

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

IN RE: LIQUID ALUMINUM SULFATE
ANTITRUST LITIGATION

Civil Action No. 16-md-2687 (JLL) (JAD)

**DECLARATION OF
SANFORD P. DUMAIN
IN SUPPORT OF APPLICATION FOR
ATTORNEYS' FEES AND EXPENSES**

I, Sanford P. Dumain, declare as follows:

1. I am Of Counsel of the law firm of Milberg Tadler Phillips Grossman LLP (“MTPG”), counsel for the class of direct purchaser plaintiffs (“DPPs”) in the above-captioned matter (the “Action”). In such capacity, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course of MTPG’s business. I submit this declaration in support of Class Counsel’s application for an award of attorneys’ fees in this Action, as well as for reimbursement of expenses reasonably incurred by MTPG in connection with this Action.

2. I serve as a member of the Plaintiffs’ Steering Committee (“PSC”) appointed by the Court to manage DPPs’ pretrial activities in this multi-district litigation. MTPG’s specific involvement in the prosecution of this Action is described below.

3. MTPG filed its initial complaint on December 18, 2015, on behalf of the plaintiff the City of Charlotte, North Carolina, a direct purchaser of liquid aluminum sulfate continuously throughout the entirety of the 14-year long Class Period in this Action. Charlotte has a substantial financial interest in this Action, having purchased over \$10 million of liquid aluminum sulfate from the defendants during the Class Period. It is also noteworthy that Charlotte cooperated with the Department of Justice’s parallel investigations into misconduct by the defendants. MTPG reviewed nearly a million documents produced by

Charlotte in connection with this Action and the Department of Justice investigations. Substantial time was spent collecting and reviewing those documents and managing the document productions made to the defendants in this Action.

4. Throughout this Action, MTPG extensively participated in the review of documents produced by Charlotte, other DPPs, and the defendants. MTPG worked closely with lead counsel and the PSC in developing DPP's litigation strategy by, among other things, using such documents produced by defendants to draft memos detailing the strategies and roles of the defendants in the alleged conspiracy. Moreover, MTPG regularly attended status conferences with the Court and Court-appointed Special Master, the honorable Faith S. Hochberg.

5. Attached hereto as Exhibit 1 is a Lodestar Summary indicating the amount of time spent by each attorney and professional support staff employee of MTPG who was involved in this Action, and the lodestar calculation based on MTPG's current billing rates. For personnel who are no longer employed by MTPG, the lodestar calculation is based upon the billing rate(s) for such personnel in his or her final year of employment by MTPG. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by MTPG, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

6. The hourly rates for the attorneys and professional support staff at MTPG included in Exhibit 1 are the same as the regular rates that would be charged for their services in non-contingent matters and/or which have been accepted in other similar complex class action litigation.

7. The total number of hours expended in the prosecution of this Action by MTPG since the Court issued its April 8, 2016 Order appointing Plaintiffs' Leadership Positions is 2,187.80. MTPG's total lodestar for that period is \$1,208,110.00.

8. MTPG's lodestar figures are based upon MTPG's billing rates, which rates do not include charges for expenses items. Expense items are billed separately, and such charges are not duplicated in MTPG's billing rates.

9. As detailed in the Expense Report attached hereto as Exhibit 2, MTPG has incurred a total of \$2,277.22 in unreimbursed expenses in connection with the prosecution of this Action.

10. The expenses incurred in this Action are reflected on the books and records of MTPG, which are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

11. With respect to the standing of MTPG, attached hereto as Exhibit 3 is a copy of MTPG's firm resume.

I hereby declare under penalty of perjury that the foregoing facts are true and correct.

Dated: March 19, 2019



Sanford P. Dumain

EXHIBIT 1

In re Liquid Aluminum Sulfate Antitrust Litig., 2:16-md-2687
Milberg Tadler Phillips Grossman LLC
Lodestar Summary (April 8, 2016 – March 18, 2019)

Name	Total Hours	Hourly Rate	Lodestar
Henry J. Kelston (P)	5.30	\$700	\$3,710.00
Elizabeth McKenna (P)	86.80	\$625	\$54,250.00
Paul F. Novak (P)	42.90	\$800	\$34,320.00
Ariana J. Tadler (P)	25.60	\$875	\$22,400.00
Paul J. Andrejkovics (OC)	7.60	\$700	\$5,320.00
Sanford P. Dumain (OC)	88.80	\$925	\$82,140.00
Deborah R. Gough (OC)	117.60	\$575	\$67,620.00
Charles Slidders (SC)	191.50	\$575	\$110,112.50
John Hughes (A)	0.50	\$375	\$200
Christopher Schuyler (A)	124.50	\$375	\$46,687.50
Roy Shimon (A)	1,471.80	\$525	\$772,695.00
Cindy Bomzer (PA)	19.70	\$325	\$6,402.50
Jason A. Joseph (PA)	2.70	\$325	\$877.50
W.S. Bursey (I)	2.50	\$550	\$1,375.00
Total:	2,187.80		\$1,208,110.00

- (P) Partner
- (OC) Of Counsel
- (SC) Senior Counsel
- (A) Associate
- (PA) Paralegal
- (I) Investigator

EXHIBIT 2

In re Liquid Aluminum Sulfate Antitrust Litig., 2:16-md-2687
Milberg Tadler Phillips Grossman LLC
Expense Report (April 8, 2016 – March 18, 2019)

Expense Category	Amount Incurred
Federal Express/Local Courier, etc.	\$72.10
Long Distance	\$38.37
Printing/Photocopies (In House)	\$138.40
Lexis/Westlaw/Computer Research	\$1,111.43
Ground Transportation	\$35.15
Meals	\$15.77
Court filing, pro hac vice, and admission fees	\$866.00
Total:	\$2,277.22

EXHIBIT 3

In re Liquid Aluminum Sulfate Antitrust Litig., 2:16-md-2687
Milberg Tadler Phillips Grossman LLC
Firm Resume

THE FIRM'S PRACTICE AND ACHIEVEMENTS

Milberg Tadler Phillips Grossman LLP (“MTPG”) helps clients challenge corporate wrongdoing through class action, mass tort, personal injury, consumer, and shareholder rights services. MTPG was established in 2018 by members of Milberg LLP, a leading class action and complex litigation firm, and Sanders Phillips Grossman LLC, a nationally recognized plaintiffs’ law firm representing consumers in mass tort and personal injury cases.¹ MTPG is headquartered in New York City and works with a network of lawyers located across the country.

Milberg LLP, founded in 1965, took the lead in landmark cases that set groundbreaking legal precedents and prompted changes in corporate governance benefitting shareholders and consumers. Milberg LLP pioneered federal class action litigation and is widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing. It has been responsible for recoveries valued at approximately \$56 billion during the life of the firm.

Sanders Phillips Grossman LLC provides exemplary legal representation in the practice areas of Defective Drugs, Defective Medical Devices, Consumer Fraud, Whistleblower, Class Actions, Catastrophic Injury, and Toxic Exposure. As a nationally recognized leading plaintiffs’ law firm for the past three decades, the firm and its predecessors have recovered more than one billion dollars for injured consumers. Sanders Phillips Grossman has offices in Seattle, WA; Los Angeles, CA; and Puerto Rico.

Through these firms’ strategic partnership, MTPG represents government entities and individuals who have suffered harm from securities fraud, data breaches, antitrust violations, consumer fraud, corporate misconduct, opioids, water contamination, and a wide range of commercial and pharmaceutical malfeasance.

MTPG’s ability to pursue claims against defendants is augmented by its investigators, headed by a 27-year veteran of the Federal Bureau of Investigation. The firm’s lawyers have been regularly recognized as leaders in the plaintiffs’ bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, among others.

MTPG’S LAWYERS ARE INDUSTRY LEADERS IN A VARIETY OF PRACTICE AREAS

Securities and Financial Litigation and Arbitration: In its early years, Milberg LLP built a new area of legal practice in representing shareholder interests under the then recently amended Rule 23 of the Federal Rules of Civil Procedure, which allowed securities fraud cases, among others, to proceed as class actions. MTPG’s attorneys have since represented plaintiffs in an array of financial cases, including securities class actions, derivative litigations, accounting malpractice disputes, and FINRA arbitrations. Significant litigation results include: *In re Vivendi Universal, S.A. Securities Litigation* (jury verdict for plaintiff class in January 2010); *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion settlement); *In re Nortel Networks Corp. Securities Litigation* (settlement for cash and stock valued at \$1.142 billion); *In re Merck & Co., Inc. Securities Litigation*, Nos. 05-1151 and 05-2367 (D.N.J.) (a \$1.062 billion recovery); *In re Comverse Technology, Inc. Derivative Litigation*, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.) (\$62 million settlement which also resulted in significant corporate governance reforms).

Consumer Litigation: MTPG’s lawyers have long been leaders in protecting consumers from fraudulent and deceptive practices. For example, MTPG lawyers are part of the Court-appointed

¹ As of January 1, 2018, Milberg LLP’s lawyers are now prosecuting new and active cases out of MTPG.

Plaintiffs' Executive Committee in *In re Apple, Inc. Device Performance Litigation*, 5:18-MD-02827-EJD (N.D. Cal.), a class action alleging Apple throttled the performance of certain devices, including iPhones, with degraded batteries.

