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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION**

Civil Case No. 3:07-cv-05634-CRB-DMR

MDL No. 1913

This Document Relates to:

Honorable Charles R. Breyer

All Actions

**DECLARATION OF JESSICA N. SERVAIS
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

1 I, Jessica N. Servais, declare and state as follows:

2 1. I am a partner of the law firm of Heins Mills & Olson, P.L.C. (“Heins Mills”).
3 I submit this declaration in support of Plaintiffs’ application for an award of attorneys’ fees in
4 connection with the services rendered in this litigation. I make this declaration based on my
5 own personal knowledge, and if called as a witness, I could and would competently testify to
6 the matters stated herein.

7 2. Heins Mills has served as counsel to Plaintiffs during the course of this
8 litigation. The background and experience of Heins Mills and its attorneys are summarized in
9 the résumé attached hereto as Exhibit 1.

10 3. Heins Mills has prosecuted this litigation solely on a contingent-fee basis, and
11 has been at risk that it would not receive any compensation for prosecuting claims against the
12 Defendants. While Heins Mills devoted its time and resources to this matter, it necessarily
13 had to take time and resources away from some other pending matters.

14 4. During the pendency of the litigation, Heins Mills performed the following
15 work during the period of February 21, 2015 through May 16, 2018: At the request of Co-
16 Lead Counsel, Seth Gassman of the Hausfeld firm, coordinated with ATPCO’s counsel
17 regarding reinstatement of Plaintiffs’ access to ATPCO’s fare and surcharge database.

18 5. Attached hereto as Exhibit 2 is my firm’s total hours and lodestar, computed at
19 historical rates, for the period of February 21, 2015 through May 16, 2018. The total number
20 of hours spent by Heins Mills during this period of time was 1.75, with a corresponding
21 lodestar of \$768.75. This summary was prepared from contemporaneous, daily time records
22 regularly prepared and maintained by Heins Mills. The lodestar amount reflected in Exhibit 2
23 is for work assigned and/or approved by Co-Lead Counsel, and was performed by
24 professional staff at Heins Mills for the benefit of the Class.

25 6. The hourly rates for the attorneys and professional support staff at Heins Mills
26 included in Exhibit 2 are the usual and customary hourly rates charged by Heins Mills during
27 that time frame.

1 7. For the period of February 21, 2015 through May 16, 2018, Heins Mills
2 expended a total of \$256.17 in unreimbursed costs and expenses in connection with the
3 prosecution of this litigation. These costs and expenses are broken down in the chart attached
4 hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser Plaintiffs by Heins
5 Mills on a contingent basis, and have not been reimbursed. The expenses incurred in this
6 action are reflected on Heins Mills' books and records. These books and records are prepared
7 from expense vouchers, check records and other source materials and represent an accurate
8 recordation of the expenses incurred.

9 8. Heins Mills paid no assessments for the period of February 21, 2015 through
10 May 16, 2018.

11 9. I have reviewed the time and expenses reported by Heins Mills in this case
12 which are included in this declaration, and I affirm that they are true and accurate.

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

15 Executed this 23rd day of July, 2018 at Minneapolis, Minnesota.

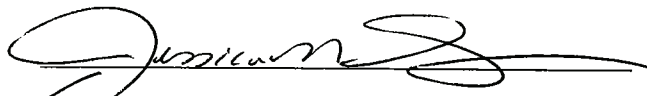
16
17
18 
19 Jessica N. Servais

EXHIBIT 1



Heins Mills & Olson, p.l.c.

Firm Résumé

The law firm of Heins Mills & Olson, P.L.C., located in Minneapolis, Minnesota is a premier advocate for businesses, consumers and investors in the nation's courts. We focus our practice on complex litigation, an arena in which the firm has distinguished itself as one of the preeminent firms in the United States representing national classes of businesses, shareholders and consumers in a wide range of industries to prosecute in actions alleging antitrust violations, securities fraud, deceptive trade practices and consumer fraud. We have concentrated our efforts in the area of antitrust to redress harm suffered to classes victimized by price-fixing, supply limitation, monopolization, market allocation and other anticompetitive conduct. Our team of lawyers collectively has many decades of experience in complex litigation and has successfully handled hundreds of class actions, primarily in a leadership role, including cases tried to verdict.



Antitrust

In the arena of antitrust litigation, Heins Mills has served as lead or co-lead counsel in dozens of cases representing plaintiff classes alleging price fixing, vertical trade restraints, monopolization and other anticompetitive conduct in diverse markets. We are currently serving as class counsel in antitrust cases venued in state and federal courts throughout the United States. Although our role varies, our contributions are always valuable. In some cases we serve in a court-appointed leadership capacity; in others we contribute as members of a court-approved executive committee or in a supportive role for the lead law firms.

Current Leadership Roles

The firm's most recent achievements in antitrust litigation have burnished our sterling reputation among judges, clients and peers as an aggressive and skillful advocate for our clients and for competitive markets.

We are currently serving in a leadership role in the following Antitrust cases:

- ***Fond du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Co. (Aftermarket Sheet Metal Antitrust Litig.), No. 2:09-cv-00852 (E.D. Wis.)***. We serve as lead counsel for a class of direct purchasers who allege that manufacturers of aftermarket automotive sheet metal parts conspired to fix the prices and output of their products. After previously approving settlements with four defendants totaling \$25 million, the court on June 24, 2016, granted class counsel's motion to certify the class of direct purchasers for litigation against the



remaining defendants. Certification followed class counsel's successful defense against the defendants' motion to exclude testimony by expert witnesses on behalf of the class. On the road to certification, the Seventh Circuit on January 14, 2016, denied a petition for a writ of mandamus that would have removed the presiding judge from the case.

- ***Gordon v. Amadeus IT Group, S.A., No. 1:15-cv-05457 (S.D.N.Y.)***. We serve as co-lead counsel on behalf of a class of consumers alleging that an antitrust conspiracy by the three Global Distribution Companies (GDSs) caused airline ticket prices to be inflated.
- ***In re Lidoderm Antitrust Litig., MDL No. 2521 (N.D. Cal.)***. We serve as interim co-lead counsel for a class of end-payors who allege that defendants engaged in an anticompetitive scheme to illegally delay entry of less expensive generic versions of Lidoderm patch 5%, an analgesic patch containing lidocaine. After largely denying the defendants' motion to dismiss the claims, the court on February 21, 2017 granted the end-payor plaintiffs' motion for class certification.
- ***In re Aggrenox Antitrust Litig., MDL No. 2516 (D. Conn.)***. Heins Mills is interim co-lead counsel for a proposed nationwide class of end-payors who allege that in order to delay generic competition with Aggrenox, a branded prescription drug to treat certain stroke patients, the patent owner conspired with another drug company, which had sought FDA approval for a generic form of Aggrenox. The district court denied the defendants' motion to dismiss in large part, finding



that the complaint properly pleads a reverse payment antitrust claim under the Supreme Court decision in *FTC v. Actavis, Inc.* The case was recently settled.

- ***In Re Lipitor Antitrust Litig.*, MDL No. 2332 (D.N.J.)**. We continue to serve as co-lead counsel for the proposed end-payor class (consumers and health plan sponsors) in this multidistrict antitrust case alleging that certain drug manufacturers violated state antitrust and consumer laws by engaging in anticompetitive conduct to delay the entry of a generic version of the blockbuster drug Lipitor, resulting in significant overcharges to plaintiffs.
- ***In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litig.*, MDL No. 2445 (E.D. Pa.)**. We serve as a member of the court-appointed executive committee representing the proposed end-payor class, which alleges that a brand drug manufacturer used anticompetitive practices to improperly maintain its monopoly in the market for Suboxone, a drug used for treatment of heroin addiction. The court largely denied the defendants' motion to dismiss the complaint, which has since been amended to further support the plaintiffs' claims.
- ***In re Niaspan Antitrust Litig.*, MDL No. 2460 (E.D. Pa.)**. We also serve on the executive committee for this proposed end-payor class alleging that the defendants entered into unlawful pay-for-delay agreements relating to the brand-name prescription drug Niaspan, the only extended-release version of niacin approved for once-a-day treatment of mixed lipid disorders. Plaintiffs assert that the brand manufacturer agreed to pay substantial sums to the generic company



to stay out of the market for a period of over eight years. The defendants' motion to dismiss was denied and class counsel have since engaged in extensive discovery.

- ***In re American Express Anti-Steering Rules Antitrust Litig.*, No. 11 MD 2221 (E.D.N.Y.)**. Vince Esades is one of three members of the executive committee appointed as part of the new leadership structure in this nationwide class action challenging American Express rules that prevent merchants from providing consumers with incentives to use forms of payment that are less expensive than American Express branded payment cards. The case has been stayed pending Supreme Court review.

Past Leadership Roles

- ***In re Puerto Rican Cabotage Antitrust Litig.*, MDL No. 1960 (D.P.R.)**. We served as co-lead counsel in this litigation alleging price-fixing by Jones Act shipping companies for ocean shipping services between the United States and Puerto Rico.
- ***In re Aftermarket Filters Antitrust Litig.*, MDL No. 1957 (N.D. Ill.)**. We were one of three firms serving as co-lead counsel in this action alleging antitrust, consumer protection and unfair competition claims against leading manufacturers of replacement vehicle filters on behalf of indirect purchasers from multiple states. Settlements with all defendants were reached and received final approval.



- ***In re Polyester Staple Antitrust Litig.*, MDL No. 1516 (W.D.N.C.).** We served as co-lead counsel and co-lead trial counsel in a class action on behalf of business purchasers alleging price fixing of polyester staple fiber. The case was settled on the eve of trial, bringing the total recovery from all defendants to \$63 million—an amount exceeding single damages suffered by the class.
- ***In re High Pressure Laminates Antitrust Litig.*, MDL No. 1368 (S.D.N.Y.).** We served as co-lead counsel and co-lead trial counsel in this price-fixing case which we tried to verdict on behalf of businesses that purchased high-pressure laminates. We ultimately recovered \$40.5 million in settlement payments from several of the defendant manufacturers.
- ***In re Monosodium Glutamate Antitrust Litig.*, MDL No. 1328 (D. Minn.).** We were one of two lead counsel firms representing a class of business purchasers of food additives. We negotiated settlements with the defendants totaling \$123.4 million—an amount exceeding the single damages suffered by the class.
- ***In re Bulk Graphite Antitrust Litig.*, No. 02-cv-06030 (D.N.J.).** As co-lead counsel representing a nationwide class of business purchasers alleging price-fixing claims against manufacturers of bulk graphite, we reached a settlement exceeding the amount of single damages sustained by the class.
- ***In re Travel Agency Commission Antitrust Litig.*, MDL No. 1058 (D. Minn.).** We served as lead trial counsel for a class of travel agents alleging that



major domestic airlines conspired to fix agent commissions. The claims were settled on the eve of trial for a total of \$86 million.

- ***Glaberson v. Comcast Corp., No.03-cv-6604 (E.D. Pa.)***. Heins Mills served as co-lead counsel in this action alleging on behalf of a class of customers that Comcast, the largest cable TV company in the world, monopolized the cable TV market in their area and restrained trade by dividing markets and customers through swaps and acquisitions with its competitors and other anticompetitive conduct that suppressed competition, causing inflated prices. After more than eleven years, including trips to the Third Circuit and Supreme Court, we achieved a settlement valued at \$50 million. In approving the settlement, the court remarked, “We find that [the] skill, efficiency, expertise and professionalism of all counsel involved in this litigation have been exemplary.”

Other Litigation Roles

We have also made important contributions as co-counsel in non-leadership roles. Representative examples include the following antitrust cases:

- ***In re NCAA Student-Athlete Name & Likeness Licensing Litig., No. 4:09-cv-1967 (N.D. Cal.)***. We have been extensively involved in prosecuting this class action brought on behalf of current and former U.S. collegiate student-athletes alleging that they should receive a share of the revenue generated from use of their likenesses (e.g., use of their image as a video game avatar). The court certified the class for injunctive relief and in August 2014, after a trial in which



we were integrally involved, found that the NCAA's rules prohibiting compensation for likeness use is an antitrust violation. In a landmark decision, the court issued a permanent injunction against these rules. Before this result, in September 2013, a \$40 million settlement was reached with the two other defendants, Electronic Arts Inc. and Collegiate License Company. Class counsel are now defending the NCAA's appeal to the U.S. Court of Appeals for the Ninth Circuit of a March 31, 2016 award of more than \$42 million in attorney fees and litigation costs as the prevailing party in the lawsuit.

- ***In re Capacitors Antitrust Litig.*, No. 3:14-cv-03264 (N.D. Cal.).** We have assisted in this price-fixing case alleging manufacturers of capacitor injured buyers. Several settlements have already been achieved.
- ***In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. 3:07-md-01827 (N.D. Cal.).** Vince Esades was named to the executive committee and assisted with this price-fixing case against manufacturers for flat-panel LCD screens. The case settled, yielding hundreds of millions for the class.
- ***In re ACTOS End-Payor Antitrust Litig.*, No. 13-cv-09244 (S.D.N.Y.).** We represent health and welfare fund plaintiffs and a proposed end-payor class of purchasers in this antitrust action alleging that the defendants took anticompetitive steps to delay entry of lower-priced versions of prescription drugs, resulting in price overcharges to plaintiffs and the proposed class. On February 8, 2017, the Second Circuit reversed in part the district court's dismissal of the



complaint, holding that the plaintiffs plausibly alleged that the defendants delayed Teva's market entry in violation of the antitrust laws.

- ***In re Publication Paper Antitrust Litig.*, MDL No. 1631 (D. Conn.).** We were a member of the Class Counsel Executive Committee leading this nationwide antitrust action alleging an unlawful conspiracy by manufacturers to fix the price of publication paper.
- ***In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (N.D. Cal.).** We were one of the law firms representing a national class of direct purchasers of CRTs alleging that the manufacturers operated a global cartel that set artificially high prices for televisions and monitors containing CRTs. The court granted final approval of settlements totaling \$139 million.
- ***In re Polyurethane Foam Antitrust Litig.*, MDL No. 2196 (W.D. Ohio).** The court approved settlements totaling \$433.1 million in this case alleging conspiracy by defendants to fix the price of polyurethane foam.
- ***In re Processed Egg Products Antitrust Litig.*, MDL No. 2002 (E.D. Pa.).** On June 30, 2016, the court approved settlements with Hillendale (in the amount of \$3,000,000), NuCal Foods (\$1,425,000), National Food (\$1,000,000), Midwest Poultry Services (\$2,500,000) and United Egg Producers and United States Egg Marketers (\$500,000 each). More recently, on December 8, 2016, the plaintiffs reached a settlement with Michael Foods for \$75 million.
- ***In re Municipal Derivatives Antitrust Litig.*, MDL No. 1950 (S.D.N.Y.).** On July 8, 2016, the court granted final approval of settlements with



the remaining defendants (UBS AG, Societe Generale, Nataxis, Piper Jaffray, National Westminster Bank and George K. Baun & Co.) totaling nearly \$101 million. These settlements bring the aggregate recovery to more than \$225 million.

