. 4355 (Cal. Super. Ct. San Mateo Cty). Mr. Gibbs, as court appointed co-lead counsel, negotiated a settlement that provided warranty extensions, battery replacements, cash payments, and store credits for class members who experienced battery failure. In approving the settlement, the Hon. Beth L. Freeman said that the class was represented by "extremely well qualified" counsel who negotiated a "significant and substantial benefit" for the class members.

Roy v. Hyundai Motor America, No. 05-cv-00483 (C.D. Cal.). Gibbs Law Group attorneys served as co-lead counsel in this nationwide class action suit brought on behalf of Hyundai Elantra owners and lessees, alleging that an air bag system in vehicles was defective. Our attorneys helped negotiate a settlement whereby Hyundai agreed to repair the air bag systems, provide reimbursement for transportation expenses, and administer an alternative dispute resolution program for trade-ins and buy-backs. In approving the settlement, the Honorable Alicemarie H. Stotler presiding, described the settlement as “pragmatic” and a “win-win” for all involved.

Velasco v. Chrysler Group LLC, No. 2:13-cv-08080 (C.D. Cal.). In this class action, consumers alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. Gibbs Law Group attorneys and their co-counsel defeated the majority of Chrysler’s motion to dismiss and engaged in extensive deposition and document discovery. In 2015, the parties reached a settlement contingent on Chrysler initiating a recall of hundreds of thousands of vehicles, reimbursing owners for past repairs, and extending its warranty for the repairs conducted through the recall. When he granted final settlement approval, the Honorable Dean D. Pregerson acknowledged that the case had been “hard fought” and “well-litigated by both sides.”

Edwards v. Ford Motor Co., No. 11-cv-1058 (S.D. Cal.). This lawsuit alleged that Ford sold vehicles despite a known safety defect that caused them to surge into intersections, through crosswalks, and up on to curbs. The litigation twice went to the U.S. Court of Appeals for the Ninth Circuit, with plaintiff prevailing in both instances. In the first instance, the appellate court reversed the trial court’s denial of class certification. In the second, the Ninth Circuit affirmed the ruling below that plaintiff’s efforts had generated free repairs, reimbursements, and extended warranties for the class.

Sanborn, et al. v. Nissan North America, Inc., No. 00:14-cv-62567 (S.D. Fla.). Gibbs Law Group litigated this action against a vigorous defense for two years, seeking relief for Nissan Altima owners whose dashboards were melting into a sticky, shiny, gooey surface that they alleged caused a substantial and dangerous glare. After largely prevailing on a motion to dismiss, Gibbs Law Group attorneys and their co-counsel prepared the case to the brink of trial, reaching a settlement just ten days before the scheduled trial start. The settlement allowed class members to obtain steeply discounted dashboard replacements and reimbursement toward prior replacement costs.

Bacca v. BMW of N. Am., No. 2:06-cv-6753 (C.D. Cal.). In a class action alleging that BMW vehicles suffered from defective sub-frames, we negotiated a settlement with BMW in which class members nationwide received full reimbursement for prior sub-frame repair costs as well as free nationwide inspections and program.

Antitrust and Unfair Business Practices

In re: Wells Fargo Collateral Protection Insurance Litigation, MDL Case No.: 8:17-ML-2797 (C.D. Cal.). Eric Gibbs and Michael Schrag were appointed to the three-firm Plaintiffs’ Steering Committee in this multi-district litigation on behalf of consumers who took out car loans from Wells Fargo and were charged for auto insurance they did not need. The parties announced a proposed settlement of at least \$393.5 million for affected consumers and the Court granted final approval in November 2019.

In re Currency Conversion Fee Antitrust Litigation, MDL No. 1409 (S.D.N.Y.); ***Schwartz v. Visa, et. al.***, No. 822404-4 (Cal. Super. Ct., Alameda Cty). Mr. Schrag helped initiate and prosecute several class actions against Visa, MasterCard, and other major U.S. banks, such as Chase and Bank of America, for failing to disclose their price fixing of currency conversion fees charged to cardholders. After prevailing at trial in *Schwartz v. Visa, et. al.*, plaintiffs were successful in obtaining a \$336 million global settlement for the class.

In re TFT-LCD (Flat Panel) Antitrust Litigation, MDL 1827 (N.D. Cal.). Gibbs Law Group attorneys were among the team serving as liaison counsel in this multi-district antitrust litigation against numerous TFT-LCD (Flat Panel) manufacturers alleging a conspiracy to fix prices, which has achieved settlements of more than \$400 million to date.

In re Natural Gas Antitrust Cases I, II, III and IV, JCCP No. 4221 (Cal. Super. Ct. San Diego Cty). Gibbs Law Group attorneys served in a leadership capacity in this coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market, which has achieved settlements of nearly \$160 million.

Beaver v. Tarsadia Hotels, No. 11-cv-1842 (S.D. Cal.); Gibbs Law Group attorneys served as co-lead counsel representing buyers of San Diego Hard Rock Hotel condominium units in this class action lawsuit against real estate developers concerning unfair competition claims. The lawsuit settled for \$51.15 million.

LLE One, LLC et al. v. Facebook, Inc., No. 4:16-cv-6232 (N.D. Cal.); Gibbs Law Group attorneys represent small businesses and other advertisers in a class action lawsuit alleging that Facebook overstated its metrics for the average time spent watching video ads on its platform. The Court granted final approval to a \$40 million class action settlement on June 26, 2020.

Hernandez v. Wells Fargo Bank, N.A., No. 3:18-cv-07354 (N.D. Cal.); Gibbs Law Group attorneys serve as court-appointed co-lead counsel representing a certified class of more than 1,200 home mortgage borrowers who lost their homes to foreclosure after Wells Fargo erroneously denied them trial mortgage modifications. The case settled in two phases for a total of \$40.3 million. Class members have received significant compensation payments of up to \$120,000.

Ammari Electronics, et al. v. Pacific Bell Directory, No. RG05198014 (Cal. Super. Ct. Alameda Cty.). Mr. Schrag obtained a \$27 million judgment against an AT&T subsidiary after a jury trial and two successful appeals in this breach of contract class action on behalf of thousands of California businesses that advertised in Pacific Bell yellow pages directories. The National Law Journal featured this win in its “Top 100 Verdicts of 2009.”

In re LookSmart Litigation, No. 02-407778 (Cal. Super. Ct. San Francisco Cty). This nationwide class action suit was brought against LookSmart, Ltd. on behalf of LookSmart’s customers who paid an advertised “one time payment” to have their web sites listed in LookSmart’s directory, only to be later charged additional payments to continue service. Plaintiffs’ claims included breach of contract and violation of California’s consumer protection laws. On October 31, 2003, the Honorable Ronald M. Quidachay granted final approval of a nationwide class action settlement providing cash and benefits valued at approximately \$20 million.

Lehman v. Blue Shield of California, No. CGC-03-419349 (Cal. Super. Ct. S.F. Cty.). In this class action lawsuit alleging that Blue Shield engaged in unlawful, unfair and fraudulent business practices when it modified the risk tier structure of its individual and family health care plans, Gibbs Law Group attorneys helped negotiate a \$6.5 million settlement on behalf of former and current Blue Shield subscribers residing in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

Wixon v. Wyndham Resort Development Corp., No. 07-cv-02361 (N.D. Cal.). Gibbs Law Group attorneys served as class and derivative counsel in this litigation brought against a timeshare developer and the directors of a timeshare corporation for violations of California state law. Plaintiffs alleged that the defendants violated their fiduciary duties as directors by taking actions for the financial benefit of the timeshare developer to the detriment of the owners of timeshare interests. On September 14, 2010, Judge White granted approval of a settlement of the plaintiffs' derivative claims.

Berrien, et al. v. New Raintree Resorts, LLC, et al., No. 10-cv-03125 (N.D. Cal.). Gibbs Law Group attorneys filed this class action on behalf of timeshare owners, challenging the imposition of unauthorized special assessment fees. On November 15, 2011, the parties reached a proposed settlement of the claims asserted by the plaintiffs on behalf of all class members who were charged the special assessment. On March 13, 2012, the Court issued its Final Class Action Settlement Approval Order and Judgment, approving the proposed settlement.

Benedict, et al. v. Diamond Resorts Corporation, et al., No. 12-cv-00183 (D. Hawaii). In this class action on behalf of timeshare owners, Gibbs Law Group attorneys represented plaintiffs challenging the imposition of an unauthorized special assessment fee. On November 6, 2012, the parties reached a proposed settlement of the claims asserted by the plaintiffs on behalf of all class members who were charged the special assessment. On June 6, 2013, the Court approved the settlement.

Allen Lund Co., Inc. v. AT&T Corp., No. 98-cv-1500 (C.D. Cal.). This class action lawsuit was brought on behalf of small businesses whose long-distance service was switched to Business Discount Plan, Inc. Gibbs Law Group attorneys served as class counsel and helped negotiate a settlement that provided full cash refunds and free long-distance telephone service.

Mackouse v. The Good Guys - California, Inc., No. 2002-049656 (Cal. Super Ct. Alameda Cty). This nationwide class action lawsuit was brought against The Good Guys and its affiliates alleging violations of the Song-Beverly Warranty Act and other California consumer statutes. The Plaintiff alleged that The Good Guys failed to honor its service contracts, which were offered for sale to customers and designed to protect a customer's purchase after the manufacturer's warranty expired. In May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement that provides cash refunds or services at the customer's election.

Mitchell v. Acosta Sales, LLC, No. 11-cv-01796 (C.D. Cal. 2011). Gibbs Law Group attorneys and co-counsel served as class counsel representing Acosta employees who alleged that they were required to work off-the-clock and were not reimbursed for required employment expenses. We helped negotiate a \$9.9 million settlement for merchandiser employees who were not paid for all the hours they worked. The Court granted final approval of the settlement in September 2013.

Rubaker v. Spansion, LLC, No. 09-cv-00842 (N.D. Cal. 2009). Gibbs Law Group attorneys and co-counsel filed a class action lawsuit on behalf of former Spansion employees that alleged that the company had failed to provide terminated employees from California and Texas with advance notice of the layoff, as required by the Workers Adjustment and Retraining Notification Act (WARN Act). The bankruptcy court approved the class action settlement we and co-counsel negotiated in 2010. The settlement was valued at \$8.6 million and resulted in cash payments to the former employees.

Securities and Financial Fraud

Deora v. NantHealth, No. 2:17-cv-1825 (C.D. Cal.) – Gibbs Law Group serves as Co-lead Counsel for certified classes of investors in litigation alleging violations of federal securities laws related to the healthcare technology company's statements in connections with its initial public offering in 2016 and afterward. In September 2020, the Court granted final approval to a \$16.5 million class action settlement.

Roth v. Aon Corp., No. 04-cv-06835 (N.D. Ill.). This securities fraud class action alleged that Aon Corporation and its key executives made misstatements and failed to disclose important information to investors about Aon's role in and reliance on contingent commission kickbacks and steering arrangements with insurers. Mr. Schrag helped prosecute this securities fraud class action against Aon Corporation which resulted in a \$30 million settlement for the plaintiff class.

In re Peregrine Financial Group Customer Litigation, No. 12-cv-5546 (N.D. Ill.). Mr. Stein was among the attorneys serving as co-lead counsel for futures and commodities investors who lost millions of dollars in the collapse of Peregrine Financial Group, Inc. Through several years of litigation, counsel helped deliver settlements worth more than \$75 million from U.S. Bank, N.A., and JPMorgan Chase Bank, N.A.

In re Chase Bank USA, N.A. "Check Loan" Contract Litigation, No. 09-2032 (N.D. Cal.). Gibbs Law Group attorneys and counsel from several firms led this nationwide class action lawsuit alleging deceptive marketing and loan practices by Chase Bank USA, N.A. After a nationwide class was certified, U.S. District Court Judge Maxine M. Chesney granted final approval of a \$100 million settlement on behalf of Chase cardholders.

Mitchell v. American Fair Credit Association, No. 785811-2 (Cal. Super. Ct. Alameda Cty); ***Mitchell v. Bankfirst, N.A.***, No. 97-cv-01421 (N.D. Cal.). This class action lawsuit was brought on behalf of California members of the American Fair Credit Association (AFCA). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel. In February 2003, Judge Ronald Sabraw of the Alameda County Superior Court and Judge Maxine Chesney of the U.S. District Court for the Northern District of California granted final approval of settlements valued at over \$40 million.

Data Breach and Privacy

In re Equifax, Inc. Customer Data Security Breach Litig., MDL No. 2800, No. 1:17-md-2800 (N.D. Ga.) Gibbs Law Group attorneys serve on the Plaintiffs' Executive Committee in this nationwide class action stemming from a 2017 data breach that exposed social security numbers, birth dates, addresses, and in some cases, credit card numbers of more than 147 million consumers. On January 13, 2020, the Court granted final approval to a settlement valued at \$1.5 billion. Gibbs Law Group attorneys played an integral role in negotiating key business practice changes, including overhauling Equifax's handling of consumers' personal information and data security.

In re Anthem, Inc. Data Breach Litig., MDL No. 2617, No. 15-md-02617 (N.D. Cal.). Gibbs Law Group attorneys serve as part of the four-firm leadership team in this nationwide class action stemming from the largest healthcare data breach in history affecting approximately 80 million people. On August 15, 2018, the Court granted final approval to a \$115 million cash settlement.

