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Counsel for Plaintiffs and Class

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

17 LESLEY CONTI, *et al.*, on behalf of
18 themselves and all others similarly
situated,

19 Plaintiffs,

20 v.

21 AMERICAN HONDA MOTOR CO.,
22 INC., a California corporation,
23
24

Case Number: 2:19-cv-2160-CJC-GJS

[*The Honorable Cormac J. Carney*]

**DECLARATION OF SEAN R.
MATT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS
AND SERVICE AWARDS**

1 I, Sean R. Matt, declares as follows:

2 1. I am an attorney at Hagens Berman Sobol Shapiro LLP (“Hagens
3 Berman”), am counsel of record for Plaintiffs in this action, and am admitted *pro hac*
4 *vice* in this case. I serve as Class Counsel in the closely related actions of *Conti v.*
5 *American Honda Motor Co. Inc.*, Case No. 2:19-cv-02160-CJC-GJS (C.D. Cal.)
6 (“*Conti*”), and *Banh v. American Honda Motor Co. Inc.*, Case No. 2:19-cv-05984 (C.D.
7 Cal.) (“*Banh*”) and am admitted *pro hac vice* in both cases. I have been involved in all
8 aspects of this case since we began investigating the claims before the first complaint
9 was filed.

10 **A. Overview of the Work Accomplished in the Case.**

11 2. During the pendency of this litigation, Hagens Berman served as co-lead
12 counsel to the named Plaintiffs while they pursued class certification.

13 3. In doing so, Hagens Berman accomplished much amount of work in a short
14 time frame, successfully resisting American Honda Motor Corp.’s (“AHM”) motions to
15 dismiss (in part), pursuing and conducting robust fact and expert discovery in the *Banh*
16 action, much of which applied here in *Conti*, in order to prepare Plaintiffs’ claims for
17 trial, and, ultimately, negotiating and entering into the proposed Settlement after lengthy
18 mediation sessions.

19 4. In coordination with the Goldenberg Schneider firm, Hagens Berman
20 attorneys and staff accomplished the following tasks, among many others: (i)
21 investigated the claims; (ii) met and communicated regularly with Plaintiffs; (iii)
22 researched and drafted the complaint and amended complaint; (iv) discovery requests
23 and a protective order and issued third-party subpoenas; (v) negotiated the production
24 of extensive Electronically-Stored Information (“ESI”); (vi) reviewed and coded more
25 than 20,000 pages of documents; (vii) prepared for and participated in fact depositions
26 of AHM and AHM-related entity personnel; (viii) retained and consulted with liability
27 and damages experts; (ix) researched and responded to AHM’s motion to dismiss; (x)

1 drafted mediation statements and participated in mediation sessions; (xi) participated in
2 drafting the Settlement Agreement and class notices; (xii) researched and drafted the
3 preliminary approval brief; (xiii) worked with the independent engineering expert as
4 necessary to provide relevant information related to the litigation and the Infotainment
5 System; (xiv) coordinated administration of the Settlement (which continues); and (xv)
6 responded to communications from Class Members with questions about the Settlement
7 (which continues).

8 5. Throughout this litigation, my firm endeavored to prosecute this case in an
9 efficient manner and with an eye towards collaborating effectively with Goldenberg
10 Schneider. We also endeavored to divide responsibilities among the two firms.

11 6. The Parties engaged in a substantial amount of discovery that applied to
12 this case. I profile below some of this discovery.

13 7. During discovery, AHM and its related entities produced more than 20,000
14 pages of documents, comprised of, among other things, email correspondence, company
15 procedures, corporate documentation, and class member information—all of which
16 were substantively reviewed by Class Counsel. Plaintiffs issued subpoenas to AHM
17 corporate affiliates Honda R&D Americas, Inc. and Honda of America Manufacturing,
18 Inc., as well as companies that supplied either parts or technology used in the
19 Infotainment Systems (*e.g.* Wind River Systems and Denso International America,
20 Inc.). Class Counsel took the depositions of four AHM/AHM affiliate witnesses,
21 including two 30(b)(6) depositions. Plaintiffs engaged a liability expert (engineer Steve
22 Loudon) and damage experts (marketing expert Steve Gaskin and economist Colin
23 Weir), each of whom issued a report and had their depositions taken in *Banh*. Plaintiffs
24 also analyzed the expert reports of two experts retained by AHM and took their
25 depositions in *Banh*.

26 8. Plaintiffs managed to accomplish all of this even though discovery was
27 greatly complicated by the COVID-19 pandemic, which was in its peak lockdown
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1 period in early- to mid-2020. For example, AHM's affiliates temporarily furloughed
2 their employees, thereby making it more difficult to obtain documents and testimony.

3 9. The Proposed Settlement is the product of informed, non-collusive, arm's
4 length negotiations facilitated by an unbiased, experienced mediator, Judge Tevrizian.
5 Negotiations were difficult and protracted. Judge Tevrizian played a crucial role in
6 supervising the negotiations and helping the parties bridge their differences and evaluate
7 the strengths and weaknesses of their respective positions. The Parties participated in
8 three separate formal mediations and numerous informal communications with the
9 mediator. On October 1, 2020, the Parties reached agreement on material terms for a
10 settlement and executed a Memorandum of Understanding shortly thereafter. The
11 Parties subsequently spent months finalizing the release, settlement agreement, and
12 related settlement documents. The parties did not begin negotiating attorneys' fees,
13 expense reimbursement, or service awards for the Plaintiffs until after all material
14 settlement benefits for the Class were negotiated. As of this writing, there has been no
15 agreement on the specific amounts of attorneys' fees, expense reimbursement, and
16 service awards that AHM will pay under the Settlement.

17 10. Hagens Berman has prosecuted this litigation on a contingent basis without
18 any promise of compensation and, with Goldenberg Schneider, advanced all litigation
19 costs. This has posed a significant risk that my firm will not be compensated for its
20 work and expenses incurred on this case. Moreover, while attorneys and staff at Hagens
21 Berman devoted time to this litigation, we have foregone other legal work for which we
22 could have been compensated.

23 11. Below, I provide a summary of the time invested by Hagens Berman and
24 detail about the team of attorneys and staff who have worked on this litigation to date

25 **B. Summary of Hagens Berman's Lodestar.**

26 12. Hagens Berman's total lodestar from March 15, 2019, to October 14, 2021,
27 is \$426,442.50. During this period, professionals at Hagens Berman devoted 860 hours
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1 in total to this litigation.

2 13. Hagens Berman’s lodestar for attorney and professional time billed to this
3 case is calculated based on the current hourly rates of the firm. Hagens Berman’s hourly
4 rates are based on regular and ongoing monitoring of prevailing market rates in the Los
5 Angeles area for attorneys of comparable skill, experience, and qualifications. Hagens
6 Berman’s hourly rates and rate structure have been approved by numerous courts,
7 including U.S. District Courts in California.

8 14. A summary of the Hagens Berman timekeepers who worked on this
9 litigation between March 15, 2019, to October 14, 2021, the number of hours dedicated
10 to tasks in this litigation, their total hours, their current hourly billing rates, and their
11 total lodestar based on current billing rates, is attached as **Exhibit 1**. A summary of the
12 hours recorded and resulting lodestar by task code is attached as **Exhibit 2**.

13 15. Attached as **Exhibit 3** is a placeholder for my firm’s detailed and
14 contemporaneously prepared time records from March 15, 2019, to October 14, 2021,
15 to be provided to the Court *in camera*. As lead attorney on the case for Hagens Berman,
16 I have audited these time records (as is our standard practice in cases), and I believe that
17 they are true and accurate. The audit included the removal of duplicative time and the
18 removal of timekeepers with only a small amount of time billed to this case. As the
19 time entries demonstrate, we avoid “block billing” where we can. Time entries that are
20 not recorded by specific task are generally unitary and not amenable to a separate break-
21 out of time on the task (examples include preparing Plaintiff document productions, and
22 the myriad of tasks associated with motion and brief filings).

1 **C. Summary of Hagens Berman’s Expenses.**

2 16. A summary of the costs and expenses that Hagens Berman has paid to date
3 in this litigation is attached as **Exhibit 4**, for a total of \$19,330.57. These costs and
4 expenses are based on the books and records of my firm and were prepared from expense
5 vouchers, receipts, and bank records, and thus represent an accurate recordation of the
6 expenses incurred. Hagens Berman can promptly produce a copy of these expense
7 vouchers, receipts, and bank records upon request of the Court.

8 17. I have reviewed the expenses reported by Hagens Berman in this case,
9 which are included in this declaration and its exhibits, and I affirm that they are true and
10 accurate.

11 18. In addition to the foregoing expenses, Hagens Berman is not requesting
12 reimbursement of monies that Hagens Berman paid to the independent expert (Eldon
13 Leaphart of Carr Engineering, Inc.) in the amount of \$12,057.51. Nor will we seek
14 reimbursement for any monies paid to Plaintiffs’ extended warranty valuation expert,
15 Lee Bowron.

16 **D. Allocation of Time and Expenses Between *Banh* and *Conti*.**

17 19. As described in much greater detail in the Declaration of Todd B. Naylor
18 in Support of Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards (the
19 “Naylor Declaration”), documents produced by AHM, HAM, and R&D show that all
20 Settlement Class Vehicles in both *Conti* and *Banh* operate on the MOST (Media
21 Oriented Systems Transport) network for infotainment system communication.
22 Because the MOST network is used in all Settlement Class Vehicles in both cases, many
23 of the technical documents produced in *Banh* contain information about Settlement
24 Class Vehicles in *Conti*. While the Settlement Class Vehicles in *Banh* and *Conti* contain
25 software and features that vary depending on trim level and vehicle make and model,
26 the documents indicate the issues identified by AHM, and the countermeasure efforts
27 undertaken by AHM, apply to all Settlement Class Vehicles, both in *Banh* and in
28

1 *Conti*. Consequently, questions asked of employees of AHM, HAM, and R&D often
2 concerned issues that AHM identified as affecting Settlement Class Vehicles in both
3 cases.

4 20. Because the discovery in *Banh* applies to *Conti* Settlement Class Vehicles,
5 and because Plaintiffs utilized the discovery to negotiate the settlement in *Conti*, Class
6 Counsel believe that it is appropriate to allocate a percentage of the time and expense
7 spent on discovery in *Banh* to *Conti*. As set forth in the Naylor Declaration, Class
8 Counsel decided to allocate 75% to *Banh* and 25% to *Conti* time and expenses directly
9 associated with (i) general document discovery review, and (ii) fact depositions of AHM
10 and related entity personnel.

11 21. I personally examined all my firm's bills from *Conti* and *Banh* to identify
12 time entries and expenses that were related to document discovery from AHM or its
13 related entities and deposition discovery of the witnesses employed by AHM or its
14 affiliated companies. For each such entry, I ensured that 75% of the time and expenses
15 were allocated to *Banh*, and 25% of the time and expenses were allocated to *Conti*. I
16 ensured that no time and expense was double billed—that is, no time and expense was
17 billed to both *Banh* and to *Conti*.

18 22. Further, because both actions were mediated and ultimately settled
19 together, Class Counsel split all time and expenses spent mediating and negotiating the
20 settlements 50%-50% between the two cases. I personally examined all my firm's bills
21 from *Conti* and *Banh* to identify time entries and expenses that were related to mediation
22 and settlement. For each such entry, I ensured that 50% of the time and expenses were
23 allocated to *Banh*, and 50% of the time and expenses were allocated to *Conti*. I ensured
24 that no time and expense was double billed—that is, no time and expense was billed to
25 both *Banh* and to *Conti*.

26 **E. Expertise and Experience of Core Team Members.**

27 23. The expertise and experience of lead counsel is another important factor in
28

1 setting a fair fee. As demonstrated by our firm résumé, excerpt attached hereto as
2 **Exhibit 5**, Hagens Berman is among the most experienced and skilled practitioners in
3 the complex litigation field and has a long and successful track record in such cases.
4 Hagens Berman is a nationally recognized law firm, with offices in Los Angeles,
5 Berkeley, Seattle, Boston, Chicago, and Phoenix. We have been consistently rated by
6 the National Law Journal in the top ten of plaintiffs' firms in the country. The firm has
7 extensive experience litigating complex class actions asserting claims of securities,
8 investment fraud, product liability, tort, antitrust, consumer fraud, employment,
9 environmental, and ERISA cases. Moreover, the fact that Hagens Berman has
10 demonstrated a willingness and ability to prosecute complex cases such as this was
11 undoubtedly a factor that encouraged AHM to engage in settlement discussions, and
12 added valuable leverage in the negotiations, ultimately resulting in the recovery for the
13 Class.

14 24. My team paid attention to ensuring that each Hagens Berman attorney on
15 the file had specific areas of focus; that there was not duplication of efforts, especially
16 among higher billers; and that projects were assigned to experienced lawyers with depth
17 in the field who could effectively and efficiently execute the substantial amount of work
18 this case demanded.

19 25. The biographies of the principal Hagens Berman attorneys involved in this
20 case are found at the following pages of the attached firm résumé: Rachel Fitzpatrick
21 (page 138); Catherine Gannon (page 70); Anthea Grivas (page 139); Sean Matt (page
22 87); Chris Pitoun (page 144); Shelby Smith (page 150); Andrew Volk (page 102); and
23 Ted Wojcik (page 157). Messrs. Stowe and Rovner, who also billed time in the case,
24 are staff attorneys who specialize in document review and do not appear on the firm's
25 résumé.

26 **F. Summary of the Work Accomplished by the Named Plaintiffs.**

27 26. The proposed and appointed Class Representatives prosecuted their claims
28

1 on behalf of the Class with vigor and dedication and developed substantial evidence to
2 partially win a highly contested class certification motion. Plaintiffs assisted Class
3 Counsel with fact development and regularly communicated with counsel to remain up
4 to date on the litigation and the settlement process.

5 27. We have requested service awards for the Named Plaintiffs. We believe
6 that service awards are appropriate here and do not constitute preferential treatment,
7 especially in light of the unique challenges and pressures of this litigation on the Class
8 Representatives during the COVID-19 pandemic. No Class Representative was
9 promised, nor conditioned their representation on the expectation of a service award.

10 **G. Preliminary Estimate of Settlement Value.**

11 28. Class Counsel preliminarily estimate that the total value created by this
12 Settlement substantially exceeds the \$30 million mid-point value of the two-
13 years/24,000-mile extended warranty benefit estimated by actuary Lee Bowron. This is
14 because the \$30 million estimated extended warranty benefit does not include the value
15 created by the other Settlement benefits, such as the two-year HondaLink Security
16 service/one-year Sirius XM Select service benefit, the out-of-pocket reimbursement
17 benefits, and the costs associated with implementing the Dealership Assessment and
18 Assistance Program and the Infotainment System Online Resource. A copy of Lee
19 Bowron's valuation report is attached hereto as **Exhibit 6**.