- ***In re Prograf Antitrust Litig.*, MDL No. 2242 (D. Mass.)**. The indirect purchasers' \$13.25 million settlement with Astellas was approved on November 2, 2016.
- ***In re Titanium Dioxide Antitrust Litig.*, No. 10-cv-00318 (D. Md.)**. The Court granted final approval to settlements totaling \$163.5 million in this action alleging that manufacturers of titanium dioxide conspired to fix prices for the products. Our client was one of the named plaintiffs.
- ***In re Plasma-Derivative Protein Therapies Antitrust Litig.*, MDL No. 2109 (N.D. Ill.)**. Our client was one of three named plaintiffs alleging that producers of immunoglobulin and albumin restricted the supply of these products to inflate their prices. The court granted final approval of settlements totaling \$128 million.
- ***Refrigerant Compressors Antitrust Litig.*, No. 09-md-02042 (E.D. Mich.)**. Our client and other named plaintiffs in this action alleged that the defendants conspired to fix prices of refrigerant compressors. The court granted final approval of settlements totaling approximately \$30 million.



Securities Fraud

Heins Mills is a leading advocate for individual and institutional investors. As sole lead counsel, we achieved two of the largest recoveries in the history of securities fraud class action litigation:

- On behalf of AOL and Time Warner shareholders, we achieved a settlement of \$2.65 billion in ***In re AOL Time Warner, Inc. Securities Litigation*, MDL No. 1500 (S.D.N.Y.)**. Of that amount, \$2.4 billion was paid by media giant Time Warner and \$100 million was paid by its financial auditor, Ernst & Young. The Department of Justice also contributed \$150 million from a settlement it reached with Time Warner in a related enforcement action.
- In ***In re Broadcom Corp. Securities Litigation*, No. 01-cv-275 (C.D. Cal.)**, we recovered \$150 million for a class of investors in Broadcom, one of the leading providers of microprocessors enabling broadband communications.

The firm has also played leadership roles in a variety of other securities fraud class litigation. As lead counsel for class investors in ***In re Mercury Finance Company Securities Litigation*, No. 97 C 3035 (N.D. Ill.)**, for example, we negotiated a settlement with Mercury's auditing firm for \$40.5 million, then one of the largest amounts ever recovered from an accounting firm for violations of the securities laws. In addition, we recovered more than \$15 million in total from Mercury's officers and directors, and from Mercury itself, even though the company was in bankruptcy.

We served as liaison counsel in ***Första AP-fonden v. St. Jude Medical, Inc.*, 0:12-cv-03070 (D. Minn.)**, a securities fraud class action alleging on behalf of



purchasers of common stock of St. Jude Medical, Inc. that the company failed to disclose problems with leads it made for implantable cardiac defibrillators.

We are especially proud of the results our firm has obtained for institutional investors. We have successfully represented numerous state pension funds managing billions of dollars in assets. Among them are the Minnesota State Board of Investment, Utah State Retirement Board, Teachers' Retirement System of Alabama, Employees' Retirement System of Alabama, Judicial Retirement Fund of Alabama and Public Employees' Retirement Association of Colorado, as well as a number of Taft-Hartley health, welfare and pension funds.

Consumer Protection

Heins Mills has represented consumers injured by violations of a wide variety of deceptive trade practices and consumer protection laws. The firm has brought claims on behalf of all types of consumers, including purchasers of prescription drugs, long distance telephone service, air compressors, smoke detectors, lawn mower engines and hearing aids. Examples of our consumer law cases include:

- ***In Re Target Corporation Customer Data Security Breach Litig., MDL No. 14-2522 (PAM/JJK) (D. Minn.)***. We serve as lead counsel for consumers of Target stores across the country victimized by one of the largest breaches of payment-card security in U.S. retail history. Our legal theories and complaint in this case surmounted a motion to dismiss, as of that time a rare victory in these cases, and now serve as models for plaintiff's counsel in other



data breach litigation, which has been increasingly successful. The settlement was appealed to the Eighth Circuit and has been fully briefed.

- ***In re The Home Depot, Inc., Customer Data Security Breach Litig., No. MDL No. 14-02583-TWT (N.D. Ga.)***. In this case, another one of the largest payment card security breaches in U.S. history, we serve as a member of the Financial Institution Plaintiffs' Steering Committee and Law & Briefing Committee. On May 17, 2016, after our firm shouldered principal responsibility for briefing for the class, the court largely denied Home Depot's motion to dismiss the complaint, allowing all of plaintiffs' claims except for two state consumer statutory claims to proceed. The case has been settled.
- ***In re Fiber Optic Cable Litig. (multiple jurisdictions)***. We serve as co-lead counsel in multi-state litigation against major telecommunications companies and utilities to vindicate the rights of landowners whose property was used for the installation of fiber optic cable without compensation. In that capacity we participated in fashioning an innovative global settlement that comprises separate agreements on a state-by-state basis. To date there have been settlements in 42 states in a total amount of nearly \$150 million.
- ***In re Universal Service Fund Telephone Billing Practices Litig., MDL No. 1468 (D. Kan.)***. We were one of three co-lead counsel representing business and residential customers nationwide alleging a conspiracy to fix USF surcharges and breach of contract claims against long-distance telephone



companies. The November 2008 trial resulted in a verdict for the class, which was affirmed on appeal.

- ***In re Lawnmower Engines Horsepower Marketing & Sales Practices Litig., MDL No. 1999 (E.D. Wis.)***. We represented classes of consumers nationwide in this nationwide class action alleging consumer fraud, civil conspiracy and unjust enrichment claims against manufacturers of lawnmowers and lawnmower engines. Heins Mills' leadership resulted in settlements with all defendants.
- ***Infant Formula Antitrust Litig. (multiple jurisdictions)***. We were co-lead counsel for classes of consumers asserting price-fixing against infant formula manufacturers in separate actions venued in seventeen states. Collectively, the cases were settled for \$64 million in cash and infant formula products.

Judicial Recognition of Heins Mills & Olson's Skill and Effectiveness

Among judges, clients and peers, Heins Mills enjoys a reputation for its aggressive and skillful advocacy in class litigation of national and international import. The following are examples of praise we have received from the bench:

- The Hon. Paul A. Magnuson presiding in ***In re Target Corporation Customer Data Sec. Breach Litigation*** wrote: "It is difficult to imagine a settlement that more comprehensively addresses all of the harm suffered by a class as the settlement here. And the comprehensive nature of the settlement, in



turn, reflects the adequacy, indeed the superiority, of the representation the class received from its named Plaintiffs and from class counsel.”

- The presiding judge in ***AOL Time Warner***, the Hon. Shirley W. Kram, complimented our firm for its “exceptional lawyering in this case” and added that she “continues to be impressed with the quality of representation provided by [Heins Mills & Olson], its prosecution of the lawsuit, and its negotiation of the Settlement.” She added, “Not only do the parties dispute the amount of damages sustained by the Class, they continue to dispute the very existence of damages. In light of this fundamental disagreement, the \$2.65 billion Settlement secured by Plaintiffs is all the more impressive.”
- The judge presiding over the multidistrict litigation in ***In re Monosodium Glutamate Antitrust Litigation***, the Hon. Paul A. Magnuson, said of our work as co-lead counsel: “I’ll make no bones about this, I think this is as fine a job of plaintiff lawyering as I’ve ever seen, . . . I particularly take my hat off to the plaintiffs’ counsel here.”
- The judge who approved the ***Broadcom*** settlement, the Hon. Dickran Tevrizian, described it as “an exceptional result given the complexity of the case, and despite keenly contested and very complex facts. . . . Class Counsel’s ability to obtain a favorable settlement despite formidable opposition confirms their immense skill.”



Recent Accolades

During recent years, our firm and its lawyers have continued to earn awards recognizing our superior ability and achievements.

- Renae Steiner and her co-counsel in *O'Bannon v. NCAA* received the American Antitrust Institute 2015 Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Practice.
- Sam Heins, a co-founder of Heins Mills and until recently of counsel to the firm, was nominated by President Barack Obama to be the U.S. ambassador to Norway. The nomination received confirmation by the Senate on February 12, 2016.
- Vince Esades, Renae Steiner and James Anderson were again named Top-Rated Antitrust Litigation Lawyers in the current edition of Thomson Reuters' Super Lawyers, a rating service of outstanding lawyers who have attained a high degree of peer recognition and professional achievement. The selection process is multi-phased and includes independent research, peer nominations and peer evaluations.
- The 2017 edition of *The Legal 500 US*, which ranks "the best of the best" law firms in the country based on comments from clients and peers, again placed Heins Mills in the highest tier of leading firms in antitrust class action litigation. The firm is one of only five to receive top ranking. As *The Legal 500 US* notes, Heins Mills "has 'top-level skill across the board with a deep bench' and is 'comprised of excellent attorneys, many of whom are highly experienced and all



of whom provide superlative customer service.” The publication also acknowledged Vincent Esades and Renae Steiner individually as top litigators in the field.

- Our firm is one of only six in Minnesota to be “highly recommended” by *Benchmark Plaintiff: The Definitive Guide to America’s Leading Plaintiff Firms & Attorneys*. The inaugural edition wrote that “the litigators of Heins Mills & Olson are disruptive apostles for plaintiffs that have been wounded by corporate transgressors” and “have propelled this firm to top standing in the eyes of their peers.” The guide also recognizes Vincent Esades and Renae Steiner as Minnesota “Litigation Stars” in the practice of Antitrust, Consumer Protection, Securities, and Commercial Litigation. Renae Steiner was also honored as one of the Top 150 Women in Litigation. These selections are the product of a six-month research project during which *Benchmark* conducted extensive interviews with litigators and clients.
- *Who’s Who Legal*, a publication by Global Competition Review, selected Renae Steiner and Vince Esades for 2016 as being among the world’s leading competition lawyers. The selection process includes questionnaires, independent research of the legal press and peer evaluations.



Attorneys

Vincent J. Esades

Vincent Esades is an equity partner of the firm. He has a national practice in the field of complex litigation, primarily in the areas of antitrust, consumer fraud and securities fraud. Mr. Esades has consistently been recognized as an outstanding attorney in the practice of antitrust, law on the annual Thomson Reuters Super Lawyers list, most recently in the 2017 edition. He has also been recognized as a “Leading Lawyer” by *The Legal 500 US*, which ranks Heins Mills & Olson as one of the top antitrust class actions firms nationally most recently in 2017. The inaugural edition of *Benchmark Plaintiff: The Definitive Guide to America’s Leading Plaintiff Firms & Attorneys* recognized Vincent Esades as one of the Minnesota “Litigation Stars” in the practice of antitrust, consumer and complex litigation.

In addition to his antitrust practice, he also currently serves as lead counsel for the consumer class in a class action on behalf of Target customers arising from one of the largest data security breaches in history (*In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 14-2522 (D. Minn.) and as a member of the Financial Institution Plaintiffs’ Steering Committee and the Law & Briefing Committee in *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL No. 14-02583 (N.D. Ga.) (representing class of financial institutions harmed by another one of the largest payment card security breaches in U.S. history).

He also currently serves in a leadership role in a number of major antitrust class actions, including appointment as co-lead counsel in *Gordon v. Amadeus IT Group, S.A.*, Case No. 1:15-cv-05457 (S.D.N.Y.) which involves antitrust claims against global distribution companies on behalf of millions of consumers who purchase airline tickets; *Fond Du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Company, Ltd.*, Case No. 09-0852 (E.D. Wis.) which involves claims of nationwide price fixing of automotive sheet metal parts by aftermarket sheet metal parts manufacturers; and *In re Lipitor Antitrust Litigation*, MDL No. 2332 (D.N.J.), which involves antitrust and consumer protection claims on behalf of proposed class of indirect purchasers of the prescription drug.

He has served as plaintiffs’ lead or co-lead counsel in several other nationwide class actions. Vince represented classes of consumers and obtained nationwide settlements in *In re Lawnmower Engines Horsepower Marketing & Sales Practices Litigation* (MDL No. 1999 E.D. Wisc.) (alleging RICO, consumer fraud, civil conspiracy and unjust enrichment claims against manufacturers of lawn mowers and lawn mower engines); *In re Puerto Rican Cabotage Antitrust Litigation* (MDL No. 1960 D.P.R.) (alleging price fixing by Jones Act shipping companies for ocean shipping services between the U.S. and Puerto Rico); *In re Publication Paper Antitrust Litigation* (MDL No. 1631 D. Conn.) (alleging price-fixing claims against paper manufacturers); *Johnson v. ELCA Board of*



Pensions (representing retired pastors and church employees with breach of contract and breach of fiduciary duty claims against the ELCA Board of Pensions); *In re Polyester Staple Antitrust Litigation* (MDL No. 1516 W.D.N.C.) (alleging price fixing claims against polyester staple manufacturers on behalf of business purchasers where Vince also served as member of the trial team before the case settled on the eve of trial); and *In Re Bulk Graphite Antitrust Litigation* (D.N.J.) (alleging price fixing claims against manufacturers of bulk graphite on behalf of business purchasers).

Vince is also currently involved as a member of plaintiffs' executive committees in numerous other nationwide class actions, including *In re American Express Anti-Steering Rules Antitrust Litigation* (E.D.N.Y.) (challenging rules preventing merchants from providing consumers with incentives to use forms of payment that are less expensive than American Express branded payment cards); *In re Rail Freight Fuel Surcharge Antitrust Litigation* (D.D.C.) (claims alleging conspiracy among major domestic railroads to fix prices for rail freight surcharges; *In re: LIBOR-Based Financial Instruments Antitrust Litigation* (S.D.N.Y.) (alleging that member banks of the British Bankers' Association conspired to manipulate the London InterBank Offered Rate on behalf of Non-Defendant OTC plaintiffs).