In re: Vizio, Inc. Consumer Privacy Litigation, MDL No. 8:16-ml-02963 (C.D. Cal.). Gibbs Law Group attorneys are co-lead counsel in this multi-district lawsuit alleging that Vizio collected and sold data about consumers' television viewing habits and their digital identities to advertisers without consumers' knowledge or consent. Counsel achieved an important ruling on the application of the Video Privacy Protection Act (VPPA), a 1988 federal privacy law, which had never been extended to television manufacturers. The firm negotiated a settlement providing for class-wide injunctive relief transforming the company's data collection practices, as well as a \$17 million fund to compensate consumers who were affected. In granting preliminary approval, Judge Josephine Staton stated, "I'm glad I appointed all of you as lead counsel, because -- it probably is the best set of papers I've had on preliminary approval." She also noted "[E]very class member will benefit from the injunctive relief." On July 31, 2019, the Court granted final approval of the settlement.

In re Adobe Systems Inc. Privacy Litig., No. 13-cv-05226 (N.D. Cal.). In this nationwide class action stemming from a 2013 data breach, attorneys from Gibbs Law Group served as lead counsel on behalf of the millions of potentially affected consumers. Counsel achieved a landmark ruling on Article III standing (which has since been relied upon by the Seventh Circuit Court of Appeals and other courts) and then went on to negotiate a settlement requiring Adobe to provide enhanced security relief—including the implementation and maintenance of enhanced intrusion detection, network segmentation, and encryption.

Whitaker v. Health Net of Cal., Inc., et al., No. 11-cv-00910 (E.D. Cal.); ***Shurtleff v. Health Net of Cal., Inc.***, No. 34-2012-00121600 (Cal. Super Ct. Sacramento Cty). Gibbs Law Group attorneys served as co-lead counsel in this patient privacy case. On June 24, 2014, the court granted final approval of a settlement that provided class members with credit monitoring, established a \$2 million fund to reimburse consumers for related identity theft incidents, and instituted material upgrades to and monitoring of Health Net's information security protocols.

Smith v. Regents of the University of California, San Francisco, No. RG-08-410004 (Cal. Super Ct. Alameda Cty). Gibbs Law Group attorneys represented a patient who alleged that UCSF's disclosure of its patients' medical data to outside vendors violated California medical privacy law. The firm succeeded in negotiating improvements to UCSF's privacy procedures on behalf of a certified class of patients of the UCSF medical center. In approving the stipulated permanent injunction, Judge Stephen Brick found that "plaintiff Smith has achieved a substantial benefit to the entire class and the public at large."

Mass Tort

In re Actos Pioglitazone-Products Liability Litigation, No. 6:11-md-2299 (W.D. La.). Gibbs Law Group partners represented individuals who were diagnosed with bladder cancer after taking the oral diabetic drug Actos. The federal litigation resulted in a \$2.37 billion settlement.

In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation, MDL No. 2385, No. 3:09-md-02100 (S.D. Ill.). Gibbs Law Group attorneys represented women throughout the country who suffered serious side effects after taking Yaz, Yasmin and Ocella birth control. The federal litigation resulted in settlements worth approximately \$1.6 billion.

In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL No. 2385, No. 3:12-md-02385 (S.D. Ill.), Gibbs Law Group attorneys represented patients who suffered irreversible internal bleeding after taking Pradaxa blood thinners. Lawsuit resolved for settlements of approximately \$650 million.

In re: Sulzer Hip Prosthesis And Knew Prosthesis Liability Litigation, MDL No. 1401 (N.D. Ohio); Cal. JCCP No. 4165 (Cal. Super. Court, Alameda Cty). Mr. Schrag helped recover over \$10 million on behalf of his clients in this multidistrict litigation.

Sexual Assault Litigation

A.B. v. Regents of the University of California No. 2:20-cv-9555 (C.D. Cal.) – Gibbs Law Group represents former patients of UCLA OB-GYN Dr. James Heaps in a class action lawsuit alleging assault, abuse and harassment violations, and accusing UCLA of failing to protect patients after first becoming aware of the doctor's misconduct. In November 2020, the parties announced a settlement, which will provide \$73 million in compensation to former patients of Dr. Heaps, as well as requiring a series of business practice reforms by UCLA for better handling of sexual assault investigations and practices going forward. Settlement approval is pending.

Government Reform

Paeste v. Government of Guam, No. 11-cv-0008 (D. Guam); Gibbs Law Group attorneys and co-counsel served as Class Counsel in litigation alleging the Government of Guam had a longstanding practice of delaying tax refunds for years on end, with the Government owing over \$200 million in past due refunds. After certifying a litigation class, Plaintiffs prevailed on both of their claims at the summary judgment stage, obtaining a permanent injunction that reformed the government's administration of tax refunds. The judgment and injunction were upheld on appeal in a published decision by the Ninth Circuit. *Paeste v. Gov't of Guam*, 798 F.3d 1228 (9th Cir. 2015).

EXHIBIT B

GIRARD SHARP

Firm Resume

Girard Sharp is a national litigation firm representing plaintiffs in class and collective actions in federal and state courts. The firm serves individuals, institutions and business clients in cases involving consumer protection, securities, antitrust, privacy, and whistleblower laws.

Our clients range from individual consumers and small businesses to Fortune 100 corporations and public pension funds. We have recovered over a billion dollars on behalf of our clients in class actions and non-class cases. In addition to litigation, our firm also provides consulting and strategic counseling services to institutional clients and professionals in securities litigation and corporate governance. We are committed to achieving favorable results for all of our clients in the most expeditious and economical manner possible.

Girard Sharp is distinguished as a Tier 1 law firm for plaintiffs' mass tort and class action litigation by the U.S. News & World Report, and has been included on their list of "Best Law Firms" from 2013-2022. *The National Law Journal (NLJ)* named Girard Sharp to its elite "Plaintiffs' Hot List," a selection of top U.S. plaintiffs' firms recognized for wins in high-profile cases. In 2020, Girard Sharp was honored with the *Daily Journal's* "Top Boutiques in California" award. Girard Sharp also was honored as the 2019 Elite Trial Lawyers winner in the category of Insurance Litigation, and was recognized by Law360 in 2022 as a Practice Group of the Year in Product Liability Litigation. In 2021, the *Daily Journal* awarded Girard Sharp attorneys the "Top Plaintiff Verdicts: Impact" award.

Nine of the firm's attorneys have been recognized as Northern California Super Lawyers and Rising Stars. Name partners Daniel Girard and Dena Sharp have been selected by their peers as among the *Best Lawyers in America*. Daniel Girard has been recognized as among the "Top 100 Super Lawyers" in Northern California, and Dena Sharp as one of the Top 50 Women Attorneys in Northern California. *Best Lawyers* also designated Mr. Girard as the 2013 "Lawyer of the Year" in San Francisco for class action litigation. Mr. Girard earns an *AV-Preeminent* rating from Martindale-Hubbell, placing him in the highest class of attorneys for professional ethics and legal skills.

ATTORNEYS

Partners

<u>Daniel Girard</u>	p. 2
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SIGNIFICANT RECOVERIES

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ATTORNEYS

Partners

Daniel Girard Daniel Girard founded Girard Sharp to offer dedicated, professional representation to everyday Americans. Dan believes that individuals who work hard and play by the rules deserve the same focused, dedicated representation enjoyed by corporations, banks, and insurance companies. Under Dan's leadership, Girard Sharp has become one of the most respected and experienced class action law firms in the United States.



Dan has been appointed by federal courts to lead class actions brought under a range of federal and state laws, often involving investments and consumer financial services matters. Most recently, he served as counsel for investors in the Woodbridge Investments, Peregrine Financial Group and Provident Royalties cases, all of which involved parallel insolvency proceedings and criminal prosecutions against investment promoters. He has led successful class actions in such areas as securities, corporate governance, telecommunications, unfair competition, federal statutory rights, predatory lending, sexual abuse, product liability, and constitutional law.

In addition to individuals, Dan's past and present clients include municipal and state employee retirement systems, public employee unions, financial institutions, property and casualty insurers, and NYSE companies.

Dan has served the federal court system through his work on federal rule-making committees. He was appointed by Chief Justice William H. Rehnquist to the United States Judicial Conference Advisory Committee on Civil Rules in 2004 and served on the Civil Rules Committee through 2010. Chief Justice John G. Roberts appointed Dan to the Standing Committee on Rules of Practice and Procedure in 2015 and reappointed him to a second term in 2018. Dan's article, "Limiting Evasive Discovery: A Proposal for Three Cost-Saving Amendments to the Federal Rules," 87 Denver University Law Review 473 (2010), proposed several rule amendments that were ultimately adopted in Federal Rule of Civil Procedure 34(b)(2).

Dan also serves as a member of the Council of the American Law Institute, where he chairs the Audit Committee, and serves on the Membership and Development Committees.

He is a long-standing member of the American Bar Association, Section on Business Law, Corporate and Business Litigation Committee.

Dena Sharp is a problem-solver who gets results for her clients in even the most complex litigation. She currently serves as co-lead counsel in the *In re Juul Labs Inc.* multidistrict litigation, *In re Xyrem Antitrust Litigation*, and *In re California Gasoline Spot Market Antitrust Litigation*. She is co-lead counsel for a certified class of end-payers in the *In re Restasis Antitrust Litigation*, and a member of the End-Payer Steering Committee in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, a massive case alleging that the world's largest makers of generic drugs conspired to raise prices and prevent price competition for years. Dena is also privileged to represent clients of a fertility center whose eggs and embryos were compromised by a freezer tank malfunction. In June 2021, Dena and her team tried the first *In re Pacific Fertility Center Litigation* case in federal court in San Francisco, and won a groundbreaking \$15 million jury verdict for the loss of four families' eggs and embryos.



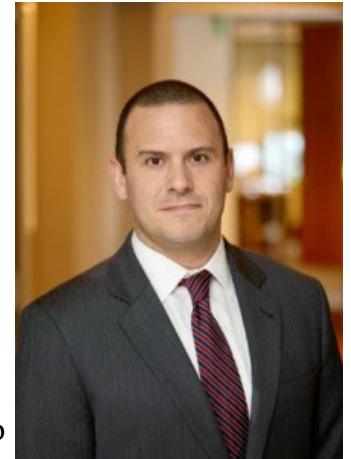
As co-lead counsel in *In re Lidoderm Antitrust Litigation*, a “pay-for delay” antitrust case that settled for \$104.75 million on the eve of trial, Dena worked with her team to win class certification, defeat summary judgment, and obtain the largest recovery for a class of end-payers in similar federal litigation in more than a decade. She has also played a key role in a variety of other high-profile cases, including work on behalf of the direct purchasers in the *In re Capacitors Antitrust Litigation*, and representing investors in litigation arising from Lehman Brothers' bankruptcy and in matters involving Ponzi schemes and accounting fraud.

Outside the courtroom, Dena is the current co-chair of the Lawyer Representatives to the Ninth Circuit Judicial Conference for the Northern District of California, and was elected to the American Law Institute in 2018. She sits on the board of directors of the Impact Fund, a public interest nonprofit, and has served as co-chair and faculty member of the annual Judicial Training Symposium for Federal Judges, hosted by the Federal Judicial Center and the Electronic Discovery Institute. She also sits on the board of advisors for the Center for Litigation and the Courts at UC Hastings. Dena co-authored a chapter in the ABA's “Class Action Strategy and Practice Guide,” and the widely-cited Sedona Principles: Best Practices and Principles for Electronic Document Production (Third Edition).

The *National Law Journal* has recognized Dena as an “Elite Woman of the Plaintiffs' Bar” for two consecutive years, honoring her as one of only a handful of lawyers nationwide who has “consistently excelled in high-stakes matters on behalf of plaintiffs” over the course of her career. Dena was named one of the “Best Lawyers in America” for both 2021 and 2022, one of the “Top 50 Women Attorneys in Northern California” by *San Francisco* magazine in 2021, and one of the *Daily Journal's* “Top Women Lawyers” in 2021. In 2022, the *Daily Journal* recognized Dena and her colleagues for their work on *In re Pacific Fertility Center Litigation* with the award for “Top Plaintiffs Verdicts” in the “Impact” category. Dena has also been recognized as a Northern California Super Lawyer or Rising Star every year since 2009.

Dena is a graduate, *cum laude*, of the University of California, Hastings College of Law, where she was a member of the Thurston Society and received the Best Oral Advocate and Witkin awards. She graduated magna cum laude from Brown University. During law school, Dena externed for the Honorable Phyllis J. Hamilton of the Northern District of California, and the Honorable John E. Munter of the San Francisco Superior Court. A first-generation American, Dena is fluent in Spanish and German.

Adam Polk is a partner at Girard Sharp who takes a client-focused approach to each matter he handles. A devoted advocate, Adam rolls up his sleeves and does whatever it takes to give each of his clients the high-quality representation they deserve. Concentrating his practice on complex consumer, securities, and antitrust class actions, Adam's experience covers all aspects of civil litigation, from initial case investigation and complaint preparation through discovery and trial.



Adam currently serves as co-lead counsel in *In re Subaru Battery Drain Litigation* (an ongoing consumer protection action concerning defective batteries in Subaru vehicles); and *In re Maxar Technologies Inc. Shareholder Litigation* (an action alleging violations of the Securities Act of 1933). He also serves as part of the co-lead counsel teams in *In re California Gasoline Spot Market Antitrust Litigation* (an antitrust class action alleging manipulation of the spot market for gasoline in California); *In re Pacific Fertility Center Litigation* (a product defect related to the alleged failure of an IVF tank holding human eggs and embryos); and *In re PFA Insurance Marketing Litigation* (a consumer protection class action alleging the unfair and deceptive sale of life insurance). Adam also serves as a court-appointed executive committee member in *In re Allergan Biocell Textured Breast Implant Products Liability Litigation* (a multidistrict litigation centering on allegedly defective breast implants and pending in the District of New Jersey).