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

22 Executed this 10th day of November 2021, at Seattle, Washington.

23
24 */s/ Sean R. Matt* _____
25 Sean R. Matt
26
27
28

Exhibit 1

**CONTI LODESTAR FOR HAGENS BERMAN SOBOL SHAPIRO
(through October 25, 2021)**

Timekeeper	Professional Level	Hourly Rate	Hours Worked	Lodestar
Sean Matt	PT	825.00	180	\$148,500.00
Andrew Volk	PT	800.00	13	\$10,400.00
Christopher O'Hara	PT	675.00	2.3	\$1,552.50
Catherine Gannon	PT	625.00	79.4	\$49,625.00
Shelby Smith	OC	550.00	27.8	\$15,290.00
Christopher Pitoun	A	525.00	3	\$1,575.00
Ted Wojcik	A	375.00	408.2	\$153,075.00
Jason Stowe	SA	350.00	40.2	\$14,070.00
Matthew Rovner	C	350.00	14.2	\$4,970.00
Carrie Flexer	PL	325.00	6.5	\$2,112.50
Jennifer Conte	PL	300.00	71.5	\$21,450.00
Shelby Taylor	PL	275.00	7.5	\$2,062.50
Joseph Salonga	PL	275.00	5.5	\$1,512.50
Radha Kerzan	PL	275.00	0.9	\$247.50
TOTAL			860	\$426,442.50

Exhibit 2

CONTI LODESTAR FOR HAGENS BERMAN SOBOL SHAPIRO		
(through October 25, 2021)		
Litigation Code	Hours	Fees
L110: Fact Investigation/Development	103.2	\$41,820.00
L115: Research	4.5	\$1,237.50
L120: Analysis/Strategy	14	\$8,092.50
L130: Experts/Consultants	12.5	\$10,092.50
L140: Document/File Management	0	\$0.00
L160: Settlement/Non-Binding ADR	166.1	\$115,627.50
L190: Other Case Assessment, Development & Administration	16.4	\$4,955.00
L210: Pleadings	170.1	\$69,840.00
L230: Court Mandated Conferences	52.7	\$20,752.50
L240: Dispositive Motions	167.8	\$73,107.50
L250: Other Written Motions and Submissions	25.1	\$13,940.00
L260: Class Action Certification & Notice	0	\$0.00
L310: Written Discovery	8.8	\$5,445.00
L320: Document Production	82.2	\$38,017.50
L330: Depositions	18.7	\$11,647.50
L340: Expert Discovery	3.4	\$2,125.00
L350: Discovery Motions	0	\$0.00
L390: Other Discovery	14	\$9,330.00
L510: Appellate Motions and Submissions	0.5	\$412.50
TOTAL	860	\$426,442.50

Exhibit 3

Leave to File In Camera Requested

Exhibit 4

**Conti Expenses for Hagens Berman Sobol Shapiro
(through October 11, 2021)**

DESCRIPTION	AMOUNT
Postage/Overnight Shipping	\$107.48
In-House Photocopies	\$1,429.25
Outside Photocopies and Production of Documents	\$3,159.67
Court Filing Fees	\$2,066.26
Legal Research/Document Hosting	\$2,643.56
Experts	\$0.00
Messenger/Service of Process	\$581.37
Travel	\$0.00
Court Reporter/Videographer	\$4,937.98
JAMS (mediation)	\$4,405.00
Miscellaneous	\$0.00
TOTAL:	\$19,330.57

**Infotainment (Lesley Conti v. American Honda)
HAGENS BERMAN SOBOL SHAPIRO LLP**

Code	Date	Narrative	Amount
Expense Code: 015 - Internal Prints/Copies			
0011	4/1/2019	Print	\$8.75
0011	4/9/2019	Print	\$17.50
0011	4/17/2019	Print	\$0.25
0011	7/11/2019	Print	\$42.25
0011	7/11/2019	Print	\$0.50
0011	7/11/2019	Print	\$1.00
0011	7/12/2019	Print	\$1.00
0011	7/12/2019	Print	\$380.25
0011	7/12/2019	Print	\$2.25
0011	7/12/2019	Print	\$0.25
0011	7/12/2019	Print	\$0.25
0011	8/8/2019	Print	\$31.00
0011	8/8/2019	Print	\$7.00
0011	8/8/2019	Print	\$3.00
0011	8/8/2019	Print	\$1.00

0011	10/4/2019	Copy	\$0.25
0011	10/4/2019	Copy	\$0.25
0011	10/4/2019	Copy	\$0.25
0011	10/4/2019	Print	\$0.25
0011	10/15/2019	Print	\$2.50
0011	10/15/2019	Print	\$2.75
0011	10/15/2019	Print	\$3.00
0011	10/15/2019	Print	\$2.75
0011	10/15/2019	Print	\$9.50
0011	10/15/2019	Print	\$8.00
0011	10/15/2019	Print	\$4.50
0011	10/15/2019	Print	\$2.00
0011	10/15/2019	Print	\$0.75
0011	10/15/2019	Print	\$1.50
0011	10/15/2019	Print	\$1.50
0011	10/15/2019	Print	\$3.00
0011	10/15/2019	Print	\$2.00
0011	10/15/2019	Print	\$3.00

0011	10/15/2019	Print	\$2.25
0011	10/15/2019	Print	\$6.00
0011	10/15/2019	Print	\$1.50
0011	10/15/2019	Print	\$11.00
0011	10/15/2019	Print	\$2.75
0011	10/15/2019	Print	\$3.25
0011	10/15/2019	Print	\$4.00
0011	10/15/2019	Print	\$1.00
0011	10/15/2019	Print	\$2.25
0011	10/15/2019	Print	\$2.50
0011	10/15/2019	Print	\$1.00
0011	10/15/2019	Print	\$2.00
0011	10/15/2019	Print	\$2.00
0011	10/15/2019	Print	\$3.25
0011	10/15/2019	Print	\$2.25
0011	10/15/2019	Print	\$8.25
0011	10/15/2019	Print	\$4.00
0011	10/15/2019	Print	\$4.75

0011	10/15/2019	Print	\$5.50
0011	10/15/2019	Print	\$17.00
0011	10/15/2019	Print	\$5.75
0011	10/15/2019	Print	\$2.25
0011	10/16/2019	Print	\$39.00
0011	10/16/2019	Print	\$15.25
0011	10/16/2019	Print	\$5.50
0011	10/16/2019	Print	\$19.00
0011	10/16/2019	Print	\$0.50
0011	10/16/2019	Print	\$0.25
0011	11/4/2019	Print	\$56.50
0011	12/16/2019	Print	\$2.25
0011	12/16/2019	Print	\$6.50
0011	1/7/2020	Print	\$0.50
0011	1/7/2020	Print	\$42.75
0011	1/9/2020	Print	\$1.50
0011	1/13/2020	Print	\$2.00
0011	1/13/2020	Print	\$2.00

0011	1/13/2020	Print	\$2.00
0011	1/15/2020	Print	\$61.00
0011	1/15/2020	Print	\$1.25
0011	1/15/2020	Print	\$0.75
0011	1/15/2020	Print	\$0.75
0011	1/20/2020	Copy	\$11.00
0011	1/20/2020	Print	\$0.75
0011	1/20/2020	Print	\$0.75
0011	1/20/2020	Print	\$0.75
0011	1/22/2020	Print	\$34.75
0011	1/22/2020	Print	\$17.75
0011	1/22/2020	Print	\$0.50
0011	1/22/2020	Print	\$0.50
0011	1/22/2020	Print	\$0.75
0011	1/28/2020	Print	\$2.25
0011	2/5/2020	Copy	\$0.25
0011	2/6/2020	Print	\$0.75
0011	2/6/2020	Print	\$5.25

0011	2/19/2020	Print	\$32.75
0011	5/12/2020	Print	\$3.50
0011	5/14/2020	Print	\$2.50
0011	5/14/2020	Print	\$1.50
0011	5/16/2020	Print	\$1.75
0011	5/16/2020	Print	\$1.75
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.25
0011	5/16/2020	Print	\$1.50
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$1.00
0011	5/16/2020	Print	\$0.50
0011	5/17/2020	Print	\$11.00

0011	5/18/2020	Print	\$17.25
0011	5/18/2020	Print	\$1.00
0011	5/18/2020	Print	\$7.50
0011	5/18/2020	Print	\$1.00
0011	6/12/2020	Print	\$4.50
0011	6/12/2020	Print	\$0.50
0011	6/12/2020	Print	\$2.25
0011	6/12/2020	Print	\$0.25
0011	6/12/2020	Print	\$5.00
0011	6/12/2020	Print	\$4.50
0011	6/12/2020	Print	\$20.00
0011	6/12/2020	Print	\$0.25
0011	6/12/2020	Print	\$1.25
0011	6/15/2020	Print	\$1.50
0011	6/15/2020	Print	\$1.25
0011	6/15/2020	Print	\$2.25
0011	6/16/2020	Print	\$2.25
0011	6/17/2020	Print	\$7.75

0011	6/17/2020	Print	\$15.25
0011	6/17/2020	Print	\$1.25
0011	7/30/2020	Print	\$0.50
0011	12/2/2020	Print	\$6.50
0011	4/28/2021	Print	\$0.25
0011	4/29/2021	Print	\$69.50
0011	5/11/2021	Print	\$1.00
0011	5/12/2021	Print	\$11.75
0011	5/18/2021	Print	\$41.50
0011	6/7/2021	Print	\$4.50
0011	6/8/2021	Print	\$1.25
0011	6/17/2021	Print	\$1.50
0011	6/30/2021	Print	\$7.50
0011	7/6/2021	Print	\$1.00
0011	9/9/2021	Print	\$6.25
0011	9/13/2021	Print	\$0.75
0011	9/15/2021	Print	\$20.25
0011	9/21/2021	Print	\$6.00

0011	9/22/2021	Print	\$0.50
0011	9/23/2021	Print	\$0.25
0011	9/24/2021	Print	\$0.75
			\$1,429.25

Expense Code: 018 - Court Reporters/Transcripts

0011	3/27/2020	Veritext Corp.; Invoice # NJ4272824; Court Reporters/Depositions. For video deposition of T. Scott Whitten taken on 03/20/20.	\$796.11
0011	6/18/2020	Veritext Corp.; Invoice # NJ4362399; Court Reporters/Depositions. For HBSS 50% share of costs of virtual video of 30(b)(6) deposition of Christopher Volk Honda taken on 05/29/20.	\$622.25
0011	7/22/2020	Goldenberg Schneider, LPA; Invoice # NJ4265382; Court Reporters/Depositions. Reimbursement for HBSS 50% share of Veritext bill for deposition of T. Scott Whitten taken on 03/20/20.	\$173.75
0011	7/22/2020	Goldenberg Schneider, LPA; Invoice # NJ4276327; Court Reporters/Depositions. Reimbursement for HBSS 50% share of Veritext bill for deposition of T. Scott Whitten taken on 03/20/20.	\$618.67
0011	7/22/2020	Goldenberg Schneider, LPA; Invoice # NJ4265383; Court Reporters/Depositions. Reimbursement for HBSS 50% share of Veritext bill for deposition of T. Scott Whitten taken on 03/20/20.	\$58.75
0011	8/12/2020	Veritext Corp.; Invoice # NJ4446425; Court Reporters/Depositions. For HBSS 50% share of cost for deposition of Duncan MacRae taken on 06/17/20 (Virtual Zoom).	\$471.60
0011	8/18/2020	Veritext Corp.; Invoice # NJ4358772; Court Reporters/Depositions. For HBSS 50% share of cost for deposition of Christopher Volk Honda 30(b)(6) witness taken on 05/29/20 (Virtual Zoom).	\$504.59
0011	8/18/2020	Veritext Corp.; Invoice # NJ4392421; Court Reporters/Depositions. For HBSS 50% share of cost for deposition of Michael Pilgrim taken on 06/18/20 (Virtual Zoom).	\$440.45
0011	8/18/2020	Veritext Corp.; Invoice # NJ4424004; Court Reporters/Depositions. For HBSS 50% share of cost for video deposition of Michael Pilgrim taken on 06/18/20 (Virtual Zoom).	\$453.00
0011	8/18/2020	Veritext Corp.; Invoice # NJ4265385; Court Reporters/Depositions. For HBSS 50% share of the cost for virtual participants of T. Scott Whitten on 03/20/20.	\$58.75
0011	8/18/2020	Veritext Corp.; Invoice # NJ4265384; Court Reporters/Depositions. For HBSS 50% share of the cost for virtual participants of deposition scheduled on 03/20/20.	\$58.75
0011	8/18/2020	Veritext Corp.; Invoice # NJ4416152; Court Reporters/Depositions. For HBSS 50% share of the cost for Michael Pilgrim deposition taken on 06/18/20.	\$391.19
0011	8/20/2020	Veritext Corp.; Invoice # NJ4428079; Court Reporters/Depositions. For HBSS 50% share of the costs for (virtual zoom) deposition of Duncan MacRae taken on 06/17/20.	\$290.12
			\$4,937.98

Expense Code: 035 - Outside Copy Services

0011	7/10/2020	Production Fees - Vorys, Sater, Seymour and Pease LLP (1/3 of invoices - BDO USA, LLP Inv #001362010_A, CSB Strategic Business Solutions, PLLC Inv#73235A)	\$6,319.33
0011	8/14/2020	Goldenberg Schneider, LPA Share of Production Fees paid to Vorys, Sater, Seymour and Pease, LLP	(\$3,159.66)
			\$3,159.67
Expense Code: 050 - Overnight Shipping			
0011	1/23/2020	UPS - SEATTLE; Invoice # 0000X2X719030; Overnight Shipping. Package sent to JAMS, Inc. on 01/16/20.	\$16.93
0011	11/8/2020	UPS - SEATTLE; Invoice # 0000X2X719450; Overnight Shipping. For package (check) sent to JAMS on 11/05/20 (total of \$43.60 split between 2 clients).	\$10.90
			\$27.83
Expense Code: 052 - Court Filing Fees			
0011	4/25/2019	American Express; Invoice # Mar-19 AMEX (ETB); Filing Fee - Conti Complaint, 03/22/19	\$400.00
			\$400.00
Expense Code: 055 - Online Services/Legal Research			
0011	6/20/2019	West Publishing Corporation; Invoice # 840356846; Online Services/Legal Research. WestLaw usage for the period of 05/01/19 - 05/31/19.	\$14.86
0011	8/1/2019	Pacer Service Center; Invoice # 5571403-Q22019; Online Services/Legal Research. Pacer charges for period of 04/01/19 - 06/30/19.	\$1.50
0011	9/20/2019	West Publishing Corporation; Invoice # 840862486; Online Services/Legal Research. WestLaw usage for the period of 08/01/19 - 08/31/19.	\$234.28
0011	10/24/2019	Pacer Service Center; Invoice # 5571403-Q32019; Online Services/Legal Research. Pacer charges for period of 07/01/19 - 09/30/19.	\$2.10
0011	10/25/2019	West Publishing Corporation; Invoice # 841045223; Online Services/Legal Research. WestLaw usage for the period of 09/01/19 - 09/30/19.	\$247.29
0011	12/3/2019	West Publishing Corporation; Invoice # 841213650; Online Services/Legal Research. WestLaw usage for the period of 10/01/19 - 10/31/19.	\$242.25
0011	12/13/2019	West Publishing Corporation; Invoice # 841382645; Online Services/Legal Research. WestLaw usage for the period of 11/01/19 - 11/30/19.	\$18.01
0011	1/23/2020	Pacer Service Center; Invoice # 5571403-Q42019; Online Services/Legal Research. Pacer charges for period of 10/01/19 - 12/31/19.	\$18.10
0011	4/19/2020	Everlaw, Inc.; Invoice # 25487; Online Services/Legal Research. Monthly flat fee for March 2020.	\$18.71
0011	4/23/2020	Pacer Service Center; Invoice # 5571403-Q12020; Online Services/Legal Research. Pacer charges for period of 01/01/2020 - 03/31/2020.	\$2.40