Vince tried a price-fixing case to verdict as a member of multi-firm trial team in *In re High Pressure Laminates Antitrust Litigation* (MDL No. 1368 S.D.N.Y.) (price-fixing claims against manufacturers of high pressure laminates on behalf of business purchasers) and served as lead counsel in a case tried by Heins Mills and other co-lead counsel in November 2008—*In re Universal Service Fund Telephone Billing Practices Litigation* (MDL No. 1468 D. Kan.) (consumer fraud and price-fixing claims against AT&T, MCI and Sprint for USF surcharges). Vince is active in several current nationwide antitrust cases, *In re Capacitors Antitrust Litigation* (No. 3:14-cv-03264 N.D. Cal) (price-fixing claims against international manufacturers of capacitors); *Kleen Products LLC v. International Paper Co.* (No. 1:10-cv-05711 N.D. Ill.) (price-fixing claims against containerboard manufacturers); *In re Dental Supplies Antitrust Litigation* (No. 1:16-cv-00696 E.D.N.Y.) (market manipulation claims against dental supply sellers); *Pro Slab, Inc. v. Argos USA Corp.* (Case No. 2:17-cv-03185 D.S.C.) (regional price fixing against sellers of ready mix concrete).

Vince has actively participated in numerous other antitrust class actions as well, including appointed by the court as a member of the plaintiffs' steering committee in *In re Pool Products Distribution Market Antitrust Litigation* (MDL No. 2328, E.D. La.) (asserting claims of monopolization and attempted monopolization of the U.S. pool products distribution market); *In re Aluminum Warehousing Antitrust Litigation*, MDL No. 2481 (S.D.N.Y.) (claims alleging conspiracy to inflate aluminum prices, restrain aluminum supplies and provide extremely inefficient, low quality load out and other services); *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.) (price-fixing claims against producers of Thin Film Transistor Liquid Crystal Displays); *In re*



Municipal Derivatives Antitrust Litigation (S.D.N.Y.) (claims on behalf of local governments against brokers, banks and insurance companies alleging bid-rigging and other anti-competitive practices in the municipal derivatives industry); *In re Hydrogen Peroxide Antitrust Litigation* (E.D. Pa.) (price-fixing claims against manufacturers of hydrogen peroxide); *In re Intel Corp. Microprocessor Antitrust Litigation* (D. Del.) (claims alleging monopolistic practices by Intel in the x86 microprocessor market); *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y) (claims against major airlines alleging price-fixing of fuel surcharges for freight transportation); *In re Vitamins Antitrust Litigation* (D.D.C.) (as discovery co-chair involving international price-fixing); *Howe v. Microsoft Corp.* (N.D.) (as lead counsel involving abuse of monopoly power); *Gordon v. Microsoft Corp.* (Minn., 4th Jud. Dist.) (involving abuse of monopoly power); *In re NASDAQ Market-Makers Antitrust Litigation* (S.D.N.Y.) (involving NASDAQ market price-fixing); and *In re Motorsports Merchandise Antitrust Litigation* (N.D. Ga.) (price-fixing of merchandise).

Vince has also been an active speaker on complex litigation topics, the Class Action Fairness Act, multi-state settlement issues and class arbitration and has presented at the ABA Annual Convention and the ABA Annual National Institute on Class Actions as a moderator and panelist regarding major antitrust issues. Representative engagements include:

- Institute Planning Committee and Moderator, ABA's 21st Annual National Institute on Class Actions, "Yea! or Nay! Opting Out—Whether and When?", Washington, DC, October 26-27, 2017, sponsored by the ABA's Litigation Section's Class Action and Derivative Suits Committee.
- Institute Planning Committee and Moderator, ABA's 20th Annual National Institute on Class Actions, "'Pit Boss Powwow.' Exactly What Is the MDL Judge College and How Does It Work?", Las Vegas, NV, October 19-20, 2016, sponsored by the ABA's Litigation Section's Class Action and Derivative Suits Committee.
- Institute Planning Committee and Moderator, ABA's 19th Annual National Institute on Class Actions, "King Cake or Po-Boy? Do Class Actions Offer Meaningful Compensation to Class Members, or do They Simply Rip Off Consumers Twice?", New Orleans, LA, October 22-23, 2015, sponsored by the ABA's Litigation Section's Class Action and Derivative Suits Committee.
- Institute Planning Committee and Moderator, ABA's 18th Annual National Institute on Class Actions, "Navigating Menacing Waters—Presenting Class-Certification Experts, Maneuvering Daubert Challenges, and Tackling Trial Testimony", Chicago, IL, October 23-24, 2014, sponsored by the ABA's Litigation Section's Class Action and Derivative Suits Committee.



- Institute Planning Committee and Moderator, ABA’s 17th Annual National Institute on Class Actions, “‘Arbageddon!!!’ Has the Revolution to End Class Actions Spawned Weapons of Mass Arbitration?”, Boston, MA, October 23-24, 2013, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.
- Institute Planning Committee and Moderator, ABA’s 16th Annual National Institute on Class Actions, “‘Sifting Through All the Big Shoulders.’ Litigating Class Actions Alongside Opt-Outs—Free-Riding or Riding Shotgun”, Chicago, IL, October 24-25, 2012, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.
- Institute Planning Committee and Moderator, ABA’s 15th Annual National Institute on Class Actions, “Melee in Manhattan! Class-Action Objectors—Are They Protectors of Absent Class Members or Merely Gadflies?”, New York City, NY, October 14, 2011, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.
- Institute Planning Committee and Moderator, ABA’s 14th Annual National Institute on Class Actions, “Perspectives on Multidistrict Litigation from the MDL Panel and Beyond”, Chicago, IL, October 14, 2010, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.
- Panelist and Moderator, ABA’s 13th Annual National Institute on Class Actions, “A Funny Thing Happened on the Way to the Courthouse . . . I Had to Litigate an Arbitration Clause! Crafting, Opposing, and Arguing Arbitration Clauses and Class-Action Waivers in Three Scenes,” Washington, DC, November 20, 2009, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.
- Panelist, American Antitrust Institute’s Annual Invitational Symposium on The Future of Private Antitrust Enforcement, “Action on the Class Action Front: A Potpourri,” Washington, DC, December 11, 2008.
- Panelist, ABA’s 12th Annual National Institute on Class Actions, “‘I Could Have Sworn It was CAFA, *not Kafka!*’ The Metamorphosis of Pleading, Defending, and Settling Multi-State Class Actions—A Surreal-Life, Three-Act Play,” New York, NY, November 7, 2008, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.



- Lecturer, “Class Actions: Growing Your Business by Understanding the Basics and Recognizing Opportunities,” Cleveland, OH, October 31, 2008, sponsored by the Cleveland Bar Association.
- Panelist, ABA’s 11th Annual National Institute on Class Actions, “The Nationwide Class: White Elephant, Endangered Species, or Alive and Well?” Chicago, IL, October 19, 2007, sponsored by the ABA’s Litigation Section’s Class Action and Derivative Suits Committee.
- Panelist, ABA’s 2007 Annual Meeting, “‘Is this CAFA or Kafka?’ Multi-State Class Actions in a Time of Metamorphosis—A Surreal-Life, Three-Act Play,” San Francisco, CA, August 9-12, 2007, sponsored by the ABA.

B.A. *cum laude*, U. of North Dakota; J.D., U. of North Dakota School of Law
Admitted: Minnesota and North Dakota; U.S. District Court, District of Minnesota

Renae D. Steiner

Renae is a partner of the firm. Renae has consistently been selected by her peers for inclusion as a “Super Lawyer” in the areas of antitrust and class action litigation (Thomson Reuters publication; 2008-2016). Renae has also been recognized as a top antitrust litigator in *The Legal 500 US*, *Who’s Who Legal* and *Benchmark Plaintiff*. Renae also is listed by *Benchmark Plaintiff* as one of the *Top 150 Women in Litigation*.

Renae Steiner and her co-counsel in the NCAA Student-Athlete Name & Likeness Licensing Litigation received the American Antitrust Institute 2015 Antitrust Enforcement Award in the category of Private Law Practice Outstanding Antitrust Litigation Achievement in Private Practice.

Renae has a national practice in the field of complex litigation, primarily in the areas of antitrust actions (both direct purchaser and indirect purchaser cases), as well as in consumer fraud and securities actions. Over the course of her career, Renae has worked on novel issues of antitrust law, including some of the first post-*Illinois Brick* class actions, some of the first post-*Actavis* class actions, in establishing antitrust standing under Florida’s consumer protection statutes, in establishing the co-conspirator theory of state court jurisdiction in Florida, and on issues related to CAFA (Class Action Fairness Act) and standing arguments for indirect purchasers of price-fixed goods. She has worked cooperatively with many state Attorneys General in their related litigation against antitrust defendants.

Likewise, in the *Grand Casinos* securities litigation, Renae was part of the lead counsel team at Heins Mills & Olson that was the first to address the new pleading standards for



motions for summary judgment under the recently enacted PSLRA's scienter requirements.

Recently, Renae has actively participated in the representation of former and current college athletes in the landmark *In re NCAA Student-Athlete Name & Likeness Licensing Litigation*, No. 4:09-cv-1967 (N.D. Cal.) (commonly called the "O'Bannon case") (challenging policies that prevent U.S. collegiate student-athletes from receiving a share of the revenue generated from use of their likeness). In *O'Bannon*, Renae lead the discovery team, deposed key witnesses and was one of the trial counsels in the three-week trial, where she presented the testimony of the plaintiffs' key survey expert and cross-examined two of the NCAA's witnesses. The *O'Bannon case* is widely heralded as the biggest sports law case in the last 30 years.

Renae is currently serving as co-lead counsel for the proposed end-payor classes in *In re Lidoderm Antitrust Litigation* (N.D. Cal.) and *In re Aggrenox Antitrust Litigation*, MDL No. 2516 (SRU) (D. Conn.) and on the Executive Committees for the proposed end-payor classes in *In re Niaspan Antitrust Litigation*, MDL No. 2460 (E.D. Pa.) and *In re Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, MDL No. 2445 (E.D. Pa.).

Renae and James Anderson were recently appointed as liaison counsel in *Första AP-fonden v. St. Jude Medical, Inc.*, 0:12-cv-03070 (D. Minn.), a securities fraud class action alleging on behalf of purchasers of common stock of St. Jude Medical, Inc. that the company failed to disclose problems with leads it made for implantable cardiac defibrillators.

Past representative cases include: *In re Aftermarket Filters Antitrust Litigation* (N.D. Ill.) (as lead counsel; antitrust, consumer protection and unfair competition claims of price-fixing against leading manufacturers of replacement vehicle filters on behalf of indirect purchasers); *In re Prograf Antitrust Litigation* (D. Mass.); *In re Lipitor Antitrust Litigation* (D.N.J.); *In re DRAM Antitrust Litigation* (multiple federal and state court actions); *In re St. Paul Travelers Securities Litigation* (D. Minn.) (securities fraud); *In re Ready-Mixed Concrete Antitrust Litigation* (S.D. Ind.) (Indiana price-fixing case involving concrete); *In re Iowa Ready-Mixed Concrete Antitrust Litigation* (N.D. Iowa); *In re Universal Service Fund (USF) Telephone Billing Practices Litigation* (D. Kan.) (alleged consumer fraud in the assessment of USF fees); *Fiber Optic Cable Litigation* (multiple state and federal court actions related to the installation of fiber optic cable); *Infant Formula Antitrust Litigation* (price-fixing claims as to infant formula; multiple state court actions; Wisconsin trial team); and *In re Thermal Facsimile Paper Antitrust Litigation* (multiple state court actions).

Renae has lectured on antitrust and sports law topics at conferences sponsored by the American Antitrust Institute, the Minnesota Section of the American Bar Association



(ABA), at Women Antitrust Plaintiffs Attorneys' conferences, at Northwestern University's Sports Law Symposium and at the ABA's Class Action Institute. Topics have included the intersection of sports and antitrust law, pay-for-delay generic drug litigation, cooperation in parallel litigation with Attorneys General, class certification issues and arbitration clauses in antitrust litigation.

Renae is a member of the Federal, Minnesota, and Hennepin County Bar associations.

B.A., U. of Minnesota; J.D. *with distinction*, U. of Nebraska College of Law
Admitted: Minnesota; U.S. District Court, Districts of Minnesota, Nebraska, Colorado, and E.D. of Wisconsin; U.S. Court of Appeals, Seventh and Eighth Circuits

Jessica N. Servais

Jessica is a partner of the firm. She currently is or has recently been working on complex litigation, including *Fond Du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Company, Ltd.* (E.D. Wis.) (supply and price-fixing claims against manufacturers and distributors of aftermarket automotive sheet metal parts); *In re Plasma Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (supply and price-fixing claims against manufacturers of plasma-derivative protein therapies); *In re Transpacific Passenger Air Transportation Antitrust Litigation* (N.D. Cal.) (antitrust claims against airlines for price-fixing passenger fares and/or fuel surcharges on transpacific air passenger transportation); *Glaberson v. Comcast Corp.* (E.D. Pa.), *Kristian v. Comcast Corp.* (E.D. Pa.) and *Rogers v. Comcast Corp.* (E.D. Pa.) (antitrust claims against cable services provider on behalf of subscribers); *In re Ready-Mixed Antitrust Litigation* (S.D. Ind.) (price-fixing claims against ready-mixed concrete suppliers on behalf of purchasers); *In re Korean Air Lines Co., Ltd., Antitrust Litigation* (claims against Korea's major airlines alleging price-fixing of fuel surcharges); *In re Universal Service Fund Telephone Billing Practices Litigation* (D. Kan.) (consumer fraud and antitrust claims against AT&T, MCI and Sprint for USF telephone charges); and *In re Relafen Antitrust Litigation* (N.D. Cal.) (antitrust claims on behalf of consumers against manufacturers of brand name nabumetone tablets).

In addition, Ms. Servais is one of the lawyers who represented Colorado, Minnesota and Utah state employee pension funds in private litigation regarding losses suffered in connection with their purchases of McKesson HBOC securities in *In re McKesson HBOC Securities Litigation* (N.D. Cal.).

At the University of Minnesota Law School, Jessica was the Executive Editor of the *Minnesota Intellectual Property Review*. Jessica served as a federal judicial law clerk to the Honorable Michael J. Davis, United States District Court, District of Minnesota.