MTPG lawyers also serve as co-lead counsel in class actions challenging the use of "natural" labeling on food products made with crops grown from seeds that have been genetically engineered using sophisticated laboratory techniques (GMOs). *In re Conagra Foods, Inc.*, No.11-05379 (M.D. Cal.) (multi-state class certified; affirmed by Ninth Circuit; petition for writ of certiorari denied by U.S. Supreme Court); *Frito-Lay North America, Inc. "All Natural" Litigation*, No. 12-MD-02413 (E.D.N.Y.) (resolved by a court-approved settlement). Other representative consumer matters include *Correa v. Sensa Products, LLC.*, No. BC476808 (Cal. Super. Court, Los Angeles Cty.) (\$9 million settlement in case alleging that the defendant, manufacturer of a weight-loss product, lacked a sufficient scientific basis for certain of its marketing claims); *In re Shop-Vac Marketing and Sales Practices Litigation*, No. 4:12-md-02380 (M.D. Pa.) (class action against Shop-Vac and Lowe's alleging that the companies misrepresented the tank capacity and horsepower of its wet/dry vacuums; settlement led to extended warranties and marketing and advertising changes); *Novak v. Pacific Bioscience Laboratories Products, Inc., and Pacific Bioscience Laboratories Products, Inc.*, Case No. BC582188 (Cal. Super. Court, Los Angeles Cty.) (pending case alleging that batteries in certain Clarisonic skin brushes are defective; motion for approval of settlement, which would extend owners' warranties and require the repair or replacement of affected brushes).

Data Breach and Privacy Litigation: MTPG's Data Breach and Privacy Practice Group litigates class actions alleging massive data breaches and other violations of consumers' personal and data privacy. Its attorneys have spearheaded numerous highly technical cases and have successfully advanced novel legal theories to protect consumers from ever-evolving cybersecurity and data privacy threats. Representative matters include *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (appointed to Plaintiffs' Steering Committee ("PSC")); *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (appointed to the Plaintiffs' Executive Committee); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (appointed to the PSC; achieved a \$10 million settlement (pending appeal)); *Torres, et al. v. Wendy's International, LLC*, 16-cv-00210 (M.D. Fla.) (plaintiffs' counsel; \$3.4 million class action settlement awaiting final Court approval); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel); *In re Anthem, Inc. Data Breach*, No. 15-MD-02617 (N.D. Cal.) (plaintiffs' counsel; settlement created a \$115 million non-reversionary cash fund, delivered more than \$500 million in value to the class, and required extensive injunctive relief to prevent a future breach (pending approval)); *In re Premera Blue Cross Customer Data Breach Litig.*, No. 3:15-md-2633-SI (D. Or.) (plaintiffs' counsel); *Carandang v. Google, Inc.* CGC-12-518415 (Cal. Super., San Francisco Cty.) (plaintiff's counsel; reached confidential resolution); *Ung, et al. v. Facebook, Inc.*, 1-12-CV-217244 (Cal. Super., Santa Clara Cty.) (plaintiff's counsel).

Antitrust: MTPG's Antitrust Practice Group prosecutes large, complex antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. It has played an important role in many cases involving price-fixing, supply manipulation, tying arrangements, exclusive dealing, and refusals to deal. Significant antitrust cases include *In re Dealer Management Systems Antitrust Litigation*, 18-cv-00864 (N.D. Ill.) (Interim Lead Class Counsel for auto dealerships in a pending class action alleging anticompetitive practices in the markets for dealer management systems and data integration services); *Blessing v. Sirius XM Radio Inc.*, No. 09-cv-10035 (S.D.N.Y.) (Co-Lead Counsel; class settlement valued at \$180 million); *Sandhaus v. Bayer AG, et al.*, No. 00-cv-6193 (D. Kan.) (Co-Lead Counsel, secured largest consumer recovery from a pay-for-delay case in Kansas: \$9 million settlement); and *In re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho) (Co-Lead Counsel for Indirect Purchaser Plaintiffs, \$5.5 million

settlement and agreed upon injunctive relief). The MTPG Antitrust Practice Group continues to act in a number of significant and ongoing antitrust cases including *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J. 2015) (Plaintiffs' Steering Committee member); *In re Processed Eggs Antitrust Litig.*, MDL No. 2002 (E.D. Pa., 2008) (Indirect Purchaser Plaintiffs' Co-Lead Counsel); and *In re Disposable Contact Lens Antitrust Litigation*, No. 3:15-md-02626 (M.D. Fla. 2015).

False Claims Act Litigation: MTPG attorneys have expertise in a wide range of federal and state false claims act ("FCA") cases and have returned hundreds of millions of dollars to federal and state treasuries. Their successful results include: *CareCore* (alleging that CareCore violated the FCA by approving "prior authorizations" for expensive diagnostic procedures without reviewing them for medical necessity. The government intervened, the case settled for \$54 million, and the relator received a 20% (\$10.5 million) share of the settlement); *Bank of America* (alleging that Bank of America improperly recouped insurance proceeds from the U.S. Department of Housing and Urban Development. Settled as part of the \$16.65 billion global settlement regarding Bank of America's mortgage practices – the largest civil settlement with a single entity in American history); *CareAll* (alleging one of Tennessee's largest home healthcare providers made fraudulent submissions of Medicare and Medicaid claims. The government intervened and the case settled for \$25 million with a relator's share of \$3.9 million); *Medline* (case arising from unlawful kickbacks, bribes, and other illegal remuneration to induce health care providers to continue to purchase defendant's medical supplies in which the government declined to intervene. The resulting \$85 million settlement is one of the largest settlements of a non-intervened FCA case to date.); *Bristol-Myers Squibb* (FCA case brought in connection with the company's "off-label" promotion and sales of an anti-psychotic drug. One of seven FCA actions that formed the basis of the government's investigation into BMS's illegal marketing tactics which resulted in a total settlement of over \$515 million.).

E-Discovery: Among the first plaintiffs' firms in the country to assemble and train a dedicated team to meet the e-discovery demands of complex litigation, Milberg LLP, at Ariana J. Tadler's direction, developed some of the most exceptional e-discovery capabilities among U.S. law firms. Established more than 15 years ago, that e-discovery practice has grown extensively and today, MTPG offers clients the ability to go toe-to-toe with adversaries in the fast-evolving e-discovery climate. This multidisciplinary group offers clients a full array of counsel services relating to discovery strategy, data preservation, data collection and storage, sophisticated data search and analysis, production, and computer forensic investigation, as well as training on e-discovery issues, including application of the recent amendments to the Federal Rules of Civil Procedure, local rules, and state law. MTPG's e-discovery attorneys are regularly called on by attorneys and courts to oversee complex discovery in high-stakes litigation. *E.g.*, *In re Apple, Inc. Device Performance Litigation*, 5:18-MD-02827-EJD (N.D. Cal.) (appointed to Plaintiffs' Executive Committee and responsible for ESI and offensive discovery); *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (appointed to Plaintiffs' Steering Committee and responsible for leading discovery); *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (appointed to Plaintiffs' Executive Committee and responsible for leading discovery); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (appointed to the PSC and charged with leading discovery); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel).

NOTEWORTHY RESULTS AND PRECEDENT-SETTING DECISIONS

The quality of MTPG's representation is further evidenced by Milberg LLP's and MTPG's numerous significant recoveries and successes. Those firms and their attorneys have also been responsible for establishing many important precedents. Some of those achievements are described below:

- ***In re Merck & Co., Inc. Securities Litigation***, Nos. 05-1151 and 05-2367 (D.N.J.). Milberg LLP served as co-lead counsel in this federal securities fraud class action, and following over 12 years of hard-fought litigation, ultimately obtained a combined settlement totaling \$1.062 billion, the largest securities class action settlement ever against a pharmaceutical company, which received final approval on June 28, 2016. This lawsuit involved claims under the Securities Exchange Act of 1934 against Merck and certain of its executives arising out of allegations that defendants made materially false and misleading statements concerning the safety profile and commercial viability of Merck’s purported “blockbuster” drug VIOXX. During this litigation, Milberg LLP and co-lead counsel engaged in exhaustive discovery, including the review and analysis of over 35 million pages of documents involving complex scientific and medical issues, as well as the examination of over 59 fact and expert witnesses. Plaintiffs successfully appealed the dismissal of this action on state of limitations grounds to the Third Circuit Court of Appeals, and prevailed in defendants’ further appeal to the Supreme Court, resulting in a unanimous decision by the Supreme Court in Plaintiffs’ favor which clarified the law regarding the application of the statute of limitations to federal securities fraud claims. Plaintiffs’ claims also survived additional motions to dismiss and motions for summary judgment, and the parties reached settlement less than three months before trial was scheduled to commence.
- ***In re Oppenheimer Rochester Funds Group Securities Litigation***, No. 09-md-02063-JLK-KMT (D. Colo.). Milberg LLP, serving as co-lead counsel, litigated this complex securities class action brought on behalf of six separate classes of defrauded investors and obtained settlements totaling \$89.5 million in cash for the classes.
- ***In re Vivendi Universal, S.A. Securities Litigation***, No. 02-5571 (S.D.N.Y.). Milberg LLP lawyers served among lead trial counsel and obtained a jury verdict for a class of defrauded investors after a trial lasting nearly four months. The jury found Vivendi liable for 57 false or misleading class period statements. At the close of the trial, Judge Richard Holwell commented, “I can only say that this is by far the best tried case that I have had in my time on the bench. I don’t think either side could have tried the case better than these counsel have.”
- ***In re Target Corporation Customer Data Security Breach Litigation***, No. 14-md-02522-PAM (D. Minn.). Partner Ariana J. Tadler serves on the Steering Committee guiding the landmark data breach case. In addition to participating in overall case strategy, the drafting of pleadings and motions, and settlement negotiation, the Milberg LLP team was responsible for leading discovery, which included targeted discovery requests, the establishment of a series of discovery protocols, the selection of a data-hosting provider, and discovery motion practice that involved unique topics warranting special attention. The case, which involved an estimated 110 million consumers whose personal information was compromised, settled for \$10 million, entitling individual consumers to recover losses up to \$10,000. (An appeal remains pending before the Eighth Circuit.)
- ***In re Conagra Foods, Inc., No.11-05379 (M.D. Cal.)***. The firm is co-lead counsel in a class action against ConAgra Foods, Inc., the maker of Wesson Oils, concerning the company’s use of the phrase “100% Natural” to market food products made with crops grown from seeds that have been genetically engineered using sophisticated

laboratory techniques. The District Court certified eleven separate statewide classes of Wesson purchasers. ConAgra appealed the class certification order to the Ninth Circuit Court of Appeals, which affirmed in a decision considered extremely favorable to consumer class actions. Conagra petitioned the U.S. Supreme Court for review of the Ninth Circuit's decision. The Supreme Court denied the petition.