0011	5/15/2020	Everlaw, Inc.; Invoice # 26434; Online Services/Legal Research. Monthly flat fee for April 2020.	\$37.43
0011	6/24/2020	Everlaw, Inc.; Invoice # 27417; Online Services/Legal Research. Monthly flat fee for May 2020.	\$37.43
0011	7/22/2020	Everlaw, Inc.; Invoice # 28213; Online Services/Legal Research. Monthly flat fee for June 2020.	\$46.79
0011	9/23/2020	Everlaw, Inc.; Invoice # 29944; Online Services/Legal Research. Monthly flat fee for August 2020.	\$56.15
0011	10/20/2020	West Publishing Corporation; Invoice # 843070078; Online Services/Legal Research. WestLaw usage for the period of 09/01/20 - 09/30/20.	\$310.00
0011	10/22/2020	Everlaw, Inc.; Invoice # 29057; Online Services/Legal Research. Monthly flat fee for July 2020.	\$56.15
0011	10/22/2020	Everlaw, Inc.; Invoice # 30979; Online Services/Legal Research. Monthly flat fee for September 2020.	\$56.15
0011	11/13/2020	West Publishing Corporation; Invoice # 843247004; Online Services/Legal Research. WestLaw usage for the period of 10/01/20 - 10/31/20.	\$70.88
0011	11/20/2020	Everlaw, Inc.; Invoice # 31860; Online Services/Legal Research. Monthly flat fee for October 2020.	\$56.15
0011	12/9/2020	West Publishing Corporation; Invoice # 843411572; Online Services/Legal Research. WestLaw usage for the period of 11/01/20 - 11/30/20.	\$8.22
0011	1/22/2021	Everlaw, Inc.; Invoice # 32900; Online Services/Legal Research. Monthly flat fee for November 2020.	\$9.91
0011	1/24/2021	West Publishing Corporation; Invoice # 843584736; Online Services/Legal Research. WestLaw usage for the period of 12/01/20 - 12/31/20.	\$46.44
0011	1/24/2021	Pacer Service Center; Invoice # 5571403-Q42020; Online Services/Legal Research. Pacer charges for period of 10/01/20 - 12/31/20.	\$22.00
0011	2/16/2021	West Publishing Corporation; Invoice # 843755509; Online Services/Legal Research. WestLaw usage for the period of 01/01/21 - 01/31/21.	\$607.96
0011	3/18/2021	West Publishing Corporation; Invoice # 843918382; Online Services/Legal Research. WestLaw usage for the period of 02/01/21 - 02/28/21.	\$202.54
0011	3/23/2021	Everlaw, Inc.; Invoice # 36194; Online Services/Legal Research. Monthly flat fee for February 2021.	\$6.60
0011	3/23/2021	Everlaw, Inc.; Invoice # 33942; Online Services/Legal Research. Monthly flat fee for December 2020.	\$6.60
0011	4/19/2021	Pacer Service Center; Invoice # 5571403-Q12021; Online Services/Legal Research. Pacer charges for period of 01/01/21 - 03/31/21.	\$5.30

0011	4/19/2021	Pacer Service Center; Invoice # 5571403-Q12021; Online Services/Legal Research. Pacer charges for period of 01/01/21 - 03/31/21.	\$21.60
0011	4/21/2021	Everlaw, Inc.; Invoice # 35982; Online Services/Legal Research. Monthly flat fee for January 2021.	\$6.60
0011	4/21/2021	Everlaw, Inc.; Invoice # 38491; Online Services/Legal Research. Monthly flat fee for March 2021.	\$6.60
0011	5/13/2021	West Publishing Corporation; Invoice # 844273979; Online Services/Legal Research. WestLaw usage for the period of 04/01/21 - 04/30/21.	\$9.58
0011	5/20/2021	Everlaw, Inc.; Invoice # 40503; Online Services/Legal Research. Monthly flat fee for April 2021.	\$6.61
0011	6/17/2021	RELX Inc. DBA LexisNexis; Invoice # 3093299373; Online Services/Legal Research. CourtLink services provided from 05/01/21 - 05/31/21.	\$9.98
0011	6/24/2021	Everlaw, Inc.; Invoice # 40826; Online Services/Legal Research. Monthly flat fee for May 2021.	\$6.61
0011	7/16/2021	Pacer Service Center; Invoice # 5571403-Q22021; Online Services/Legal Research. Pacer charges for period of 04/01/21 - 06/30/21.	\$8.10
0011	7/22/2021	Everlaw, Inc.; Invoice # 41976; Online Services/Legal Research. Monthly flat fee for June 2021.	\$112.46
0011	8/24/2021	Everlaw, Inc.; Invoice # 44257; Online Services/Legal Research. Monthly flat fee for July 2021.	\$6.61
0011	9/24/2021	Everlaw, Inc.; Invoice # 44481; Online Services/Legal Research. Monthly flat fee for August 2021.	\$6.61
			\$2,643.56
Expense Code: 060 - Messenger/Service of Process			
0011	4/26/2019	ACE Attorney Service, Inc.; Invoice # 266282; Messenger/Process Service. For process/messenger service provided on 03/28/19.	\$84.75
0011	7/30/2019	ACE Attorney Service, Inc.; Invoice # 281104; Messenger/Process Service. For process/messenger service provided on 06/26/19.	\$58.75
0011	10/25/2019	ACE Attorney Service, Inc.; Invoice # 292709; Messenger/Process Service. For process/messenger service provided on 09/16/19.	\$101.75
0011	5/15/2020	ACE Attorney Service, Inc.; Invoice # 320846; Messenger/Process Service. For process/messenger service provided on 03/27/20.	\$75.04
0011	6/23/2021	ACE Attorney Service, Inc.; Invoice # 386374; Messenger/Process Service. For process/messenger services provided on 05/19/21.	\$261.08
			\$581.37
Expense Code: 061 - Mediation Fees			

0011	1/16/2020	JAMS, Inc.; Invoice # 5103800; Mediation. Deposit for mediaiton services to be provided by Hon. Dickran Tevrizian re Bahn v. American Honda Motor.	\$2,725.00
0011	8/11/2020	Mediation - JAMS Invoice No. 5350064	\$2,800.00
0011	10/9/2020	Reimbursement for 1/2 of JAMS fee.	(\$1,400.00)
0011	10/20/2020	JAMS, Inc.; Invoice # 5425888; Mediation. For HBSS 50% share of balance due for services provided by Hon. Dickran Tevrizian on 10/13/20, re Banh v. Honda.	\$280.00
			\$4,405.00

Expense Code: 072 - Pro Hac Vice Filing Fees

0011	4/3/2019	Clerk of the Supreme Court of Illinois; Invoice # Odyssey 04/02/19; Pro Hac Vice. For certificate of good standing for Steve Berman.	\$15.00
0011	4/19/2019	Reimbursement for Pro Hac Vice from John C Weisensell	(\$400.00)
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (ETB); Pro Hac Vice for Todd Naylor, 04/01/19	\$400.00
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (ETB); Pro Hac Vice for Jeff Goldenberg, 04/01/19	\$400.00
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (ETB); Pro Hac Vice for John Weisensell, 04/01/19	\$400.00
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (ETB); Pro Hac Vice for Steve Berman, 04/19/19	\$400.00
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (ETB); Pro Hac Vice for Sean Matt, 04/19/19	\$400.00
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (HMW); Pro Hac Vice - Certificate of Good Standing Request from WSBA for Steve Berman, 04/03/19	\$25.63
0011	5/3/2019	American Express; Invoice # Apr-19 AMEX (HMW); Pro Hac Vice - Certificate of Good Standing Request from WSBA for Sean Matt, 04/03/19	\$25.63
			\$1,666.26

Expense Code: 075 - Postage

0011	7/8/2019	Jennifer Conte as Petty Cash Custodian; Invoice # Petty Cash 07/03/19; Postage. For mailing of letters to the AG on 06/11/19.	\$72.80
0011	6/23/2021	Jennifer Conte as Petty Cash Custodian; Invoice # Petty Cash 06/23/21; Postage. Cost to mail demand letter on 10/29/19.	\$6.85
			\$79.65
			\$19,330.57

Exhibit 5



HAGENS BERMAN



EXPERIENCE.
INNOVATION.
RESULTS.





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

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INTRODUCTION

The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs, victims and the underdog. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

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

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, sexual harassment, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

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

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

A NATIONWIDE REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Austin, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix and San Diego and one international office in London, and our eyes are always open to trends of fraud, negligence and wrongdoing that may be taking form anywhere in the world. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country and have a vested interest in global instances of oppression, wrongdoing and injustice.



INTRODUCTION
Locations

SEATTLE

1301 Second Avenue, Suite 2000
Seattle, WA 98101
(206) 623-7292 phone
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AUSTIN

100 Congress Avenue, Suite 2000
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(512) 469-3510 phone

BERKELEY

715 Hearst Avenue, Suite 202
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Cambridge, MA 02142
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(617) 482-3003 fax

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0203 150 1445 phone

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(708) 628-4950 fax

LOS ANGELES

301 North Lake Avenue, Suite 920
Pasadena, CA 91101
(213) 330-7150 phone
(213) 330-7152 fax

NEW YORK

322 8th Avenue, Suite 802
New York, NY 10001
(212) 752-5455 phone
(917) 210-3980 fax

PHOENIX

11 West Jefferson Street, Suite 1000
Phoenix, AZ 85003
(602) 840-5900 phone
(602) 840-3012 fax

SAN DIEGO

533 F Street
Suite 207
San Diego, CA 92101
(619) 929-3340 phone

“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results. ”

– Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

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

– U.S. District Judge James Selna, Central District of California, In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation

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

– Associated Press

Elite Trial Lawyers

The National Law Journal

The Plaintiffs’ Hot List: The Year’s Hottest Firms

The National Law Journal

Most Feared Plaintiffs Firms

Law360

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

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

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

– U.S. District Court for the Northern District of California, In re Optical Disk Drive Products Antitrust Litigation (appointing the firm lead counsel)

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

– U.S. District Court for the Northern District of California, In re Dynamic Random Access Memory Antitrust Litigation (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this suit related to the automaker’s Dieselgate scandal. A **\$1.6 billion** settlement was reached, and represents a result of nearly full damages for the class.

VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the Plaintiffs’ Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history – **\$17.4 billion**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel in this matter and secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation’s largest publishing companies.

LCD ANTITRUST LITIGATION

Hagens Berman served as a member of the Executive Committee representing consumers against multiple defendants in multi-district litigation. The total settlements exceeded **\$470 million**.

MCKESSON DRUG LITIGATION

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

DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

A Denver jury awarded a monumental **\$383.5 million** jury verdict against GranuFlo dialysis provider DaVita Inc. on June 27, 2018, to families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

AVERAGE WHOLESAL PRICE DRUG LITIGATION

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

ENRON ERISA LITIGATION

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

CHARLES SCHWAB SECURITIES LITIGATION

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

Practice Areas

PRACTICE AREAS

Anti-Terrorism

With a long track record of upholding the rights of the voiceless, Hagens Berman fights for justice on behalf of victims of international terrorism. Our anti-terrorism legal team builds on our robust history to forge innovative cases, bringing action against those that support terrorism.

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

It's no secret that some businesses and individuals have pled guilty to violating United States laws that prohibit financial transactions with terrorist organizations and foreign states that support terrorism. We believe that the law is one of the most powerful tools to combat terrorism, and our renowned team of litigators brings a fresh perspective to the fight for victims' rights in this complex arena.

Through a deep understanding of both U.S. and international anti-terrorism laws, Hagens Berman builds on its foundation to investigate acts of terrorism and forge ironclad cases against anyone responsible, to help ensure that those at the mercy of the world's most egregious perpetrators of violence are represented with the utmost integrity and determination.

The firm's new practice area carries out our mission of building a safer world through novel applications of the law and steadfast dedication.

> Chiquita Bananas

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

Plaintiffs have sued Chiquita under the U.S. Anti-Terrorism Act, which allows American victims of international terrorism to sue anyone responsible and to recover treble damages and attorney's fees. The claims are pending in the U.S. District Court for the Southern District of Florida as part of the consolidated multi-district litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

PRACTICE AREAS

Antitrust

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

> **Visa/MasterCard**

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard that challenged charges imposed in connection with debit cards.

RESULT: \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

> **NCAA: Scholarships/Grants-In-Aid (GIAs)**

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

RESULT: \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

> **Apple E-books**

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then look on Apple for its part in the price-fixing conspiracy. In the final stage in the lawsuit, the Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recovery of damages in any antitrust lawsuit in the country.

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

> Animation Workers Antitrust

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

RESULT: Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

> TFT LCDs

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

RESULT: \$470 million in total settlements.

> DRAM

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

RESULT: \$375 million settlement.

> Optical Disk Drives

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

RESULT: \$180 million in total settlements reclaimed for consumers.

> Lithium Ion Batteries

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

RESULT: \$65 million in total settlements against multiple defendants.

> AC Nielsen

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

RESULT: \$55 million settlement.

> Dairy Products

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together (CWT) that together produce nearly 70 percent of the milk consumed in the United States. The suit alleging that the groups conspired to fix the price of milk throughout the United States through an organized scheme to limit production, involving the needless and premature slaughtering of 500,000 cows.

RESULT: \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

> Toys "R" Us Baby Products

The firm brought this complaint on behalf of consumers claiming Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The suit asked the court to end what it claims are anti-competitive activities and seeks damages caused by the company's actions.

RESULT: \$35.5 million settlement.