B.A. *magna cum laude*, Macalester College; J.D., U. of Minnesota Law School
Admitted: Minnesota, Wisconsin; U.S. District Court, District of Minnesota

James W. Anderson

James is a partner of the firm. James was named in the 2016 edition of the annual Thomson Reuters *Super Lawyers* list of outstanding attorneys as a “Rising Star” in the areas of antitrust, securities and consumer law litigation. He is currently working on, or has worked on, a variety of complex civil matters, including *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.) (asserting antitrust claims against manufacturers of lithium ion batteries); *Kleen Products LLC v. Packaging Corporation of America* (N.D. Ill.) (antitrust claims against manufacturers of containerboard products); *In re American Express Anti-Steering Rules Antitrust Litigation* (E.D.N.Y.) (challenging rules preventing merchants from providing consumers with incentives to use forms of payment that are less expensive than American Express branded payment cards); *In re Aftermarket Filters Antitrust Litigation* (N.D. Ill.) (antitrust, consumer protection and unfair competition claims against leading manufacturers of replacement vehicle filters on behalf of indirect purchasers); *In re Pool Products Distribution Market Antitrust Litigation* (E.D. La.) (asserting claims of monopolization and attempted monopolization of the U.S. pool products distribution market); *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.) (claims against major airlines alleging price-fixing of fuel surcharges for freight transportation); *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.) (price-fixing claims against the producers of CRT televisions); *In re DRAM Antitrust Litigation* (multiple federal and state court actions involving price-fixing claims against the producers of DRAM computer memory); *In re SRAM Memory Products Antitrust Litigation* (N.D. Cal.) (price-fixing claims against the producers of SRAM computer memory); and *In re AOL Time Warner Securities Litigation* (S.D.N.Y.) (securities fraud claims on behalf of AOL and Time Warner shareholders). James has also been involved in other, non-class litigation including *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.).

James graduated *cum laude* from William Mitchell College of Law where he was awarded a *21st Century Scholarship*, received a CALI Award for his performance in Legislative Advocacy, and a Minnesota State Bar Association outstanding achievement award in *Employment Discrimination*.

B.A. *magna cum laude*, St. Olaf College; J.D. *cum laude*, William Mitchell College of Law
Admitted: Minnesota; U.S. District Court, District of Minnesota; U.S. Court of Appeals, Eighth Circuit



Teresa M. Jones

Teresa is an associate of the firm and works on a wide range of complex litigation matters, with a focus on antitrust litigation, securities litigation, class actions, and consumer fraud matters. Before joining the firm, Teresa was part of the trial team in a large antitrust class action lawsuit against a major software company which settled in 2007 after several months of trial for \$180 million.

Teresa has significant experience in document-intensive discovery, through which she has developed practices to identify, highlight and manage key case documents.

She is currently working on, or has worked on, *In re Lidoderm Antitrust Litigation* (N.D. Cal.); *In re Aggrenox Antitrust Litigation* (D. Conn); *In re Lipitor Antitrust Litigation* (D.N.J.) (state antitrust and consumer protection claims on behalf of proposed class of indirect purchasers represented by Heins Mills & Olson as co-lead counsel); *In re Domestic Drywall Antitrust Litigation* (E.D. Pa.) (supply and price-fixing claims against manufacturers of gypsum wallboard); and *Fond Du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Company, Ltd.* (E.D. Wis.) (supply and price-fixing claims against manufacturers and distributors of aftermarket automotive sheet metal parts). She has also worked on *In re Plasma Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (supply and price-fixing claims against manufacturers of plasma-derivative protein therapies); *Glaberson v. Comcast Corp.* (E.D. Pa.) (antitrust claims against cable services provider on behalf of subscribers); and *In re AOL Time Warner Securities Litigation* (S.D.N.Y) (securities fraud claims on behalf of AOL and Time Warner shareholders).

Teresa is an active member of the Minnesota State Bar Association, Hennepin County Bar Association and American Bar Association and has held leadership positions in each.

B.A., U. of Minnesota; J.D. *magna cum laude*, William Mitchell College of Law
Admitted: Minnesota; U.S. District Court, District of Minnesota; U.S. Court of Appeals, Eighth Circuit

Ian F. McFarland

Ian is an associate of the firm. He is currently working on a variety of complex litigation matters, including *In re Aggrenox Antitrust Litigation* (MDL No. 2516) (antitrust class action alleging anticompetitive conduct by pharmaceutical companies delaying entry of lower-priced generic drug into the market); *In re Lidoderm Antitrust Litigation* (MDL No. 2521) (antitrust class action alleging anticompetitive conduct by pharmaceutical companies delaying entry of lower-priced generic drug into market); *In re Target*



Corporation Customer Data Security Breach Litigation (MDL No. 2522) (consumer class action against Target Corporation arising from data security breach); *In re Automotive Parts Antitrust Litigation (Bearings)* (MDL No. 2311) (price-fixing in aftermarket market for automotive bearings); *In re Capacitors Antitrust Litigation* (No. 3:14-cv-03264-JD, N.D. Cal.) (antitrust claims against manufacturers of electronic capacitors); *In re National Hockey League Players' Concussion Injury Litigation*. (MDL No. 14-2551, D. Minn.) (alleging negligence and other claims against NHL on behalf of all retired NHL hockey players for damages caused by concussions); *In re Dental Supplies Antitrust Litigation* (No. 1:16-cv-00696, E.D.N.Y.) (class of dental practices and dental laboratories alleging that three largest U.S. dental supply distributors fixed prices and engaged in other anticompetitive conduct); *Herbal Supplements Marketing and Sales Practices Litigation* (MDL No. 2519) (consumer class action alleging mislabeling of dietary supplements); and *Gordon v. Amadeus IT Group, S.A.* (No. 1:15-cv-05457 S.D.N.Y) (antitrust class action alleging anticompetitive conduct by providers of airline reservation systems).

Before joining the firm, Ian served as a law clerk for the Honorable Regina M. Chu, Minnesota District Court, Fourth Judicial District.

Ian graduated *magna cum laude* from the University of Wisconsin Law School, where he served as a Note and Comment Editor of the *Wisconsin Law Review* and was admitted to the Order of the Coif. While attending law school, he worked as a judicial intern to the Honorable Margaret J. Vergeront, Wisconsin Court of Appeals, District IV, and as a summer law clerk for the firm.

B.A., U. of Wisconsin-Madison; J.D., *magna cum laude*, U. of Wisconsin Law School
Admitted: Minnesota

EXHIBIT 2

EXHIBIT 2

Heins Mills & Olson, P.L.C.

Hours Reported and Lodestar on a Historical Basis

February 21, 2015 through May 16, 2018

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEY HOURS			
Jessica N. Servais (P)	1.25	\$525	\$656.25
NON-ATTORNEYS			
Irene M. Kovarik (SPL)	.50	\$225	\$112.50
TOTAL:	1.75		\$768.75

(P) Partner
 (OC) Of Counsel
 (SA) Senior Associate
 (A) Associate
 (SPL) Senior Paralegal
 (PL) Paralegal
 (LC) Law Clerk

EXHIBIT 3

EXHIBIT 3

Heins Mills & Olson, P.L.C.

Expenses Incurred

February 21, 2015 through May 16, 2018

EXPENSE CATEGORY	AMOUNT INCURRED
Computer Research (Lexis, Westlaw, PACER, etc.)	\$255.90
Telephone / Facsimile	\$.27
TOTAL:	\$256.17

Brian S. Kabateck (SBN 152054)
bsk@kbklawyers.com
Anastasia K. Mazzella (SBN 245201)
am@kbklawyers.com
Kabateck Brown Kellner LLP
644 South Figueroa Street
Los Angeles, CA 90017
Telephone: (213) 217-5000
Facsimile: (213) 217-5010

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION**

Civil Case No. 3:07-cv-05634-CRB-DMR

MDL No. 1913

Honorable Charles R. Breyer

This Document Relates to:

All Actions

**DECLARATION OF BRIAN S. KABATECK
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

I, BRIAN S. KABATECK, declare and state as follows:

1. I am the Managing Partner and one of the founders of the law firm of Kabateck Brown Kellner, LLP. I submit this declaration in support of Plaintiffs' application for an award of attorneys' fees in connection with the services rendered in this litigation. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the matters stated herein.

2. My firm has served as counsel to Plaintiff MEOR ADLIN during the course of this litigation. My background and experience and an overview of Kabateck Brown Kellner, LLP's successful track record in class action litigation are attached hereto as Exhibit

1 1.

2 3. Kabateck Brown Kellner, LLP has prosecuted this litigation solely on a
3 contingent-fee basis, and has been at risk that it would not receive any compensation for
4 prosecuting claims against the Defendants. While Kabateck Brown Kellner, LLP devoted its
5 time and resources to this matter, it necessarily had to take time and resources away from
6 some other pending matters.

7 4. During the pendency of the litigation, Kabateck Brown Kellner, LLP
8 performed the following work: (a) preliminary research, factual investigation, and multiple
9 meetings with Plaintiff to gather facts and determine viability of a class action lawsuit; (b)
10 drafting the initial Class Action Complaint with Mr. Adlin as the class representative; and (c)
11 reviewing more than 45,000 pages of documents produced by Defendants. Since February 21,
12 2015, our firm has reviewed the various settlement agreements; corresponded with Co-Lead
13 counsel re case related matters; regularly reviewed the court docket and stayed abreast of
14 important events in the case; prepared and submitted a claims form for our class
15 representative; provided our class representative with regular updates on the status of the case;
16 reviewed the relevant Motion for Preliminary Approval and Order thereon; and prepared the
17 subject declaration in support of Plaintiffs' Motion for Attorneys' Fees.

18 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
19 historical rates, for the period of February 21, 2015 through May 16, 2018. The total number
20 of hours spent by Kabateck Brown Kellner, LLP during this period of time was **32.9 hours**,
21 with a corresponding lodestar of **\$21,687**. This summary was prepared from
22 contemporaneous, daily time records regularly prepared and maintained by my firm. The
23 lodestar amount reflected in Exhibit 2 is for work assigned and/or approved by Co-Lead
24 Counsel, and was performed by professional staff at my law firm for the benefit of the Class.

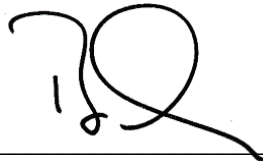
25 6. The hourly rates for the attorneys and professional support staff in my firm
26 included in Exhibit 2 are the usual and customary hourly rates charged by Kabateck Brown
27 Kellner, LLP during that time frame.

1 7. My firm has expended a total of **\$61.50** in unreimbursed costs and expenses in
2 connection with the prosecution of this litigation. These costs and expenses are broken down
3 in the chart attached hereto as Exhibit 3. They were incurred on behalf of Direct Purchaser
4 Plaintiffs by my firm on a contingent basis, and have not been reimbursed. The expenses
5 incurred in this action are reflected on the books and records of my firm. These books and
6 records are prepared from expense vouchers, check records and other source materials and
7 represent an accurate recordation of the expenses incurred.

8 8. I have reviewed the time and expenses reported by my firm in this case which
9 are included in this declaration, and I affirm that they are true and accurate.

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

12 Executed this 31st day of July 2018 at Los Angeles, California.

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16 Brian S. Kabateck
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EXHIBIT 1



Kabateck Brown Kellner LLP

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Los Angeles, California 90017
Tel: (213) 217-5000
Fax: (213) 217-5010**

www.kbklawyers.com



Toll Free 866-266-1800

Local 213-217-5000

644 S Figueroa St,
Los Angeles, CA 91304

A Personal Injury Law Firm



Brian Kabateck
Founding and
Managing Partner

June 2002 – Present

As a nationally recognized and respected consumer attorney, Brian Kabateck is a preeminent leader in the fight to ensure access to the justice system. He's a powerful advocate in the courtroom and at the California State Capitol for consumers' rights and protections.

Mr. Kabateck's vigorous litigation on behalf of his clients has netted more than a billion dollars in recoveries. He has won many multi-million dollar verdicts, judgments and settlements in the areas of personal injury, insurance bad faith, pharmaceutical litigation, wrongful death, class action, mass torts and disaster litigation.

Because of his deep knowledge of the law and dynamic speaking style, Mr. Kabateck is a frequent analyst for national, local and legal media outlets. He makes regular appearances on CBS This Morning, ABC Good Morning America, CNN, MSNBC, NBC, FOX and CW stations. In addition to his television exposure, Mr. Kabateck often speaks at seminars, law schools and industry events.

Honors & Awards

Trial Lawyer of the Year

NAACP
2015

Champions of Justice in Civil Rights

NAACP
2010

Finalist, Trial Lawyer of the Year

Consumer Attorneys of California
2014, 2012, 2010, 2005

Winner, CAOC's Marvin E. Lewis Award

Consumer Attorneys of California
2014

Top 100 Influential Trial Lawyers in the United States

National Trial Lawyers Association
2013, 2012, 2011, 2010, 2009

Top 25 Plaintiff Lawyers in California

Daily Journal
2015–2017

Top 100 Lawyers in California

Daily Journal
2009–2017

Daily Journal

**Chairman of the
Loyola Law School**
Board of Directors



Honors & Awards (continued)

Capitol Weekly's Top 100

2013

Finalist, Trial Lawyer of the Year

Consumer Attorneys Association of Los Angeles

2012, 2010, 2005

50 Inspirational Alumni

Loyola Law School, Los Angeles

2014

Southern California SuperLawyer

Top 100 in Southern California

2013, 2012

National Trial Lawyers

Top 100 in California

2010–Present

Board of Governors Recognition Service Award

Loyola Law School

2008

California Attorney of the Year

California Lawyer Magazine

2006

Education

Loyola Law School

J.D.

Honors: Cum Laude

1985–1989

Activities and Societies:

Order of the Coif, Law Review Member, Published 22 Loyola Law Review 621 (1988), American Bar Association School Representative, Student Teacher (Evidence, Professor Stanley Goldman), 2008 Board of Governors Recognition Service Award

University of Southern California

Bachelor of Arts (BA), Political Science

1980–1985



Organizations

Los Angeles County Bar Association

President-elect: 2017

Trustee: 2000–2003, 2006–2007

American Board of Trial Advocates

Member

2015

Consumer Attorneys of California

(CA State Trial Lawyers)

President: 2013

Vice President: 2007–2012

Consumer Attorneys Association of Los Angeles

Member

2000–Present

Loyola Law School Chairman of the Board

2015–Present

Loyola Law School Board of Overseers

2008–2014

Century City Bar Association

President: 2005–2006

President-elect, Vice President, Treasurer: 2001–2005

Neighborhood Legal Services

Board Member

2011–present

Inner City Law Center

Board of Directors

2009–Present

Executive Committee of the National Trial Lawyers Association

State Bar of California

American Association for Justice

American Bar Association

Vice Chair, Torts Insurance Practices Section:

2007–2012

WHO WE ARE

Kabateck Brown Kellner, LLP (“KBK”) is a nationally renowned plaintiff’s firm that litigates complex cases with an impressive record of success. KBK has recovered more than a billion dollars in verdicts and settlements for its clients. These notable victories have made a significant impact in the legal community and resulted in better consumer protections in the areas of personal injury, insurance bad faith, pharmaceutical litigation, wrongful death, class action, mass torts and disaster litigation. KBK is a full service contingent fee law firm that values every case equally and is committed to maximizing recovery.