Recently, Adam served as part of the trial team in the first *In re Pacific Fertility Center Litigation* trial. In a landmark result, the jury awarded approximately \$15 million for the loss of four families' eggs and embryos. Adam also served on the lead counsel teams in several recent cases that resolved favorably for his clients, including *Bentley v. LG Electronics U.S.A., Inc.* and *Sosenko v. LG Electronics U.S.A., Inc.* (class actions alleging that LG's refrigerators are defective and prone to premature failure); and *In re Nexus 6P Products Liability Litigation* and *Weeks v. Google LLC* (two consumer class actions against Google relating to defective mobile phones, which resolved for a combined \$17 million). Adam was also instrumental in achieving substantial settlements for his clients in *In re Sears Holdings Corporation Stockholder and Derivative Litigation* (\$40 million settlement) and *Daccache v. Raymond James Financial, Inc.* (\$150 million partial settlement).

Before joining the firm, Adam externed for the Honorable Sandra Brown Armstrong and the Honorable Claudia Wilken, of the U.S. District Court for the Northern District of California.

Adam is chair of the American Bar Association's Class Action and Derivative Suits committee, for which he is a frequent contributor of content regarding emerging issues in class action litigation. As of 2021 he is a member of the Fellows of the American Bar Foundation. His articles include: *Ninth Circuit: Central District of California's 90-Day Deadline to Move for Class Certification Incompatible with Rule 23*, ABA Practice Points, October 2018, *Fourth Circuit, No Presumption of Timeliness Where One Class Action Plaintiff Moves to Intervene in Another Class Action Prior to the Opt-Out Deadline*, ABA Practice Points, July 2018, *California Supreme Court: Unnamed Class Members Must Intervene or Move to Vacate to Gain Right to Appeal Class Settlements*, ABA Practice Points, May 2018, *Tilting at Windmills: Nationwide Class Settlements After In re Hyundai and Kia Fuel Economy Litigation*, ABA Section of Litigation, Class Actions & Derivative Suits, February 2018 (co-author), "Ninth Circuit." *Survey of Federal Class Action Law*, ABA 2018 (co-author), *Ninth Circuit: No Formal Motion for Reconsideration Needed to Toll 23(f) Deadline*, ABA Practice

Points, September 2017, *Eighth Circuit Clarifies CAFA's Local-Controversy Exception Applies to Local Citizens, Not Mere Residents*, ABA Practice Points, May 2017, *Shrink-Wrap Arbitration Clauses Must Be Conspicuously Displayed: Ninth Circuit*, ABA Practice Points, April 2017, *Predispute Arbitration Clauses Targeting Public Injunctive Relief Are Unenforceable: CA Supreme Court*, ABA Practice Points, April 2017, *Ninth Circuit: Cy Pres Awards Must be Tailored to Plaintiffs' Claims to Justify a Class Action Release*, ABA Practice Points, February 2017, *Rule 23 Does Not Include an 'Administrative Feasibility Requirement: Ninth Circuit*, ABA Practice Points, January 2017.

Adam was elected in 2021 as a Fellow of the American Bar Foundation. He has been selected by his peers as a Northern California Super Lawyer, Rising Star every year since 2013. Adam has been named to the National Trial Lawyers' "Top 40 Under 40" for three consecutive years. He was named to *Best Lawyers'* "Ones to Watch" list in 2021 and 2022.

Jordan Elias, a partner in the firm, represents consumers and small businesses injured by corporate violations. He has pursued civil claims against monopolists, price-fixing cartels, oil and tobacco companies, and the nation's largest banks. Over the past decade, Jordan has also taken on pharmaceutical companies for collusion leading to inflated prescription drug prices.

Jordan argued the first substantive motion in the digital advertising monopoly litigation against Google. He previously served as head writer for the plaintiffs in the wrongful death cases arising from sudden unintended acceleration of Toyota vehicles. He was the primary author of the plaintiffs' briefs in the California Supreme Court in the landmark Cipro "pay-for-delay" antitrust case, and gained a reversal for the plaintiff in *Pavoni v. Chrysler Group, LLC*, 789 F.3d 1095 (9th Cir. 2015). Jordan also led the appeal in *In re U.S. Office of Personnel Management Data Security Breach Litigation*, 928 F.3d 42 (D.C. Cir. 2019), where the court reversed the dismissal of a case brought on behalf of 21.5 million federal government employees whose sensitive private information was hacked. More recently, Jordan represented the League of Women Voters in an amicus brief urging the Ninth Circuit to preserve an extension of the State of Arizona's voter registration deadline in light of the Covid-19 pandemic and the remote location of many Native American voters. He also argued the successful appeal in *Velasquez-Reyes v. Samsung Electronics America, Inc.*, No. 17-56556 (9th Cir. Sept. 17, 2019), where the Ninth Circuit held that Samsung could not compel individual arbitration of false advertising claims even though its smartphone packaging had an arbitration clause. Federal judges have described his advocacy as "very thorough" and "clearly in the public interest."



Jordan received a California Lawyer Attorney of the Year (CLAY) award in 2016. He has been recognized as a Northern California Super Lawyer, Appellate, since 2014. A former chief arbitrator for the San Francisco Bar Association's attorney-client fee disputes program, Jordan now serves as the program's vice-chair.

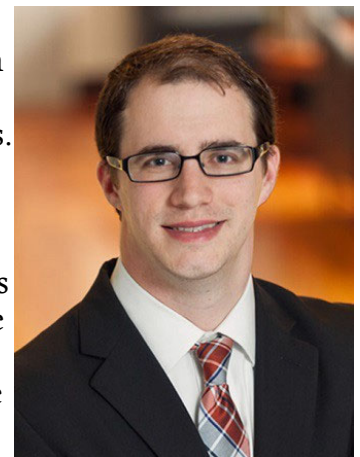
In 2017, Jordan was elected to the American Law Institute. He is also a Fellow of the American Bar Foundation. He authored the Supreme Court chapter, and co-authored the Ninth Circuit chapter, in the American Bar Association's *Survey of Federal Class Action Law*. He also co-authored the chapter on antitrust standing, causation and remedies in *California State Antitrust and Unfair Competition Law* (Matthew Bender 2019), the chapter on CAFA exceptions in *The Class Action Fairness Act: Law and*

Strategy (ABA 2d ed. 2021), and the chapter on jurisdiction and preemption in *California Class Actions and Coordinated Proceedings* (Matthew Bender 2015). Jordan wrote the law review articles “*More Than Tangential*”: *When Does the Public Have a Right to Access Judicial Records?*, 29 J. Law & Pol’y 367 (2021); *Course Correction—Data Breach as Invasion of Privacy*, 69 Baylor L. Rev. 574 (2018), *Cooperative Federalism in Class Actions*, 86 Tenn. L. Rev. 1 (2019), and *The Ascertainability Landscape and the Modern Affidavit*, 84 Tenn. L. Rev. 1 (2017). His bar journal articles include “Putting *Cipro* Meat on *Actavis* Bones,” 24 No. 2 Competition 1, *State Bar of California* (2015), “Does *Bristol-Myers Squibb Co. v. Superior Court* Apply to Class Actions?” *ABA Section of Litigation, Class Actions & Derivative Suits* (Feb. 25, 2020) (co-author), and “Tilting at Windmills: Nationwide Class Settlements After *In re Hyundai and Kia Fuel Economy Litigation*,” *ABA Section of Litigation, Class Actions & Derivative Suits* (Feb. 28, 2018) (co-author).

Jordan was awarded the Field Prize in the humanities at Yale College, where he was an all-Ivy League sprinter. While attending Stanford Law School, he served on the law review and externed for the Honorable Charles R. Breyer of the Northern District of California. After law school, Jordan clerked for the late Judge Cynthia Holcomb Hall of the Ninth Circuit Court of Appeals. He then defended technology companies in securities and intellectual property cases at Wilson Sonsini Goodrich & Rosati, which honored him with the John Wilson Award for winning asylum for refugees from Haiti and Indonesia. Before joining Girard Sharp in 2015, Jordan practiced for seven years at Lieff Cabraser Heimann & Bernstein.

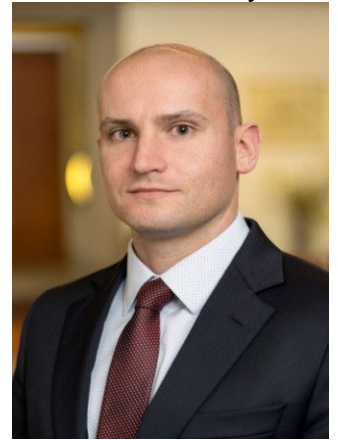
Scott Grzenczyk dedicates his practice to representing plaintiffs in antitrust and consumer protection matters. He has wide-ranging experience in all aspects of complex litigation and has served as a member of leadership teams that have recovered hundreds of millions of dollars for the firm’s clients. Scott brings a tireless work ethic and a practical, results-oriented approach to his cases.

For several years, Scott has represented union health and welfare funds in cases alleging that large, multinational drug companies illegally inflated the price of prescription drugs. Scott has helped achieve precedent-setting recoveries, including a \$104.75 million settlement shortly before trial in a case concerning the prescription drug Lidoderm. He also plays a key role in the firm’s work in the *In re Restasis Antitrust Litigation* and *In re Generic Pharmaceuticals Antitrust Litigation* matters.



Scott led the firm’s litigation efforts in a class action filed by native inhabitants of Guam bringing due process and equal protection claims against the government of Guam. He also has a track record of successfully representing consumers, including car and cell phone purchasers, in cases involving fraud and unfair business practices. During law school, Scott successfully argued a precedent-setting immigration case before the U.S. Court of Appeals for the Ninth Circuit. He has been honored as a Rising Star by Northern California Super Lawyers every year since 2013. In 2020, Scott was honored as a recipient of the American Antitrust Institute’s “Outstanding Antitrust Litigation Achievement by a Young Lawyer” award. Scott was named to *Best Lawyers*’ “Ones to Watch” list in 2022.

Simon Grille, a partner in the firm, is committed to seeking justice for individuals harmed by corporate wrongdoing. He represents plaintiffs in class and complex litigation concerning consumers' rights and financial fraud. He has taken a lead role in consumer class actions against some of the largest technology companies in the world. Simon has been named a Rising Star by Super Lawyers since 2017, and was named to *Best Lawyers*' "Ones to Watch" list in 2021 and 2022.



Simon approaches each case with an unwavering commitment to obtaining the best possible outcome for his clients. A creative problem-solver, Simon welcomes the challenges of complex civil litigation. He has substantial experience in all aspects of civil litigation.

Before joining Girard Sharp, Simon worked at a prominent Bay Area law firm, where he represented victims of toxic exposure in complex civil litigation. He also has experience working in-house at a multinational company and as an extern for the Honorable Arthur S. Weissbrodt of the United States Bankruptcy Court for the Northern District of California.

Associates

Makenna Cox handles all aspects of complex class action litigation, including consumer protection cases against some of the nation's largest corporations.

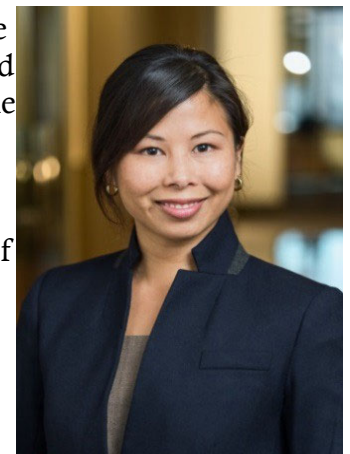
Before joining Girard Sharp, Makenna advocated for musicians' rights and co-authored comments filed with the Federal Communications Commission. She worked during law school at an appellate firm in Los Angeles.

Makenna served as Senior Production Editor on the *Loyola of Los Angeles Entertainment Law Review*. She received her B.A. with honors from the University of San Francisco.



Mani Goehring strives to provide clients with prompt attention, reliable guidance, and excellent outcomes. She represents consumers in class action and other complex litigation seeking to hold companies and institutions accountable for misconduct. From intake to resolution, Mani knows that responsiveness and tenacity are key to obtaining favorable results.

Mani previously worked on criminal matters at the Antitrust Division of the U.S. Department of Justice. She also interned for the U.S. Attorney's Office, the San Francisco District Attorney's Office, and the American Civil Liberties Union of Northern California.



Trevor Tan focuses on consumer protection class actions and other complex civil litigation, specializing in legal research and writing. He was honored as a Rising Star by Super Lawyers beginning in 2019 and was named to *Best Lawyers*' "Ones to Watch" list in 2022.

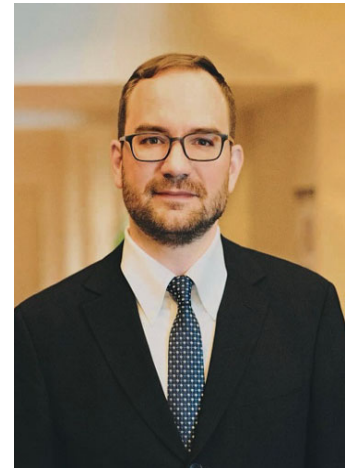
Trevor has considerable experience working in judicial chambers. Before joining Girard Sharp, he clerked for the Honorable Fernando M. Olguin of the U.S. District Court for the Central District of California. Trevor also clerked for Judges of the Los Angeles County Superior Court and the court's Appellate Division.