PRACTICE AREAS

Antitrust

> EA Madden

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

RESULT: \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

> Resistors Antitrust Litigation

Hagens Berman is co-lead lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

> Nespresso

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

PRACTICE AREAS

Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Since then, the firm's automotive practice area has grown by leaps and bounds, pioneering new investigations into defects, false marketing and safety hazards affecting millions of drivers across the nation.

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

> General Motors Ignition Switch Litigation

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

> Toyota Sudden, Unintended Acceleration Litigation

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

RESULT: Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

> MyFord Touch

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

> Nissan Quest Accelerator Litigation

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

RESULT: Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

> Hyundai Kia MPG

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

RESULT: \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

PRACTICE AREAS

Automotive - Non-Emissions Cases

> **BMW i3 REx**

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

> **Fiat Chrysler Gear Shifter Rollaway Defect**

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

> **Ford Shelby GT350 Mustang Overheating**

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked

> **Tesla AP2 Defect**

The firm represents Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

PRACTICE AREAS

Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for owners. Since this case emerged, Hagens Berman has been on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment, becoming a one-man EPA. The firm is uniquely dedicated to this cause, and is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices, bringing new cases based on the firm's own research, time and testing.

> Volkswagen Diesel Emissions Litigation

Hagens Berman was the first firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by Volkswagen's fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles, and also served as part of the Settlement Negotiating team.

RESULT: The largest automotive settlement in history, \$14.7 billion.

> Volkswagen Dealers Litigation

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW stating that it intentionally defrauded dealers by installing so-called "defeat devices" in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99 percent participation in the settlement.

RESULT: \$1.67 billion in benefits to Volkswagen dealers.

> Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

PRACTICE AREAS

Automotive - Emissions Litigation

› **Chevy Cruze Diesel Emissions Litigation**

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

› **Audi Emissions Litigation**

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

› **Fiat Chrysler EcoDiesel Emissions Litigation**

The firm is leading charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these "Eco" diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of Dodge RAM 1500 and Jeep Grand Cherokee EcoDiesel vehicles. Following the firm's groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

› **Dodge RAM 2500/3500 Diesel Emissions Litigation**

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly inducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

› **General Motors Duramax Emissions Litigation**

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

PRACTICE AREAS

Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

> **World Trade Organization Protests**

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

> **Hungarian Gold Train**

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

> **Dole Bananas**

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

PRACTICE AREAS

Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive and fraudulent practices.

We realize that consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics. We believe that when backed by a tenacious spirit and determination, class action cases have the ability to serve as a powerful line of defense in consumer protection.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- › False, deceptive advertising of consumer products and services
- › False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- › Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- › Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

› **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

RESULT: Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

› **Stericycle**

The firm served as court-appointed lead counsel in a class-action lawsuit against Stericycle alleging that the company violated contracts and defrauded them by hundreds of millions of dollars through an automatic price-increasing scheme. In February of 2017, a federal judge certified a nationwide consumer class. The class had more than 246,000 class members, with damages estimated preliminarily at \$608 million.

RESULT: \$295 million settlement

› **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

RESULT: Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

PRACTICE AREAS

Consumer Protection - General Class Litigation

> Wells Fargo Force-Placed Insurance

Hagens Berman brought a case against Wells Fargo alleging it used “force-placed” insurance clauses in mortgage agreements, a practice that enables the bank to charge homeowners insurance premiums up to 10 times higher than normal rates.

RESULT: Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

> Consumer Insurance Litigation

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

RECENT ANTITRUST RESOLUTIONS

In the last few years, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

> Flonase Antitrust Litigation

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

RESULT: \$150 million class settlement.

> Prograf Antitrust Litigation

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

RESULT: The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

> Relafen Antitrust Litigation

Hagens Berman filed a class-action lawsuit against GlaxoSmithKline, SmithKline Beecham Corporation, Beecham Group PLC and SmithKline Beecham PLC, on behalf of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. The suit alleged that the companies who manufacture and sell Relafen unlawfully obtained a patent which allowed them to enforce a monopoly over Relafen and prevented competition by generic prescription drugs, causing consumers to pay inflated prices for the drug.

RESULT: Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Skelaxin Antitrust Litigation

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

RESULT: \$73 million class settlement.

> Tricor Antitrust

In June 2005, Hagens Berman filed an antitrust lawsuit on behalf of a class of consumers and third party payors against pharmaceutical manufacturers Abbott Laboratories and Fournier Industries concerning the brand name cholesterol drug Tricor. HBSS was appointed co-lead class counsel by the Court.

RESULT: \$65.7 million recovery for consumers and third party payers who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

FRAUDULENT DRUG PRICING RESOLUTIONS

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

> McKesson and First DataBank Drug Litigation

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

RESULT: \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

> Average Wholesale Price Drug Litigation

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

RESULT: Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

FRAUDULENT MARKETING RESOLUTIONS

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

> Neurontin Third Party Payor Litigation

Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

RESULT: A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million, and the court recently approved a \$325 million class settlement.

> Lupron

Hagens Berman prosecuted a lawsuit against TAP Pharmaceuticals Products, Inc. on behalf of a class of consumers and third-party payors who purchased the drug Lupron. The suit charged that TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Pharmaceutical Company Limited conspired to fraudulently market, sell and distribute Lupron, causing consumers to pay inflated prices for the drug.

RESULT: Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Celebrex/Bextra

Hagens Berman filed a class-action lawsuit against Pfizer on behalf of individual consumers and third-party payors who paid for the drug Bextra. The firm was praised by Judge Breyer for its “unstinting” efforts on behalf of the class, adding, “The attorneys on both sides were sophisticated, skilled, professional counsel whose object was to zealously pursue their clients’ interest, but not at the cost of abandoning the appropriate litigation goals, which were to see, whether or not, based upon the merits of the cases, a settlement could be achieved.”

RESULT: \$89 million settlement.

> Vioxx Third Party Payor Marketing and Sales Practices Litigation

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

The drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

RESULT: \$80 million settlement.

> Serono Drug Litigation

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Serono, Inc. schemed to substantially increase sales of the AIDS drug Serostim by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

RESULT: \$24 million settlement.

> Bayer Combination Aspirin/Supplement Litigation

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women’s Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

RESULT: \$15 million settlement.

OTHER LANDMARK CASES

> New England Compounding Center Meningitis Outbreak

In 2012, the Center for Disease Control confirmed that New England Compounding Center sold at least 17,000 potentially tainted steroid shots to 75 clinics in 23 states across the country, resulting in more than 64 deaths and 751 cases of fungal meningitis, stroke or paraspinal/peripheral joint infection. HBSS attorneys Thomas M. Sobol and Kristen A. Johnson serve as Court-appointed Lead Counsel for the Plaintiffs’ Steering Committee on behalf of plaintiff-victims in MDL 2419 consolidated before The Honorable Ray W. Zobel in the United States District Court for the District of Massachusetts.

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, wage and hour issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

› **CB Richard Ellis Sexual Harassment Litigation**

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

› **Costco Wholesale Corporation Wage & Hour Litigation**

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

RESULT: \$15 million cash settlement on behalf of the class.

› **Washington State Ferry Workers Wage Litigation**

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

RESULT: Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

› **SunDance Rehabilitation Corporation**

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

RESULT: \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

› **Schneider National Carriers - Regional Drivers**

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

RESULT: A \$28 million settlement on behalf of drivers.

› **Schneider National Carriers - Mechanics**

Hagens Berman filed a class-action lawsuit alleging that Schneider National Carriers failed to provide mechanics with proper overtime compensation, meal and rest break premiums, and accurate wage statements as required by California law.

RESULT: In March of 2013, the case was settled on terms mutually acceptable to the parties.

PRACTICE AREAS

Employment Litigation

> **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

An agreement to settle the case was granted preliminary approval in October 2018. Final approval is pending.

PRACTICE AREAS

Environmental Litigation

Since Hagens Berman's founding, the firm has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

Hagens Berman believes that protecting and restoring our environment from damage caused by irresponsible and illegal corporate action is some of the most rewarding work a law firm can do. As our firm has grown, we have established an internationally recognized environmental litigation practice.

SCIENCE AND THE LAW

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

ENVIRONMENTAL EXPERTS

Our firm's fostered deep relationships with top-notch environmental experts result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

REAL IMPACTS

Environmental law is a priority at our firm and we have taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's significant environmental cases include:

> Exxon Valdez Oil Spill Litigation

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history.

RESULT: A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.

> Chinook Ferry Litigation

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling property owners to act. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service

RESULT: A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

> Grand Canyon Litigation

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park.

RESULT: The trial court enjoined the project.

> Kerr-McGee Radiation Case

The firm brought a class action on behalf of residents of West Chicago, Illinois who were exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee.

RESULT: A medical monitoring settlement valued in excess of \$5 million

> Skagit Valley Flood Litigation

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

RESULT: Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

> Idaho Grass Burning Case

In 2002, Hagens Berman brought a class-action lawsuit on

PRACTICE AREAS

Environmental Litigation

behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. Burning the fields annually caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields.

RESULT: The lawsuit settled in 2006 under confidential terms.

› Dole Bananas Case

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comply with proper environmental practices.

RESULT: The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

› Diesel Emissions Litigation

Second to none in uncovering emissions-cheating, the firm has dedicated its time and resources to breaking up the dirty diesel ring. After filing the first lawsuit in the country against Volkswagen, Audi and Porsche for its massive Dieselgate scandal in 2015, the firm went on to unmask emissions-cheating devices installed in vehicles made by Fiat Chrysler, Mercedes and General Motors and continues to investigate diesel cars for excessive, illegal and environmentally harmful levels of emissions.

RESULT: The firm's independently researched active cases have led to investigations by the EPA, DOJ and European authorities.

› San Francisco and Oakland Climate Change Litigation

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build

sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

› Florida Sugarcane Burning

Hagens Berman filed a class-action lawsuit against the sugar industry's largest entities on behalf of residents of various areas and townships of Florida that have long suffered from the corporations' wildly hazardous and damaging methods of harvesting sugarcane. The lawsuit states that this outdated method of harvesting has wreaked havoc on these Florida communities. The wildly archaic method of harvesting brings devastating toxic smoke and ash, often called "black snow," raining onto poor Florida communities for six months of the year. The lawsuit's defendants, commonly known as Big Sugar, farm sugarcane on approximately 400,000 acres in the area south and southeast of Lake Okeechobee.

› Kivalina Global Warming Litigation

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

› Cane Run Power Plant Coal Ash Case

In 2013, Hagens Berman filed a class-action lawsuit against Louisville Gas and Electric Company alleging it illegally dumped waste from a coal-fired power plant onto neighboring property and homes where thousands of Kentucky residents live. According to the complaint, Louisville Gas and Electric Company's Cane Run Power Plant is fueled by the burning of coal, which also produces coal combustion byproducts—primarily fly ash and bottom ash—that contain significant quantities of toxic materials, including arsenic, chromium and lead. The dust spewed by Cane Run contains known carcinogens, posing significant potential health hazards.

PRACTICE AREAS

Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

> Big Tobacco

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

RESULT: \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

> McKesson Average Wholesale Price Litigation

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

RESULT: Hagens Berman has started the AWP class action, which resulted in many states filing cases. The firm represented several of those states in successful litigation.

> McKesson Government Litigation

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

RESULT: These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

> Zyprexa Marketing & Sales Practices Litigation - Connecticut

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

RESULT: \$25 million settlement.

> General Motors Ignition Switch Litigation

Hagens Berman is pleased to be assisting the Arizona Attorney General in its law enforcement action versus GM, as well as the district attorney of Orange County, California who filed a consumer protection lawsuit against GM, claiming the automaker deliberately endangered motorists and the public by intentionally concealing widespread, serious safety defects.

PRACTICE AREAS

Governmental Representation

> State Opioid Litigation

Hagens Berman was hired to assist multiple municipalities in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers.

The firm was first hired by California governmental entities for the counties of Orange and Santa Clara. The state of Mississippi also retained the firm's counsel in its state suit brought against the manufacturer of opioids. The suit alleges that the pharma companies engaged in tactics to prolong use of opioids despite knowing that opioids were too addictive and debilitating for long-term use for chronic non-cancer pain.

In a third filing, Hagens Berman was retained as trial counsel for the state of Ohio. Filed on May 31, 2017, the firm is assisting the Ohio Attorney General's office in its case against five opioid makers. Ohio Attorney General Mike DeWine stated that "drug companies engaged in fraudulent marketing regarding the risks and benefits of prescription opioids which fueled Ohio's opioid epidemic," and that "these pharmaceutical companies purposely misled doctors about the dangers connected with pain meds that they produced, and that they did so for the purpose of increasing sales."

> Municipal Lending

Hagens Berman represents the cities of Los Angeles and Miami in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax receipts and other damages to the cities. The suits seek damages for the City, claiming that the banks' alleged discriminatory behavior resulted in foreclosures, causing a reduction of property tax revenues and increased municipal service costs.

PRACTICE AREAS

Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

Our current and recent engagements include the following:

> **Bombardier Inc.**

The firm represented Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products and BRP U.S. Inc. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

RESULT: Florida U.S. District Judge Beth Bloom issued a final judgment of \$46.7 million against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict.

> **Angry Birds**

Hagens Berman represented a Seattle artist who filed a lawsuit against Hartz Mountain Corporation – one of the nation's largest producers of pet-related products – claiming the company illegally sold the artist's trademarked Angry Birds pet toy line to video game giant Rovio Entertainment Ltd, robbing her of millions of dollars of royalty fees.

RESULT: The case settled under confidential terms, which the firm found to be extremely satisfactory for the plaintiff.

> **Samsung, LG, Apple**

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

RESULT: The case settled.

> **Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

> **Salesforce**

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. The suit alleges that our client's patents cover the core architecture of Salesforce's platform for developing, customizing, and updating cloud-based software applications.

> **Nintendo**

The firm represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which often create delays in deciding whether or not to take a case at larger firms.

PRACTICE AREAS

Intellectual Property

> **Electronic Arts**

Hagens Berman represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

> Charles Schwab Securities Litigation

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

RESULT: \$235 million class settlement for investors.

> Oppenheimer

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

RESULT: \$100 million for the classes.

> Tremont

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

RESULT: \$100 million settlement between investors, Tremont and its affiliates.

> Boeing

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

RESULT: Record-breaking settlement of more than \$92.5 million.

> J.P. Morgan – Madoff

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

RESULT: \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

> Morrison Knudsen

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

RESULT: More than \$63 million for investors.

> Raytheon/Washington Group

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

RESULT: \$39 million settlement.

> U.S. West

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

RESULT: The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

› Theranos Investor Litigation

Hagens Berman represents Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its “revolutionary” blood test technology was essentially a hoax. The suit filed against the company, its CEO Elizabeth Holmes and Ramesh Balwani, alleges that Theranos’ statements to investors were built on false statements. At the crux of the court’s recent decision to uphold the investor case against Theranos was a finding that while plaintiffs did not directly purchase their securities from defendants, claims made by Theranos, Holmes and Balwani constituted fraud.