OUR CASES

The following cases are illustrative of the class actions KBK has brought to successful resolution:

KBK was co-class counsel in related actions *Hernandez, et al. v. Gold Point Transportation, Inc.*, L.A.S.C. Case No. BC477445, and *Hall, et al. v. Gold Point Transportation, Inc.*, L.A.S.C. Case No. BC516215, in which KBK’s attorneys obtained a \$2.8 million settlement on behalf of a class of 707 drayage independent contractor truck drivers who were misclassified and therefore, were not paid minimum or overtime wages nor all wages owed every pay period and upon separation, were not provided meal periods or rest breaks, did not receive timely and accurate wage statements, were not reimbursed for their business expenses, and were subjected to defendant’s unlawful, unfair, and deceptive business practices;

In *Castaneda, et al. v. Western Freight Carrier, Inc.*, L.A.S.C. Case No. BC564481, KBK’s attorneys obtained a \$1.5 million settlement of the class action on behalf of 257 drayage truck drivers, in which plaintiffs alleged that Western Freight Carrier, Inc. misclassified employees as independent contractors; failed to provide meal periods and rest breaks; failed to reimburse business expenses and pay overtime and minimum wages and all wages owed every pay period and upon separation; failed to furnish timely and accurate wage statements; and violated Business & Professions Code section 17200 *et seq.* of

California's Unfair Competition Act;

In *Mendoza v. Pacer Cartage, Inc.*, Case No. 13cv2344, (S.D. Cal.), KBK's attorneys obtained a \$2.7 million settlement on behalf of the final Class of 520 independent contractor truck drivers who were misclassified as such and therefore, were not paid minimum or overtime wages nor all wages owed every pay period and upon separation, were not provided meal periods or rest breaks, did not receive timely and accurate wage statements, were not reimbursed for their business expenses, and were subjected to defendant's unlawful, unfair, and deceptive business practices;

In *Estrada, et al. v. Harbor Express, Inc.*, L.A.S.C. Case No. BC508808, KBK's attorneys obtained a \$1.3 million settlement of the class action on behalf of 487 drayage truck drivers, in which plaintiffs alleged that Harbor Express, Inc. misclassified employees as independent contractors; failed to provide meal periods and rest breaks; failed to reimburse business expenses and pay overtime and minimum wages and all wages owed every pay period and upon separation; failed to furnish timely and accurate wage statements; and violated Business & Professions Code section 17200 *et seq.* of California's Unfair Competition Act;

In *Ruiz, et al. v. Fred Loya Insurance*, L.A.S.C. Case No. BC547879, KBK's attorneys obtained a \$700,000 settlement of the action on behalf of 166 class members, in which plaintiffs alleged that Fred Loya Insurance misclassified its employees; failed to provide meal periods and rest breaks; failed to reimburse business expenses and pay overtime and minimum wages and all wages owed every pay period and upon separation; failed to furnish timely and accurate wage statements; and violated Business & Professions Code section 17200 *et seq.* of California's Unfair Competition Act;

KBK's attorneys obtained a \$20,000,000 settlement of the action entitled *Marootian, et al. v. New York Life Ins. Co.*, Case No. C99-12073 (C.D. Cal.), in which the plaintiffs alleged that New York Life Insurance Company failed to pay benefits under life insurance policies it issued in and following 1875 in the Turkish Ottoman Empire on the lives of persons of Armenian descent;

In *Borrayo, et al. v. Carlton Forge Works*, L.A.S.C. Case No. BC298858, KBK's attorneys obtained a settlement that fully compensated a class of 244 employees who were not paid overtime wages which

were owed for time worked on alternative work week schedule;

In *Epson Ink Cartridge Cases*, L.A.S.C. Case No. BC293641 and S.F.S.C. Case No. CGC-03-425588, KBK obtained a settlement on behalf of a nationwide class of consumers whose Epson printer cartridges were defined by printer software as being empty when, in fact, they contain a substantial amount of ink and may continue to print. The settlement is conservatively valued at over \$300 million. The settlement was approved on August 15, 2006 by the Superior Court of the State of California for the County of Los Angeles;

KBK was co-lead counsel in *Checkmate v. Yahoo!, Inc.*, Case No. 05-cv-4588 (C.D. Cal.), which alleged that defendants improperly charged its pay-per-click internet advertising clients for fraudulent website “clicks” by third parties. The settlement was approved on March 26, 2007;

KBK was lead counsel in *Marisol Balandran, et al. v. Labor Read, Inc., et al.*, L.A.S.C. Case No. BC 278551, an employment discrimination case involving more than 200 women. Final settlement approval was granted August 6, 2007;

KBK was co-lead counsel in *Alba v. Papa John's USA, Inc. et al.*, U.S. District Court, Case No. 05-cv-7487 (C.D. Cal.), a wage and hour suit involving more than 900 possible plaintiffs who worked at Papa John's pizzerias, which was certified by the United States District Court on February 8, 2007. Following certification, the case settled. The settlement was granted final approval on July 11, 2008;

KBK was co-lead counsel in *Hurtado v. TEG/L VI, Environmental Services Inc.*, L.A.S.C. Case No. BC276468, a class action for unpaid wages. The case was settled and final approval was granted on April 13, 2007;

KBK was co-lead counsel in *Harrison, et al. v. Pacific Bay Properties, et al.*, L.A.S.C. Case No. BC285320, a construction defect class action. Final settlement approval was granted on March 4, 2008;

KBK was co-lead counsel in *Cossey v. BCI Coca Cola Bottling Co. of Los Angeles*, L.A.S.C Case No.

BC36978, an employment class action involving Coca-Cola Bottling Company employees who did not receive adequate pay. Settlement was entered and finally approval granted approved in 2008.

KBK was co-lead counsel in *Van Horn v. Nationwide Casualty Ins. Co., et al*, Case No. 08-cv-605 (N.D. Ohio), a breach of contract class action asserting that insurance company defendants prematurely terminated car rental benefits that they owed policyholders. A national class consisting of over 180,000 policyholders was certified on February 10, 2009.

KBK was co-lead counsel in *Lockette v. Ross Stores, Inc.*, Case No. 07-cv-03430 (N.D. Cal.), class settlement of an FLSA collective action for unpaid overtime based on the misclassification of assistant managers. Final approval of settlement was granted on March 11, 2009.

KBK was lead counsel in *Saloman v. Bodee, LLC*, L.A.S.C. Case No. BC379376, a California Business and Professions Code suit involving a claim for misrepresentation of male enhancement products. A nationwide class was certified on April 22, 2009.

KBK also successfully represented the National Association for the Advancement of Colored People in a class action based on the racially discriminatory lending practices of 18 national mortgage lenders. *NAACP v. Ameriquest Mortgage Co., et al.*, Case No. 07-cv-0794 (C.D. Cal.).

KBK was lead counsel in *Smith v MV Transp.*, California Superior Court, County of Alameda, Case No RG 08-389864, and obtained a favorable settlement for truckers alleging wage and hour violations.

KBK was lead counsel in *Menagerie Productions, et al. v. ISC/ Interactivecorp, et al.*, Case No. CV 08-04263 (C.D. Cal.). KBK was able to settle claims for breach of contract, violation of Business & Professions Code section 17200, *et seq.*, and negligence, on behalf of all persons in the United States who paid money for pay-per-click advertising through Citysearch.com.

EXHIBIT 2

EXHIBIT 2

KABATECK BROWN KELLNER, LLP

Hours Reported and Lodestar on a Historical Basis

February 21, 2015 through May 16, 2018

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEY HOURS			
Brian S. Kabateck (P)	10.2	\$810.00	\$8262.00
Joshua H. Haffner (P)	5.4	\$650.00	\$3510.00
Anastasia K. Mazzella (P)	1.6	\$650.00	\$1040.00
Hrag Kouyoumjian (A)	12.1	\$250.00	\$3025.00
Justin Spearman (A)	2.2	\$250.00	\$5500.00
Nicholas R. Moreno (A)	1.4	\$250.00	\$350.00
NON-ATTORNEYS			
N/A			
TOTAL:	32.9		\$21,687

(P) Partner
 (OC) Of Counsel
 (SA) Senior Associate
 (A) Associate
 (SPL) Senior Paralegal
 (PL) Paralegal
 (LC) Law Clerk

EXHIBIT 3

LITE DEPALMA GREENBERG, LLC

Joseph J. DePalma
Steven J. Greenfogel
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Newark, NJ 07102
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jdepalma@litedepalma.com
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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION**

Civil Case No. 3:07-cv-05634-CRB-DMR

MDL No. 1913

Honorable Charles R. Breyer

This Document Relates to:

All Actions

**DECLARATION OF JOSEPH J. DEPALMA
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

1 I, Joseph J. DePalma, Esq. declare and state as follows:

2 1. I am a partner of the law firm of Lite DePalma Greenberg, LLC. I submit this
3 declaration in support of Plaintiffs' application for an award of attorneys' fees in connection
4 with the services rendered in this litigation. I make this declaration based on my own personal
5 knowledge, and if called as a witness, I could and would competently testify to the matters
6 stated herein.

7 2. My firm has served as counsel to Plaintiffs during the course of this litigation.
8 The background and experience of Lite DePalma Greenberg, LLC and its attorneys are
9 summarized in the *curriculum vitae* attached hereto as Exhibit 1.

10 3. Lite DePalma Greenberg, LLC has prosecuted this litigation solely on a
11 contingent-fee basis, and has been at risk that it would not receive any compensation for
12 prosecuting claims against the Defendants. While Lite DePalma Greenberg, LLC devoted its
13 time and resources to this matter, it necessarily had to take time and resources away from
14 some other pending matters.

15 4. During the pendency of the litigation, Lite DePalma Greenberg, LLC
16 performed the following work: 1) assisted with deposition strategy, 2) extensive multi-year
17 document review, 3) and settlement related issues.

18 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
19 historical rates, for the period of February 21, 2015 through May 16, 2018. The total number
20 of hours spent by Lite DePalma Greenberg, LLC during this period of time was 4.5, with a
21 corresponding lodestar of \$3,142.50. This summary was prepared from contemporaneous,
22 daily time records regularly prepared and maintained by my firm. The lodestar amount
23 reflected in Exhibit 2 is for work assigned and/or approved by Co-Lead Counsel, and was
24 performed by professional staff at my law firm for the benefit of the Class.

25 6. The hourly rates for the attorneys and professional support staff in my firm
26 included in Exhibit 2 are the usual and customary hourly rates charged by Lite DePalma
27 Greenberg, LLC during that time frame.



Joseph J. DePalma, Esq.

EXHIBIT 1



FIRM BIOGRAPHY

LITE DEPALMA GREENBERG, LLC

JULY 2018

Lite DePalma Greenberg, LLC is a general practice law firm, with three offices in Newark, Chicago and Philadelphia. The firm specializes in commercial and complex litigation with a concentration in class action matters in the areas of securities, antitrust, consumer fraud and insurance sales practices. More detail about the firm and its attorneys appear on its Web site, www.litedepalma.com.

MEMBERS OF THE FIRM

JOSEPH J. DEPALMA (Newark Office), the Firm's Managing Member, has a vast breadth of experience in many types of class action cases involving securities, ERISA, antitrust, product liability and consumer fraud. Mr. DePalma also handles shareholder derivative litigation, commercial litigation and transactional matters for the firm's corporate clients. He has a Masters Degree in Business Administration and a J.D. degree from Seton Hall University School of Law.

Mr. DePalma and LDG have served as Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff in two prominent class actions that have resulted in significant recoveries: *Reginald Newton v. Tenet Healthcare Corp.*, (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.) (\$193 million settlement reached three business days before trial).



Mr. DePalma has also played an active role in obtaining settlements in numerous recognized class actions comprising some of the largest settlements in the nation. Included in such cases are: *In re Prudential Ins. Co. of America Sales Practices Litig.*, 148 F.3d 283 (3d Cir. 1998) (over \$4 billion paid out in largest insurance sales practices settlement ever) (Liaison Counsel); *In re Lucent Technologies Securities Litig.*, Civil Action No. 00cv621(AJL) (D.N.J.), reported opinions, 2003 WL 25488395 (D.N.J. Dec. 15 2003), 2002 WL 32815233 (D.N.J. July 16, 2002), 217 F. Supp. 2d 529 (D.N.J. 2002), 2002 WL 32818345 (D.N.J., May 9, 2002), 221 F. Supp. 2d 463 (D.N.J. 2001), 221 F. Supp. 2d 472 (D.N.J. 2001)(approximate \$610 million settlement)(Liaison Counsel); *Galanti v. Goodyear*, Civil Action No. 03-209(SRC)(D.N.J.)((\$300 million product liability settlement)(Liaison Counsel); *In re Aremissoft Corp. Securities Litig.*, Civil Action No. 01-CV-2486 (JAP) (D.N.J.), reported opinion, 210 F.R.D. 109 (D.N.J. 2002)(over \$250 million recovered to date; case is ongoing)(Liaison Counsel); *In re Royal Dutch/Shell Transport Litigation*, Civil Action No. 04-1398(JWB)(D.N.J.), reported opinions, 404 F. Supp. 2d 605 (D.N.J. 2005), 380 F. Supp.2d 509 (D.N.J. 2005) (\$90 million ERISA settlement, the largest settlement ever under ERISA) (Liaison Counsel); *P. Schoenfeld Asset Management, LLC v. Cendant Corp.*, Civil Action No. 98-4734(WHW) (\$26 million settlement after precedent-setting decision in same case, *Semerenco v. Cendant Corp.*, 223 F.3d 165 (3d Cir. 2000))(Liaison Counsel); *Steiner v. MedQuist*, Civil Action No. 04-CV-05487-JBS (D.N.J.), reported opinion, 2006 WL 2827740 (D.N.J. Sept. 29, 2006)(\$7.75 million)(Liaison Counsel); *In re Tellium Securities Litig.*, No. 02-CV-5878 (FLW) (D.N.J.), reported opinion, 2005 WL 1677467 (D.N.J. June 30, 2005)(\$5.5 million)(Liaison Counsel), and; *In re NUI Securities Litig.*, Civil Action No. 02-CV-5220 (MLC)(D.N.J.), reported opinion, 314 F. Supp. 2d 388 (D.N.J. 2004) (\$3.5 million)(liaison counsel).