Trevor received his J.D. from the University of Chicago Law School in 2011. During law school, he was an extern for the Honorable George H. Wu in the Central District of California and a law clerk with the Illinois Attorney General. In addition, he served as a child advocate with the school's immigrant child advocacy clinic and worked on behalf of immigrant children from China. After law school, Trevor represented unaccompanied minors in removal proceedings as a fellow at the Young Center for Immigrant Children's Rights.

Trevor received his undergraduate degree with honors in political science from the University of California, Irvine in 2006.

Peter Touschner handles complex class action e-discovery matters for the firm. Before joining Girard Sharp, Peter represented class members harmed by Volkswagen's emissions-related fraud, as well as insureds who were charged inflated premiums due to the anticompetitive practices of a hospital conglomerate.

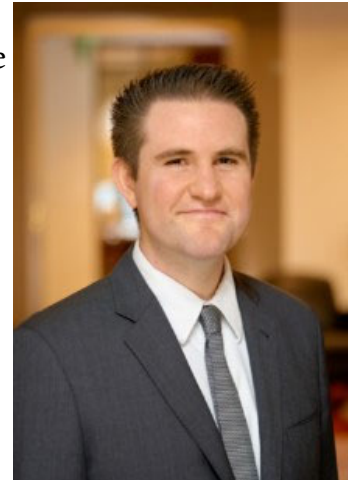
Peter previously worked as a Research Attorney at the Center for Democracy and Technology, where he investigated deceptive online advertising practices and evaluated proposed cybersecurity legislation. During law school, Peter externed for U.S. District Judge Charles R. Breyer and served as Senior Articles Editor for the *Hastings Science and Technology Law Journal*.



Tom Watts focuses his practice on complex antitrust litigation against monopolists and other wrongdoers. Before joining the firm, Tom clerked for the Honorable Jane Roth on the Third Circuit and the Honorable Robert McDonald of the Maryland Court of Appeals, assisting in a wide variety of appellate and state supreme court matters.

Tom earned a J.D. and master's in public policy *magna cum laude* from Harvard Law School and Harvard Kennedy School. During law school, he gained experience in litigation, appeals, and policy advocacy by interning with the U.S. Department of Justice's Civil Appellate Section, Santa Clara County's Impact Litigation and Social Justice Section, and Public Advocates.

Tom received his B.A. from the University of California, Berkeley, with High Distinction in General Scholarship. He double majored in Classical Languages, in which he received High Honors, and Astrophysics, for which he was the undergraduate commencement speaker.



Erika Garcia handles complex e-discovery matters for the firm. She is admitted to practice in California and New York.

Before joining Girard Sharp, Erika worked at a large international law firm with a focus on class action and commercial litigation as well as regulatory investigations. She has negotiated and drafted numerous confidentiality agreements in the mergers and acquisitions setting.

Erika is fluent in Spanish and previously served as a volunteer advocate in Ecuador for refugees from other Latin American countries.



Nina Gliozzo works to seek justice for plaintiffs in complex litigation nationwide. Before joining Girard Sharp, Nina clerked for the Honorable Marsha S. Berzon of the U.S. Court of Appeals for the Ninth Circuit.

Nina earned her J.D., *magna cum laude*, from the University of California, Hastings College of Law. During law school she externed for the Honorable Charles R. Breyer, U.S. District Judge for the Northern District of California. She also served as Executive Symposium Editor for the *Hastings Law Journal*, organizing a symposium featuring a conversation with former Supreme Court Justice Anthony M. Kennedy.



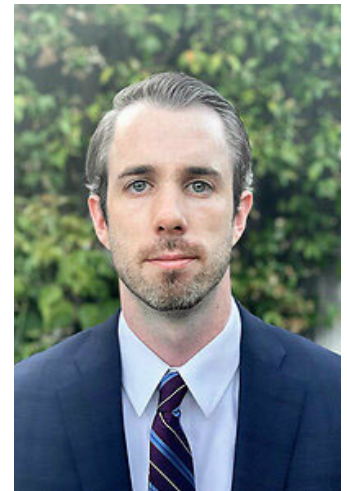
Mikaela Bock advocates for injured consumers and other purchasers in complex civil litigation.

During law school, Mikaela externed in the Northern District of California and was the national champion of the Evan A. Evans Constitutional Law Moot Court Competition. She previously worked for Teach for America, teaching 7th graders in East Palo Alto, California.



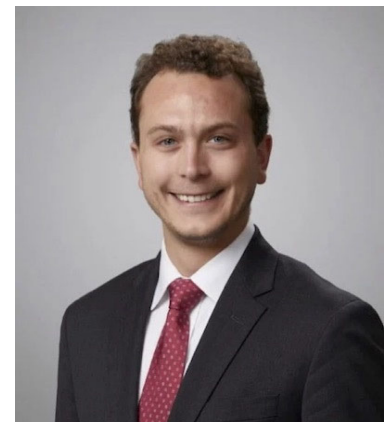
Sean Greene advocates for injured consumers and policyholders. He brings a unique perspective to his work, as he defended insurance companies before joining Girard Sharp.

During law school, Sean earned Moot Court Honorable Mention in Oral Advocacy and was an Officer of the Hastings Health Law Organization. Before law school, he gained extensive knowledge of insurance from working on public health initiatives to provide health care to underprivileged schoolchildren in Northeast Pennsylvania.



Kyle Quackenbush prosecutes class actions and other complex civil litigation, with a focus on antitrust. He has participated in all stages of litigation, including drafting pleadings, coordinating document discovery, taking depositions, preparing dispositive motions, and trial. Among other work, Kyle has contributed his skills to several antitrust cases involving the pharmaceutical industry, focusing on the interplay between antitrust and intellectual property law as well as market concentration within payor and provider networks. He was named a Northern California Super Lawyers “Rising Star” in 2020 and 2021.

Kyle also volunteers with the Federal Pro Bono Project of the Bar Association of San Francisco. In one case, he represented a plaintiff who alleged employees at Salinas Valley State Prison were deliberately indifferent to the plaintiff’s serious medical needs, in violation of the



Eighth Amendment. In another case, he represented a homeowner plaintiff in settlement negotiations with Wells Fargo.

During law school, Kyle was a Summer Honors Legal Intern at the Federal Trade Commission's San Francisco office, and a Legal Extern at the Washington State Attorney General's Office. While at the FTC, he co-authored *The Efficiencies Defenestration, Are Regulators Throwing Valid Healthcare Efficiencies Out The Window?*, published in the winter 2017 issue of the Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association.

In addition to his membership in the American Bar Association and the Bar Association of San Francisco, Kyle participates in the Barristers Association of San Francisco, working to provide information and resources to lawyers in their first ten years of practice.

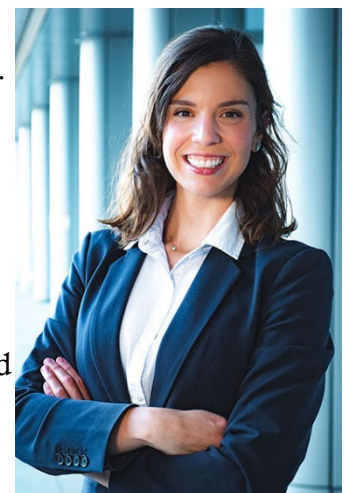
Jessica Cook focuses on a variety of class actions and other complex litigation matters. Jessica is a graduate of Golden Gate University School of Law. She attended the law school evening program while working full-time at Girard Sharp.

During law school Jessica competed on multiple moot court teams and in her last year she was co-chair of the Moot Court Board. She also served as an elected representative on the Student Bar Association.



Jordan Isern advocates for plaintiffs in class actions and other complex litigation, with a focus on antitrust. Jordan is a graduate of Harvard Law School. There, she served as Executive Technical Editor of the Civil Rights–Civil Liberties Law Review and published several articles for the Covid-19 and the Law Series Blog.

Before joining Girard Sharp, Jordan worked for the Department of Justice, Antitrust Division, and externed for the Honorable Michael Baylson of the Eastern District of Pennsylvania. She also interned at several nonprofit legal organizations, including the Asian American Legal Defense and Education Fund and the Pennsylvania Innocence Project.



Outside of the courtroom, Jordan is an avid outdoor enthusiast. She enjoys rock climbing and has backpacked parts of the Appalachian, Continental Divide, and Pacific Crest trails.

Kimberly Macey advocates for clients in consumer, antitrust, and other complex civil cases.

Kimberly graduated from the University of California, Hastings in 2021. During law school, she competed on and coached multiple Moot Court teams, and during her third year, she served as Co-Chair for the UC Hastings Moot Court team.

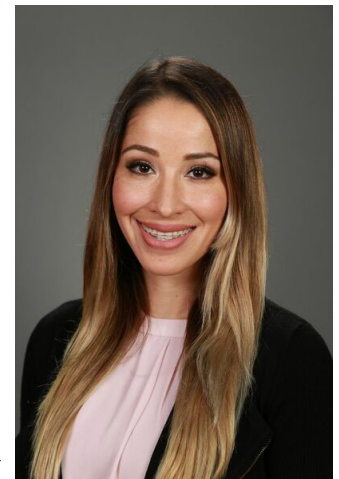
Before law school, Kimberly worked as a legal assistant at a full-service law firm. She received her B.S. in Criminal Justice from Northern Arizona University in 2016.



Law Clerks

Estela Barajas is committed to achieving justice for plaintiffs in consumer protection, antitrust, and other complex class actions. A 2019 summer associate at Girard Sharp, Estela returned to the firm after earning her J.D. from U.C. Davis School of Law.

During law school, Estela served on the Moot Court Honors Board, co-chaired the La Raza Law Students Association, was a student member of the Schwartz-Levi Inn of Court, and helped support Latinx and first-generation law students like herself as a First-Generation Advocates Student Board member and peer mentor. In addition, she gained hands-on experience in counseling and advocacy as a volunteer at U.C. Davis' workers' rights and water justice clinics, serving low-income communities. Estela is fluent in Spanish, and in her last year of law school, she attended a study abroad program focused on International and European Business Law at Comillas Pontifical University ICADE in Madrid, Spain.



Estela previously worked for over a decade in the nonprofit sector, advocating for individuals facing child custody and other non-violent criminal charges stemming from addiction, mental health conditions, and other challenges. As manager of the Drug Court and Collaborative Court programs in Inglewood and Long Beach, Estela spearheaded efforts to reduce recidivism rates of historically disadvantaged populations through rehabilitation rather than incarceration.

Of Counsel

Michael S. Danko is a renowned trial lawyer with more than 25 years of legal experience. Mike represents individuals who have suffered catastrophic personal injuries, as well as families of wrongful death victims in cases involving product defects, defective medications and medical devices, airplane and helicopter accidents, and dangerous structures. He has tried cases in state and federal courts throughout the country and has won numerous eight-figure verdicts on behalf of his clients.



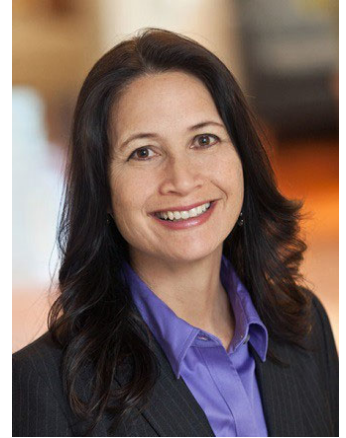
Mike represents dozens of victims of a Pacific Gas & Electric gas line explosion and serves on the Plaintiffs' Steering Committee in a California state coordinated proceeding *San Bruno Fire Cases*, JCCP No. 4648. He also serves on the Science Committee for Plaintiffs in *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100.

In 2009, Mike won a \$15 million jury verdict for a client injured by a defective aircraft part, which earned him a nomination for 2009 California Trial Lawyer of the Year by the Consumer Attorneys of California.

Mike's trial advocacy has helped bring about significant reforms and changes to corporate policies. As lead counsel in *In re Deep Vein Thrombosis Litigation*, MDL No. 1606 (N.D. Cal.), he represented more than one hundred air travelers who suffered strokes, pulmonary emboli, or heart attacks as a result of airline-induced blood clots. He developed theories of liability and proof regarding the cause of his clients' injuries that led to virtually every major air carrier advising air travelers of the risks of deep vein thrombosis and measures to mitigate those risks. Mike also represented parents of children who were injured or killed by a popular candy made by a foreign manufacturer. His work in proving that the candy's unusual ingredients and consistency made it a choking hazard resulted in the candy being removed from Costco and Albertson's stores nationwide, and helped persuade the FDA to ban the candy from further import into the United States.

Mike has been named a Northern California Super Lawyer each year since the award's inception in 2004. He is a *Lawdragon 500* finalist. In 2010, Mike was named one of the Best Lawyers in America. He is a member of the American Association for Justice, the Lawyer Pilots Bar Association and the Consumer Attorneys of California, where he serves on the board of governors. Mike received his A.B. degree from Dartmouth College, *magna cum laude*, in 1980, and earned his J.D. from the University of Virginia School of Law in 1983.

Kristine Keala Meredith is a trial attorney specializing in product liability litigation. Kristine served as co-lead counsel with Michael Danko representing more than one hundred air travelers who suffered strokes, pulmonary emboli, or heart attacks as a result of airline-induced blood clots in *In re Deep Vein Thrombosis Litigation*, MDL No. 1606.