› Aequitas Investor Litigation

The firm represents a group of investors alleging that national law firm Sidley Austin LLP, Oregon law firm Tonkon Torp LLP and accounting firms Deloitte & Touche LLP and EisnerAmper LLP violated Oregon securities laws by participating or materially aiding in misrepresentations made by Aequitas Management LLC and contributing to a \$350 million Ponzi scheme. Investors state, amongst other allegations, that in 2011 Aequitas began purchasing loan receivables from Corinthian College Inc. and had bought the rights to collect \$444 million in loans. Investment managers hid the details of the transactions from investors, and deceived them when Corinthian’s business was hit with regulatory challenges in 2014. When Corinthian collapsed in May 2015, the investment group and its managers continued to sell securities and used the money to pay off other investors and fund a lavish lifestyle, until Aequitas ultimately imploded in 2017, the investors claim.

› China MediaExpress

Hagens Berman represents investors in a case against China MediaExpress, which purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in accounting fraud that ultimately led to the demise of the company. In early 2014, the court entered

a default judgment in the amount of \$535 million and certified a proposed class against China Media Express Holdings Inc. The case will proceed separately against Deloitte Touche Tohmatsu.

On May 6, 2015 Hagens Berman obtained a \$12 million settlement from Deloitte Touche Tohmatsu, one of the largest settlements against an auditor in a Chinese “reverse merger” case which is now awaiting final approval from the court.

› Altisource Asset Management Corporation

The firm was appointed lead counsel in this institutional investor lawsuit brought on behalf of purchasers of Altisource Asset Management Corporation (AAMC). The complaint alleges that AAMC misrepresented or outright concealed its relationship with these companies and the extent to which the interconnected entities engaged in conflicted transactions with themselves. Estimates of class-wide damages are in the hundreds of millions of dollars. The firm recently filed the consolidated complaint and motions to dismiss are pending before the U.S. District Court for the District of the Virgin Islands.

WHISTLEBLOWERS

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the “Wall Street Tip-Off Law.” The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act. Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

PORTFOLIO MONITORING. Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

TRACKING. Alerts clients of any significant portfolio losses due to suspected fraud.

ANALYSIS. Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

REPORTING. Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

PRACTICE AREAS

Personal Injury and Abuse

For nearly two decades, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

Sexual Abuse Litigation Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington. More about Hagens Berman's sexual abuse practice can be found on the following page.

Nursing Home Negligence Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

Social Work Negligence Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and

elderly adults, are responsible for critical aspects of the lives of tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

Workplace Injury While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

Medical Malpractice Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

PRACTICE AREAS

Sexual Abuse and Harassment

Hagens Berman's attorneys recently achieved a nationwide sexual harassment settlement on behalf of 16,000 women and also tried the first ever sexual harassment case in Washington state, and has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall. Our firm is committed to protecting and empowering individuals.

At Hagens Berman, we believe no one is above the law, and that no position of power should shield someone from being held accountable.

Right now, we are witnessing the silencing, belittling and abuse that women everywhere in this nation are subjected to. They are subjected to a system that does not respect them. The backlash against the brave survivors who have stepped forward to report sexual assault is unacceptable.

We believe survivors. Our firm's sexual harassment attorneys have protected their rights for decades throughout their legal careers, and we are dedicated to upholding the rights of the most vulnerable. Women should be heard, respected and protected from systemic abuse.

Sexual harassment is present and pervasive in many workplaces, industries and professional environments, and has damaged the lives and careers of countless individuals. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by an authority figure, making it harder to come forward for fear of retaliation.

All too often, acts of sexual harassment and sexual misconduct are protected by systemic cover-ups by companies and organized agreements between those in power. Particular industries are more susceptible to these cover-ups including: entertainment and sports media, STEM, law enforcement, food service, politics, military, tech, finance, hospitality and transportation. But sexual harassment is pervasive in many other environments and is often obscured from view for years.

In these industries, victims are routinely subjected to widespread policies and practices that create an environment promoting quid pro quo arrangements in which victims feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Victims are also often punished for not taking part.

The firm has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall, tried the first ever sexual harassment case in Washington state, and achieved a nationwide sexual harassment settlement on behalf of 16,000 women.

Representative sexual harassment successes and cases on behalf of our clients include:

> **USC, Dr. Tyndall Sexual Harassment**

In May of 2018, Hagens Berman filed a class-action lawsuit against the University of Southern California (USC) and Dr. George Tyndall, the full-time gynecologist at USC's student health clinic. Tyndall sexually harassed, violated and engaged in wildly inappropriate behavior with female students who sought his medical care, according to news outlets, which stated he saw tens of thousands of female patients during his time at USC.

Official complaints of Dr. Tyndall's behavior began to surface at USC in the 1990s, but despite the university's knowledge of Dr. Tyndall's behavior, it did not report him to the agency responsible for protecting the public from problem doctors. USC did nothing, for decades, as more and more female students were sent into Dr. Tyndall's office.

The settlement's three-tier structure allows class members to

PRACTICE AREAS

Sexual Abuse and Harassment

choose how much they want to engage with the claims process. Those who do not want to revisit a private, traumatic event can simply keep the guaranteed Tier 1 payment of \$2,500. Those who choose to provide additional information in a claim form about their experience with Tyndall and how it affected them are eligible for up to \$20,000 and those who choose to provide an interview are eligible for up to \$250,000. The special master and her team of experts will evaluate claims and allocate awards to Tier 2 and Tier 3 claimants. This focus on choice ensures that all class members receive compensation while giving each class member the autonomy to decide for herself how involved she wants to be in the settlement process.

The class-action settlement also goes beyond monetary compensation and forces USC to implement real changes to their policies and procedures to help ensure that what happened at USC does not happen again.

RESULT: \$215 million settlement

› **Harvey Weinstein Sexual Harassment**

In a first-of-its-kind class-action lawsuit, Hagens Berman represented women on behalf of a class of all victims who were harassed or otherwise assaulted by Harvey Weinstein, seeking to hold him and his co-conspirators accountable for a years-long pattern of sexual harassment and cover-ups.

The lawsuit, filed Nov. 15, 2017, in the U.S. District Court for the Central District of California states that Miramax and The Weinstein Company (which Weinstein co-founded) facilitated Weinstein's organized pattern of predatory behavior, equating to an enterprise that violates the Racketeer Influenced and Corrupt Organizations Act, commonly referred to as the RICO Act, the same law brought against members of the Mafia for organized criminal behavior.

The lawsuit brought various charges against Weinstein and his companies for violating the RICO Act, mail and wire fraud, assault, civil battery, negligent supervision and retention, and intentional infliction of emotional distress.

RESULT: Settlement reached

› **Fairfax Behavioral Health**

Attorneys from Hagens Berman filed a class-action complaint on behalf of a proposed class of hundreds of patients that were arbitrarily strip-searched and video recorded while receiving treatment for mental illness at one of three Fairfax locations in Washington state.

The suit's named plaintiff recalls being ordered to undress for an invasive strip-search when she presented for inpatient admission, even after disclosing her history of sexual abuse to the staff member. She was not given a gown or towel to cover up during the search, and the staff member watched her undress and left the door open where other staff members could see her.

Video cameras were located in the hallway, the holding area outside bathroom, and the room where the strip search was conducted. The cameras recorded her undressing and the strip-search.

The complaint states that Fairfax's practices—and its failure to limit the discretion of its staff—means that a substantial number of its mental health patients do not have reasonable access to inpatient care for mental health disorders.

The case is currently pending in federal court.

› **CB Richard Ellis Sexual Harassment Litigation**

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

PRACTICE AREAS

Sexual Abuse and Harassment

> King County Child Sex Abuse

Hagens Berman represented the victim of eight years of sexual abuse as a minor, at the hands of her brother-in-law. The lawsuit states that from 2005 to 2012, the case's defendant repeatedly sexually abused Hagens Berman's client. She was only eleven years old when the abuse began and was a minor during the entire duration of the abuse. In 2013, the state of Washington charged Willis with three counts of child molestation, to which he pled guilty. Court documents state, "Joshua Blaine Willis used his position of trust, confidence, or fiduciary responsibility to facilitate the commission of the ... offense[s]..."

Court documents in the civil case filed in June of 2017 detail Willis' highly disgusting and horrifying actions including groping and molestation, exposing himself and other highly sexual and inappropriate behavior.

Following the years of sexual abuse, Hagens Berman's client suffers from Post-Traumatic Stress Disorder and the court awarded damages for treatment of her condition and other emotional distress, as well as loss of earning capacity and other economic damages in her "struggle with consistency and stability."

RESULT: \$4,031,000 judgment awarded in a King County Superior Court

> State of Washington Sexual Assault, DSHS

Our client, a disabled Spokane, Wash. woman, was a patient at Eastern State Hospital. The hospital assigned a male nurse to provide one-on-one care and supervision for our client. The nurse trapped our client in a laundry room and raped her. Hagens Berman determined that the nurse, a state employee, had been reprimanded and accused on previous occasions of sexual assault of vulnerable patients. Hagens Berman initiated a negligence and civil rights lawsuit against the hospital and its administrators for failing to protect our client from a known sexual predator and for allowing that predator to remain on staff with the responsibility to care for vulnerable patients.

RESULT: \$2.5 million settlement

> Workplace Sexual Harassment & Other Investigations

Sexual harassment is present and pervasive in many workplaces. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by a supervisor, making it harder to come forward for fear of retaliation.

All too often, sexual harassment in the workplace is protected by systemic cover-ups by companies and those in power. Particular industries are more susceptible to these cover-ups including: commercial real estate, law enforcement, politics, military, tech, entertainment, sports media, finance, restaurants and hospitality, advertising and trucking.

In these industries, employees are routinely subjected to widespread policies that create an environment promoting quid pro quo arrangements in which they feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Employees are also often punished for not taking part.

Hagens Berman is also investigating sexual harassment and abuse in various specific areas of study, including STEM programs. The firm also maintains a keen watch over various work environments that are statistically prone to instances of misconduct. These include hospitality, college campuses and research labs, boarding schools and the entertainment industry, especially within the area of professional music.

The firm remains committed to uncovering instances of sexual harassment in the workplace, and within fields of study and areas prone to harboring misconduct and abusive behavior.

PRACTICE AREAS

Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports litigation law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL), the Fédération Internationale de Football Association (FIFA) and other sports governing institutions.

› NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming they violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

In March of 2019, the firm as co-lead trial counsel on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes, and in a unanimous 9-0 Supreme Court Victory, the injunctive portion of the case also resulted in a monumental victory for plaintiffs. The Court ruled that NCAA college athletes should legally be able to receive compensation from schools or conferences for athletic services other than cash compensation untethered to education-related expenses, prohibiting the NCAA from enforcing rules limiting those payments. The media called the firm's victory in the scholarships case against the NCAA a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), "...the highest court left the NCAA unhoused and naked, with nothing left but its pretensions," (The Washington Post), it "delivered a heavy blow," (AP), and leaves the NCAA "more vulnerable than ever."

› NCAA: Concussions

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm took on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman served as lead counsel in multi-district litigation and led the firm to finalize a settlement bringing sweeping changes to the NCAA's approach to concussion treatment and prevention. The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

› Player Name, Image & Likeness Rights in Videogames

Hagens Berman attorneys represented student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a

PRACTICE AREAS

Sports Litigation

combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the college athletes from exploitation.

The firm also represented NFL legend Jim Brown in litigation against EA for improperly using his likeness in its NFL video games, culminating in a \$600,000 voluntary judgment offered by the video game manufacturer.

› Continued NIL Litigation

Hagens Berman has continued efforts against the NCAA in an additional pending antitrust case regarding NIL rights. In June 2020, the firm filed its case against the NCAA claiming the institution had knowingly violated federal antitrust laws in abiding by a particular subset of NCAA amateurism rules that prohibit college-athletes from receiving anything of value in exchange for the commercial use of their name and likeness. The firm holds that the NCAA's regulations illegally limiting the compensation that Division I college athletes may receive for the use of their names, images, likenesses and athletic reputations.

In unanimously upholding the rights of NCAA athletes in *Alston*, Justice Gorsuch wrote the NCAA had sought "immunity from the normal operation of the antitrust laws," and Justice Kavanaugh stated, "The NCAA is not above the law." The firm looks forward to continuing to uphold that same sentiment in regard to NCAA athlete name, image and likeness rights.

In July 2021, following the firm's victory in the *Alston* case, the NCAA chose to temporarily lift rules restricting certain NIL deals in what the firm believes will be the first step in another massive change in college sports to support college athletes.

› FIFA/U.S. Soccer: Concussions

Several soccer players filed a class action against U.S. soccer's governing bodies, which led to life-changing safety measures brought to millions of U.S. youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions, leaving millions of players vulnerable to long-lasting brain injury.

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field.

› NCAA: Transfer Antitrust

Hagens Berman has taken on the NCAA for several highly recruited college athletes whose scholarships were revoked after a coaching change, or after the student-athletes sought to transfer to another NCAA-member school. The suit claims the organization's limits and transfer regulations violate antitrust law.

The firm's case hinges on a destructive double-standard. While Non-student-athletes are free to transfer and are eligible for a new scholarship without waiting a year, and coaches often transfer to the tune of a hefty pay raise, student-athletes are penalized and forced to sit out a year before they can play elsewhere, making them much less sought after by other college athletic programs. Hagens Berman continues to fight for student-athletes' rights to be treated fairly and terminate the NCAA's anticompetitive practices and overbearing regulations that limit players' options and freedoms.

PRACTICE AREAS

Sports Litigation

> Pop Warner

Hagens Berman represented youth athletes who have suffered traumatic brain injuries due to gross negligence, and filed a lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the then 13-year-old paralyzed from the neck down.

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head. In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not made public. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

> MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat. The lawsuit was dismissed with the court ruling that the plaintiffs lacked standing because the chance of getting hit by a ball is remote.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans. We believe our case sparked the eventual move to netting. After one of the owners of the Mariners belittled Steve for having filed the case, the firm happily saw the addition of netting extended to the foul poles at T-Mobile Park in the firm's headquarters of Seattle.

> Other Cases

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

PRACTICE AREAS

Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

> In U.S. ex rel. Lagow v. Bank of America

Represented former District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

RESULT: The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

> In U.S. ex rel. Mackler v. Bank of America

Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

RESULT: The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

> In U.S. ex rel. Horwitz v. Amgen

Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

RESULT: \$762 million in criminal and civil penalties levied by the U.S. Department of Justice and an award to our client.

> In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler

Represented a former regional vice president of operations for Sound Physicians, who blew the whistle on Sound's alleged misconduct.