- ***In re Chase Bank USA, N.A. "Check Loan" Contract Litig.***, No. 09-2032 (N.D. Cal.). Milberg LLP served on the Executive Committee representing the class in this action against JP Morgan Chase & Co. The complaint alleged that Chase improperly increased by 150% the minimum monthly payment requirement for customers who entered into balance transfer loans with "fixed" interest rates that were guaranteed to remain so for the "life of the loan." Milberg and its co-counsel achieved a \$100 million settlement for the class.
- ***Mason v. Medline***, No. 07-05615 (N.D. Ill.). Milberg LLP successfully represented a healthcare worker in a False Claims Act case against his former employer, Medline Industries, Inc., one of the nation's largest suppliers of medical and surgical products, along with its charitable arm, The Medline Foundation. The suit alleged that Medline engaged in a widespread illegal kickback scheme targeting hospitals and other healthcare providers that purchase medical products paid for by federal healthcare programs. Although a party to the settlement agreement, the U.S. Department of Justice chose not to intervene in the lawsuit. Milberg LLP pursued the case on a non-intervened basis and recovered \$85 million on behalf of the federal government -- one of the largest settlements of a False Claims Act case in which the government declined to intervene. The whistleblower was awarded 27.5% of the proceeds.
- ***Blessing v. Sirius XM Radio, Inc.***, No. 09-10035 (S.D.N.Y.). This antitrust case stemmed from the 2008 merger of Sirius Satellite Radio, Inc. and XM Satellite Holdings, Inc. that created Sirius XM, the nation's only satellite radio company. The plaintiffs alleged that the merger of the only two U.S. satellite radio providers was an illegal move to eliminate competition and monopolize the satellite radio market. Before the merger, Sirius CEO Mel Karmazin convinced regulators not to block the deal by promising that "the combined company will not raise prices" and that the merger would actually result in "lower prices and more choice for the consumer." After the merger, Sirius quickly reversed course, raised prices by 15-40%, and eliminated multiple radio stations. Milberg LLP achieved a settlement for the class valued at \$180 million.
- ***In re Initial Public Offering Securities Litigation***, No. 21-MC-92 (S.D.N.Y.). Milberg LLP represented investors in 300+ consolidated securities actions arising from an alleged market manipulation scheme. Plaintiffs alleged, among other things, that approximately 55 defendant investment banks, in dealing with certain of their clients, conditioned certain allocations of shares in initial public offerings on the subsequent purchase of more shares in the aftermarket, thus artificially boosting the prices of the subject securities. This fraudulent scheme, plaintiffs alleged, was a major contributing factor in the now infamous technology "bubble" of the late 1990s and early 2000s. As a member of the court-appointed Plaintiffs' Executive Committee, and with certain partners appointed by the court as liaison counsel, Milberg LLP oversaw the efforts of approximately 60 plaintiffs' firms in combating some of the most well-respected defense firms in the nation. In granting final approval to a \$586 million settlement on

October 5, 2009, the court described the law firms comprising the Plaintiffs' Executive Committee as the "cream of the crop."

- ***In re Tyco International Ltd., Securities Litigation***, MDL 1335 (D.N.H.). Milberg LLP served as co-lead counsel in this litigation, which involved claims under the Securities Act of 1933 and the Securities Exchange Act of 1934 against Tyco and its former CEO, CFO, general counsel, and certain former directors arising out of allegations of Tyco's \$5.8 billion overstatement of income and \$900 million in insider trading, plus hundreds of millions of dollars looted by insiders motivated to commit the fraud. Plaintiffs also asserted claims under the 1933 and 1934 Acts against PricewaterhouseCoopers LLP for allegedly publishing false audit opinions on Tyco's financial statements during the class period and failing to audit Tyco properly, despite knowledge of the fraud. On December 19, 2007, the court approved a \$3.2 billion settlement of the plaintiffs' claims lauded Milberg LLP's efforts as co-lead counsel:

This was an extraordinarily complex and hard-fought case. Co-Lead Counsel put massive resources and effort into the case for five long years, accumulating [millions of dollars in expenses] and expending [hundreds of thousands of hours] on a wholly contingent basis. But for Co-Lead Counsel's enormous expenditure of time, money, and effort, they would not have been able to negotiate an end result so favorable for the class. . . . Lead Counsel's continued, dogged effort over the past five years is a major reason for the magnitude of the recovery. . . .

535 F. Supp. 2d 249, 270 (D.N.H. 2007).

- ***In re Biovail Corp. Securities Litigation***, No. 03-8917 (S.D.N.Y.). Milberg LLP, representing Local 282 Welfare Trust Fund and serving as co-lead counsel, litigated this

complex securities class action brought on behalf of a class of defrauded investors, alleging that defendants made a series of materially false and misleading statements concerning Canadian company Biovail's publicly reported financial results and the company's then new hypertension/blood pressure drug, Cardizem LA. This was a highly complex case in which counsel took numerous depositions across the U.S. and Canada and obtained documents from defendants and several third-parties, including, among others, UBS, McKinsey & Co., and Merrill Lynch. Milberg LLP obtained a \$138 million settlement for the class, and Biovail agreed to institute significant corporate governance changes.

- ***In re Nortel Networks Corp. Securities Litigation***, No. 01-1855 (S.D.N.Y.). In this federal securities fraud class action, Milberg LLP served as lead counsel for the class and the court-appointed lead plaintiff, the Trustees of the Ontario Public Service Employees' Union Pension Plan Trust Fund. In certifying the class, the court specifically rejected the defendants' argument that those who traded in Nortel securities on the Toronto Stock Exchange (and not the New York Stock Exchange) should be excluded from the class. The Second Circuit denied the defendants' attempted appeal. On January 29, 2007, the court approved a settlement valued at \$1.142 billion.
- ***In re CMS Energy Corp. Securities Litigation***, No. 02-72004 (E.D. Mich.). Milberg LLP served as co-lead counsel in this federal securities fraud case arising out of alleged round-trip trading practices by CMS Energy Corporation, Judge Steeh approved a cash settlement of more than \$200 million.
- ***In re Deutsche Telekom AG Securities Litigation***, No. 00-9475 (S.D.N.Y.). Milberg LLP served as co-lead counsel in

this securities class action alleging that Deutsche Telekom issued a false and misleading registration statement, which improperly failed to disclose its plans to acquire VoiceStream Wireless Corporation and materially overstated the value of the company's real estate assets. In June 2005, Judge Buchwald approved a \$120 million cash settlement.

- ***In re Comverse Technology, Inc. Derivative Litigation***, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.). On December 28, 2009, Milberg LLP announced a \$62 million settlement for the derivative plaintiffs, which was approved by the Court on June 23, 2010. The settlement also resulted in significant corporate governance reforms, including the replacement of the offending directors and officers with new independent directors and officers; the amendment of the company's bylaws to permit certain long-term substantial shareholders to propose, in the Company's own proxy materials, nominees for election as directors (proxy access); and the requirement that all equity grants be approved by both the Compensation Committee and a majority of the non-employee members of the Board.
- ***In re Topps Co., Inc. Shareholder Litig.***, No. 600715/2007 (N.Y. Sup. Ct. N.Y. Cnty. Apr. 17, 2007). Milberg LLP served as co-lead counsel in this transactional case, which led to a 2007 decision vindicating the rights of shareholders under the rules of comity and the doctrine of *forum non conveniens* to pursue claims in the most relevant forum, notwithstanding the fact that jurisdiction might also exist in the state of incorporation. This case was settled in late 2007 in exchange for a number of valuable disclosures for the class.
- ***Platinum Partners v. Chicago Board Options Exchange, Inc.***, No. 1-11-2903 (Ill. App. Ct. 2012). Milberg LLP

represented an investment management group in a case against the Chicago Board Options Exchange, Inc. ("CBOE") and Options Clearing Corp. ("OCC"). The plaintiff investment management group alleged that it was injured when the CBOE and OCC privately disclosed strike price information to certain insiders prior to the information being made public. In the interim between the private disclosure and the public announcements, the plaintiff purchased tens of thousands of affected options. The lower court dismissed the complaint on the grounds that the CBOE and OCC, as self-regulatory organizations, were immune from suit. However, the Appellate Court reversed, holding that a private disclosure to insiders served no regulatory purpose and should not be protected from suit. The Illinois Supreme Court declined the defendants' petition for leave to appeal.