Mr. DePalma's years of experience also include the following major matters: *In re Computron Software, Inc. Securities Litig.*, Civil Action No. 96-1911 (AJL)(approximate \$15 million settlement) (Liaison Counsel); *In re USA Detergents, Inc. Securities Litigation*, Master File No. 97-2459 (MTB), District of New Jersey (\$10 million settlement)(Liaison Counsel); *In re: The Children's Place Securities Litig.*, Master File No. 97-5021 (JCL), District of New Jersey, reported opinion, 1998 WL 35167284 (D.N.J. Sept. 4, 1998)(\$1.7 million settlement) (Liaison Counsel); *Arthur Fields, et al. v. Biomatrix, Inc., et al.*, Civil Action No. 00-CV-3541(WGB), District of New Jersey (\$2.45 million settlement) (Liaison Counsel), and *In re Atlas Mining Securities Litig.*; Civil Action No. 07-428-N-EJL (D. Idaho) (\$1.25 million) (Lead Counsel).

Some of Mr. DePalma's other court approved class action and mass action settlements, all approved in 2010, involved product liability, takeover and ERISA matters. In a complex MDL mass action proceeding involving the illegal harvesting of body parts and the untested surgical implanting of those parts, Mr. DePalma, along with a team of nationally recognized colleagues, achieved a global settlement in a case captioned *In re Human Tissue Product Liability Litig.* (D.N.J.). Mr. DePalma achieved a settlement on behalf of shareholders in tender offer litigation, captioned *In re Alparma Shareholder Litigation*, (N.J. Superior Ct.). In a complex ERISA matter involving two appeals to the Third Circuit, Mr. DePalma obtained a settlement of \$8.5 million on behalf of a class of participants in a retirement plan alleging breaches of fiduciary duties. *In re Schering-Plough Corporation ERISA Litigation*, (D.N.J.).

Mr. DePalma has also achieved excellent results for clients in other areas of litigation. Among other things, he won large settlements for a condominium association on construction defect and legal malpractice claims, and has successfully handled securities arbitrations as well.



Mr. DePalma has lectured in the area of real estate law and in complex commercial litigation. He has also served as a member of the New Jersey Supreme Court's District Ethics Committee.

Mr. DePalma was named as a New Jersey Super Lawyer in the May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Business & Commercial."

BRUCE D. GREENBERG (Newark Office) has served as Co-Lead Counsel and Liaison Counsel in major securities, antitrust and consumer fraud class action cases. He also handles sophisticated appellate, commercial and real estate litigation.

A number of Mr. Greenberg's class action cases have resulted in significant settlements. Among his federal court class action successes are a settlement worth more than \$750 million for a nationwide class in *Varacallo v. Massachusetts Mutual Life Ins. Co.*, 226 F.R.D. 207 (D.N.J. 2005) (Co-Lead Counsel), an insurance sales practices case, a \$35.75 million settlement in *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (Co-Lead Counsel), a securities fraud case a nationwide consumer settlement worth up to \$13 million in *Schwartz v. Avis Rent a Car System, LLC*, Civil Action No. 11-4052(JLL), a highly valuable nationwide settlement in *In re Samsung DLP Television Class Action Litigation*, Civil Action No. 07-2141(GEB) (MCA) (Executive Committee), and settlements totaling over \$200 million for a nationwide class in the multidistrict antitrust litigation captioned *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663, Civil Action No. 04-5184(FSH) (District of New Jersey) (Liaison Counsel). His efforts as Co-Lead Counsel for certified classes in the United States District Court for the Western District of Pennsylvania (*Zeno v. Ford Motor Co.*, 238 F.R.D. 173 (W.D. Pa. 2006), and



480 F. Supp. 2d 825 (W.D. Pa. 2007)) and in the Superior Court of New Jersey, led to a four-state settlement that afforded full benefit of the bargain relief to consumers in *Pedersen v. Ford Motor Co.*, No. GIC 821797 (Cal. Super Ct.). Mr. Greenberg was also instrumental in *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.), where LDG, as Co-Lead Counsel, achieved a \$193 million settlement just three business days before trial was to begin, and in *Reginald Newton v. Tenet Healthcare Corp.* (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.), where LDG, again as Co-Lead Counsel, won a settlement for \$281.5 million.

Recently, Mr. Greenberg was appointed Liaison Counsel and a member of the Plaintiffs' Steering Committee in a multi-district antitrust action alleging a nationwide conspiracy involving price-fixing and bid-rigging in the market for liquid aluminum sulfate, a water-treatment chemical used by public municipalities and paper mills in *In re: Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687, Civil Action No. 16-md-2687(JLL)(JAD) (District of New Jersey) (Liaison Counsel).

Mr. Greenberg's New Jersey state court class actions include a settlement valued at \$8.6 million for a nationwide class of current and former merchants in *Roma Pizzeria v. Harbortouch f/k/a United Bank Card*, Docket No. HNT-L-637-12 (Co-Lead Counsel); \$100 million settlement for a nationwide consumer class in *Friedman v. Samsung Electronics America, Inc.*, Docket No. BER-L-7250-01 (Liaison Counsel), a comparably sized settlement for a nationwide consumer class in *Summer v. Toshiba America Consumer Products, Inc.*, Docket No. BER-L-7248-01 (Liaison Counsel), another nationwide consumer class settlement in *Barrood v. IBM*, Docket No. MER-L-843-98, which afforded class members full benefit of the bargain relief, (Co-Lead Counsel), a settlement for a New Jersey consumer class worth over \$7 million in *Delaney v.*



Enterprise Rent-A-Car Co., Docket No. OCN-L-1160-01 (Co-Lead Counsel), a \$4.5 million settlement for a New Jersey consumer class in *DeLima v. Exxon*, Docket No. HUD-L-8969-96 (Co-Lead Counsel), and an unprecedented settlement in a class action involving a merger, *Rubin v. Mercer Insurance Group, Inc., et al.*, Docket No. MER-C-102-10 (Co-Liaison Counsel), which afforded stockholders the opportunity to review forward looking financial information of the company, thus allowing shareholders to make a more informed decision concerning the merger.

A 1982 graduate of the Columbia University School of Law, Mr. Greenberg clerked for Justice Daniel J. O'Hern of the Supreme Court of New Jersey for the 1982-83 Term. Before joining the firm, Mr. Greenberg was a partner at Greenbaum Rowe Smith & Davis, LLP, Woodbridge, New Jersey, one of New Jersey's largest law firms.

Mr. Greenberg appears regularly in the appellate courts. He has argued nine times in the Supreme Court of New Jersey, three cases in the Third Circuit Court of Appeals, and several dozen cases in New Jersey's Appellate Division. Nearly 40 of his cases have been published, including significant cases on class actions, zoning and land use, restrictive employment covenants, real estate brokerage, and other topics.

Among his many other publications, Mr. Greenberg is the author of the chapter entitled "Supreme Court Review" in *New Jersey Appellate Practice Handbook* (New Jersey ICLE 2015 ed.), co-author, with Allyn Z. Lite, of the chapter entitled "Class Action Litigation" in *New Jersey Federal Civil Procedure* (NJLJ Books (1st ed. 1999, 2d ed. 2010, and annual supplements)), and author of "Keeping the Flies Out of the Ointment: Restricting Objectors to Class Action Settlements," 84 St. John's L. Rev. 949 (2010). Law review articles that he has written have been cited with approval by the Supreme Court of New Jersey and Appellate



Division. Mr. Greenberg has lectured on class actions for both New Jersey and Pennsylvania CLE, and has served as an expert witness on attorneys' fees in class actions. He has also spoken on civil trial preparation, appellate practice and other subjects. Mr. Greenberg also writes the New Jersey Appellate Law blog, <http://appellatelaw-nj.com>, New Jersey's foremost appellate blog.

Mr. Greenberg belongs to the New Jersey State Bar Association, and was Chair of the Association's Appellate Practice Committee from 2004-2006. He is the immediate past Co-Chair of the NJSBA's Class Actions Committee, a position he held from 2008-2016. Mr. Greenberg is also a member of the Land Use Law Section, and Securities Litigation and Regulatory Enforcement Committee. From 1991-2006, Mr. Greenberg was a member of the Supreme Court of New Jersey Committee on Character. He was also one of the founding members, and a past Chairman, of the New Jersey Law Firm Group, a consortium of major law firms to advance hiring of minority lawyers.

Mr. Greenberg has been named to the "New Jersey Super Lawyers" list in *New Jersey Monthly* magazine every year from 2005-2017. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Commercial Litigation." Mr. Greenberg has an "AV" rating from Martindale-Hubbell.

VICTOR A. AFANADOR (Newark Office) handles litigation and trials of civil and criminal cases. His experience includes public entity tort liability defense, employment related defense of CEPA and LAD matters, police related state and federal civil rights defense, condemnation and redevelopment law, complex commercial litigation, and criminal defense. In addition, Mr. Afanador served from September 1999 through May of 2005 as Deputy Director of Law for the City of Perth Amboy. In that capacity, he provided counsel to the Mayor, the City



Council, and City department directors on legal matters.

Mr. Afanador has successfully tried to verdict jury and bench trials in civil rights and redevelopment law matters. He has also tried public entity employee termination hearings before the Office of Administrative Law and numerous matters of many types in Municipal Court. He also litigated and managed the condemnation of sixteen properties in a single municipality.

In addition to his trial work, Mr. Afanador has argued before the Superior Court of New Jersey, Appellate Division. His published opinions include *Deegan v. Perth Amboy Redevelopment Agency*, 374 N.J. Super. 80 (App. Div. 2005). Mr. Afanador has also applied his investigative skills in the class action area. He interviewed Spanish-speaking employees and prepared a report for the Court as part of the firm's responsibilities as Class Administrator for an employment discrimination class action.

Mr. Afanador clerked for Judges Mathias E. Rodriguez and Frederick P. DeVesa, Superior Court of New Jersey, Law Division Criminal Part, in Middlesex County from 1998-1999.

Mr. Afanador was appointed by the Essex County Executive in September of 2005 to serve as a Commissioner on the Essex County Board of Public Utilities. He is a member of the New Jersey State Bar Association, The Association of the Federal Bar of the State of New Jersey, Seton Hall University School of Law Alumni Association, the Essex County Bar Association, and the Hispanic Bar Association of New Jersey. He is a 2003 Graduate of the Leadership Newark Fellowship Program and has served on the African Globe Theatreworks Board of Directors, a professional theater company based in Newark, New Jersey.



Mr. Afanador was designated a Rising Star in the May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to the “40 Under 40” issue by the New Jersey Law Journal in 2010.

KATRINA CARROLL (Chicago Office), a Member of the Firm, heads LDG’s Chicago office. She has been actively involved in many of the firm's class actions since 2001 in the areas of consumer fraud, antitrust, securities fraud and ERISA. Early in her career, Ms. Carroll litigated some of the most prominent securities class actions in the country as Co-Lead counsel for defrauded investors, including *In re Motorola Securities Litigation* (N.D. Ill.), where LDG achieved a \$193 million settlement, and in *In re Tenet Healthcare Corp. Securities Litigation*, (C.D. Cal.), which resulted in collective settlements to aggrieved investors of \$281.5 million (including a \$65 million auditor settlement, one of the largest of all time).

In recent years, Ms. Carroll’s practice has been focused on large consumer fraud class action matters. One of these cases is *JP Morgan Chase Mortgage Modification Litigation* (D. Mass.), where she served on plaintiffs’ Executive Committee representing a class of homeowners in a multi-district class action alleging mortgage loan improprieties. After nearly four years of litigation, in May of 2014, plaintiffs secured final approval of a settlement estimated to provide \$500 million in mortgage modification relief to affected class members.

Ms. Carroll is particularly experienced in product liability matters. She serves as Co-Lead counsel in *In Re: Rust-Oleum Restore Marketing, Sales Practices and Products Liability Litigation* (MDL; N.D. Ill.), a sprawling products liability MDL relating to defective deck resurfacing products. Ms. Carroll was instrumental in negotiating a \$9.3 million settlement providing meaningful relief to consumers, which received final approval in March of 2017 and is currently being administered. During the final approval hearing, the Honorable Amy J. St. Eve



of the United States District Court for the Northern District of Illinois, who presided over the litigation, praised Ms. Carroll as a “model I wish all lawyers would follow.”

Ms. Carroll is currently involved in some of the most challenging and exciting consumer, privacy and antitrust class action litigation in the country today. Her current caseload includes:

- *Mednick v. Precor Inc.* (N.D. Ill): Ms. Carroll serves as Co-Lead counsel in a certified consumer fraud class action matter representing purchasers of Precor fitness machines, arising from Precor’s representations concerning heart rate monitoring technology.
- *Keith v. Ferring Pharmaceuticals, Inc.* (N.D. Ill.): Ms. Carroll serves as Co-Lead counsel in a consumer class action on behalf of purchasers of the recalled fertility drug Bravelle.
- *Lewert v. P.F. Chang’s China Bistro, Inc.* (N.D. Ill.): Ms. Carroll serves as Court-appointed Co-Lead counsel in a class action representing P.F. Chang’s customers who had their personal financial information compromised as a result of a security breach.
- *In re Ashley Madison Customer Data Security Breach Litigation* (MDL; E.D. Mo.): Ms. Carroll currently serves on Plaintiffs’ Executive Committee in the multi-district class action involving the highly publicized data breach at Ashley Madison.
- *In Re: Community Health Systems, Inc., Customer Security Data Breach Litigation* (MDL; N.D. Ala.): Ms. Carroll serves on the Plaintiffs’ Steering Committee in this data breach MDL matter arising from Defendants’ failure to secure Plaintiffs’ confidential patient data.
- *Automotive Wire Harness Systems Antitrust Litigation* (MDL; D. Mich.): Ms. Carroll is plaintiff’s counsel in this multi-district antitrust class action brought by businesses against manufacturers of automotive wire harnesses and related parts. Plaintiffs allege an



illegal price fixing conspiracy by these manufacturers that artificially inflated the prices of these products, in violation of the federal antitrust laws.

Ms. Carroll is recognized nationally as an authority on topics arising in class action litigation. She has spoken at many local and national conferences, including the American Bar Association's prestigious Annual National Institute on Class Actions (2014), Perrin's Class Action Litigation Conference (2015), the American Association for Justice's Convention (2016), and an Academic Symposium on consumer law issues hosted by Loyola University School of Law's Consumer Law Review (2017). Ms. Carroll frequently appears as a panelist on class action issues at the Chicago Bar Association.