RESULT: Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

> In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

PRACTICE AREAS

Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

RESULT: In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

> Medtronic

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

RESULT: The case settled in 2012 for an amount that remained under seal.

SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned by Direct Edge Holdings (and since acquired by Bats Global

Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

A few of the firm's most recent whistleblower cases in this area include:

> EDGA Exchange Inc. and EDGX Exchange Inc.

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

RESULT: The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

PRACTICE AREAS

Whistleblower Litigation

> Nav Sarao Futures Limited PLC

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

RESULT: Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

INTERNAL REVENUE SERVICE

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

- › **In Matter of Motors Liquidation Co.**, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › **George v. Urban Settlement Servs.**, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- › **In re Loestrin 24 Fe Antitrust Litig.**, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
- › **Osborn v. Visa Inc.**, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- › **Little v. Louisville Gas & Elec. Co.**, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- › **City of Miami v. Citigroup Inc.**, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- › **Rajagopalan v. NoteWorld, LLC**, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- › **In re Neurontin Mktg. & Sales Practices Litig.**, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- › **In re NCAA Student-Athlete Name & Likeness Licensing Litig.**, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- › **Garcia v. Wachovia Corp.**, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
- › **Agnew v. Nat'l Collegiate Athletic Ass'n**, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- › **In re Lupron Mktg. & Sales Practices Litig.**, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
- › **In re Pharm. Indus. Average Wholesale Price Litig.**, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:

- › **Garza v. Gama**, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- › **In re Farm Raised Salmon Cases**, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- › **Pickett v. Holland Am. Line-Westours, Inc.**, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

U.S. Legal Team



MANAGING PARTNER

Steve W. Berman

Served as co-lead counsel against Big Tobacco, resulting in the largest settlement in world history, and at the time the largest automotive, antitrust, ERISA and securities settlements in U.S. history.

CONTACT

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YEARS OF EXPERIENCE

> 41

PRACTICE AREAS

- > Antitrust/Trade Law
- > Consumer Protection
- > Governmental Representation
- > Securities/Investment Fraud
- > Whistleblower/**Qui Tam**
- > Patent Litigation

BAR ADMISSIONS

- > Washington
- > Illinois Foreign
- > Registered Attorney in England and Wales

COURT ADMISSIONS

- > Supreme Court of the United States
- > Supreme Court of Illinois
- > Supreme Court of Washington
- > U.S. District Court for the Eastern and Western Districts of Washington
- > U.S. District Court for the Northern and Central Districts of Illinois
- > U.S. District Court for the District of Colorado
- > U.S. District Court for the Eastern District of Michigan
- > First Circuit Court of Appeals

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve was named an MVP of the Year by Law360 in 2016 and 2017 for his class-action litigation and received the 2017 Plaintiffs' Trailblazer award. He was recognized for the third year in a row as an Elite Trial Lawyer by The National Law Journal.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys, and has been praised for securing record-breaking settlements and tangible benefits for class members. Steve is particularly known for his tenacity in forging consumer settlements that return a high percentage of recovery to class members.

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> **Emissions Litigation**

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500 and 3500 trucks, Dodge Ram 1500 and Jeep Cherokee EcoDiesel vehicles, Chevy Silverado, GMC Sierra as well as other models made by Ford, Audi and BMW. Steve and the firm's unmatched work in emissions-cheating investigations is often ahead of the EPA and government regulators.

> **General Motors Ignition Switch Defect Litigation**

Steve serves as lead counsel seeking to obtain compensation for the millions of GM car owners who overpaid for cars that had hidden safety defects.

> **Climate Change** – New York City, King County, Wash.

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

- › Second Circuit Court of Appeals
- › Third Circuit Court of Appeals
- › Fifth Circuit Court of Appeals
- › Sixth Circuit Court of Appeals
- › Seventh Circuit Court of Appeals
- › Eighth Circuit Court of Appeals
- › Ninth Circuit Court of Appeals
- › Tenth Circuit Court of Appeals
- › Eleventh Circuit Court of Appeals
- › DC Circuit Court of Appeals
- › Federal Circuit Court of Appeals
- › U.S. Court of Federal Claims
- › Foreign Registered Attorney in England and Wales

EDUCATION

- › University of Chicago Law School, J.D., 1980
- › University of Michigan, B.A., 1976

MANAGING PARTNER

Steve W. Berman

- › **Opioids** - Orange and Santa Clara County, Seattle
Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.
- › **Antitrust Litigation**
Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Steve also filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices. Most recently, Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).
- › **Consumer Protection**
Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

RECENT SUCCESS

- › **Volkswagen Franchise Dealerships** - \$1.6 billion
Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.
- › **Stericycle Sterisafe Contract Litigation** - \$295 million
Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.
- › **NCAA Grant-in-Aid Scholarships** - \$208 million
Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes.

The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to

MANAGING PARTNER

Steve W. Berman

education-related expenses. According to the Ninth Circuit, the NCAA is “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences may make available. In the Supreme Court’s 9-0, Justice Kavanaugh stated, “The NCAA is not above the law.”

› Dairy Price-Fixing – \$52 million

This antitrust suit’s filing unearthed a massive collusion between the biggest dairy producers in the country, responsible for almost 70 percent of the nation’s milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.

CAREER HIGHLIGHTS

› State Tobacco Litigation - \$206 billion

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$206 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.

› Visa MasterCard ATM Antitrust Litigation - \$27 billion

Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa’s and MasterCard’s networks.

› Toyota Sudden, Unintended Acceleration - \$1.6 billion

Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs’ steering committee.

› Washington Public Power Supply System (WPPSS) - \$700 million settlement

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.

› E-books Antitrust Litigation - \$560 million settlement

Fought against Apple and five of the nation’s top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers’ actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

MANAGING PARTNER

Steve W. Berman

- › **Enron Pension Protection Litigation** - \$250 million settlement
Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve to co-lead the case against Enron and the other defendants.
- › **Charles Schwab Securities Litigation** - \$235 million settlement
Led the firm to file the first class-action lawsuit against Charles Schwab on Mar. 18, 2008, alleging that Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares.
- › **JP Morgan Madoff Lawsuit** - \$218 million settlement
Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world.
- › **NCAA Grants-in-Aid Scholarships** - \$208 million settlement, and permanent injunction upheld by the Supreme Court
Led the firm's tenacious antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash compensation untethered to education-related expenses. The Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations.
- › **Boeing Securities Litigation** - \$92.5 million settlement
Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest.
- › **NCAA Concussions** - \$75 million settlement, and 50-year medical monitoring fund
Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.
- › **US Youth Soccer Settlement**
Revolutionary settlement that changed U.S. Soccer regulations and bought sweeping safety measures to the game. Steve spearheaded a lawsuit against soccer-governing bodies, achieving a settlement that ended heading of the ball for U.S. Soccer's youngest players and greatly diminished risk of concussions and traumatic brain injuries. Additionally, the settlement highlights the importance of on-staff medical personnel at youth tournaments, as well as ongoing concussion education for coaches.

RECOGNITION

- › 2018, 2020 Titan of the Plaintiffs Bar, Law360
- › 2016-2020 Class Action MVP of the Year, Law360
- › 2018-2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2003-2019 Washington Super Lawyers

MANAGING PARTNER

Steve W. Berman

- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018, 2016 Practice Group of the Year (Automotive), Law360
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

ACTIVITIES

- › In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS '76) and his wife, Kathy. The program will improve society's ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change.

Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship.

- › In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW's environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

OTHER NOTABLE CASES

- › **VW Emissions Litigation - \$14.7 billion settlement**
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › **McKesson Drug Class Litigation - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
- › **Average Wholesale Price Litigation - \$338 million settlement**
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.
- › **DRAM Memory Antitrust - \$345 million settlement**
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- › **Hyundai / Kia Fuel Efficiency - \$210 million settlement**
Led the firm's aggressive fight as court-appointed co-lead counsel against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles, securing what was believed to then be the second-largest automotive settlement in history.

MANAGING PARTNER

Steve W. Berman

› **Lumber Liquidators Flooring**

Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

PRESENTATIONS

› Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

PERSONAL INSIGHT

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents, players and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team.



PARTNER

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2020.

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YEARS OF EXPERIENCE

> 13

PRACTICE AREAS

- > Securities and Antitrust
- > Consumer Protection

BAR ADMISSIONS

- > Washington
- > New York
- > Ontario (Canada)

EDUCATION

- > York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
- > Carleton University, Bachelor of Public Affairs and Policy Management, **summa cum laude**, 2005

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

NOTABLE CASES

- > Volkswagen/Audi/Porsche Diesel Emissions Scandal
- > Aequitas Capital Management Securities Litigation
- > Insulin Overpricing
- > In re MyFord Touch Consumer Litigation
- > NCAA Grant-In-Aid Cap Antitrust Litigation
- > Ford Shelby GT350 Mustang Overheating

EXPERIENCE

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

LEGAL ACTIVITIES

- > iVice President, Board of Directors, Eastside Legal Assistance Program (ELAP)
- > Ms. Gannon maintains a broad pro bono practice with an emphasis on healthcare and disability rights. She has successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs. Ms. Gannon has also served as a volunteer attorney for both Legal Voice and Disability Rights Washington.
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

RECOGNITION

- > Rising Star, Washington Super Lawyers, 2016-2020

PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter" (2017)
- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," (2011) Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" (2010) 30 Health Law in Canada 132

PARTNER

Catherine Y.N. Gannon

- > “The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations,” (2009) Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai)

PERSONAL INSIGHT

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.



PARTNER

Sean R. Matt

Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success

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YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

- > Securities Litigation
- > Consumer Rights
- > Antitrust Litigation
- > Insurance
- > Products Liability

INDUSTRY EXPERIENCE

- > Complex Financial Instruments
- > Investments
- > Pharmaceuticals
- > Automotive

COURT ADMISSIONS

- > Supreme Court of Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, District of Colorado
- > Ninth Circuit U.S. Court of Appeals

EDUCATION

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the **In re Charles Schwab Securities Litigation**, the **In re Oppenheimer Champion Income Fund Securities Class Actions** and the **Oppenheimer Core Bond Fund Class Action Litigation**
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including **Average Wholesale Price Litigation**, the **First Databank/McKesson Pricing Fraud Litigation** and the **Enzyte Litigation**
- > Key member of the firm's automobile defect litigation team

RECOGNITION

- > In 2014, Public Justice nominated Mr. Matt and the **In re Toyota Motor Corp. Sudden, Unintended Acceleration** team for the Trial Lawyer of the Year Award for their work in securing a \$1.6 billion settlement for car owners.
- > In 2020, Lawdragon named Mr. Matt one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.

PUBLICATIONS

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

NOTABLE CASES

- > **Mercedes Emissions** (\$763 settlement)
- > **In re Charles Schwab Securities Litigation** (\$235 million settlement)
- > **In re Oppenheimer Champion Income Fund Securities Fraud Class Actions** (\$52.5 million proposed settlement)
- > **Oppenheimer Core Bond Fund Class Action Litigation** (\$47.5 million settlement)
- > **Morrison Knudsen and Costco Wholesale Corp. Securities Litigation**

PARTNER

Sean R. Matt

- › In re Pharmaceutical Industry Average Wholesale Price Litigation (\$338 million settlement)
- › In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation
- › In re Checking Account Overdraft cases pending against many of the country's largest banks
- › Washington State Ferry Litigation, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington
- › Microsoft Consumer Antitrust cases
- › State Attorneys General Tobacco Litigation, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

PERSONAL INSIGHT

Sean, whose four-man team won cycling's prestigious Race Across America with a time of six days and three hours, still occasionally rides a bike.



PARTNER

Christopher A. O'Hara

Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Washington
- > Arizona

COURT ADMISSIONS

- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., **cum laude**, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

RECENT SUCCESS

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of **In re Charles Schwab Securities Litigation** and the \$1.6 billion settlement of **In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation**.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

RECOGNITION

- > Rising Star, Washington Law and Politics, 2003

EXPERIENCE

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

NOTABLE CASES

- > **Tobacco Litigation** (\$206 billion multi-state settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Charles Schwab Yieldplus Funds Litigation** (\$235 million settlement)
- > **Toyota Unintended Acceleration Litigation** (\$1.6 billion settlement)
- > **Microsoft Antitrust Litigation**

LANGUAGES

- > French



PARTNER

Andrew M. Volk

Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Patent Litigation
- > Intellectual Property
- > ERISA Litigation
- > Hotel Tax Litigation

BAR ADMISSIONS

- > New York
- > Oregon
- > Washington

EDUCATION

- > Cornell Law School, J.D., **cum laude**, Articles Editor for Cornell International Law Review, 1991
- > Columbia University, B.A., English, 1986

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on multi-state and nationwide consumer litigation, including diesel emissions and automobile defect claims.

EXPERIENCE

- > Headed up litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive “taxes and fees” charges. That case resulted in summary judgment in plaintiffs’ favor and an eventual settlement for cash and credits totaling \$134 million.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including cases leading to settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank.
- > Worked extensively on hotel tax collection cases against the major online travel companies (OTCs). The firm achieved settlements on behalf of Brevard County, Florida, the village of Rosemont, Illinois, and Denver, Colorado.
- > Extensively involved in the State Attorneys General tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

NOTABLE CASES

- > **Mercedes Emissions** (\$763 million settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Tobacco Litigation** on behalf of States (resolved in \$206 billion settlement)
- > **Enron ERISA Litigation** (\$265 million settlement)
- > **Washington Mutual Bank ERISA Litigation** (\$49 million settlement)
- > **General Motors ERISA Litigation** (\$37.5 million settlement)



ASSOCIATE

Christopher R. Pitou

Christopher R. Pitou has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California
- > U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

EXPERIENCE

- > Prior to joining Hagens Berman, Chris worked as an associate at a large plaintiff’s firm gaining extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

RECENT SUCCESS

- > *BofA Countrywide Appraisal RICO*, No. 2:16-cv-04166 (C.D. Cal.) (part of team that secured \$250,000,000 settlement on behalf of nationwide class of borrowers against appraiser)
- > *Sake House Restaurants Racial Discrimination Litigation*, Case No. BC7087544 (Cal.Super.) (certified for settlement purposes first of its kind hostile work environment class of Hispanic/Latino restaurant workers against employer)
- > *USC, Dr. Tyndall Sexual Harassment*, No. 2:18-cv-04258-SVW-GJS (C.D. Cal.) (part of team that secured \$215,000,000 settlement on behalf of class of sexual assault survivors against university and OB-GYN)

NOTABLE CASES

- > *CVS Generic Drug RICO Litigation*
- > *Fiat Chrysler Low Oil Pressure Shut Off*
- > *Fiat Chrysler Gear Shifter Rollaway*
- > *Ford F-150 & Ranger Fuel Economy and Sales Practices Litigation*
- > *Gilead HIV TDF Tenofovir Mass Tort*
- > *Mattel/Fisher Price Rock 'N Play Wrongful Death Cases*

LANGUAGES

- > French

PERSONAL INSIGHT

Prior to attending law school, Chris taught English and French to high school students in China. Chris later decided to become a lawyer while marketing the film “Michael Clayton.” In his spare time, Chris works as a volunteer for the American Friends of the Israel Museum, a non-profit which helps raise funds for the Israel Museum in Jerusalem.