- ***In re Lord Abbett Mutual Funds Fee Litigation***, 553 F.3d 248 (3d Cir. 2009). This important decision set significant precedent regarding the scope of preemption under the Securities Litigation Uniform Standards Act of 1998 ("SLUSA"). In reversing the District Court's dismissal of the plaintiffs' claims, the Third Circuit held that "SLUSA does not mandate dismissal of an action in its entirety where the action includes only some pre-empted claims." In so holding, the court explained that "nothing in the language, legislative history, or relevant case law mandates the dismissal of an entire action that includes both claims that do not offend SLUSA's prohibition on state law securities class actions and claims that do"
- ***Tellabs, Inc. v. Makor Issues & Rights, Ltd.***, 551 U.S. 308 (2007). In *Tellabs*, in which Milberg LLP was lead counsel for the class, the United States Supreme Court

announced a uniform standard for evaluating the sufficiency of a complaint under the PSLRA. The court held that on a motion to dismiss, a court “must consider the complaint in its entirety,” accepting “all factual allegations in the complaint as true,” as well as “tak[ing] into account plausible opposing inferences.” On remand, the Seventh Circuit concluded that “the plaintiffs have succeeded, with regard to the statements identified in our previous opinion as having been adequately alleged to be false and material, in pleading scienter in conformity with the requirements of the PSLRA. We therefore adhere to our decision to reverse the judgment of the district court dismissing the suit.” The unanimous decision was written by Judge Richard A. Posner.

- ***South Ferry LP #2 v. Killinger***, 542 F.3d 776 (9th Cir. 2008). The important opinion

issued by the Ninth Circuit in this securities fraud class action clarified, in the post-*Tellabs* environment, whether a theory of scienter based on the “core operations” inference satisfies the PSLRA’s heightened pleading standard. In siding with the plaintiffs, represented by Milberg LLP, the Ninth Circuit held that “[a]llegations that rely on the core operations inference are among the allegations that may be considered in the complete PSLRA analysis.” The court explained that under the “holistic” approach required by *Tellabs*, all allegations must be “read as a whole” in considering whether plaintiffs adequately plead scienter. After remand, the District Court found that the plaintiffs sufficiently alleged scienter under the Ninth Circuit’s analysis.

MTPG's ATTORNEYS MANAGING PARTNERS

ARIANA J. TADLER is a Managing Partner at Milberg Tadler Phillips Grossman LLP. She has extensive experience litigating and managing complex securities and consumer class actions, including high profile, fast-paced cases and data breach litigations. Ms. Tadler is recognized as one of the nation's preeminent leading authorities on electronic discovery and pioneered the establishment of an E-Discovery Practice group within a plaintiffs' firm structure. Ms. Tadler is regularly invited to speak on a variety of litigation and discovery-related topics and has authored numerous articles and developed and promoted best practice tips and tools, including *The Jumpstart Outline*, now in its third edition, published by The Sedona Conference®.

Ms. Tadler and her team have actively litigated numerous highly publicized data breach litigations on behalf of consumers and data service users. Ms. Tadler was recently appointed to serve on the Plaintiffs' Steering Committee in the multidistrict litigation *In Re Equifax, Inc. Customer Data Security Breach Litigation* pending in the United States District Court for the Northern District of Georgia, Atlanta Division, relating to the credit bureau's data breach last year, which exposed the financial information of more than 145 million consumers. Ms. Tadler and her team are principally responsible for the pursuit, management, and utilization of discovery from the defendant as well as the negotiation of key stipulations and proposed orders and agreements governing discovery.

Ms. Tadler is also a court-appointed member of the Plaintiffs' Executive Committee in *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.), a class action arising from a breach affecting more than 3 billion Yahoo! user accounts. The firm's team, under Ms. Tadler's direction, is primarily responsible for the massive and complex discovery in the case.

Ms. Tadler is also a member of the court-appointed Steering Committee in *In re Target Corporation Customer Data Security Breach Litigation*, No. 14-md-2522 (D. Minn.), representing consumers in a class action alleging that Target Corp. failed to protect customers from a massive data breach during the holiday shopping season (achieved a \$10 million settlement, pending appeal).

Ms. Tadler is also currently serving on the Plaintiffs' Executive Committee in the multidistrict litigation *In re Apple Inc. Device Performance Litigation*, No. 5:18-md-02827-EJD (N.D. Cal.). The *Apple* litigation arises from a December 2017 admission by Apple that it had released iOS updates designed to slow down the performance of certain iPhones and iPads. The case alleges that Apple throttled the performance of these devices to conceal problems with their batteries. Ms. Tadler serves as Co-Chair of the Offensive Discovery and ESI Coordination Committee.

Ms. Tadler is currently serving as lead counsel in a number of consumer cases involving the mislabeling as "natural" products that contained GMOs, including *In re ConAgra Foods, Inc.*, No. 11-05379 (M.D. Cal.) in which a class was certified by the district court, affirmed by the Court of Appeals for the Ninth Circuit and successfully survived a petition for a writ of *certiorari* to the United States Supreme Court by defendants.

Ms. Tadler has also successfully represented an alternative energy company in its claims of negligence against one of the Big 4 accounting firms.

Ms. Tadler has been recognized for her ability to manage particularly large, complex, fast-paced litigations. Tadler's accomplishments include litigation of three cases in the Eastern District of Virginia (a/k/a the "Rocket Docket") in less than four years, including *In re MicroStrategy*

Securities Litigation in which plaintiffs' counsel negotiated settlements valued at more than \$150 million. Ms. Tadler served as one of the court-appointed plaintiffs' liaison counsel in the *Initial Public Offering Securities Litigation* in which the court approved a \$586 million cash settlement. Among the thousands of defendants in this coordinated action were 55 prominent investment banks and more than 300 corporate issuers.

Ms. Tadler also has been retained as Special Discovery Counsel in complex litigation and class actions. She represented the government of Colombia as Special Discovery Counsel in its pursuit of claims alleging smuggling and illegal sales of alcohol by several international companies for violation of United States RICO statutes and other common law claims. The engagement encompassed identifying relevant information responsive to defendants' requests, confirming and guiding preservation practices, and interviewing and collecting data from more than 100 custodians in 23 Colombian Departments (Colombia's equivalent to our States in the U.S.). The team also reviewed and produced data in the litigation, and was tasked with ensuring compliance with the various privacy laws of Colombia and the United States with regard to personal data, controlled data and the transfer of sensitive information—all hot topics in the area of e-discovery today. Lawyers from other firms faced with e-discovery challenges seek out Ms. Tadler for her guidance and counsel.

Ms. Tadler was recently appointed by United States Supreme Court Chief Justice Roberts to serve on the Federal Civil Rules Advisory Committee. Additionally, she has been appointed by Committee Chair Judge John D. Bates to the subcommittee tasked with reviewing and considering potential civil rules for multidistrict litigation (MDL) cases.

Ms. Tadler recently completed her service on The Sedona Conference®'s Board of Directors and, after serving for five years as Chair, has

continued to serve as Chair Emeritus of the Steering Committee for Working Group 1 on Electronic Document Retention and Production, the preeminent “think tank” on e-discovery. In addition, she serves on the Advisory Board of Georgetown University Law Center's Advanced e-discovery Institute where she has helped educate federal judges and lawyers on e-discovery issues and also serves on the Bloomberg Law Litigation Innovation Board. Ms. Tadler also recently completed her service as Executive Director for the Board of Advisors of the Benjamin N. Cardozo School of Law's Data Law Initiative (CDLI).

Ms. Tadler continues to be recognized for her litigation prowess by prominent legal industry rating organizations. Ms. Tadler's recent accolades include: Band 1 (highest) recognition by Chambers and Partners' for E-Discovery; selection by Super Lawyers 2017 “Top 100 Lawyers in New York Metro Area”; Super Lawyers 2017 “Top 50 Women Lawyers in New York Metro Area”; Who's Who Legal Litigation: Leading Practitioner-E-Discovery (2017); and AV® Preeminent rating from Martindale Hubbell. The Legal 500 2016 rankings stated: “‘Consummate professional’ Ariana Tadler, who leads the E-Discovery unit [of Milberg LLP], is ‘exceptional, clear and forceful, a giant in her field’ ... ‘able to navigate technical discovery issues at a very high level.’”

Ms. Tadler is a member of several legal industry associations, including: American Bar Association; American Bar Foundation (Fellow); American Association for Justice; Federal Bar Council; New York State Bar Association; National Association of Women Lawyers; New York Women's Bar Association; and The New York Inn of Court. Ms. Tadler is a fellow of the Litigation Counsel of America, an invitation-only trial lawyer honorary society that recognizes the country's top attorneys. She is also involved in various community and not-for-profit organizations and currently serves on the board of Mobilization for Justice for which she once served as Chair.

With gratitude for and in recognition of the many opportunities that have paved the way for her career growth and success, Ms. Tadler commits countless hours to mentoring others in their educational and professional pursuits. She is particularly focused on fostering education and career opportunities for women and underprivileged youth.

Ms. Tadler is also a Principal in Meta-e Discovery LLC, a data hosting, management and consulting company, which is the result of the 2015 spin-off of Milberg LLP's prior Litigation Support and Data Hosting services division that Ms. Tadler spearheaded.