Kristine served on the Law and Motion committee in *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100, where she assisted in the successful opposition to 15 *Daubert* motions in fewer than three weeks. Before she began representing plaintiffs, Kristine worked on the national defense counsel teams for medical device manufacturers in multi-district litigation including *In re Silicone Gel Breast Implants Product Liability Litigation*, MDL No. 926, and *In re Orthopedic Bone Screw Product Liability Litigation*, MDL No. 1014. She also represented doctors and hospitals in defense of medical malpractice actions, where she worked with some of the world's leading medical experts.

In 2010, Kristine was named a Northern California Super Lawyer. She is currently an officer of the American Association for Justice and the San Mateo County Trial Lawyers Association. She is also a member of the San Francisco Trial Lawyers Association and the Consumer Attorneys of California. She is a former chair of the Minority Issues Committee of the San Francisco Bar Association Barrister Club.

Kristine obtained her B.S. with honors from the University of California at Davis and was awarded a scholarship to attend Brigham Young University's J. Reuben Clark Law School. While in law school, she was awarded the Distinguished Student Service Award and spent a semester at Howard University Law School in Washington, D.C., as a member of the faculty/student diversity exchange.

Favorable Outcomes and Significant Recoveries

Sexual Abuse & Women's Advocacy

In re Pacific Fertility Center Litigation, No. 3:18-cv-01586-JSC (N.D. Cal.). Girard Sharp represented IVF patients of Pacific Fertility Center whose eggs and embryos were damaged or destroyed in a cryopreservation tank failure. On June 11, 2021, after a three-week trial, a jury found the tank manufacturer, Chart Industries Inc., liable for a defect in the tank and for its negligent failure to recall a part that malfunctioned, a "controller" meant to monitor liquid nitrogen levels. The jury awarded more than \$14 million in damages to three women who lost eggs and a married couple who lost embryos in the catastrophic March 2018 tank failure. The three women were each awarded between \$2 million and \$3 million, and the couple was awarded \$7.2 million. Girard Sharp represents over 80 families who lost reproductive material in the tank failure.

In re USC Student Health Center Litigation, No. 2:18-cv-06115 (C. D. Cal.). Girard Sharp served as co-lead counsel in a class action against the University of Southern California and campus gynecologist Dr. George Tyndall on behalf of women who were sexually abused by

Tyndall during his long tenure at USC. A federal judge approved a class action settlement with USC that establishes a \$215 million fund and gives every survivor a choice in how to participate. The claims process received universal praise from class members for the compassionate and generous approach to making victims whole. The settlement also requires USC to adopt and implement procedures for identification, prevention and reporting of sexual and racial misconduct, as well as to recognize the harm done to all of Tyndall's patients.

A.B. et al. v. The Regents of the University of California et al., No. 2:20-cv-09555-RGK-E (C.D. Cal.). Girard Sharp lawyers filed a class action lawsuit against UCLA on behalf of women treated by UCLA gynecologist Dr. James Heaps. Heaps was charged with sexual battery and exploitation of patients while working as a staff gynecologist at UCLA—a position he held for almost thirty years. The UC Regents agreed to resolve the claims for \$73,000,000, plus injunctive relief measures, and the District Court granted final approval of the settlement.

Antitrust

In re Lidoderm Antitrust Litigation, No. 14-md-02521 (N.D. Cal.). Girard Sharp lawyers were appointed co-lead counsel in a class action on behalf of end-purchasers of the prescription drug Lidoderm who alleged that two drug companies, Endo Pharmaceuticals and Teikoku Pharma, unlawfully paid a third, Watson Pharmaceuticals, to delay the launch of more affordable generic Lidocaine patches. The firm secured a \$104.75 million settlement on the eve of trial.

In re TFT-LCD (Flat Panel) Antitrust Litigation, MDL No. 1827 (N.D. Cal.). The firm served as liaison counsel for the direct purchaser plaintiffs and certified direct purchaser class in this multidistrict antitrust litigation against makers of LCD screens alleging a far-reaching conspiracy to raise, fix and maintain prices. The direct purchasers achieved settlements of more than \$400 million.

In re Aggrenox Antitrust Litigation, No. 14-md-2516 (D. Conn.). Girard Sharp served on the Plaintiffs' Executive Committee in this "pay-for-delay" litigation accusing Teva Pharmaceuticals USA, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc. of illegally agreeing to keep generic Aggrenox off the market. The case settled for \$54 million.

In re Solodyn Antitrust Litigation, No. 14-md-2503 (D. Mass.). The firm served on the Plaintiffs' Executive Committee in this action alleging that Medicis Pharmaceuticals and several generic drug manufacturers conspired to monopolize the market for the acne drug Solodyn. The case settled for over \$40 million in cash.

In re Natural Gas Antitrust Cases I, II, III and IV, J.C.C.P. No. 4221 (Cal. Super. Ct. San Diego Cty.). Girard Sharp served on the leadership team in coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market. The firm helped achieve settlements of nearly \$160 million.

Securities and Financial Fraud

Daccache v. Raymond James Financial, Inc., No. 1:16-cv-21575-FAM (S.D. Fla.). Girard Sharp served as a member of the leadership team representing investors in various Jay Peak EB-5 Immigrant Investor Program project offerings. The investors' funds were diverted and misappropriated instead of being applied to the intended project to develop the area surrounding the Jay Peak Ski Resort. In June 2017, the court approved a settlement of \$150 million for the investors.

In re Oppenheimer Rochester Funds Group Securities Litigation, No. 09-md-02063-JLK (D. Colo). Girard Sharp represented investors who were misled by the Oppenheimer California Municipal Bond Fund about the investment risks associated with the fund's holdings. On November 6, 2017, the Honorable John L. Kane approved a \$50.75 million settlement for the investors.

In re Sears Holdings Corporation Stockholder and Derivative Litigation, Consolidated C.A. No. 11081-VCL (Del. Ch.). Girard Sharp served as co-lead counsel on behalf of the company in this derivative suit charging CEO and majority owner Edward S. Lampert and other directors with depriving stockholders of the full value of 266 of Sears Holdings' most valuable properties. Girard Sharp obtained a \$40 million settlement for Sears Holdings Corporation in the Court of Chancery.

In re Digex, Inc. Shareholder Litigation, Consol. No. 18336 (Del. Ch.). Girard Sharp represented the Kansas Public Employees Retirement System, one of two institutional lead plaintiffs in this lawsuit; minority stockholders of Digex, Inc. sued to enjoin MCI WorldCom's planned acquisition of a controlling interest in Digex via a merger with Intermedia Communications, Inc. A settlement approved by the Delaware Chancery Court secured \$165 million in MCI WorldCom stock and \$15 million in cash for Digex shareholders, as well as non-cash benefits valued at \$450 million.

Billitteri v. Securities America, Inc., No. 3:09-cv-01568-F (N.D. Tex.). Girard Sharp served as lead counsel in an action against broker-dealer Securities America, Inc. and its corporate parent, Ameriprise, Inc. in connection with sales of investments in the Provident Royalties and Medical Capital investment schemes. Daniel Girard coordinated negotiations resulting in a \$150 million settlement, with \$80 million allocated to class plaintiffs represented by Girard Sharp and \$70 million allocated to individual investors who had initiated arbitration proceedings. The settlements returned over 40% of investment losses.

In re Lehman Brothers Equity/Debt Securities Litigation, No. 08-Civ-5523 (S.D.N.Y.). Girard Sharp was appointed class counsel for a certified class of retail investors in structured products sold by UBS Financial Services, Inc., following the collapse of Lehman Brothers Holdings, Inc. in the largest bankruptcy in American history. The plaintiffs alleged that UBS misrepresented Lehman's financial condition and failed to disclose that the "principal protection" feature of many of the notes depended upon Lehman's solvency. Girard Sharp negotiated a settlement that established a \$120 million fund to resolve these claims.

In re Prison Realty Securities Litigation, No. 3:99-0452 (M.D. Tenn.). Girard Sharp served as co-lead counsel in this securities class action brought against a real estate investment trust and its

officers and directors relating to a merger between Corrections Corporation of America and CCA Prison Realty Trust. The court approved a settlement for over \$120 million in cash and stock.

In re American Express Financial Advisors Securities Litigation, No. 04-cv-01773-DAB (S.D.N.Y.). Girard Sharp served as co-lead counsel in this class action on behalf of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming “shelf space funds” to reap kickbacks and other financial benefits. The court granted final approval of a settlement providing \$100 million in cash and other relief.

Scheiner v. i2 Technologies, Inc., No. 3:01-CV-418-H (N.D. Tex.). Girard Sharp represented the lead plaintiff—the Kansas Public Employees Retirement System—and served as co-lead counsel on behalf of investors in i2 Technologies. The Honorable Barefoot Sanders approved cash settlements for \$88 million from the company, its officers, and its former auditor Arthur Andersen. As part of the settlement, i2 agreed to significant corporate governance reforms.

In re Peregrine Financial Group Customer Litigation, No. 1:12-cv-5546 (N.D. Ill.). As one of two co-lead counsel, Girard Sharp prosecuted this litigation under the Commodities Exchange Act and state law on behalf of investors who lost millions in the collapse of a commodities futures merchant. The litigation generated recoveries of more than \$75 million. The court wrote that counsel “conferred an impressive monetary benefit on the Settlement Class: the funds recovered from U.S. Bank are substantial—both in absolute terms and when assessed in light of the risks of establishing liability and damages” [ECF No. 441].

CalSTRS v. Qwest Communications, No. 415546 (Cal. Super. Ct. S.F. Cty.). Girard Sharp represented the California State Teachers Retirement System in this opt-out securities fraud case against Qwest Communications, Inc. and certain of its officers and directors, as well as its outside auditor Arthur Andersen. The case resulted in a precedent-setting \$45 million settlement for California schoolteachers.

In re SLM Corp. Securities Litigation, No. 08-Civ-1029-WHP (S.D.N.Y.). Girard Sharp served as lead counsel representing investors of SLM Corporation who alleged Sallie Mae, the leading provider of student loans in the United States, misled the public about its financial performance in order to inflate the company’s stock price. After achieving nationwide class certification, Girard Sharp negotiated a settlement that established a \$35 million fund to resolve the investors’ claims.

In re Winstar Communications Securities Litigation, No. 01 Civ. 11522 (S.D.N.Y.). Girard Sharp represented Allianz of America, Inc., Fireman’s Fund and other large private institutional investors against Grant Thornton and other defendants on claims arising out of plaintiffs’ investments in Winstar Communications, Inc. The firm achieved a settlement on the eve of trial that provided a recovery rate over 30 times higher than what class members received in a related class action. After deduction of attorneys’ fees, the fund returned 78.5% of potentially recoverable losses.

In re Oxford Tax Exempt Fund Securities Litigation, No. WMN-95-3643 (D. Md.). Girard Sharp served as co-lead counsel in class and derivative litigation brought on behalf of a real estate limited partnership with assets of over \$200 million. The parties reached a settlement providing for

exempt issuance of securities under section 3(a)(10) of the Securities Act of 1933, public listing of units, and additional benefits valued at over \$10 million.

Calliott v. HFS, Inc., No. 3:97-CV-0924-L (N.D. Tex.). Girard Sharp intervened on behalf of an institutional client in this securities class action arising out of the bankruptcy of Amre, Inc., a seller of home remodeling and repair services. After being designated lead counsel under the Private Securities Litigation Reform Act, Girard Sharp negotiated and obtained court approval of settlements totaling \$7.3 million.

In re Towers Financial Corporation Noteholders Litigation, MDL No. 994 (S.D.N.Y.). This class action was brought against promoters and professionals linked to a failed investment scheme that the SEC described at the time as being the “largest Ponzi scheme in U.S. history.” The case resulted in \$6 million in partial settlements and a \$250 million judgment entered against four senior Towers executives. Girard Sharp served as liaison counsel and as a Plaintiffs’ Executive Committee member. The court stated that “class counsel—particularly plaintiffs’ liaison counsel, Daniel Girard—has represented the plaintiffs diligently and ably in the several years that this litigation has been before me.” 177 F.R.D. 167, 171 (S.D.N.Y. 1997).

Deceptive Trade Practices

In re Hyundai and Kia Horsepower Litigation, No. 02CC00287 (Cal. Super. Ct. Orange Cty.). Girard Sharp served as lead counsel in this coordinated nationwide class action against Hyundai for falsely advertising the horsepower ratings of more than 1 million vehicles over a ten-year period. The case was aggressively litigated on both sides over several years. In all, over 850,000 Hyundai vehicle owners received notice of the settlement, which was valued at \$125 million and which provided cash and other benefits to class members.

In re Chase Bank USA, N.A. “Check Loan” Contract Litigation, No. 09-2032 (N.D. Cal.). Girard Sharp and several other firms led this nationwide class action alleging deceptive marketing and loan practices by Chase Bank USA, N.A. After certifying a nationwide class, the Honorable Maxine M. Chesney granted final approval of a \$100 million settlement benefiting Chase cardholders.

In re Hyundai and Kia Fuel Economy Litigation, No. 2:13-ml-2424 (C.D. Cal.). In a lawsuit alleging false advertising in connection with the fuel efficiency of various Hyundai and Kia models, the firm served as liaison counsel and in that capacity regularly reported to the court and coordinated a wide-ranging discovery process. The case resulted in a nationwide class action settlement with an estimated value of up to \$120 million.