ASSOCIATE

Shelby R. Smith

Shelby has dedicated her career to serving vulnerable victims of violent crimes.

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Michigan

EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., cum laude, Sociology, 1996

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Mercedes BlueTEC Emissions Litigation
- > GM Ignition Switch Recall
- > Corvette Overheating
- > Harvey Weinstein Sexual Harassment RICO
- > USC and Dr. George Tyndall Sexual Abuse

EXPERIENCE

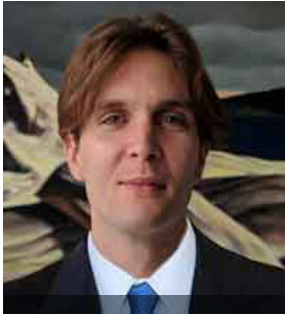
- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

PERSONAL INSIGHT

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three children and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.



ASSOCIATE

Ted Wojcik

Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.

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YEARS OF EXPERIENCE

> 6

BAR ADMISSIONS

> Georgia

CLERKSHIPS

- > Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018
- > Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

EDUCATION

- > Yale Law School, J.D., 2015
- > Dartmouth College, A.B., 2011, *magna cum laude*

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, for Judge Marjorie Allard in the Alaska Court of Appeals.
- > During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney’s Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.
- > Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.

Exhibit 6

REDACTED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Lesley Conti et al v. American Honda
Motor Company, Inc.

Case 2:19-cv-02160-CJC-GJS

I, Lee M. Bowron, hereby declare as follows:

1. I am an actuary with Kerper and Bowron LLC, and I make this declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees, Expenses, and Class Representative Service Awards and Plaintiffs' Motion for Final Approval of Class Action Settlement.
2. I have personal knowledge of the facts stated below and, if called upon, could and would competently testify thereto.

Background of Kerper and Bowron LLC

3. Kerper and Bowron LLC is an experienced consulting and actuarial firm that specializes in evaluating property and casualty exposures, including extended warranty, vehicle service contracts, GAP insurance, personal and commercial lines, and environmental reserving. Additionally, Kerper and Bowron LLC and our affiliates are industry experts in providing reinsurance accounting, advanced analytics for the finance and insurance

industry and statements of actuarial opinion. I have over 30 years' experience as an actuary, with the last 20 years as an independent consultant. Further details on my experience are located on the attached resume. See Appendix A.

4. I am an Associate of the Casualty Actuarial Society (ACAS) and my basic education includes credit for Exam 7 – Estimation of Policy Liabilities, Insurance Company Valuation, and Enterprise Risk Management. My knowledge relating to U.S. financial reporting and regulation was obtained through experience working as a credentialed actuary in the U.S. property/casualty insurance industry for over 20 years as well as obtaining relevant continuing education.
5. Kerper and Bowron LLC is being compensated for time spent by me and my team at standard billing rates and for out-of-pocket expenses at cost. Kerper and Bowron currently bills for my time at \$450 per hour (as a partner), \$350 for a credentialed actuary, and \$275 for an analyst. Kerper and Bowron LLC's fees are not in any way contingent upon the outcome of this matter.

Purpose of Report

6. At the request of the Class Counsel, Kerper and Bowron LLC calculated a range of the economic impact of one aspect of a proposed settlement of Lesley Conti et al v. American Honda Motor Company, Inc. The settlement is regarding claims of issues with the Infotainment System.
7. The scope of the proposed settlement includes the following general provision:
 - Coverage for future claims limited to 2 years or 24,000 miles after the expiration of the manufacturer's warranty, whichever occurs first, for symptoms identified in: (1) Honda Service Bulletin 20-049 (popping or crackling from the speakers; no sound from the audio system, network loss message and/or display issues); and (2) Honda Service Bulletin 20-058 (popping or crackling from the speakers; no sound from the audio system, network loss message and/or display issues), for Settlement Class Vehicles only, such Service Bulletins expressly incorporated herein by reference (collectively, "Infotainment System Symptoms").

Executive Summary

8. Our point and range estimate for the expected retail price of a service contract for the benefits in (7) are shown below:

	<u>Point</u>	<u>Low</u>	<u>High</u>
Total Estimated Value	33,766,000	27,012,000	40,519,000
Price per Service Contract	86.23	68.98	103.47

9. The retail price of a service contract is typically made up of 3 components: a loss fund, administrator cost, and marketing fee. The loss fund is generally the expected amount of losses plus a margin for premium taxes and profit. The administrator will receive a fee for administering the product, such as issuing the service contract, adjudicating claims and processing transfer and other transactions. The marketer will receive a fee for selling the product.
10. Adding the insurance, administrator, and marketer pieces, we get a range of suggested retail prices for this warranty.

Data Analyzed

11. The following data was provided by Class Counsel:
- Complaints and Settlement Frameworks for the class action

- Detailed listing of all warranty claims paid through approximately February 2020 for Acura RDX (related case of Jimmy Banh et al v. American Honda Motor Company, Inc.)
- Sales of class vehicles by model year.
- Honda Odyssey Service Bulletin 21-013
- Honda Passport/Pilot Service Bulletin 21-012
- Documentation showing the retail cost of certain repair parts and estimates of standard labor hours for repairs

In addition, I conducted a brief survey of Honda dealerships to form a reasonable rate for hourly charges

Settlement Provisions

12. For analysis purposes, we have used February 18, 2021 as the projected settlement date – the date on which repairs have begun to be made under the settlement provision. This is the notice date of both Service Bulletins examined announcing the 2 years or 24, 000 miles warranty extension.
13. The proposed repairs are available for up to 2 years or 24,000 miles after the expiration of the manufacturer’s original new vehicle limited warranty.
14. Future Claims are estimated by multiplying the number of impacted vehicles (used as the selected exposure base) and the expected cost per exposure.

Exposures

15. Data was limited to the number of vehicles sold for each calendar year. It was assumed that vehicles were sold between September and August for the subsequent model year. For example, model year 2019 was assumed to have uniform sales between September 1, 2018, and August 31, 2019.
16. Because the coverage is impacted by mileage limitations, we assumed that drivers drove the following miles per month, with 20% of vehicles in each group:

	Estimated Miles Driven per Month
Group 1	550
Group 2	900
Group 3	1150
Group 4	1400
Group 5	2100

17. We averaged the exposures to estimate the end of the warranty for the range of driving patterns.
18. In addition, we assumed that 1.5% of vehicles each year would be scrapped and no longer subject to claims. Please see Appendix B – Exhibit IV.

Frequency

19. The future frequency of Infotainment System issues for the class is difficult to forecast. We did not have any relevant data on the frequency of this issue for the class but did have data on a related case with a similar issue involving the Acura RDX. Class counsel instructed me to assume that frequency rates would be the same for the Acura RDX and the Odyssey, Pilots and Passports included in the class. Historically, about [REDACTED] of RDX owners have reported claims for infotainment system issues to Acura per year. However, this period included a time where Acura was unable to perform [REDACTED]. Because RDX owners could not necessarily receive an [REDACTED] the infotainment system issues may have been underreported. The data also includes [REDACTED] not included in the specific terms of this settlement's two years or 24,000 mile warranty extension. Taking into account all of the information I have reviewed as explained above, and based upon my training, knowledge, and experience, I have selected a [REDACTED] rate of repair. For comparison purposes, this is approximately the same frequency as a collision or comprehensive claim on personal auto

insurance.¹ Other frequency assumptions may be appropriate. Please see Appendix B – Exhibit III.

Severity

20. The severity of the claim is defined by the repair. Honda Odyssey Service Bulletin 21-013 and Honda Passport/Pilot Service Bulletin 21-012 provided the Part Numbers needed to complete repairs covered by the Extended Warranty and a Flat Rate Time for dealerships to perform the warranty work. Class counsel provided documentation showing the retail cost of the required parts as available for sale to the public at www.oemhondaparts.com. A brief survey of Honda dealership service centers indicated an average hourly rate of \$144.98. The repair cost was separated by sub model which indicated similar repair costs. These costs were judgmentally averaged to form a severity estimate for each model. The repair cost was trended by 3% annually. Please see Appendix B – Exhibit II.

¹ See <https://www.iii.org/fact-statistic/facts-statistics-auto-insurance>
Lesley Conti et al v. American Honda Motor Company, Inc., Case 2:19-cv-02160-CJC-GJS

21. The final cost is then calculated as follows:

Estimated exposures adjusted for the scrapping

X Frequency during the calendar year

X Severity during the calendar year

X The estimated exposures during the year

Please see Appendix B – Exhibit I.

Development of Retail Price

22. Based on the claims developed above, we calculated an expected retail price for a service contract which would cover the two years or 24,000 mile warranty extension settlement provisions. This expected retail price would not only include the expected claims, but also the administrative and marketing expenses of this hypothetical service contract.

Insurance Expenses

23. Insurance expenses are relatively small and reflect premium tax and a profit margin for the cost of capital. The amount selected for insurance expenses is 15% of the expected loss costs.²

² See SERFF Tracking #: VRGS-128990060 which is a Missouri filing for a service contract with a 75.4% permissible loss ratio and SERFF Tracking #: MACI-129040192 which is an Oklahoma filing for a service contract with an 81.0% permissible loss ratio

Administrative Costs

24. Administrative costs are used to cover the costs of issuing, servicing, and paying claims on service contracts.

25. I estimated administrative costs to be \$6.00 for each full two-year extension. Administrative costs are typically 2 functions: claims service regarding repairs and contract issuing and cancelling. These amounts are typically not disclosed. However, we can compare the industry costs of insurance for general and claims expenses and calculate a reasonable margin. I have selected auto physical damage insurance, which has higher claim sizes and lower frequencies than service contracts but should be a conservative measure. This shows that \$6.00 is a reasonable margin per class member. I utilized data from the NAIC Industry Annual Statement from 2019, which is the latest year available. This is attached Appendix B – Exhibit V.

Marketing Fees

26. Markups on these programs by auto dealers or service contract writers vary widely but are usually around 100% (with direct marketed programs having, in general, even higher markups). Often the markups are flat and since the service contract cost is low, the percentage markup would likely

be higher in the marketplace, but we have conservatively selected a 100% markup on loss cost and administrator cost.³

Range of Results – Extended Warranty

27. As this is a point estimate and the actual results are subject to deviation, we formed a range of reasonable estimates. This does not mean that the actual results will be within this range, but rather that the expected value of the retail price of the program can be reasonably ascertained within this range.

28. For the expected retail price, I created a range of +/-20%.

Scope and Limitations

29. Data Reliance

In performing this analysis, I relied upon data and other information provided to us by Class Counsel as well as industry sources of data. I did not independently audit or verify this data and information as such a review was beyond the scope of our assignment. I have no reason to believe it is inaccurate or incomplete and did not find material defects in the data.

³ See <https://www.edmunds.com/car-buying/secrets-of-an-ace-negotiator-part-ii.html> and <https://www.motor1.com/reviews/517673/how-much-money-do-dealerships-make-on-warranties/>
Lesley Conti et al v. American Honda Motor Company, Inc., Case 2:19-cv-02160-CJC-GJS

30. *Significant Digits*

Numbers in the exhibits are generally shown to more significant digits than their accuracy suggests. This has been done to simplify review of the calculations.

31. *Interpretation of Conclusions*

Some of the assumptions, methods, and conclusions in this report are of a significantly technical nature. The recipient should understand the assumptions, methodology and possible variability in results that are inherent in our conclusions.

32. *Uncertainty*

Due to the uncertainties inherent in the estimation of future costs, it cannot be guaranteed that the estimates set forth in the report will not prove to be inadequate or excessive and actual costs may vary significantly from our estimates.

33. *Unanticipated Changes*

Unanticipated changes in factors such as judicial decisions, legislation actions, claim consciousness, claim management, claim settlement practices, and economic conditions may alter the conclusions.

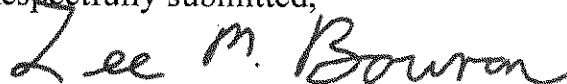
34. *Best Estimate*

These caveats and limitations notwithstanding, the conclusions represent my best estimate of the suggested retail price for this extended warranty and are made within a reasonable degree of actuarial probability or certainty.

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

Dated: November 8, 2021

Respectfully submitted,

Handwritten signature of Lee M. Bowron in cursive script.

Lee M. Bowron

400 Vestavia Pkwy Ste 131
205-870-0595

Birmingham, AL 35216
lee@kerper-bowron.com

Lee M. Bowron, ACAS, MAAA

Work

J. Huell Briscoe and Associates, Chicago

Vice President

Experience

2013 - Present

- General management and strategic planning for Chicago based reinsurance accounting firm.

Kerper and Bowron LLC, Birmingham, AL

Principal

March 2001 - Present

- Founded consulting firm in March 2001. Clients include insurance companies, state governments, reinsurance companies, managing general agencies and financial consulting firms.
- Practice focuses on extended service contract, GAP, and captive market. Extended service contract projects include:
 - Statutory Loss Reserve Opinion for regional service contract company
 - Product development for a major auto service contract company
 - Evaluation of liabilities for a major risk retention group for auto service contract
 - Auto service contract rate filings for a major auto service contract company
 - Sarbanes-Oxley compliance with actuarial function for a major service contract company
 - Development of pro-forma and reinsurance captive accounting for a regional service contract company
 - Acquisition due diligence for purchase of a service contract writers.

Permanent General Companies, Nashville, TN

February 1999 – February 2001

Vice President and Chief Actuary

September 1993 – February 1999

Actuary

- Broad responsibility for reserving and pricing for a book of private passenger, reinsurance, and captive operations. Responsible for managing the staff of both the product management and the actuarial department.
- Responsible for developing data warehouse.
- Reported to the CEO and participated in strategic planning, reinsurance strategies and information system implementations.
- Supervised the pricing and product development of a new non-standard program in several states.
- Responsible for all actuarial activities of the company, including ratemaking, reserving and statistical reporting
- Assisted in acquisitions and negotiated loss portfolio transfer of reserve liabilities

Alfa Insurance Companies, Montgomery, AL

July 1990 – August 1993

Actuarial Analyst

- Ratemaking for 2nd largest insurer in the state of Alabama

Education

1989 University of the South Sewanee, TN
BS, Mathematics

Professional activities

Associate, Casualty Actuarial Society
Member, American Academy of Actuaries
Approved Actuary for Captive Feasibility Studies, Alabama, Oklahoma, Tennessee, South Carolina and the District of Columbia
Speaker, CAS Annual Meeting Fall 2007
Speaker, Casualty Actuaries of the Southeast, Fall 1998, March 2001, Fall 2007
Speaker, Midwest Actuarial Forum Fall 2007
Speaker, Southwest Actuarial Forum Spring 2008
Speaker, Quebec Actuarial, Spring 2008
Panelist, Ratemaking Seminar (2001, 2002)
Panelist, Dynamic Financial Analysis Seminar (2001)
Panelist, Predictive Modeling Seminar (2008)
Former Member, Casualty Actuarial Exam Committee

Former Member, Ratemaking Committee

Former Chair, Open Source Software Committee

Member, Webinar Committee

Publications

"An Exposure Based Approach to Automobile Service contract Ratemaking and Reserving", proposal accepted by Casualty Actuarial Society to be published in 2006.