Ms. Tadler graduated from Hamilton College in 1989 and received her J.D. from Fordham University School of Law in 1992.

R. GLENN PHILLIPS has been practicing since 1984 and has tried more than 100 civil jury trials. He is a Managing Partner at Milberg Tadler Phillips Grossman LLP and also owns Phillips Law Firm, which operates in Washington, California, and nationally handling serious personal injury, product liability, workman's compensation, social security disability, medical malpractice, defective drug/device, and employee rights cases.

Mr. Phillips has received the highest rating from Martindale-Hubbell (5.0 out of 5.0) and is an AV rated attorney.

Mr. Phillips and the Phillips Law Firm are recognized as leaders in pharmaceutical litigation and have been appointed to positions of leadership on various steering committees, science/ discovery committees and JCCPs. Mr. Phillips is actively involved in his firm's defective drug and devices practice. His mass tort practice has an inventory of over 4,000 cases, covering such products as Accutane, Yaz/Yasmin/Ocella, Fosamax, Avandia, Medtronic Infuse, GranuFlo, Mirena, Risperdal, Onglyza, Talcum Powder, and defective devices such as transvaginal mesh, shoulder pain pumps, and DePuy hip implants.

Mr. Phillips is a member of the Washington state bar. He is also a member of the American Association of Justice, an Eagle member of the Washington Association for Justice, and the non-profit organization of Public Justice, and a frequent speaker before such national groups as the National Trial Lawyers, American Association for Justice, Mass Torts Made Perfect, as well as various state trial lawyer groups.

MARC D. GROSSMAN graduated from The University of Michigan in 1989. After completing Brooklyn Law School and Baruch Business School's J.D./M.B.A. program while interning at the Law Department of the United Nations, Mr. Grossman became an associate and later a partner in the law firm of Mergel, Tubman & Grossman in New York City. In addition to his role as a Managing Partner at Milberg Tadler Phillips Grossman LLP, Mr. Grossman is a Founding Partner of Sanders and Grossman P.C. and Baker Sanders Barshay Grossman Fass Muhlstock & Neuwirth, LLC, and a Senior Partner at Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C. and Sanders Viener Grossman LLP.

Since beginning his law career in 1993, Mr. Grossman has focused primarily on representing large groups of plaintiffs against common defendants. In 1999, after six years of practicing plaintiff's personal injury law in state and federal courts in New York and New Jersey, Mr. Grossman founded the law firm of Sanders and Grossman, P.C. specifically to pursue claims on behalf of medical providers. This firm, and its successors, grew dramatically under his leadership, and now represent thousands of medical providers litigating claims against insurance companies, and thousands of injury victims.

Mr. Grossman had a vision of uniting the medical profession by affording them the opportunity to litigate nominal claims that were being written off by medical providers as uncollectible and had not previously been

practical for most attorneys to litigate. By coordinating discovery, utilizing the most up-to-date case management technology, and recruiting top office administrators and trial attorneys, Mr. Grossman's firm was able to greatly improve efficiencies throughout the litigation process and ultimately the viability of collecting these claims. By filing over 100,000 individual lawsuits, Mr. Grossman's firms garnered the attention of the insurance industry and the medical profession in New York eventually leading to a series of mass settlements on behalf of his clients and recoveries in the hundreds of millions of dollars. In just 2006 and 2007, Mr. Grossman's firm personally litigated, negotiated, and recovered over 100 million dollars for his medical provider clients. The unique experience Mr. Grossman garnered as an innovator and leader in the mass settlement of medical claims and mass torts made him a leader in his field in negotiating and obtaining large recoveries.

Most recently, Mr. Grossman has represented hundreds of injured clients in lead paint litigations, asbestos litigations, mold litigations, and thousands of victims of defective drugs and products. Mr. Grossman received recognition litigating Vioxx cases in New Jersey Superior Court where he served as a liaison to the media as a member of the Vioxx Plaintiffs' Steering Committee's ("PSC's") Public Relations Committee, and as a liaison for the Committee to many financial institutions and governmental agencies, offering a common voice for the hundreds of attorneys handling such cases and the tens of thousands of victims they represent. These efforts and the hard work of many other relentless attorneys ultimately led Merck to agree to one of the largest Civil Settlements in American History for \$4.85 Billion.

In December 2010, Mr. Grossman was nominated and invited to join both The Board of Directors of the New York State Trial Lawyers Association and the Executive Committee of Association of Trial Lawyers of America. Mr. Grossman is also a member of the Mass Tort

Trial Lawyers Association and the Leaders Forum of the American Association of Justice.

Mr. Grossman has actively litigated for other large groups of plaintiffs in the following matters: *In re Avandia Marketing, Sales Practices and Products Liability Litigation*; *In re New York Bextra and Celebrex Product Liability Litigation* in New York's Supreme Court, New York County; Case No. 273, *In re Bextra and Celebrex Litigation*, Superior Court of New Jersey, Atlantic County; *Oxycontin Litigation* in New York's Supreme Court, Richmond County; MDL-1708, *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation* in Minnesota; MDL-1699, *In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation* in California; MDL-1742, *In Re Ortho Evra Products Liability Litigation* in Ohio; MDL-1789, *In re Fosamax Products Liability Litigation* in New York; and MDL-1804, *In Re Stand 'N Seal, Products Liability Litigation*, where one of Mr. Grossman's firms serves on the PSC. One of Mr. Grossman's firms is also a court-appointed member of the PSC in the following mass tort litigations: *In Re Avandia*, *In Re Chantix*, *In Re Zicam*, *In Re Zimmer Knee*, *In Re Fosamax*, and the New Jersey state court coordination of *Levaquin*. One of Mr. Grossman's firms is co-lead in the NY Chantix Coordination and the New Jersey Reglan Coordination, as well as Risperdal in California, all Transvaginal Mesh PSC, and Propecia coordination.

After an \$8 million verdict in *Boles v. Merck* for a victim of Fosamax, Mr. Grossman, along with co-counsel, led the Trial Team in *Rosenberg v. Merck* which was the first bellwether New Jersey Trial in Atlantic County Superior Court.

Mr. Grossman has become well known as a speaker and host of approximately 20 educational seminars designed to educate victims, the medical community, and other attorneys. Mr. Grossman has been quoted and has appeared in numerous local and national

forums and in the media as a legal commentator and advocate of victims rights against the corporate greed that plagues our nation.

In January 2016, Mr. Grossman received the 2015 Litigator Award a significant distinction, achieved by less than 1% of all trial attorneys. This award is considered among the top honors bestowed on trial attorneys.

PEGGY J. WEDGWORTH is a managing partner and Chair of the Antitrust Practice Group. She was an Assistant District Attorney in Brooklyn, New York from 1986 to 1989. Since leaving the public sector in 1989, she has handled numerous securities, commodities, antitrust and whistleblower matters, and is a Super Lawyer in New York, New York since 2016 and recommended in the Legal 500 United States for 2016.

Ms. Wedgworth represents defrauded investors and consumers, and she currently represents consumers in *In re Contact Lens Antitrust Litigation*, and car dealerships in an antitrust action brought against software suppliers. She actively litigated *In re Initial Public Offering Securities Litigation* for over five years, which settled for \$586 million, and *In re Merck & Co. Securities Litigation*, which had a combined settlement totaling \$1.062 billion. She also won a jury trial against R.J. Reynolds in a wrongful death tobacco case in Florida state court.

Ms. Wedgworth has litigated antitrust and commodities class actions on behalf of plaintiffs including extensive experience in all aspects of pre-trial discovery in, among other cases, *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 94-897, 1996 WL 351180 (N.D.

Ill. June 24, 1996) (approving \$351 million settlement); *In re NASDAQ Market-Makers Antitrust Litigation*, 187 F.R.D. 465 (S.D.N.Y.) (\$1,027,000,000 settlement); *In re Microsoft Litigation*, MDL 1332 (D. Md.) (consolidated class actions alleging long term unlawful maintenance of a monopoly and other anticompetitive conduct by Microsoft resulting favorable partial settlements); *In re Soybean Futures Litigation*, No. 89-7009 (N.D. Ill.) (\$21,500,000 class settlement providing claiming class members/soybean futures traders a full recovery under plaintiffs' expert's formula); *In re Sumitomo Copper Litigation*, 74 F. Supp. 2d 393, 395 (S.D.N.Y. 1999) ("The recovery is the largest class action recovery in the 75 plus year history of the Commodity Exchange Act."); *Kohen v. Pacific Investment Management Company, LLC*, No. 05-4681 (N.D. Ill.) (certified class of treasury bond futures purchasers alleging manipulation of the futures market); *Leider v. Ralfe*, No. 01-3137 (D.N.J.) (alleging price-fixing and monopolization in the diamond market by DeBeers resulting in a settlement of \$250,000,000 and extensive injunctive relief); and *In re Natural Gas Commodities Litigation*, 03-6186 (S.D.N.Y.) (\$101 million settlement).

Ms. Wedgworth regularly speaks on topics relating to antitrust litigation, multi-district litigation and class action issues, and consumer matters. She is a member of the New York State Bar Association's Antitrust Committee, where she has served as both a speaker and panelist, and the American Bar Association, Antitrust Committee, and a member of the American Association of Justice.

PARTNERS

DAVID AZAR received his B.S. in Finance from Indiana University School of Business in 1991. He graduated from Duke University School of Law, *magna cum laude*, in 1999, where he was a member of the Order of the Coif (top 10% of the class). While in law school, he served as a senior editor of *Law and Contemporary Problems*, and was a member of the Moot Court Board. After law school, he clerked for Chief Justice Veasey of the Delaware Supreme Court.