Ms. Carroll currently serves on the Advisory Board of Loyola University School of Law's Institute for Consumer Antitrust Studies. She is a member of the Class Action Trial Lawyers Association, the Chicago Bar Association and a former member of New Jersey's John C. Lifland American Inn of Court.

SUSANA CRUZ HODGE (Newark Office), born Belleville, New Jersey, February 17, 1979. Admitted to bar, 2006, New Jersey. Education: Boston College (B.A. in Sociology 2001); Boston College Law School (J.D. 2005). Law Clerk to Hon. Thomas LaConte, Superior Court of New Jersey, Passaic County. Adjunct Professor of Legal Writing at Seton Hall University Law School. Class Actions; Civil Litigation; Commercial Litigation; Criminal Law; Public Entity and Administrative Law.

COUNSEL

ALLYN Z. LITE (Newark Office) (retired from the full-time active practice of law as of October 2013 and current serving as Counsel) specializes in class action and other complex commercial litigation. He was designated by the Judges of the United States District Court for



the District of New Jersey as Clerk of that Court from 1982 to 1986. While in that position, Mr. Lite created the Court's alternative dispute resolution program and served on and was Reporter for the committee that drafted the current Local Rules of the United States District Court for New Jersey. He was a member of the committee that drafted the new Rules of the United States Bankruptcy Court for the District of New Jersey, and participated as one of ten original members of the United States District Court Lawyer's Advisory Committee, on which he served for 11 years.

Mr. Lite is the author of *New Jersey Federal Practice Rules* (Gann Law Books), a commentary and annotations to the United States District Court's Local Rules, published annually, and cited frequently by the judges of that Court. Among his other publications is his co-authorship, with Bruce D. Greenberg, of the chapter entitled "Class Action Litigation" in *New Jersey Federal Civil Procedure* (NJLJ Books 1st ed. 1999, 2d ed. 2010, and annual supplements).

Mr. Lite has more than 20 years of class action litigation experience, including serving as an expert on attorneys' fees. He has served in an active role as Lead, Co-Lead, or Liaison Counsel in over 100 cases, including major securities, derivative, antitrust, consumer fraud, and products liability matters, in New Jersey federal and state courts and in other jurisdictions. In three of those cases, Mr. Lite and LDG were Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff: *Reginald Newton v. Tenet Healthcare Corp.*, (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.), reported opinions, 505 F. Supp. 2d 501 (N.D. Ill. 2007), 2004 WL 2032769 (N.D. Ill. Sept. 9, 2004) (\$193 million settlement reached three business days before trial); *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (\$35.75 million settlement); and *State of New Jersey and its Division of Investment v.*



Sprint Corp., Civil No. 03-2071-JWL (D. Kan.), reported opinions, 2008 WL 191780 (D. Kan. Jan. 23, 2008), 2004 WL 1960130 (D. Kan. Sept. 3, 2004), 314 F. Supp. 2d 1119 (D. Kan. 2004).

Other significant class action cases in which Mr. Lite has played an active role include *In re Bristol-Myers Squibb Securities Litigation*, Civil Action No. 00-1190(SRC), reported opinions, 2005 WL 2007004 (D.N.J. Aug. 17, 2005), 205 F.R.D. 437 (D.N.J. 2002) (Liaison Counsel) (\$185 million settlement after defeating defendants' summary judgment motion and motions to exclude expert testimony); *In re Electrical Carbon Products Antitrust Litig.*, Master File No. 03-2182(JBS), reported opinion, 447 F. Supp. 2d 389 (D.N.J. 2006) (Co-Liaison Counsel) (\$21.9 million settlement); *In re Nazi Era Cases Against German Defendants Litigation*, Civil Action No. 98-4104(WGB), reported opinion, 198 F.R.D. 429 (D.N.J. 2000) (Liaison Counsel in 60 actions filed throughout the United States and consolidated in the District of New Jersey; \$5.2 billion settlement); *In re Prudential Insurance Company of America Sales Practices Litigation*, Master File No. 95-4704 (AMW), reported opinions, 962 F. Supp. 450 (D.N.J. 1997), *aff'd as to settlement approval*, 148 F.3d 283 (3d Cir. 1998) (Liaison Counsel) (settlement worth over \$4 billion); *Chin v. Chrysler Corp.*, Civil Action No. 95-5569 (JCL), reported opinion, 461 F. Supp.2d 279 (D.N.J. 2006) (Co-Lead Counsel) (catalyst for \$53 million in relief to class); *Weiss v. Mercedes-Benz of North America*, Master File No. 93-96 (JWB), reported opinion, 899 F. Supp. 1297 (D.N.J.), *aff'd*, 66 F.3d 314 (3d Cir. 1995) (\$75 million settlement); *Princeton Economics Group, Inc. v. American Telephone and Telegraph Co.*, Docket No. L-3221-91, Superior Court of New Jersey, Law Division (Mercer County) (Lead Counsel) (\$95 million settlement); *Garcia v. General Motors*, Docket No. L-4394-95, Superior Court of New Jersey, Law Division, Bergen County (Liaison Counsel) (\$25 million settlement); *Angelino v. DaimlerChrysler Corp.*, Case No. GIC 765729, Superior Court of California, San



Diego Division.

In other areas of his practice in complex litigation, Mr. Lite established and coordinated procedures for the nationwide defense of a major manufacturer of safety products in asbestos litigation, and handled the defense of environmental matters involving discharge of petrochemicals with Federal EPA and the U.S. Coast Guard. Mr. Lite has worked for many years alongside some of the nation's top intellectual property firms, serving as New Jersey counsel in major patent and trademark litigation, particularly in the pharmaceutical industry.

Mr. Lite served on the Lawyers' Advisory Committee for the United States Court of Appeals for the Third Circuit from 1992 through 1994, and as a member of the Third Circuit Task Force on Equal Treatment in the Courts, Gender Commission. He also chaired the United States District Court's Merit Selection Panel to recommend candidates for a newly authorized United States Magistrate position assigned to Newark, New Jersey. In addition to many years of service on the Board of Trustees of the Association of the Federal Bar of New Jersey, Mr. Lite was co-chair for four years of the New Jersey State Bar Association's Class Action Committee.

Mr. Lite was selected as a mediator for the United States District Court pursuant to that Court's plan under the Civil Justice Improvements Act of 1990. As a mediator, Mr. Lite participated in environmental litigation involving the nation's largest Superfund site, and a multi-plaintiff public sector discrimination lawsuit, among others.

Mr. Lite is a 1978 graduate of the Seton Hall University School of Law. He was named as a New Jersey Super Lawyer in the May 2005, May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Intellectual Property."



STEVEN J. GREENFOGEL (Philadelphia Office) is Counsel to the firm and is resident in the firm's Philadelphia office. Throughout his nearly 40 year legal career, Mr. Greenfogel has specialized in class action antitrust litigation, including many of the most significant multidistrict class action price fixing cases of modern times. He has served as Co-Lead Counsel in *In re Chain Link Antitrust Litigation*, Master File CLF-1 (D.Md); *In re Industrial Silicon Antitrust Litigation*, 95-2104 (W.D.Pa) (which he tried to verdict), and *In re Isostatic Graphite Antitrust Litigation*, No. 2000-cv-4965 (E.D.Pa). Mr. Greenfogel also served as one of the main trial counsel as well as co-chairman in *In re High Pressure Laminates Antitrust Litigation*, No. 00-MD-1368(CLB) (S.D.N.Y.) (which was tried to verdict) and *In re Carbon Dioxide Antitrust Litigation*, MDL 940 (M.D. Fla) (which settled after jury selection). In addition to being Co-Chairman of Discovery in *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla), Mr. Greenfogel served as one of plaintiff's trial counsel (which settled after jury selection). He has served as a member of Plaintiffs' Executive Committee in numerous cases, including, *inter alia*, *In re Municipal Derivatives Antitrust Litigation*, MDL 1950 (S.D.N.Y. 2008), *In re Static Random Access Memory (SRAM) Antitrust Litigation*, cv-1819 (N.D. Cal 2007) and *In re Publication Paper Antitrust Litigation*, MDL 1631 (D. Ct 2004). Mr. Greenfogel has also played a major role in numerous other multidistrict antitrust class actions, including, *inter alia*, *O'Bannon v. National Collegiate Athletic Ass'n, et al.* cv-091967 cw (N.D. Cal 2009) (Co-chairman Discovery); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal 2006); *In re Direct Random Access Memory (DRAM) Antitrust Litigation*, No. 02-cv-01486-OHG (N.D. Cal 2002); *In re NASDAQ Market Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.) (Chairman of Discovery); *In re Brand Names Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.); *In re Commercial Tissue Antitrust Litigation*, MDL 1189 (N.D.



Fla); *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla); *Cumberland Farms v. Browning Ferris Industries, Inc.*, A.A. No. 87-3717; *Superior Beverage/Glass Container Antitrust Litigation*, 89 C 5251 (N.D. Ill.); *In re Chlorine and Caustic Soda Antitrust Litigation*, 86-5428 (E.D.Pa); *In re Records and Tapes Antitrust Litigation* (N.D.Ill.); and *In re Broiler Chicken Antitrust Litigation* (N.D.Ga).

Earlier in his career from 1977 to 1980, Mr. Greenfogel served as an Assistant Attorney General in the Commonwealth of Massachusetts and was the first Chief of its Antitrust Division. He was the author of the Commonwealth's Antitrust Law (M.G.L. 93). During that time, he was a panelist at the New England Antitrust Conference in Boston as well as speaking on antitrust matters at various venues in Massachusetts.

Mr. Greenfogel has served as a member of the Board of Trustees of Camden County College since 2000, having been appointed to that position by Governors Whitman, McGreevy and Corzine. He is a Fellow of the Litigation Counsel of America, as Trial Lawyer Honorary Society. He has been selected eight times as one of the Top Attorneys in Pennsylvania by *Philadelphia Magazine* and has an "AV" rating from Martindale Hubbell.

MINDEE J. REUBEN (Philadelphia Office) is Counsel to the firm and is resident in the firm's Philadelphia office. Ms. Reuben represents plaintiffs across the country in a broad range of antitrust and consumer class action matters, regularly serving as lead, co-lead and liaison counsel and as a member of case-management committees in high-profile, multi-jurisdictional litigation. *Super Lawyers* and *Philadelphia Magazine* have repeatedly named Ms. Reuben as one of Pennsylvania's top lawyers in the field of antitrust, as well as one of the top 50 women Super Lawyers overall in the state. Prior to this, Ms. Reuben was for several years named by *Super Lawyers* as a "Rising Star" in the field of antitrust litigation, an honor given to only 2.5% of



Pennsylvania lawyers under the age of 40. She has also been named to *The Best Lawyers in America*.

Ms. Reuben is currently involved in several plaintiff class action antitrust matters, including *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.), in which she was named co-lead and liaison counsel. She is also a member of the steering committee in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.), and a member of the trial plan committee in *In re Blue Cross Blue Shield Antitrust Litigation* (Subscribers), No. 13-cv-20000 (N.D. Ala.). Other significant cases on which she has had a case management role include *In re: Lithium Ion Batteries Antitrust Litigation*, No. 13-md-2420 (N.D. Cal.) (steering committee), *Gordon v. Amadeus IT Group, S.A.*, No. 15-cv-5457 (S.D.N.Y.) (co-lead counsel), and *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio) (executive committee), where the court approved over \$147,000,000 in settlements. She is presently active in a number of other antitrust matters around the country as well, including *In re Aluminum Sulfate Antitrust Litigation*, No. 16-md-2687 (D.N.J.) and *In re Broiler Chicken Antitrust Litigation*, No. 16-8637 (N.D. Ill.).

Ms. Reuben's significant past antitrust matters include *BP Products North America, Inc. Antitrust Litigation* (N.D. Ill.) (\$52 million settlement), *In re: Polyester Staple Antitrust Litigation* (W.D.N.C.) (\$50 million settlement), *In re: Electrical Carbon Products Antitrust Litigation* (D.N.J.) (\$21.9 million settlement), and *In re Flonase Antitrust Litigation* (E.D. Pa.) (confidential settlement on behalf of generic competitor).

Ms. Reuben also served as class counsel in the consumer class action of *Fritzinger v. Angie's List*, Case No. 12-cv-1118 (S.D. Ind.), and as co-lead counsel in *Stone v. Stewart Title Guaranty Co.*, Philadelphia Court of Common Pleas, June Term, 2006, No. 2003 (consol. under



Cummings v. Stewart Title Guaranty Co., et al., Philadelphia Court of Common Pleas, March Term, 2005, No. 747) (Glazer, J.), both of which resulted in favorable settlements for the class. At the final approval hearing, the court noted that “counsel really did an extraordinary job.”

Ms. Reuben is actively involved with the Philadelphia Bar Association, historically having served as Vice Chair of the Association’s Bench Bar and Annual Meeting and as Chair of its Women’s Rights Committee. Her work on the Women’s Rights Committee focused on human trafficking in the United States, and resulted in the Association’s Board of Governors passing a Resolution in Support of Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). She is also a member of the Federal Courts Committee, Women in the Profession Committee and Business Law Section.

Ms. Reuben is a founding member of Women Antitrust Plaintiffs’ Attorneys, a national organization of women who focus their practices on cartel and other anticompetitive cases. She is also an Amicus Judicii member of the National Association of Women Judges (NAWJ), whose mission is to promote the judicial role of protecting the rights of individuals through diverse judicial leadership, fairness and equality in the courts, and equal access to justice. She is currently a Lecturer in Law in the area of legal writing for the LL.M. program at the University of Pennsylvania School of Law. She also has served as an Adjunct Professor of Law at the James E. Beasley School of Law of Temple University, contributed to numerous comprehensive legal publications, and spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure.

Ms. Reuben has contributed to numerous comprehensive legal publications, and has spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure. Most recently, Mindee was a panelist for the ABA Civil Practice and Procedure Section of Antitrust



Law speaking on “Antitrust Class Action Program Series: Class Action Killer or Business as Usual? -- Rule 23(b)(3) and the Predominance Requirement” and a panelist for the ABA Section of Litigation’s “Rules Roadshow,” on the topic “Precision Advocacy: Reinventing Motion Practice to Win” in Philadelphia.

After earning her joint law and master of public administration degrees from the University of Pittsburgh, Ms. Reuben served as a law clerk for the Honorable Frank J. Montemuro, Senior Justice of the Supreme Court of Pennsylvania.