In re Providian Credit Card Cases, J.C.C.P. No. 4085 (Cal. Super. Ct. San Francisco Cty.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action brought on behalf of Providian credit-card holders. The suit alleged that Providian engaged in unlawful, unfair and fraudulent business practices in connection with marketing and assessing fees for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in consumer credit-card litigation.

In re MCI Non-Subscriber Telephone Rates Litigation, MDL No. 1275 (S.D. Ill.). Girard Sharp served as co-lead counsel and recovered an \$88 million settlement for MCI telephone subscribers who were charged rates and surcharges applicable to non-subscribers instead of the lower advertised rates. In approving the settlement, the Honorable David Herndon highlighted “the complexity of the issues involved; the vigorous opposition Plaintiffs’ counsel faced from sophisticated and well-funded Defendants represented by skilled counsel; the achievement of a very large cash settlement fund under these conditions”; and the “design and implementation of a computerized claims process, which appears to have been highly successful.” Daniel Girard argued the key motions in the case and designed the claim procedure.

Skold v. Intel Corp., No. 1-05-CV-039231 (Cal. Super. Ct., Santa Clara Cty.). Girard Sharp represented Intel consumers through a decade of hard-fought litigation, ultimately certifying a nationwide class under an innovative “price inflation” theory and negotiating a settlement that provided refunds and \$4 million in cy pres donations. In approving the settlement, Judge Peter Kirwan wrote: “It is abundantly clear that Class Counsel invested an incredible amount of time and costs in a case which lasted approximately 10 years with no guarantee that they would prevail. . . . Simply put, Class Counsel earned their fees in this case.”

Steff v. United Online, Inc., No. BC265953, (Los Angeles Super. Ct.). This nationwide class action was brought against NetZero, Inc. and its parent, United Online, Inc. by former NetZero customers. Plaintiffs alleged that defendants falsely advertised their internet service as unlimited and guaranteed for a specific period of time. The Honorable Victoria G. Chaney of Los Angeles Superior Court granted final approval of a settlement that provided full refunds to customers whose services were cancelled, and which also placed restrictions on Defendants’ advertising.

Stoddard v. Advanta Corp., No. 97C-08-206-VAB (Del. Super. Ct.). This nationwide class action was brought on behalf of cardholders who were promised a fixed APR for life in connection with balance transfers, but whose APR was then raised pursuant to a notice of change in terms. The Honorable Vincent A. Bifferato appointed the firm as co-lead counsel and approved a \$7.25 million settlement.

Khaliki v. Helzberg’s Diamond Shops, Inc., No. 11-0010-CV-W-NKL (W.D. Mo.). Girard Sharp and co-counsel represented consumers who alleged deceptive marketing in connection with the sale of princess-cut diamonds. The court approved a favorable settlement, recognizing “that Class Counsel provided excellent representation” and obtained “a favorable result relatively early in the case, which benefits the Class while preserving judicial resources.” The court further recognized that “Class Counsel faced considerable risk in pursuing this litigation on a contingent basis, and obtained a favorable result for the class given the legal and factual complexities and challenges presented.”

In re Tyson Foods Inc., Chicken Raised Without Antibiotics Consumer Litigation, No. RDB- 08-1982 (D. Md.). Girard Sharp served as Class Counsel on behalf of consumers who purchased chicken products misleadingly labeled as having been “raised without antibiotics.” After discovery, counsel negotiated a cash settlement that required Tyson Foods to pay class members and make substantial cy pres contributions to food banks.

Defective Products

Michael Bentley et al., v. LG Electronics U.S.A., Inc., No. 2:19-cv-13554-MCA-MAH (D.N.J.). Girard Sharp served as co-lead counsel representing consumers who bought LG refrigerators prone to stop cooling, resulting in spoiled food and medicine, due to a defective linear compressor part. On December 18, 2020, the court approved a settlement that made each class member eligible for several thousand dollars in recovery; those without documentation could recover up to \$450. The class members also received a five-year extended warranty covering the full cost of repairs for cooling failures. The settlement is available to over a million and a half American consumers. At the final fairness hearing, U.S. District Judge Madeline Cox Arleo stated: “I appreciate lawyers who are professionals and can fight hard for their clients but remain professional and committed to . . . the rules of professionalism, and elevate our profession to not just lawyers fighting but lawyers doing justice for both sides. So thank you for that.”

Weeks v. Google LLC, No. 18-cv-00801-NC (N.D. Cal.). Girard Sharp served as co-lead counsel representing owners of Google Pixel and Pixel XL smartphones. The lawsuit alleged that a defect in the Google phones caused the microphones to fail; as a result, users were unable to make calls, dictate texts, record audio, search the web with voice command, or use the advertised Google Assistant feature. On December 6, 2019, the court approved a \$7.25 million settlement for the class that it deemed “excellent.”

In re Nexus 6P Products Liability Litigation, No. 5:17-cv-02185-BLF (N.D. Cal.). Girard Sharp was appointed as co-lead counsel in a class action alleging that Nexus 6P smartphones suffer from a defect that renders the phones inoperable through an endless boot-loop cycle and an accelerated battery drain that causes the phones to shut off prematurely. On November 11, 2019, the Honorable Beth L. Freeman approved a \$9.75 million class settlement, stating in part that “Class counsel has extensive experience representing plaintiffs and classes in complex litigation and consumer class actions.... [T]he quality of their work is reflected in the results achieved for the class.” 2019 WL 6622842, at *10, *12 (N.D. Cal. Nov. 12, 2019).

In re iPod Cases, JCCP No. 4355 (Cal. Super. Ct. San Mateo Cty.). Girard Sharp, as court-appointed co-lead counsel, negotiated a settlement that provided warranty extensions, battery replacements, cash payments, and store credits for class members who experienced battery failure. In approving the settlement, the Honorable Beth L. Freeman wrote that Girard Sharp attorneys are “extremely well qualified” and negotiated a “significant and substantial benefit” for the class.

Sugarman v. Ducati North America, Inc., No. 5:10-cv-05246-JF (N.D. Cal.). The firm served as class counsel on behalf of owners of Ducati motorcycles whose fuel tanks degraded and deformed due to incompatibility with the motorcycles’ fuel. In January 2012, the Honorable Jeremy D. Fogel approved a settlement that provided an extended warranty and repairs, commenting: “The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court’s opinion, counsel obtained an excellent result for the class.” 2012 WL 113361, at *6 (N.D. Cal. Jan. 12, 2012).

Parkinson v. Hyundai Motor America, No. CV 8:06-0345 (C.D. Cal.). Girard Sharp served as class counsel in this class action involving allegations that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, Girard Sharp

negotiated a settlement that provided from 50% to 100% in reimbursement to class members for their repairs, depending on their vehicle's mileage at the time of repair. The settlement also provided full reimbursement for rental car expenses for class members who rented a vehicle while flywheel or clutch repairs were being performed. After approving the settlement, the court wrote, "Perhaps the best barometer of . . . the benefit obtained for the class . . . is the perception of class members themselves. Counsel submitted dozens of letters from class members sharing their joy, appreciation, and relief that someone finally did something to help them." 796 F. Supp. 2d 1160, 1175 (C.D. Cal. 2010).

In re Medtronic, Inc. Implantable Defibrillators Products Liability Litigation, MDL No. 1726 (D. Minn.). Girard Sharp served on the discovery and law committees and performed briefing, discovery, and investigative work in this lawsuit that followed a February 2005 recall of certain models of Medtronic implantable cardioverter defibrillator devices. The controversy was resolved for \$75 million.

Browne v. American Honda Motor Co., Inc., No. CV 09-06750 (C.D. Cal.). Girard Sharp served as co-lead counsel representing plaintiffs who alleged that about 750,000 Honda Accord and Acura TSX vehicles had brake pads that wore out prematurely. Girard Sharp negotiated, and the court approved, a settlement valued at \$25 million that provided reimbursements to class members and made improved brake pads available.

In re General Motors Dex-Cool Cases, No. HG03093843 (Cal. Super Ct. Alameda Cty.). These class actions alleged that General Motors' Dex-Cool engine coolant damaged certain vehicles' engines and formed a rusty sludge that caused vehicles to overheat. After consumer classes were certified in both Missouri and California, General Motors agreed to pay cash to class members nationwide. On October 27, 2008, the California court granted final approval of the settlement.

Roy v. Hyundai Motor America, No. SACV 05-483-AHS (C.D. Cal.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action alleging a defect in the air-bag system in Hyundai Elantra vehicles. Girard Sharp helped negotiate a settlement under which Hyundai agreed to repair the air-bag systems in the vehicles it sold and leased to class members. Hyundai also agreed to reimburse class members for transportation expenses and administer an alternative dispute resolution program for trade-ins and buy-backs. In approving the settlement, the Honorable Alicemarie H. Stotler described the settlement as "pragmatic" and a "win-win" for all concerned.

Privacy Violations

In re Yahoo Mail Litigation, No. 5:13-cv-04980-LHK (N.D. Cal.). Girard Sharp represented non-Yahoo email subscribers whose emails with Yahoo email subscribers were illegally intercepted and scanned by Yahoo. The court certified a nationwide class for injunctive-relief purposes, issuing an opinion that has been widely cited. 308 F.R.D. 577 (N.D. Cal. 2015). With cross-motions for summary judgment fully briefed, the parties settled. Yahoo agreed to restructure its email delivery architecture to ensure that incoming and outgoing email would no longer be intercepted while in transit—bringing its email scanning practices into compliance with applicable law—and to disclose its email scanning practices on its website. The court, in approving the settlement, noted that

“Class Counsel achieved these benefits only after several years of litigation,” which the court found was conducted “in an effective and cost-efficient manner.” 2016 WL 4474612, at *10 (N.D. Cal. Aug. 25, 2016).

In re Lenovo Adware Litigation, MDL No. 2624 (N.D. Cal.). Girard Sharp is co-lead counsel for a class of computer purchasers whose online activities were surreptitiously monitored by pre-installed software. The undisclosed spyware degraded the computers’ performance, operating continuously in the background as it analyzed browsing activity and injected ads into visited webpages. The Honorable Ronald M. Whyte certified a nationwide indirect purchaser class for trial. 2016 WL 6277245 (N.D. Cal. Oct. 27, 2016). After the defendants agreed to a non-reversionary cash settlement, Girard Sharp helped design a claims process that allowed each participating class member to choose between (1) completing a short online claim form to receive an estimated \$40 cash payment for every purchased computer, or (2) submitting receipts or other documentation to recover sums actually expended as a result of the spyware being on the computer, up to \$750. The Honorable Haywood S. Gilliam granted final approval of the settlement, *see* 2019 WL 1791420 (N.D. Cal. Apr. 24, 2019), and Girard Sharp continues to supervise distribution of the fund.

Corona v. Sony Pictures Entertainment, No. 2:14-cv-09600-RGK-SH (C.D. Cal.). Girard Sharp served as co-lead counsel in a class action brought on behalf of 15,000 current and former employees of Sony Pictures Entertainment following a cyberattack attributed to North Korean intelligence as retaliation for release of the film *The Interview*. In April 2016, the court approved a class settlement that reimbursed actual losses in full and provided extended credit monitoring—a structure adopted in subsequent data breach settlements.

In re The Home Depot, Inc. Customer Data Security Breach Litigation, MDL No. 2583 (N.D. Ga.). The Honorable Thomas W. Thrash, Jr. appointed Girard Sharp to the Plaintiffs’ Executive Committee in this MDL arising from a breach of Home Depot customers’ credit and debit card information. Under the court-approved settlement, class members with documented claims could receive up to \$10,000, and the defendant paid an additional \$6.5 million to provide 18 months of identity monitoring services for the benefit of class members. 2016 WL 6902351, at *4 (N.D. Ga. Aug. 23, 2016). Judge Thrash described the settlement as “an outstanding result for the Class in a case with a high level of risk,” *id.* at *5, and further noted that “Class Counsel obtained an exceptional result” 2017 WL 9605208, at *1 (N.D. Ga. Aug. 1, 2017).

In re Target Corp. Customer Data Security Breach Litigation, MDL No. 2522 (D. Minn.). Girard Sharp served on the Plaintiffs’ Steering Committee representing consumers whose personal and financial information was compromised in a breach of Target’s point-of-sale systems. After plaintiffs defeated Target’s motion to dismiss, *see* 66 F. Supp. 3d 1154 (D. Minn. 2014), the parties agreed to a class settlement that was approved by the MDL court and upheld on appeal, *see* 892 F.3d 968 (8th Cir. 2018). The settlement requires changes to Target’s information security practices and delivered cash recoveries to class members under a simplified claim procedure.

In re Experian Data Breach Litigation, No. 15-01592 (C.D. Cal.). Girard Sharp serves on the Plaintiffs’ Steering Committee in this litigation arising out of a breach of Experian’s electronic systems that compromised names, addresses, and social security numbers of T-Mobile subscribers. The Honorable Andrew J. Guilford in 2019 granted final approval of a settlement that established a \$22 million fund and provided identity theft protection services for the benefit of class members.

In re Adobe Systems, Inc. Privacy Litigation, No. 5:13-cv-05226-LHK (N.D. Cal.). Girard Sharp was appointed as lead counsel in this consolidated litigation on behalf of consumers asserting privacy and consumer fraud claims arising from a 2013 data breach. Girard Sharp obtained a pivotal ruling when the court denied Adobe's motion to dismiss for lack of standing, ruling that the Supreme Court's decision in *Clapper v. Amnesty International USA*, 133 S. Ct. 1138 (2013), did not change existing standing jurisprudence. 66 F. Supp. 3d 1197 (N.D. Cal. 2014). Before this ruling, many data breach defendants had obtained dismissals for lack of standing based on *Clapper*. The *Adobe* ruling has been followed by a number of courts, including the Seventh Circuit Court of Appeals in *Remijas v. Neiman Marcus Group, LLC*. 794 F.3d 688, 693–94 (7th Cir. 2015).