Mr. Azar focuses his practice on class actions on behalf of defrauded investors and consumers, as well as disputes regarding contracts, partnerships, closely-held corporations, corporate governance, and other complex commercial matters for businesses and individuals. He also provides corporate counseling in pre-litigation and transactional matters, working with transactional or specialty counsel to provide a litigation perspective or to act as an outside general counsel.

Building upon his nine years of experience representing business enterprises and high-net-worth individuals at two of the most prominent business litigation firms, Mr. Azar has prosecuted several multiparty and other class actions that resulted in more than \$300 million in settlements during the past few years alone. Recent significant settlements include obtaining total recovery for investors of \$219 million against Bank of New York Mellon and Wells Fargo in a securities fraud/breach of contract action, which reflected one of the largest recoveries against indenture trustees in United States history. In addition, Mr. Azar was part of the team that served as co-lead counsel in a class action resulting in \$86 million in settlements on behalf of airline passengers who alleged that Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and Korea. Mr. Azar's significant litigation experience includes first-chair trial and

appellate work. He is co-author of the chapters on LLC and partnership disputes in *Litigating and Judging California Business Entity Governance Disputes*, scheduled to be published by Lexis in 2019. He is also a contributing author of *Antitrust Law Developments* (7th Edition), published by the ABA Section of Antitrust Law. Mr. Azar is also a co-founding president and board member of the California Discovery Law Initiative, a non-profit that is reviving a publicly accessible and free-to-use website regarding California discovery law practice and case law.

Mr. Azar serves as a volunteer prosecutor through the Los Angeles Bar Association's Trial Advocacy Project, and he has been named by *Los Angeles Magazine* as a Southern California Super Lawyers Rising Star. Mr. Azar has extensive knowledge of dispute resolution, having served as a mediator in more than 160 cases, and he has trained and reviewed other mediators. He served for five years as the editor of the quarterly publication of the Society of Professionals in Dispute Resolution, and was honored with the association's Presidential Recognition award.

KENT A. BRONSON received a B.A. from State University of New York at Binghamton in 1994. He graduated *cum laude* from University of Pittsburgh School of Law in 1998. During law school, Mr. Bronson was a research editor on the Law Review and a recipient of the Dean's Scholarship.

Mr. Bronson's practice is focused on securities, consumer and class action litigation. Prior to joining Milberg LLP, while associated with another law firm, Mr. Bronson was part of a team of attorneys representing New York homeowners in *In re Coordinated Title Insurance Litigation*, Index No. 009600/2003 (N.Y. Sup. Ct. Nassau Cnty.) who alleged that eight insurance companies doing business in New York state overcharged them for title insurance in refinance transactions. The

litigation resulted in complete recovery to homeowners submitting valid claims, and reportedly the largest settlement of a consumer class action in Nassau County. The presiding Justice, in approving the \$31.5 million settlement of that litigation, described the prosecution of the case as reflecting “lawyering of the highest quality.” Also, in *In re Providian Financial Securities Litigation*, MDL 1301 (E.D. Pa.), Mr. Bronson was one of the attorneys representing the Xerox (GB) Pension Scheme (which reportedly oversees approximately \$2.5 billion in employee retirement funds for the British affiliate of Xerox Corp.) in a securities fraud class action lawsuit alleging that a major credit card company inflated its profits with illegal charges to consumers. The Court commented, in approving the \$38 million settlement of that case, on the “extremely high quality” and “skill and efficiency” of plaintiffs’ counsel’s work.

Mr. Bronson has litigated numerous complex class action and shareholder derivative cases in various state and federal courts, including, among others, *In re Biovail Corp. Securities Litigation*, No. 03-8917 (S.D.N.Y.) (in which Milberg LLP served as co-lead counsel on behalf of the Local 282 Welfare Trust Fund, and which was settled for \$138 million and certain corporate governance modifications); *City of Miami Police Relief & Pension Fund v. Ryland Group, Inc.*, No. BC411143 (Cal. Super. Ct. Los Angeles Cnty.); *New Jersey Carpenters Annuity Fund v. Meridian Diversified Fund Management, LLC*, No. 10-5738 (S.D.N.Y.); *New Jersey Carpenters Pension Fund v. infoGroup, Inc.*, No. 5334-VCN (Del. Ch.); and *In re Massey Energy Co. Derivative & Class Action Litigation*, No. 5430-VCS (Del. Ch.).

During law school, Mr. Bronson was a research editor of the University of Pittsburgh Law Review and a recipient of the University of Pittsburgh School of Law Dean’s Scholarship.

Mr. Bronson is admitted to practice in New York State courts, the United States District Courts for the Southern, Eastern and Northern Districts of New York, and the United States Courts of Appeals for the Second and Tenth Circuits.

MELISSA RYAN CLARK has spent more than a decade litigating complex and class action privacy, financial, and consumer cases.

She has a broad range of class action experience, having represented consumers in data privacy, data breach, and consumer fraud cases against data and tech giants like Facebook, Inc., Google, Apple, Inc., Equifax Inc., and RCN Corp., as well as corporations in other industries, such as Wendy’s International, LLC. Ms. Clark also has a strong background in securities fraud litigation and has represented investors in class actions against publicly traded companies like ARIAD Pharmaceuticals, Inc.

In addition to her class action work, Ms. Clark has also litigated complex, commercial cases. She currently represents municipalities in Fair Housing Act litigation against large financial institutions, including Bank of America, HSBC, and Wells Fargo. She has also successfully represented a formerly public company in an accounting negligence case against PricewaterhouseCoopers and an investment fund in an action against Fidelity National Title Insurance Company.

Ms. Clark is also a member of MTPG’s E-Discovery Practice Group and is frequently responsible for spearheading discovery and ESI negotiations in complex cases.

Previously, Ms. Clark worked at a boutique firm in New York, where she was part of a securities litigation team that recovered several multimillion-dollar settlements on behalf of investors. Her legal work experience also includes judicial externships with the Honorable Jerry Brown, Chief Judge of the United States Bankruptcy Court, Eastern District of Louisiana and the Honorable Jay C.

Zainey of the United States District Court, Eastern District of Louisiana, as well as a clerkship for the San Francisco District Attorney's Office.

In addition to her legal work, Ms. Clark has experience teaching legal research, writing, and management communication skills as a Senior Fellow at Tulane Law School and an Adjunct Writing Instructor at Tulane University's Freeman School of Business.

She is an active member of the New York State Bar Association, where she serves on the Law, Youth & Citizenship Committee and Mock Trial subcommittee, and the American Bar Association, where she serves on the Professional Liability Committee as co-editor of the newsletter.

Ms. Clark received her B.S. from Florida State University in 2004 and her J.D. from Tulane University in 2007. She also attended UC Berkeley-Boalt Hall for a semester, where she received high honors in Securities & Class Action Litigation and was a member of the *California Law Review*.

Ms. Clark is admitted to practice in the state of New York, the United States District Courts for the Southern, Eastern, and Western Districts of New York, and the United States Court of Appeals for the First Circuit. She has been recognized as a New York Super Lawyers "Rising Star" each year from 2011-2018 and was named to the Benchmark Litigation 40 & Under Hot List in 2018.

A.J. DE BARTOLOMEO joined the MTPG Consumer Litigation and Securities Litigation Practice Groups in June 2018. She brings with her nearly 30 years of experience prosecuting class actions and complex matters in courts throughout the United States. With extensive practice litigating mass personal injury matters involving defective drugs and medical devices, Ms. de Bartolomeo has served in court-appointed leadership roles in numerous MDL mass tort and class action lawsuits.

She served on the Plaintiffs' Steering Committees for *In re Yaz and Yasmin Birth Control Litigation*, *In re Actos Products Liability Litigation*, and *In re Pradaxa Products Liability Litigation*. Ms. de Bartolomeo has also served on Law and Briefing committees and has been involved with Daubert briefings in a number of cases, including *Yaz*, *Actos* and *Pradaxa*. She previously served on the Plaintiff's Steering Committee for *In re Transvaginal Mesh Litigation*. She also served as Co-Lead Counsel representing over 300 individuals (including minors) who used the Fitbit Force™ Wireless Activity + Sleep Wristband and suffered personal injuries and permanent scarring, achieving a 2017 settlement in aggregate matrix formula for a confidential amount.

In class action matters, she received Co-Lead position appointments in *In re Literary Works in Electronic Database Copyright Litigation*, MDL No. 1379 (S.D.N.Y.), *In re Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.* (Bankruptcy Litigation) (S.D.N.Y.), *In re American Express Financial Advisors Securities Litigation* (S.D.N.Y.), and *CalSTRS v. Qwest Communications, et al.* (N.D. Cal.). She was appointed lead counsel in *Powers v. Cable & Wireless, Inc.* (D. Mass and then settled in Delaware Bankruptcy Court.) and *Telstar v. MCI, Inc.*, achieving a settlement of more than \$2.8 million in cash on behalf of class of commercial subscribers alleging FCA violations for unfair billing practices. Ms. de Bartolomeo currently serves on the Plaintiffs' Steering Committee in *In Re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871.