STEVEN S. GLICKMAN (Newark Office) is Counsel to the Firm and is a resident in the Firm’s Newark Office. Steven S. Glickman represents public and private sector employers throughout the State of New Jersey in a broad range of labor and employment, education and municipal law matters. Steven works with clients to ensure compliance with federal and state regulations, develop and implement union avoidance and labor relations strategies, negotiate and document individual employment contracts and collective bargaining agreements, and create and maintain effective employment policies and employee handbooks.

Steven is also an accomplished litigator, and has represented clients at trial, in settlement negotiations and in arbitration. He has successfully advised clients in a broad range of matters, including employment and labor disputes, and law enforcement investigations.

JEREMY N. NASH (Newark Office), born Oakland, California, February 2, 1981. Admitted to bar of New York, 2008, United States District Courts for the Southern and Eastern Districts of New York, 2008, United States Court of Appeals for the Second Circuit, 2015. Education: University of California at San Diego (B.S. in Biology 2003); New York Law School (J.D. 2006). Harlan Merit Scholarship recipient. Class Actions; Civil Litigation; Commercial Litigation; Appellate Practice.



KYLE A. SHAMBERG (Chicago Office), born in Arlington Heights, Illinois, June 29, 1983. Admitted to bar of state of Illinois 2010; State of New York, U.S. District Courts for the Southern and Eastern Districts of New York, 2012; U.S. District Court for the Northern District of Illinois, Western District of New York, and U.S. Court of Appeals for the Second Circuit, 2013. Education: University of Wisconsin-Madison (B.A. in English and Psychology 2005); Loyola University Chicago School of Law (J.D. 2009, *magna cum laude*). Staff Attorney, U.S. Court of Appeals for the Second Circuit, 2009-2011. Class Actions; Civil Litigation; Commercial Litigation; Appellate Practice.

ASSOCIATES

ANDREW L. SMITH (Newark Office), was born in Livingston, New Jersey on May 29, 1985. Admitted to the bar in 2011, New Jersey. Education: Muhlenberg College (B.A. in Accounting and Spanish 2008) and Pace University School of Law (J.D. 2011). Andrew's practice includes: public entity representation, criminal defense litigation, and commercial litigation.

JONATHAN M. CARRILLO (Newark Office), was born in Jersey City, New Jersey on March 30, 1988. Admitted to the bar 2012, New Jersey. Education: Saint Peter's University (B.A. in Political Science and Philosophy 2009) and Rutgers School of Law (J.D. 2012). Jonathan's practice includes: public entity representation, employment litigation, criminal litigation, class actions and complex commercial litigation.

MICHAEL R. DARBEE (Newark Office), was born in Trenton, New Jersey on December 30, 1987. Admitted to the bars of the State of New Jersey and Pennsylvania in 2014. Education: The College of New Jersey (B.A. in English 2010) and Widener University School of Law (J.D. 2014, *summa cum laude*). Michael's practice includes: Class Action; Civil



Litigation; Commercial Litigation; Appellate Practice.

FRANCIS A. KENNY (Newark Office), was born in Manhattan, New York on August 28, 1987. Admitted to the bar 2015, New Jersey. Education: St. Joseph's University (B.A. in Political Science 2009) and Seton Hall University School of Law (J.D. 2015). Francis' practice includes: public entity representation, employment litigation, class actions and complex commercial litigation.

KATLYN C. MATHY (Chicago Office), was born in Lake Forest, Illinois on June 28, 1990. Admitted to the bar of the State of Illinois in 2017. Education: Illinois Wesleyan University (B.S. in Mathematics and B.A. in Risk Management 2012) and Loyola University Chicago School of Law (J.D. 2017). Katlyn's practice includes: insurance subrogation, personal injury, property, and class action litigation.

EXHIBIT 2

EXHIBIT 2

Lite DePalma Grenberg, LLC

Hours Reported and Lodestar on a Historical Basis

February 21, 2015 through May 16, 2018

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEY HOURS			
Joseph J. DePalma (P)	3.1	\$750	\$2,325.00
Steven J. Greenfogel (OC)	.3	\$800	\$240.00
Heather Sertial (A)	1.1	\$525	\$577.50
NON-ATTORNEYS			
TOTAL:			\$3,142.50

(P) Partner
 (OC) Of Counsel
 (SA) Senior Associate
 (A) Associate
 (SPL) Senior Paralegal
 (PL) Paralegal
 (LC) Law Clerk

EXHIBIT 3

EXHIBIT 3

Lite DePalma Greenberg, LLC

Expenses Incurred

February 21, 2015 through May 16, 2018

EXPENSE CATEGORY	AMOUNT INCURRED
LEXIS/WESTLAW/PACER	\$6.30
TOTAL:	\$6.30

1 SEAN TAMURA-SATO (Cal. SBN 254092)
seant@minamitamaki.com
2 LISA P. MAK (Cal. SBN 260281)
lmak@minamitamaki.com
3 **MINAMI TAMAKI LLP**
360 Post Street, 8th Floor
4 San Francisco, CA 94108
Tel. (415) 788-9000
5 Fax (415) 398-3887

6 *Counsel for Plaintiffs*

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **IN RE TRANSPACIFIC PASSENGER**
12 **AIR TRANSPORTATION ANTITRUST**
13 **LITIGATION**

Civil Case No. 3:07-cv-05634-CRB-DMR

MDL No. 1913

Honorable Charles R. Breyer

14 **This Document Relates to:**

15 **All Actions**
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DECLARATION OF SEAN TAMURA-SATO
IN SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES

1 I, SEAN TAMURA-SATO, declare and state as follows:

2 1. I am a Partner of the law firm of Minami Tamaki LLP. I submit this
3 declaration in support of Plaintiffs' application for an award of attorneys' fees in connection
4 with the services rendered in this litigation. I make this declaration based on my own personal
5 knowledge, and if called as a witness, I could and would competently testify to the matters
6 stated herein.

7 2. My firm has served as counsel to Plaintiff Dickson Leung during the course of
8 this litigation. The background and experience of Minami Tamaki and its attorneys are
9 summarized in the *curriculum vitae* attached hereto as Exhibit 1.

10 3. Minami Tamaki has prosecuted this litigation solely on a contingent-fee basis,
11 and has been at risk that it would not receive any compensation for prosecuting claims against
12 the Defendants. While Minami Tamaki devoted its time and resources to this matter, it
13 necessarily had to take time and resources away from some other pending matters.

14 4. During the pendency of the litigation, Minami Tamaki performed the
15 following work:

16 • Pre-filing and post filing investigation and research into the claims at issue in this
17 case. Investigation and research regarding Defendant Vietnam Airlines at the direction of Co-
18 Lead Counsel.

19 • Worked on motions at the direction of Co-Lead Counsel, including work on the
20 opposition to the motion to dismiss filed by Vietnam Airlines regarding the effect of the
21 FTAIA, sufficiency of the pleadings under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544
22 (2007), the filed rate doctrine, and sovereign immunity.

23 • Worked with Japan-based bankruptcy counsel to file claims regarding the
24 bankruptcy of Japan Airlines. Investigation and research regarding bankruptcy issues related
25 to Japan Airlines.

26 • Worked with Plaintiffs' forensic expert and class representatives Brenden Maloof
27 and Dickson Leung regarding document retention protocols.

1 • Met and conferred with Vietnam Airlines regarding its responses to document
2 requests. Research regarding Vietnam Airlines' obligations to respond to discovery given its
3 government ownership and issues related to international law.

4 • Performed substantial document review work, including first-level, second-level, and
5 foreign language document review. This case involved a substantial amount of foreign
6 language document review, which allowed Plaintiffs to understand critical documentation
7 relating to the antitrust conspiracy.

8 • Coordinated and defended depositions of class representatives. Expended substantial
9 hours and incurred substantial costs in the defense of class representatives. The depositions
10 and preparation took place in Washington, the Bay Area, Los Angeles, New York, and
11 Hawaii.

12 • Correspondence with class representative Dickson Leung regarding case status,
13 including developments regarding settlement approval, appeals, and pre-trial preparation.

14 5. Attached hereto as Exhibit 2 is my firm's total hours and lodestar, computed at
15 historical rates, for the period of February 21, 2015 through May 16, 2018. The total number
16 of hours spent by Minami Tamaki during this period of time was 42.30, with a corresponding
17 lodestar of \$24,246.00. This summary was prepared from contemporaneous, daily time
18 records regularly prepared and maintained by my firm. The lodestar amount reflected in
19 Exhibit 2 is for work assigned and/or approved by Co-Lead Counsel, and was performed by
20 professional staff at my law firm for the benefit of the Class.

21 6. The hourly rates for the attorneys and professional support staff in my firm
22 included in Exhibit 2 are the usual and customary hourly rates charged by Minami Tamaki
23 during that time frame.

24 7. My firm has expended \$15.00 in costs and expenses in connection with the
25 prosecution of this litigation from February 21, 2015 through May 16, 2018. These costs and
26 expenses are broken down in the chart attached hereto as Exhibit 3. They were incurred on
27 behalf of Plaintiffs by my firm on a contingent basis, and have not been reimbursed. The
28

1 expenses incurred in this action are reflected on the books and records of my firm. These
2 books and records are prepared from expense vouchers, check records and other source
3 materials and represent an accurate recordation of the expenses incurred.

4 8. Minami Tamaki has paid \$0 in assessments for the joint prosecution of the
5 litigation against the Defendants from February 21, 2015 through May 16, 2018

6 9. I have reviewed the time and expenses reported by my firm in this case which
7 are included in this declaration, and I affirm that they are true and accurate.

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

10 Executed this 31st day of July, 2018 at San Francisco, CA.

11 /s/ Sean Tamura-Sato

12 Sean Tamura-Sato
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EXHIBIT 1

MINAMI TAMAKI: FIRM RESUME

Minami Tamaki LLP is a San Francisco-based law firm serving clients in the areas of Consumer and Employment Rights, Corporate and Nonprofit Counseling, Immigration, Personal Injury, and Entertainment.

Our attorneys serve clients by applying award-winning legal expertise, competitive rates, and personalized service.

Minami Tamaki LLP was named as one of *California's Top Ranked Law Firms* by LexisNexis Martindale-Hubbell. Our firm is one of only 222 law firms in California – out of nearly 43,000 considered – to receive this recognition. Only 32 firms in San Francisco made the list.

Our attorneys have been recognized as “Super Lawyers” by *Law & Politics* magazine, named to the Top 500 lawyers in the country list by *LawDragon* magazine, as some of the best attorneys in the Bay Area by *Bay Area Lawyer Magazine*, and as the inaugural Asian Pacific American Law Firm of the Year by the National Asian Pacific American Bar Association.

Our firm's work has been spotlighted in national, local, and legal media, including *The New York Times*, *Washington Post*, *San Francisco Chronicle*, 60 Minutes, ABC, CBS, NBC, CNN, Fox, Court TV, *Daily Journal*, and *The Recorder*.

Minami Tamaki LLP combines small firm service with large firm legal expertise. Our attorneys have won historic and precedent-setting legal cases, and have served as leaders in their respective areas of the law.

Our notable legal cases include:

- The successful reopening of the landmark U.S. Supreme Court case of *Korematsu v. the United States* (overturning Fred Korematsu's criminal conviction for refusing government exclusion orders aimed at Japanese Americans during WWII based on the prosecution's misrepresentations and falsified evidence presented to the United States Supreme Court in 1944) that led to reparations for interned Japanese Americans;
- A class-action lawsuit against LCD panel manufacturers in Asia for overcharging their customers resulting in the largest antitrust monetary recovery in history for consumers;
- The *Popov vs. Hayashi* case (dispute over Barry Bonds' record-breaking 73rd home run ball);
- *Demmons vs. City and County of San Francisco* (class action that desegregated the San Francisco Fire Department);

- *Donnelly vs. U.S. Department of Agriculture* (class action on behalf of women against sexual harassment in the U.S. Forest Service).

Partners have served as presidents or chairs of the Northern California Chapter of the American Immigration Lawyers Association, Workplace Fairness, the California Attorney General's Asian Pacific Advisory Committee, the federal Civil Liberties Public Education Fund, Chinese for Affirmative Action, and the Asian Pacific Bar of California.

Our attorneys currently serve as, or have been, members of the board of directors or board of advisors of the American Immigration Council, National Employment Lawyers Association, the American Civil Liberties Union, the Asian Law Caucus, Asian Pacific Islander Outreach, the Japanese American Chamber of Commerce of Silicon Valley, the Glide Foundation, Kimochi, Inc., the Lawyers' Committee for Civil Rights, Kristi Yamaguchi's Always Dream Foundation and the Japanese American National Museum, and many other organizations.

Minami Tamaki LLP attorneys are regularly called upon to serve on committees for the selection of state and federal judges and as commissioners on state and federal commissions and have volunteered services, time, and effort to improving our local, state, and national communities.

EXHIBIT 2

EXHIBIT 2

MINAMI TAMAKI LLP

Hours Reported and Lodestar on a Historical Basis

February 21, 2015 through May 16, 2018

NAME	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEY HOURS			
Jack W. Lee (P)	17.10	\$795.00	\$13,594.50
Sean Tamura-Sato (P)	13.40	\$475.00	\$6,365.00
Sean Tamura-Sato (A)	9.1	\$395.00	\$3,594.50
Lisa P. Mak (A)	0.50	\$395.00	\$197.50
Sub Total	40.1		\$23,751.00
NON-ATTORNEYS			
Shan Li (PL)	2.20	\$225.00	\$495.00
Sub Total	2.20		\$495.00
TOTAL:	42.30		\$24,246.00

(P) Partner
 (OC) Of Counsel
 (SA) Senior Associate
 (A) Associate
 (SPL) Senior Paralegal
 (PL) Paralegal
 (LC) Law Clerk

EXHIBIT 3

EXHIBIT 3

MINAMI TAMAKI LLP

Expenses Incurred

February 21, 2015 through May 16, 2018

EXPENSE CATEGORY	AMOUNT INCURRED
Court Costs (Filing fees, etc.)	\$0.00
Computer Research (Lexis, Westlaw, PACER, etc.)	\$0.00
Document Production	\$0.00
Experts / Consultants	\$0.00
Messenger Delivery	\$15.00
Photocopies – In House	\$0.00
Photocopies – Outside	\$0.00
Postage	\$0.00
Service of Process	\$0.00
Overnight Delivery (Federal Express, etc.)	\$0.00
Telephone / Facsimile	\$0.00
Transcripts (Hearings, Depositions, etc.)	\$0.00
Travel (Airfare and Ground Travel)	\$0.00
Travel (Meals and Lodging)	\$0.00
TOTAL:	\$15.00