Prather v. Wells Fargo Bank, N.A., No. 17-cv-00481 (N.D. Ill.). Girard Sharp served as co-lead counsel in an action alleging that Wells Fargo used an automatic telephone dialing system to repeatedly call the cellular phone numbers of persons with no prior affiliation with Wells Fargo. On December 10, 2019, the Honorable Manish S. Shah of the Northern District of Illinois granted final approval of a settlement that established a fund of \$17,850,000 for class members.

Whitaker v. Health Net of California, Inc., No. 2:11-cv-00910-KJM-DAD (E.D. Cal.); ***Shurtleff v. Health Net of California, Inc.***, No. 34-2012-00121600-CU-CL (Cal. Super Ct. Sacramento Cty.). Girard Sharp served as co-lead counsel in this patient privacy action. On June 24, 2014, the court granted final approval of a settlement that provided class members with credit monitoring, established a \$2 million fund to reimburse consumers for related identity theft incidents, and required material upgrades to and monitoring of Health Net's information security protocols.

In re Sony BMG CD Technologies Litigation, No. 1:05-cv-09575-NRB (S.D.N.Y.). Girard Sharp served as co-lead counsel for a class of consumers who alleged that Sony BMG incorporated "Digital Rights Management" software into its music CDs, violating the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 *et seq.*, and rendering the consumers' computers vulnerable to viruses and spyware. The firm negotiated a settlement that required Sony BMG to promptly recall all affected CDs and provide "clean" CDs and cash to class members.

In re Countrywide Financial Corp. Customer Data Security Breach Litigation, MDL No. 1988 (W.D. Ky.). Girard Sharp served on the Plaintiffs' Executive Committee representing a class of millions of actual and potential customers of Countrywide whose personal information was stolen by a former Countrywide employee and then sold to other mortgage lenders. The class settlement approved by the court provided for free credit monitoring, reimbursement of out-of-pocket expenses incurred as a result of the theft, and reimbursement of up to \$50,000 per class member for identity theft losses.

Smith v. Regents of the University of California, San Francisco, No. RG-08-410004 (Cal. Super Ct. Alameda Cty.). Girard Sharp represented a patient who alleged that UCSF's disclosure of its patients' medical data to outside vendors violated California's medical privacy law. The firm succeeded in negotiating improvements to UCSF's privacy procedures on behalf of a certified class of patients of UCSF Medical Center. In approving the stipulated permanent injunction, the Honorable Stephen Brick found that "Smith has achieved a substantial benefit to the entire class and the public at large."

Other Consumer Protection Matters

Larson v. John Hancock Life Insurance Company (U.S.A.), No. RG16813803 (Cal. Super. Ct. Alameda Cty.). Girard Sharp served as liaison counsel in this certified class action on behalf of universal life insurance policyholders alleging John Hancock overcharged more than 100,000 of its insureds, depriving them of the full value of the premiums they paid over time. On May 8, 2018, the Honorable Brad Seligman granted final approval of a \$59 million settlement.

In re America Online Spin-Off Accounts Litigation, MDL No. 1581 (C.D. Cal.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action on behalf of America Online subscribers who were billed for a second account without their knowledge or consent. The litigation settled for \$25 million and changes in AOL's billing and account practices.

Mitchell v. American Fair Credit Association, No. 785811-2 (Cal. Super. Ct. Alameda Cty.); *Mitchell v. Bankfirst, N.A.*, No. C-97-1421-MMC (N.D. Cal.). This class action was brought on behalf of California members of the American Fair Credit Association (AFCA). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel. In February 2003, the Honorable Ronald Sabraw of Alameda County Superior Court and the Honorable Maxine Chesney of the Northern District of California granted final approval of settlements valued at over \$40 million.

In re Mercedes-Benz Tele Aid Contract Litigation, MDL No. 1914, CV No. 07-2720-DRD (D.N.J.). Girard Sharp served as co-lead class counsel on behalf of consumers whose vehicles' navigation systems were on the verge of becoming obsolete. Counsel obtained nationwide class certification before negotiating a settlement valued at up to \$50 million. In approving the settlement, the court acknowledged that the case "involved years of difficult and hard-fought litigation by able counsel on both sides" and that "the attorneys who handled the case were particularly skilled by virtue of their ability and experience." 2011 WL 4020862, at *4, *8 (D.N.J. Sept. 9, 2011).

In re LookSmart Litigation, No. 02-407778 (Cal. Super. Ct. San Francisco Cty.). This nationwide class action was brought against LookSmart, Ltd. on behalf of consumers who paid an advertised "one time payment" to have their websites listed in LookSmart's directory, only to be charged additional fees to continue service. The court granted final approval of a class settlement valued at approximately \$20 million that provided cash and other benefits.

In re America Online, Inc. Version 5.0 Software Litigation, MDL No. 1341 (S.D. Fla.). Girard Sharp served as co-lead counsel in this MDL involving 45 centralized actions. The case alleged violations of state consumer protection statutes, the Computer Fraud and Abuse Act, and federal antitrust laws arising from AOL's distribution of its Version 5.0 software upgrade. The Honorable Alan S. Gold granted final approval of a \$15.5 million settlement.

In re PayPal Litigation, No. C-02-1227-JF (PVT) (N.D. Cal.). Girard Sharp served as co-lead counsel in this nationwide class action alleging violations of California consumer protection statutes and the Electronic Funds Transfer Act (EFTA). Plaintiffs alleged that PayPal unlawfully restricted access to consumers' PayPal accounts. On September 24, 2004, Judge Fogel granted final approval

of a settlement valued at \$14.35 million in cash and returned funds, plus injunctive relief to ensure compliance with the EFTA.

Powers Law Offices, P.C. v. Cable & Wireless USA, Inc., No. 99-CV-12007-EFH (D. Mass). Girard Sharp prosecuted this class action on behalf of cable and wireless subscribers who were overcharged for recurring fees. The court granted final approval of an \$8 million settlement, and the bankruptcy court approved a 30% distribution from the unsecured creditors' fund of bankruptcy liquidation proceeds.

Lehman v. Blue Shield of California, No. CGC-03-419349 (Cal. Super. Ct. San Francisco Cty.). In this class action charging Blue Shield with having illegally modified the risk-tier structure of its individual and family health care plans, Girard Sharp negotiated a \$6.5 million settlement on behalf of current and former Blue Shield subscribers in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

Telestar v. MCI, Inc., No. C-05-Civ-10672-JGK (S.D.N.Y.). This class action was brought on behalf of MCI commercial subscribers who were charged both interstate and intrastate fees for the same frame relay on prorate line service during the same billing period. On April 17, 2008, the Honorable John G. Koeltl approved a favorable cash settlement.

Wixon v. Wyndham Resort Development Corp., No. C-07-02361 JSW (BZ) (N.D. Cal.). Girard Sharp served as class and derivative counsel in this litigation against a timeshare developer and the directors of a timeshare corporation for violations of California law. Plaintiffs alleged that the defendants violated their fiduciary duties by taking actions for the financial benefit of the timeshare developer to the detriment of the owners of timeshare interests. On September 14, 2010, the district court approved a settlement of the derivative claims.

Berrien v. New Raintree Resorts, LLC, No. CV-10-03125 CW (N.D. Cal.); ***Benedict v. Diamond Resorts Corporation***, No. CV 12-00183-DAE (D. Hawaii). Girard Sharp pursued these actions on behalf of timeshare owners, challenging the imposition of unauthorized "special assessment" fees. The court in each case approved a favorable settlement of the claims asserted on behalf of class members who were charged the fee.

Allen Lund Co., Inc. v. AT&T Corporation, No. C 98-1500-DDP (C.D. Cal.). This class action was brought on behalf of small businesses whose long-distance service was switched to Business Discount Plan, Inc. The Honorable Dean D. Pregerson appointed Girard Sharp as class counsel, and thereafter approved a settlement providing full cash refunds and free long-distance telephone service.

Mackouse v. The Good Guys – California, Inc., No. 2002-049656 (Cal. Super Ct. Alameda Cty.). This nationwide class action against The Good Guys and its affiliates alleged violations of the Song-Beverly Consumer Warranty Act and other California consumer protection laws. Plaintiff alleged that The Good Guys failed to honor contracts that it offered for sale to customers in exchange for protection of a purchase after the manufacturer's warranty expired. On May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement providing cash refunds or services at a class member's election.

In re H&R Block Express IRA Litigation, MDL No. 1786 (W.D. Mo.). Girard Sharp served as co-lead counsel in this MDL involving H&R Block's marketing and sale of its "Express IRA" investment products. The firms negotiated a settlement in coordination with the New York Attorney General that delivered more than \$19 million in cash to class members—resulting in a full recovery for consumers—as well as non-cash benefits entitling Express IRA holders to convert their investments to alternative IRAs with lower fees.

Mass Tort

In re USC Student Health Center Litigation, No. 2:18-cv-04258-SVW-GJS (C.D. Cal.). Girard Sharp served as co-lead counsel for a class of women who alleged they were sexually assaulted or molested by a USC gynecologist. The court in February 2020 approved a settlement for \$215 million that also secured comprehensive injunctive relief at the university.

In re Actos (Pioglitazone) Products Liability Litigation, MDL No. 2299 (W.D. La.). Girard Sharp lawyers were appointed to the Plaintiffs' Steering Committee and served on the *Daubert* and Legal Briefing Committees in this MDL. A \$2.37 billion global settlement was achieved.

In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation, MDL No. 2385 (S.D. Ill.). Girard Sharp lawyers were appointed to the Plaintiffs' Steering Committee and served as Co-Chair of the Plaintiffs' Law and Briefing Committee in this MDL that produced settlements worth approximately \$1.6 billion.

In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL No. 2385 (S.D. Ill.). Girard Sharp lawyers were appointed to the Plaintiffs' Steering Committee in mass tort litigation that culminated in settlements worth approximately \$650 million.

Government Reform

Paeste v. Government of Guam, No. 11-cv-0008 (D. Guam) (Marshall, J.). Girard Sharp and co-counsel served as class counsel in litigation against the Government of Guam on behalf of Guam taxpayers for chronic late payment of income tax refunds. After obtaining certification of a litigation class, the plaintiffs prevailed at summary judgment and obtained a permanent injunction reforming Guam's administration of tax refunds. The Ninth Circuit affirmed the injunction. 798 F.3d 1228 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 2508 (2016).

Ho v. San Francisco Unified School District, No. C-94-2418-WHO (N.D. Cal.). This civil rights action was brought on behalf of a certified class of San Francisco public school students of Chinese descent to terminate racial and ethnic quotas imposed under a 1983 desegregation consent decree. *See Ho v. San Francisco Unified Sch. Dist.*, 965 F. Supp. 1316 (N.D. Cal. 1997), *aff'd*, 147 F.3d 854 (9th Cir. 1998); *see also* 143 Cong. Rec. S6097, 6099 (1997) (statement of Senator Hatch noting testimony of a class representative before the Senate Judiciary Committee).

EXHIBIT C



San Francisco, CA
415.635.0631
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EKO FIRM RESUME

Erickson Kramer Osborne LLP launched in April 2020. Partners Julie C. Erickson, Elizabeth A. Kramer, and Kevin Osborne formed the new firm to unite their collective experience and expertise in a wide range of plaintiff-side litigation. EKO specializes in consumer protection, workers' rights, financial fraud, sexual abuse, privacy violations, and elder abuse.

REPRESENTATIVE MATTERS

Julie Erickson

Harrington v. Blue Shield: \$23+ million settlement
Felser v. Blue Cross: \$18+ million settlement
Camp v. Instacart: \$4+ million settlement
Matias v. Star-J Trucking: \$1+ million verdict

Elizabeth Kramer

In re USC Student Health Center Sexual Abuse Litigation: \$215 million
In re Oppenheimer Rochester Funds Securities Litigation (CA Fund): \$ 50+ million
In re Lenovo Adware Consumer Fraud Litigation: \$8+ million
In re HP Printer Firmware Update Consumer Fraud Litigation: \$1.5 million

Kevin Osborne

In Re Ghost Ship Fire Litigation: \$33+ million settlement (+ additional confidential funds)
Fraleay v. Facebook: \$20 million settlement
Banco de México v. Orient Fisheries, Inc.: \$16 million summary judgment
Carducci v. Wells Fargo: \$10 million settlement
Gonzales v. Home Depot: \$8 million settlement
Camp v. Instacart: \$4+ million settlement
Matias v. Star-J Trucking: \$1+ million verdict
Frias v. California Materials: \$2+ million verdict
Reclusado v. Smith: \$2+ million verdict



RECOGNITION

EKO partners are recognized as among the most skilled in complex litigation and trial advocacy by the National Trial Lawyers, Thompson Reuters Super Lawyers, Best Lawyers In America, and others.