Ms. de Bartolomeo is in the forefront of advancing opportunities for women in the law. A former Chair of the Women's Trial Lawyer Caucus of the American Association of Justice, she oversaw the caucus's work in leadership training, student scholarship, membership and political outreach, and other pro-civil justice

functions. She is an active member of the American Bar Association Sections on Tort Trial and Insurance Practice, the American Bankruptcy Institute and of the Consumer Attorneys of California.

Ms. de Bartolomeo has been ranked among the highest classes of attorneys for professional ethics and legal skills with an AV-Preeminent rating by Martindale Hubbell. She has also been recognized by her peers as a Northern California Super Lawyer every year since 2013.

Other awards and recognition include the Above and Beyond Award, American Association for Justice, 2018; Top 50 Women Lawyers in Northern California, 2017; Distinguished Service Award, American Association for Justice, 2016; and Top Women Attorneys in Northern California for 2014.

A frequent guest speaker and conference presenter, Ms. de Bartolomeo has addressed subjects of ethical procedures for client and case management, best settlement practices and procedures in complex litigation, pharmaceutical fraud, Daubert challenges, Fed. R. Civ. Pro. 37(e), corporate litigation risk management and compliance procedures, and class action notice and settlement administration.

Past and present memberships and directorships include Member, American Bar Association; Member of ABA Sections on Litigation, and on Antitrust Law and Tort and Insurance Practice; Member, American Association for Justice; Member of the AAJ Executive Committee (2016-Present); Board of Governor (2016-Present); Executive Committee Member for Women's Trial Lawyer Caucus (2016-Present); Chair of Women's Trial Lawyer Caucus (2015-2016); Former Member, National Association of Public Pension Attorneys, Task Force on Securities Litigation and Damage Calculation; Former Member, American Bankruptcy Institute.

ANNA C. DOVER received a B.A. degree from Wesleyan University, with honors in Psychology, in 1995, and a J.D. degree from the University of California at Davis School of Law in 2001. While in law school, Ms. Dover was a member of the *UC Davis Law Review*.

Ms. Dover joined Milberg LLP in 2005 and spent several years litigating a variety of cases, including securities, antitrust, bankruptcy, and mutual fund fraud cases. During this time, Ms. Dover developed particular experience litigating claims brought under Section 36(b) of the Investment Company Act of 1940, including taking such cases to trial and also second-chaired a bench trial in bankruptcy court. Ms. Dover ultimately found her calling as an attorney who represents whistleblowers and is now the chair of MTPG's false claims act or "*qui tam*" department. Her practice encompasses lawsuits brought by whistleblowers or "relators" on behalf of the government under the federal and state false claims acts, largely in the health care arena. Recent settlements include a \$54 million settlement in an intervened case against CareCore, a company that failed to ensure that the government healthcare programs paid only for those diagnostic tests that were medically reasonable or necessary. The relator was awarded a \$10.5 million share of the settlement. Another recent settlement was in a false claims act lawsuit that exposed the fraudulent submission of Medicare and Medicaid healthcare claims by Careall, one of Tennessee's largest home healthcare providers. The Government intervened in the whistleblower's lawsuit and the case settled for \$25 million. The whistleblower Milberg LLP represented received a \$3.9 million share of the settlement.

In addition to her work at MTPG, Ms. Dover is also a longstanding member of the New York Inn of Court and has spoken at several of its CLE seminars over the years. Ms. Dover is fluent in French and conversational in Greek.

Prior to joining Milberg LLP, Ms. Dover litigated legal malpractice and insurance cases at a boutique firm of trial lawyers in Los Angeles.

Ms. Dover is admitted to practice before the United States District Courts for the Southern District of New York and the Central and Southern Districts of California, the United States Court of Appeals for the Fourth and Ninth Circuits, and the United States Supreme Court.

HENRY KELSTON received a B.S. degree, *cum laude*, from Tufts University in 1975, and a J.D. degree from New York University School of Law in 1978, where he was a member of the *Annual Survey of American Law*.

Mr. Kelston's practice is concentrated in the areas of complex litigation, class actions and electronic discovery. Mr. Kelston has represented consumers in class actions against major food manufacturers challenging the use of "natural" claims on products containing GMOs. He has also litigated major data breach cases, including *In re Yahoo! Inc. Customer Data Security Breach Litigation*, concerning the largest consumer data breach in history.

Mr. Kelston has extensive experience in state and federal court litigation, administrative proceedings, and arbitrations, and is a regular speaker and CLE presenter on electronic discovery. He is a member of The Sedona Conference® Working Group 1 on Electronic Document Retention and Production. Most recently, he assisted in drafting The Sedona Conference® COMMENTARY ON LEGAL HOLDS: THE TRIGGER & THE PROCESS (expected publication in 2019), and served on the faculty for The Sedona Conference® E-DISCOVERY NEGOTIATION TRAINING. Mr. Kelston also taught Basics of E-Discovery at Legal Services of New Jersey's 2018 In Depth Litigation Skills Training program.

Mr. Kelston is admitted in the United States District Courts for the Southern and Eastern

Districts of New York and the District of Connecticut.

MATTHEW A. KUPILLAS graduated from the State University of New York at Albany in 1990 with a B.A. degree in philosophy. In 1994, Mr. Kupillas received his J.D. degree from New York University School of Law. Mr. Kupillas focuses his practice primarily on class actions on behalf of defrauded investors and consumers, as well as complex commercial litigation.

Mr. Kupillas' securities practice has included numerous complex litigations nationwide, including *In re Merck & Co., Inc. Securities Litigation*, which resulted in a \$1.062 billion recovery on behalf of injured investors; *In re Medical Capital Securities Litigation*; and *South Ferry LP #2 v. Killinger*.

Mr. Kupillas is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and the United States Courts of Appeals for the Second and Tenth Circuits.

ELIZABETH MCKENNA is a Partner with MTPG and has spent almost 20 years as a litigator. She currently focuses her practice on complex and class action consumer protection and privacy cases, as well as antitrust cases involving price-fixing, unlawful monopolization, and other anticompetitive practices. Ms. McKenna also represents defrauded individuals and institutional investors in class and other representative actions involving complex financial issues.

Ms. McKenna was part of the team appointed co-lead counsel for Indirect Purchaser Plaintiffs in *in re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho), as well as *In re Processed Egg Products Antitrust Litig.*, No. 2:08-md-2002 (E.D. Pa.).

Prior to joining Milberg LLP, Ms. McKenna worked as an attorney in the New York office

of Healy & Baillie, LLP (now part of Blank Rome LLP), where she practiced commercial litigation, as well as admiralty and maritime law.

Ms. McKenna graduated from Columbia University in 1991 with a B.A. degree in English, and a J.D. degree from Fordham Law School in 1998. While at Fordham, Ms. McKenna was a Stein Scholar in Public Interest Law & Ethics, a member of the Fordham Environmental Law Journal, and a Co-Director of the Fordham Student Sponsored Fellowship.

Ms. McKenna is admitted to practice in the state courts of New York and in the United States District Courts for the Southern and Eastern Districts of New York.

ANDREI RADO focuses his practice on securities litigation, consumer class actions, and SEC whistleblower matters.

Since the passage of the Dodd-Frank Act in 2010, Mr. Rado has represented numerous whistleblowers before the commission under a program that rewards and protects whistleblowers that report violations of securities laws to the Securities and Exchange Commission. These involved a variety of complaints, including allegations of bribing foreign officials to gain business, accounting fraud, and consumer fraud, against a variety of companies diverse in size and business.

Mr. Rado's securities practice has included numerous complex litigations nationwide, including *In re Initial Public Offering Securities Litigation*, which alleged, in hundreds of consolidated cases then pending in the Southern District of New York, that investment banks manipulated the initial public offerings of hundreds of companies, and mutual fund timing cases alleging that mutual fund managers allowed select investors to profit by improperly timing their trading in fund shares.

Mr. Rado also investigates, launches, and litigates consumer class actions. These cases are as diverse as consumer fraud itself. Early in his career, Mr. Rado litigated a case against

jewelry company Zales for improperly denying credit-insurance claims made by unemployed and retired consumers, and a class action against computer maker Gateway for improperly understating in advertising the costs of internet access to consumers, some of whom incurred internet-access fees of hundreds of dollars. More recently, among other cases, Mr. Rado has launched and litigated consumer cases against companies that misled consumers by inflating the technical specifications of their products, and "all natural" food cases, including the first case alleging that products made from genetically modified organisms (GMOs) should not be advertised as natural.

Mr. Rado is editor of MTPG's consumer blog classactioncentral.com

Prior to joining Milberg LLP, Mr. Rado worked as an attorney at a New York City-based investment bank focusing on compliance, with rules and regulations relating to re-sales of control and restricted securities under the Securities Act of 1933. Mr. Rado also worked at another prominent New York City law firm specializing in plaintiffs' securities class action litigation.

Mr. Rado received his Juris Doctor degree from St. John's University School of Law, *cum laude*, in 1999. While in law school, Mr. Rado served as a senior member of the *New York International Law Review*. He is admitted to practice in the courts of the State of New York, as well as the United States District Court for the Southern District of New York. Mr. Rado was born in Bucharest Romania, and lived in Israel for several years before immigrating to New York in the early 80s.

CHRISTIAN SIEBOTT has over 15 years' experience successfully representing plaintiffs in complex commercial, securities fraud, antitrust, trademark and copyright, landlord/tenant and whistleblower litigation. He works in the firm's consumer, antitrust, securities, false claims and appellant advocacy litigation practice areas.