"Ratemaking for Maximum Profitability", published in the 2001 Ratemaking Discussion Forum

"Zipf's Law", published in the January 2004 issue of *Contingencies*

"Staying in the Race", published in the December 2001 issue of *Best's Review*.

Lesley Conti et al v. American Honda Motor Company, Inc.
Estimate of 24/24 Extension

(1) Vehicles	[REDACTED]			
(2) Full 2 Year Extensions	Odyssey	Pilot	Passport	Total
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(3) Exposures - Odyssey	Year 1	Year 2	Year 3	Year 4
Exposures - Pilot	111,427	124,678	58,211	6,731
Exposures - Passport	46,370	84,872	55,051	7,038
	11,228	20,552	13,331	1,704
Total Exposures	169,026	230,102	126,592	15,473
(4) Annual Failure Rate Extension	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(5) Repairs - Odyssey	8,357	9,351	4,366	505
Repairs - Pilot	3,478	6,365	4,129	528
Repairs - Passport	842	1,541	1,000	128
Total Repairs	12,677	17,258	9,494	1,160
(6) Cost - Odyssey	323.52	333.23	343.23	353.52
Cost - Pilot	299.58	308.57	317.83	327.36
Cost - Passport	270.69	278.81	287.17	295.79
(7) Cost Estimate (000s) - Odyssey	2,704	3,116	1,498	178
Cost Estimate (000s) - Pilot	1,042	1,964	1,312	173
Cost Estimate (000s) - Passport	228	430	287	38
Total Cost Estimate	3,974	5,510	3,098	389
(8) Loss Estimate (000)	Odyssey	Pilot	Passport	Total
	7,497	4,491	983	12,970
(9) Insurance Expenses (000s)	1,323	793	173	2,289
(10) Administrator Wholesale Cost Per Warranty	58.59	54.66	49.39	56.39
(11) Administrative Cost Per Warranty	6.00	6.00	6.00	6.00
(12) Administrative Costs (000s)	903	580	140	1,624
(13) Acquisition Costs (000s)	9,723	5,864	1,296	16,883
(14) Total Class Benefit (000s)	19,445	11,727	2,593	33,766
(15) Low (000s)	15,556	9,382	2,074	27,012
(16) High (000s)	23,334	14,073	3,112	40,519
(17) Estimated Vehicles at Extension Date	228,198	131,534	31,851	391,584
(18) Retail Price per Class Member	85.21	89.16	81.41	86.23
(19) Low (000s)	68.17	71.33	65.13	68.98
(20) High (000s)	102.25	106.99	97.69	103.47

Lesley Conti et al v. American Honda Motor Company, Inc.
Notes

- (1) Per Class Terms
- (2) Sum of (3) divided by 2
- (3) Estimate of number of vehicles receiving one year of coverage (2 total exposures in extension)

Class vehicles have been adjusted downward for:
- Settlement expiration (Vehicles over 5 years or 60,000 miles)
- Vehicles still in manufacturer's warranty
- Estimate of scrapped vehicles

- (4) See Frequency Sheet (Exhibit III)
- (5) $(4) \times (3)$
- (6) Severity sheet (Exhibit II) , trended 3%
- (7) $(5) \times (6) / 1000$
- (8) Sum of (7)
- (9) $(16) / .85 - (16)$. See Declaration Text for margin support.
- (10) Cost from an administrator's perspective. $(9) \times (2) / 1000$
- (11) See Exhibit V.
- (12) Cost from an administrator's perspective. $[(8) + (9)] \times 1000 / (2)$
- (13) 100% markup. See Declaration Text
- (14) $(8) + (9) + (12) + (13)$
- (15) 80% of (14)
- (16) 120% of (14)
- (17) Estimate of active vehicles as of February 18, 2021
- (18) $(14) / (18) \times 1000$
- (19) 80% of (18)
- (20) 120% of (18)

Lesley Conti et al v. American Honda Motor Company, Inc.
Severity

Dealer	City	State	Labor Rates	
Brannon Honda	Birmingham	AL	\$	139.00
Honda of Atlanta	Atlanta	GA	\$	150.00
Honda West	Las Vegas	NV	\$	129.88
Pacific Honda	San Diego	CA	\$	156.00
John Eagle Honda	Dallas	TX	\$	175.00
South Hills Honda	McMurray	PN	\$	125.00
Duval Honda	Jacksonville	FL	\$	140.00
Average			\$	144.98
Expected Avg Date of First Year Evaluation Date				8/19/2021 11/5/2021
Annual Trend				3.0%
Adjusted Severity			\$	144.08





	Odyssey (No LX)	Pilot (EX,EXL)	Pilot (EX, EX-L with accessory CD Player, EX-L RES)	Pilot (Black Edition, Touring)	Passport (EXL)	Passport (Elite, Touring)
Parts	35.37	55.88	99.97	111.76	55.88	67.67
Labor (Hours)	2.00	1.30	1.60	2.10	1.30	1.60
Labor Per Hour	144.08	144.08	144.08	144.08	144.08	144.08
Labor Charge	288.15	187.30	230.52	302.56	187.30	230.52
Total Repair	323.52	243.18	330.49	414.32	243.18	298.19

Selected	
Odyssey	323.52
Pilot	299.58
Passport	270.69

Notes:

Odyssey selected for No LX
Pilot 45% weight to each EX edition, 10% weight to Black Edition
Passport averaged across options

**Lesley Conti et al v. American Honda Motor Company, Inc.
Frequency**

- (1) Reported Claims (Acura RDX) 
- (2) Estimated Sales through February 2020 (Acura RDX) 
- (3) Estimated Average Sale Date 5/31/2019
- (4) Date of Data Provided by Honda 2/28/2020
- (5) Years Since Sale 0.75
- (6) Estimated Annual Frequency 
- (7) Selected Annual Frequency for Extension 
- (1) Provided by Honda for RDX.
- (2) All vehicles provided by Honda, estimate of sales before February 2020
- (3) Assuming uniform sales between September 1 - August 31 of a Model
- (4) While there are some claims after February, this appears to be the last period with complete data
- (5) (4) -(3) divided by 365
- (6) (1)/(2)/(3)
- (7) Judgmental selection

APPENDIX B - EXHIBITS
EX-11
PAGE 1 OF 1

Lesley Cerri et al v. American Honda Motor Company, Inc.
Exposure - Annual
(Each Full 12 Year Extension & 2 exposures)

Model	Model Year	Vehicle Population	Estimated Sale Date	Average Warranty Expiration	Average Settlement Expiration	Year 1	Year 2	Year 3	Year 4	Full Extensions	Percent of Sales
Odyssey	2018	8,925	8/15/2017	2/17/2020	10/6/2021	5,153	1,896	-	-	3,525	39%
Odyssey	2018	8,925	10/15/2017	3/23/2020	11/6/2021	2,181	-	-	-	3,808	43%
Odyssey	2018	8,925	11/14/2017	4/22/2020	12/5/2021	2,599	-	-	-	4,091	46%
Odyssey	2018	8,925	12/15/2017	5/23/2020	1/6/2022	5,790	3,018	-	-	4,374	49%
Odyssey	2018	8,925	1/14/2018	6/22/2020	2/5/2022	3,438	-	-	-	4,658	52%
Odyssey	2018	8,925	2/14/2018	7/21/2020	3/6/2022	6,027	3,859	-	-	4,343	53%
Odyssey	2018	8,925	3/16/2018	8/21/2020	4/7/2022	4,040	238	-	-	5,104	57%
Odyssey	2018	8,925	4/16/2018	9/21/2020	5/8/2022	5,797	4,185	512	-	5,247	59%
Odyssey	2018	8,925	5/16/2018	10/22/2020	6/7/2022	5,662	4,329	788	-	5,390	60%
Odyssey	2018	8,925	6/15/2018	1/23/2020	7/7/2022	5,328	4,474	1,064	-	5,533	62%
Odyssey	2018	8,925	7/16/2018	2/21/2021	8/7/2022	5,368	4,600	1,341	-	5,564	63%
Odyssey	2018	8,925	8/15/2018	3/21/2021	9/6/2022	4,988	4,867	1,618	-	5,737	64%
Odyssey	2019	10,800	9/15/2018	4/21/2021	10/7/2022	5,527	6,236	2,295	-	7,029	65%
Odyssey	2019	10,800	10/15/2018	5/23/2021	11/6/2022	5,092	6,577	2,639	-	7,154	66%
Odyssey	2019	10,800	11/15/2018	6/23/2021	12/7/2022	4,753	6,552	3,145	-	7,327	68%
Odyssey	2019	10,800	12/15/2018	7/23/2021	1/6/2023	4,413	6,934	3,652	-	7,500	69%
Odyssey	2019	10,800	1/15/2019	8/23/2021	2/5/2023	3,972	7,113	4,161	-	7,623	71%
Odyssey	2019	10,800	2/14/2019	9/23/2021	3/8/2023	3,457	7,293	4,670	-	7,710	71%
Odyssey	2019	10,800	3/16/2019	10/23/2021	4/7/2023	3,242	7,176	4,889	288	7,798	72%
Odyssey	2019	10,800	4/16/2019	11/23/2021	5/8/2023	3,072	7,014	5,054	620	7,886	73%
Odyssey	2019	10,800	5/16/2019	12/23/2021	6/7/2023	2,902	6,852	5,239	954	7,973	74%
Odyssey	2019	10,800	6/16/2019	1/23/2022	7/8/2023	2,732	6,689	5,415	1,288	8,062	75%
Odyssey	2019	10,800	7/16/2019	2/21/2022	8/7/2023	2,591	6,496	5,591	1,623	8,150	75%
Odyssey	2019	10,800	8/16/2019	3/23/2022	9/7/2023	2,594	6,035	5,893	1,959	8,238	76%
Pilot	2019	11,292	9/15/2018	4/23/2021	10/7/2022	5,779	6,521	2,399	-	7,949	65%
Pilot	2019	11,292	10/15/2018	5/23/2021	11/6/2022	5,324	6,877	2,760	-	7,480	66%
Pilot	2019	11,292	11/15/2018	6/23/2021	12/7/2022	4,970	7,063	3,289	-	7,661	68%
Pilot	2019	11,292	12/15/2018	7/23/2021	1/6/2023	4,615	7,250	3,819	-	7,842	69%
Pilot	2019	11,292	1/15/2019	8/23/2021	2/5/2023	4,155	7,435	4,360	-	7,971	71%
Pilot	2019	11,292	2/14/2019	9/23/2021	3/8/2023	3,615	7,625	4,883	-	8,062	71%
Pilot	2019	11,292	3/16/2019	10/23/2021	4/7/2023	3,390	7,504	5,112	-	8,153	72%
Pilot	2019	11,292	4/16/2019	11/23/2021	5/8/2023	3,212	7,394	5,295	301	8,345	73%
Pilot	2019	11,292	5/16/2019	12/23/2021	6/7/2023	3,035	7,164	5,478	649	8,337	74%
Pilot	2019	11,292	6/16/2019	1/23/2022	7/8/2023	2,855	6,994	5,662	997	8,429	75%
Pilot	2019	11,292	7/16/2019	2/21/2022	8/7/2023	2,709	6,792	5,846	1,346	8,522	75%
Pilot	2019	11,292	8/16/2019	3/23/2022	9/7/2023	2,712	6,310	6,159	2,048	8,515	76%
Passport	2019	2,734	9/15/2018	4/23/2021	10/7/2022	1,399	1,579	581	-	1,800	65%
Passport	2019	2,734	10/15/2018	5/23/2021	11/6/2022	1,388	1,665	668	-	1,811	65%
Passport	2019	2,734	11/15/2018	6/23/2021	12/7/2022	1,265	1,710	796	-	1,855	68%
Passport	2019	2,734	12/15/2018	7/23/2021	1/6/2023	1,117	1,756	925	-	1,899	69%
Passport	2019	2,734	1/15/2019	8/23/2021	2/5/2023	1,006	1,801	1,053	-	1,930	71%
Passport	2019	2,734	2/14/2019	9/23/2021	3/8/2023	875	1,847	1,183	-	1,962	71%
Passport	2019	2,734	3/16/2019	10/23/2021	4/7/2023	821	1,817	1,238	73	1,974	72%
Passport	2019	2,734	4/16/2019	11/23/2021	5/8/2023	778	1,776	1,282	157	1,997	73%
Passport	2019	2,734	5/16/2019	12/23/2021	6/7/2023	735	1,735	1,326	241	2,019	74%
Passport	2019	2,734	6/16/2019	1/23/2022	7/8/2023	692	1,694	1,371	306	2,041	75%
Passport	2019	2,734	7/16/2019	2/23/2022	8/7/2023	656	1,645	1,416	411	2,064	75%
Passport	2019	2,734	8/16/2019	3/23/2022	9/7/2023	657	1,528	1,491	496	2,086	76%
Totals						111,427	124,678	58,211	6,731	150,524	64%
Odyssey		236,697				46,750	84,872	55,051	7,038	96,665	71%
Pilot		32,813				11,228	20,552	13,331	1,704	23,407	71%
Passport											

KARR R. ANDERSON, LLC

11/16/2021 11:46 AM

Lesley Conti et al v. American Honda Motor Company, Inc.
Administrator Cost

Statistical Compilation of Annual Statement Information for Property/Casualty Insurance Companies in 2019
Billions

Schedule P - Part 1J			
	Direct and Assumed Earned Premium (Col 1)	Adjusting and Other Payments (Col 8)	Percentage
2018	109,057	8,525	7.8%
2019	114,809	7,564	6.6%
	223,866	16,089	7.2%

Part III- General Expenses - Line 19.1		
	Earned Premium	General Expenses
2019	101,055	4,938

- (1) Indicated Margin 12.1%
- (2) Administrator Cost Per Warranty (Exhibit I - Line 10) 56.39
- (3) Indicated Cost 7.74
- (4) Selected Cost 6.00

Notes:

- (1) 1J + Part III
- (2) From declaration
- (3) (2)/[1 - (1)] - (2)
- (4) Selected