Recent accolades include: Top Rated Class Action & Mass Torts Attorney in San Francisco (Super Lawyers), Top Rated Civil Litigation Attorney in San Francisco (Super Lawyers), Top 10 Wage & Hour Trial Lawyers in California (National Trial Lawyers), Outstanding New Lawyer of the Year Finalist (San Francisco Trial Lawyers Association) Top 40 Under 40 (National Trial Lawyers) Northern California Rising Star (Super Lawyers) Top 100 Civil Plaintiff Lawyers (National Trial Lawyers), and Trial Lawyer of the Year Nominee (San Francisco Trial Lawyers Association).

EXHIBIT D

1 UNITED STATES OF AMERICA
2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4 WESTERN DIVISION

5 - - -
6 HONORABLE R. GARY KLAUSNER,
7 UNITED STATES DISTRICT JUDGE PRESIDING
8 - - -

9 A.B., et al.,)
10) Certified Copy
11 PLAINIFF,)
12)
13 VS.) CV 20-09555 RGK
14)
15 THE REGENTS of the)
16 UNIVERSITY OF cALIFORNIA,)
17 et al.,)
18)
19 DEFENDANTS.)
20 -----)

21
22 REPORTER'S TRANSCRIPT OF PROCEEDINGS
23 MONDAY, JULY 12, 2021
24 A.M. SESSION
25 LOS ANGELES, CALIFORNIA

26
27 SHERI S. KLEEGER, CSR 10340
28 FEDERAL OFFICIAL COURT REPORTER
29 312 NORTH SPRING STREET, ROOM 402
30 LOS ANGELES, CALIFORNIA 90012
31 PH: (213) 894-6604

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APPEARANCES OF COUNSEL:

ON BEHALF OF PLAINTIFF:

GIBBS LAW GROUP LLP
BY: AMANDA KARL, ATTORNEY AT LAW

GIRARD SHARP LLP
BY: DANIEL GIRARD, ESQUIRE

ERICKSON KRAMER OSBORNE LLP
BY: ELIZABETH A. KRAMER, ATTORNEY AT LAW

ON BEHALF OF DEFENDANT:
GIBSON DUNN and CRUTCHER LLP
BY: CATHERINE A. CONWAY
JESSE CRIPPS, ESQUIRE
MATHEW HOFFMAN, ESQUIRE

KRANE and SMITH APC
BY: TRACY GREEN, ATTORNEY AT LAW

1 LOS ANGELES, CALIFORNIA; MONDAY, JULY 12, 2021

2 A.M. SESSION

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4

09:20:13 5 THE CLERK: Calling calendar item 9.

09:20:16 6 Case number civil 20-9555 RGK A.B., et al., versus the

09:20:20 7 Regents of the University of California, et al.

09:20:24 8 Counsel, please state your appearances.

09:20:27 9 MS. KRAMER: Good morning, Your Honor.

09:20:27 10 Elizabeth Kramer of Erickson Kramer Osborne for the

09:20:32 11 plaintiffs.

12 THE COURT: Okay.

09:20:33 13 MR. SHARP: Good morning, Your Honor. I'm

09:20:33 14 Daniel Gerard; Gerard Sharp, also for plaintiffs.

15 THE COURT: Thank you, Counsel.

09:20:37 16 MS. CARL: Good morning, Your Honor, Amanda

09:20:39 17 Carl from Gibbs Law Group, also on behalf of plaintiffs.

09:20:43 18 THE COURT: Counsel.

09:20:43 19 MR. HOFFMAN: Good morning, Your Honor.

09:20:44 20 Matt Hoffman on behalf of defendant Regents of the

09:20:46 21 University of California.

09:20:48 22 MS. CONWAY: Good morning, Your Honor.

09:20:49 23 Cathy Conway on behalf of the Regents of the University

09:20:53 24 of California.

09:20:56 25 MR. CRIPPS: And good morning. Jessie

09:20:59 1 Cripps on behalf of the Regents as well, Your Honor.

09:21:02 2 MS. GREEN: And Tracey Green on behalf of
09:21:04 3 James Heaps, M.D., Your Honor.

09:21:06 4 THE COURT: Okay. This will be very short.
09:21:07 5 Apparently -- are there any objectors in the courtroom?
09:21:11 6 Has anybody filed any objections as far as either side
09:21:14 7 knows?

09:21:15 8 MS. KRAMER: No, Your Honor.

09:21:17 9 THE COURT: You've done a lot of work on
09:21:19 10 this case, and seems like you put it together pretty
11 well.

09:21:22 12 The Court has read and considered the
09:21:26 13 request for the settlement to be approved by the Court.

09:21:31 14 My understanding -- and make sure I
09:21:33 15 understand this correctly -- the non-revisionary
09:21:38 16 settlement fund will be 73 million; is that correct?

09:21:42 17 MS. KRAMER: That's correct.

09:21:43 18 THE COURT: Of that to the class members --
09:21:44 19 just being a class member would be 200 -- 2,500 to each
09:21:49 20 class member?

09:21:50 21 MS. KRAMER: Yes.

09:21:50 22 THE COURT: With the potential of going in
09:21:53 23 front of a special master. And if they could prove --
09:21:57 24 or if they satisfied the special master, it could go up
09:22:01 25 to 10- to \$12,000. And in aggravated cases, it could go

09:22:06 1 up 250,000; is that correct?

09:22:07 2 MS. KRAMER: That's correct, Your Honor.

09:22:08 3 And there is also a set-aside fund of
09:22:10 4 \$5 million so that in special circumstances the panel
09:22:13 5 has discretion to award above the 250K.

09:22:17 6 THE COURT: Right. Okay. I've got that.

09:22:19 7 And then to the nominative plaintiffs on it,
09:22:23 8 I believe we have 15,000 to each one?

09:22:25 9 MS. KRAMER: That's correct.

09:22:26 10 THE COURT: And the attorney fees you are
09:22:28 11 requesting -- and probably will be granted, but we
09:22:31 12 always do that after this -- the \$8,760,000; is that
09:22:37 13 correct?

09:22:37 14 MS. KRAMER: Correct, Your Honor.

09:22:40 15 THE COURT: So I understand the frame up
09:22:42 16 pretty well. And all sides agree. And you put it
09:22:45 17 together, you put a lot of work into it.

09:22:47 18 So the Court's going to approve the
09:22:48 19 settlement.

09:22:49 20 The request for attorney fees, it looks to
09:22:51 21 me like that will be granted, but I'll have to take a
09:22:53 22 look at that. Okay?

09:22:55 23 MR. CRIPPS: Thank you.

09:22:56 24 THE COURT: Anything else I can do for you?

09:22:57 25 MS. KRAMER: Thank you, Your Honor.

09:22:58 1 THE COURT: Sorry to keep you here so long
09:23:01 2 after all the work you've done.

09:23:03 3 MS. GREEN: Housekeeping matters. Do we
09:23:06 4 need to set any date at this point?

09:23:08 5 THE COURT: No. You wanted a special master
09:23:14 6 appointed; is that correct? That's part of the
09:23:17 7 settlement?

09:23:17 8 MS. KRAMER: Yes, Your Honor.

09:23:18 9 THE COURT: And the request for the special
09:23:20 10 master, and that is Irma Gonzalez; is that right?

09:23:25 11 MS. KRAMER: Irma Gonzales, yes, Your Honor.
09:23:27 12 And that's included in the proposed final approval.

09:23:30 13 THE COURT: Yes. And that's going to be
09:23:31 14 approved also.

09:23:32 15 MS. KRAMER: Thank you, Your Honor.

09:23:33 16 THE COURT: Thank you.

17 (PROCEEDINGS CONCLUDED.)

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3 CERTIFICATE OF REPORTER
45 COUNTY OF LOS ANGELES)
6) SS.
7 STATE OF CALIFORNIA)
89 I, SHERI S. KLEEGER, OFFICIAL COURT REPORTER, IN AND FOR
10 THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
11 DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT
12 TO SECTION 753, TITLE 28, UNITED STATES CODE, THE
13 FOREGOING IS A TRUE AND CORRECT TRANSCRIPT OF THE
14 STENOGRAPHICALLY REPORTED PROCEEDINGS HELD IN THE
15 ABOVE-ENTITLED MATTER AND THAT THE TRANSCRIPT PAGE
16 FORMAT IS IN CONFORMANCE WITH THE REGULATIONS OF THE
17 JUDICIAL CONFERENCE OF THE UNITED STATES.
18
1920 DATE: July 14, 2021
2122 _/s/_____
2324 SHERI S. KLEEGER, CSR
25

FEDERAL OFFICIAL COURT REPORTER

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
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13 A.B., C.D., E.F., G.H., I.J., K.L.,
14 M.N., on behalf of themselves and all
15 others similarly situated,

16 Plaintiffs,

17 v.

18 THE REGENTS OF THE
19 UNIVERSITY OF CALIFORNIA
20 AND JAMES MASON HEAPS,
21 M.D., AND JOHN DOES 1-20,

22 Defendants.
23
24
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Case No. 2:20-cv-09555-RGK (Ex)

Hon. R. Gary Klausner

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND EXPENSES
AND FOR SERVICE AWARDS**

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES AND EXPENSES AND FOR SERVICE AWARDS**

Case No. 2:20-cv-09555-RGK (Ex)

1 Plaintiffs' Motion for Attorneys' Fees and Expenses and for Service Awards came
2 on for hearing before this Court on May 23, 2022. After due consideration of the facts of
3 record, the applicable legal standards, and the arguments of counsel,

4 **IT IS HEREBY ORDERED THAT:**

5 1. The Motion for Attorneys' Fees and Expenses and for Service Awards [ECF
6 No. 70] is **GRANTED**. Defendant Regents of the University of California ("UC
7 Regents") shall pay Class Counsel's attorneys' fees and costs in the amount of
8 \$8,760,000.

9 2. Under the Settlement, Defendant UC Regents agreed to pay attorneys' fees
10 and costs of up to \$8,760,000 million in addition to the \$73 million Settlement fund
11 reserved for the Class. The Court previously found that the Settlement confers substantial
12 benefits on Class members and meets the requirements of Rule 23. ECF No. 51. The
13 parties' fee agreement was negotiated at arms' length with the assistance of an
14 experienced mediator and only after the parties had reached an agreement on settlement
15 terms for the Class.

16 3. The Notice adequately informed Class members that Class Counsel would
17 seek attorneys' fees and costs of up to \$8,760,000, and Class members have been
18 afforded a reasonable opportunity to respond to the fee application. The March 30, 2022
19 deadline for Plaintiffs' Motion for Attorneys' Fees was posted on the Settlement website
20 on January 31, 2022. Further, in accordance with the Notice, Class Counsel's fee
21 application was posted on the Settlement website upon filing, and Class members had 30
22 days to respond.

23 4. The Court finds that Class Counsel's request for \$8,760,000 in fees and
24 expenses to be reasonable. The request represents 12% of the total recovery under the
25 constructive common fund doctrine and falls well below the 25% benchmark in the Ninth
26 Circuit.

5. A lodestar crosscheck further confirms the reasonableness of Class Counsel's request. The requested fee amounts to a multiplier of 3.85, which is within the typical range of multipliers in class action settlements. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 n.6 (9th Cir. 2002) (most multipliers fall from 1.0-4.0); *Smith v. Experian Info. Sols., Inc.*, No. SACV17-00629-CJC, 2020 WL 6689209, at *6 (C.D. Cal. Nov. 9, 2020) (3.8 multiplier); *Thompson v. Transam. Life Ins. Co.*, No. 2:18-CV-05422-CAS, 2020 WL 6145104, at *4 (C.D. Cal. Sept. 16, 2020) (4.2 multiplier). Moreover, the multiplier will decrease over time as Class Counsel will continue to incur time and expenses to monitor UC Regents' compliance with the equitable commitments secured by the Settlement.

6. The Court further finds that the results obtained, the quality of Class Counsel's work, their experience in complex class action litigation, the contingent nature of their representation, and the significant risks in this case further support the request. Class Counsel delivered robust results for the Class, negotiating a flexible and trauma-informed settlement that has provided \$73 million in compensation to class members and precipitated significant institutional changes at UCLA. *See Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975) (listing factors that may be considered when awarding fees). No class member objected. Class Counsel crafted an innovative claims process that was sensitive to the trauma many Class members experienced, providing a non-adversarial alternative to individual litigation for class members.

7. Class Counsel's fee request encompasses their litigation expenses. The Court concludes that Class Counsel is entitled to reimbursement for these expenses. The expenses incurred by counsel were reasonable and necessary to the resolution of this case, and are of the sort typically billed by attorneys to paying clients.

8. Plaintiffs also request service awards to be paid out of the Settlement fund. The Court finds that class representatives A.B., C.D., E.F., G.H., I.J., K.L., and M.N., should be awarded \$15,000 each for service as class representatives in this case,

1 including assisting Class Counsel by detailing their traumatic experiences of sexual
2 abuse, responding to discovery and producing medical records, and recording video
3 testimonials used at mediation. The total service awards amount to less than 1% of the
4 \$73 million settlement fund and is justified by the sensitive nature of the litigation, the
5 risks the named plaintiffs faced by coming forward, and the time and effort the class
6 representatives devoted for the benefit of absent class members. *See Boyd v. Bank of Am.*
7 *Corp.*, No. SACV 13-0561-DOC, 2014 WL 6473804, at *7 (C.D. Cal. Nov. 18, 2014)
8 (approving \$15,000 service award); *Edwards v. First Am. Corp.*, No. CV07-03796-SJO-
9 FFMx, 2016 WL 9176564, at *2 (C.D. Cal. Oct. 14, 2016) (same).

10
11 **IT IS SO ORDERED.**

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13
14 DATED: _____

Hon. R. Gary Klausner
United States District Judge