Mr. Siebott has participated in several noteworthy cases over his career, including one of the largest securities class actions ever litigated, *In re Initial Public Offering Securities Litigation*, which recovered \$586 million on behalf of investors. He also litigated Public Employees Retirement Association of *New Mexico v. Clearland Securities et al.*, which recovered \$50 million for New Mexico's public employee pension fund.

Mr. Siebott has had significant appellate experience in state and federal appellate courts and the United States Supreme Court, and authored and edited portions of the New York City Bar Association's Appeals to the Second Circuit. In *Roberts v. Tishman Speyer Properties, L.P.*, he obtained a landmark ruling from New York's highest court on behalf of a class of tenants from New York City's largest residential apartment complex, overturning a state regulation and holding that the plaintiffs' landlords were not permitted to deregulate rent stabilized apartments while simultaneously receiving New York City tax abatements. Mr. Siebott has used *Roberts* to prosecute numerous other cases of landlord abuse including *Altschuler v. Jobman*, winning triple damages for the plaintiff.

Mr. Siebott is admitted to the Bar of the State of New York and to practice before the United States Supreme Court, the United States Courts of Appeals for the Federal, Second, Third, Fourth, Eighth, Ninth, and Eleventh Circuits, the United States Court of Appeals for the Armed Forces, the United States Court of Appeals for Veterans Claims, and the United States District Courts for the Southern and Eastern Districts of New York. He is active in the New York City Bar Association and the Federal Bar Council.

Mr. Siebott graduated from Penn State in 1991 and received his J.D. from City College of the City University of New York, where he won the Belle Zeller Scholarship recognizing

socially committed scholars. Mr. Siebott is now committed to pro bono practice; he represents veterans in disability and pension benefit proceedings and has represented the families of uniformed rescuers before the 9/11 Victims Compensation Board.

ROBERT A. WALLNER received his B.A. degree from the University of Pennsylvania in 1976 graduating *magna cum laude*. He attended New York University School of Law, earning his J.D. degree in 1979. He was elected to the law school's Order of the Coif and served as an editor of the *New York University Law Review*.

Mr. Wallner has litigated complex securities, consumer and antitrust class actions throughout the country. He has represented plaintiffs in lawsuits arising out of the Madoff Ponzi scheme, including the court-appointed litigation trustee of two Madoff "feeder funds." He has also represented investors in *In re Merck & Co., Inc. Securities Litigation* (D.N.J.), which resulted in a \$1.062 billion recovery, *In re Initial Public Offering Securities Litigation* (S.D.N.Y.), *In re CMS Energy Corporation Securities Litigation* (E.D. Mich.), and *In re Deutsche Telekom AG Securities Litigation* (S.D.N.Y.), and consumers in *In re Synthroid Marketing Litigation* (N.D. Ill.) and the *Mercedes-Benz Tire Litigation* (D.N.J.).

Mr. Wallner is a frequent lecturer on securities and complex litigation issues. He has served on the editorial board of *Securities Litigation Report*, as a faculty member of the American Bar Association's First Annual National Institute on Securities Litigation and Arbitration, and as a member of the Federal Courts Committee of the Association of the Bar of the City of New York. He has been recognized in Lawdragon's "100 Lawyers You Need to Know in Securities Litigation."

OF COUNSEL

PAUL J. ANDREJKOVICS graduated from Union College, Schenectady, NY, in 1992, *Phi Beta Kappa, magna cum laude*, with a B.A. degree in political science. In 1995, Mr. Andrejkovics received his J.D. degree from Albany Law School.

Mr. Andrejkovics's practice concentrates on class action settlements and settlement administration. He was admitted as a member of the New York bar in 1996 and is admitted to practice before the United States District Court for the Northern, Southern, and Eastern Districts of New York.

SANFORD P. DUMAIN attended Columbia University where he received his B.A. degree in 1978. He graduated *cum laude* from Benjamin N. Cardozo School of Law of Yeshiva University in 1981.

Mr. Dumain represents plaintiffs in cases involving securities fraud, consumer fraud, insurance fraud, and violations of the antitrust laws.

Mr. Dumain was co-lead counsel in *In re Tyco International Ltd., Securities Litigation* in which \$3.2 billion was recovered for investors. Mr. Dumain also served as lead counsel in the securities class actions against Nortel and Biovail, which are the highest and third highest recoveries ever in cases involving Canadian companies. The *Nortel* settlement was valued at over \$1 billion and *Biovail* settled for over \$138 million in cash. Mr. Dumain successfully represented the City of San Jose, California against 13 of the City's broker-dealers and its outside accountants in connection with major losses in unauthorized bond trading.

Mr. Dumain began his career as a law clerk to Judge Warren W. Eginton, United States District Court for the District of Connecticut 1981-1982. During the early years of his practice, he also served as an Adjunct Instructor in Legal Writing and Moot Court at Benjamin N. Cardozo School of Law.

Mr. Dumain has lectured for ALI-CLE concerning accountants' liability and has prosecuted several actions against accounting firms.

Judge Janet C. Hall of the District of Connecticut made the following comment in *In re Fine Host Corporation Securities Litigation* No. 97-2619 (D.Conn.): "The court also finds that the plaintiff class received excellent counseling, particularly from the Chair of the Plaintiffs' Executive Committee, Attorney Dumain."

Mr. Dumain is admitted to practice in the State of New York, United States District Court for the Southern, Eastern, and Western Districts of New York, District of Colorado, and District of Connecticut, and United States Courts of Appeals for the First, Second, Third, Sixth, Seventh, and Eighth Circuits.

MICHAEL C. SPENCER graduated from Yale University in 1973 with a B.A. degree, *magna cum laude*, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, *cum laude*, in 1976.

Mr. Spencer has prosecuted a broad range of cases at Milberg LLP and MTPG, with an emphasis on representing plaintiffs in class and other representative actions involving complex financial issues.

He was one of the principal trial counsel for plaintiffs in *In re Vivendi Universal, S.A. Securities Litigation* (S.D.N.Y.), a securities fraud class action in which the jury returned a verdict for the plaintiffs in January 2010. He is presently handling post-trial motions and defendant's anticipated appeal. The case is notable for the size of the verdict and for inclusion of investors from France, England, and the Netherlands, as well as the United States, in the certified class.

Mr. Spencer has handled many other securities cases at the Firm, including those

against defendants in the fields of technology, real estate, finance, leasing, manufacturing, and pharmaceuticals. His first exposure to this type of case was in the precedent-setting "*WPPSS*" litigation in the late 1980s, which involved bond defaults on nuclear power plants in the Pacific Northwest and established the blueprint for prosecuting many complex securities class actions that followed.

Mr. Spencer has also led the Firm's prosecution of other cases in diverse fields. He was one of two principal trial counsel representing the FDIC in its year-long trial against a major accounting firm involving failed-bank audits, which led to a global settlement covering all government claims just before closing arguments to the jury. He has prosecuted consumer and securities claims against companies that sold deferred annuities unsuitable for retirement plan investors. He has taken appraisal and breach of fiduciary duty cases to trial in Delaware and Pennsylvania. He had extensive involvement in representing a coalition of union health care funds seeking to recover costs for treating smoking-related illnesses from the tobacco industry, pursuing the cases through several appeals. He has also represented plaintiffs in cases involving accounting malpractice, limited partnership investments, real estate closing fees and mortgage insurance, contract disputes, defamation, unlawful lotteries, and consumer deception.

Mr. Spencer began his legal career as a law clerk to U.S. District Judge Wm. Matthew Byrne Jr. in Los Angeles (1976-77). He then returned to New York and joined Cravath, Swaine & Moore as an associate, where he worked until 1986, when he joined Milberg LLP as an associate and became a partner later that year. Mr. Spencer graduated from Yale University in 1973 with a B.A. degree, magna cum laude, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, cum laude, in 1976.

BARRY A. WEPRIN graduated from Harvard College in 1974. He received a J.D. degree from the New York University School of Law in 1978, and a master of public affairs from the Woodrow Wilson School of Princeton University in 1978. While in law school, Mr. Weprin was notes and comments editor of the *New York University Law Review*.

Since joining the firm, Mr. Weprin has specialized in securities and insurance litigation. He has served as lead or co-lead counsel in a number of complex securities class action litigations. He was one of the principal attorneys in the sales practice litigations against The New York Life Insurance Company, The New England Life Insurance Service Company, The Massachusetts Mutual Life Insurance Company, The John Hancock Mutual Life Insurance Company, and The Prudential Life Insurance Company which recovered billions of dollars for policyholders. Mr. Weprin is a frequent lecturer on complex litigation issues.

Previously, Mr. Weprin served as law clerk to Judge Charles P. Sifton of the United States District Court for the Eastern District of New York and was associated with the law firm of Wachtell Lipton Rosen & Katz where he specialized in commercial and securities litigation. He also served as general counsel to the New York State Housing Finance Agency and the New York State Medical Care Facilities Finance Agency, two agencies that issue tax exempt bonds for financing nonprofit medical facilities and qualified housing projects.

Mr. Weprin is very active in his community of Mamaroneck, New York, having served as a Town Councilman and a member of the Zoning Board of Appeals. He is a former President of the National Association of Shareholder and Consumer Attorneys (NASCAT) as well as Vice President of the Institute for Law and Economic Policy (ILEP).

Mr. Weprin is a member of the American Bar Association, the Association of the Bar of the City of New York, the New York County

Lawyers Association, and the New York State Bar Association. Mr. Weprin is admitted to practice in New York, the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court.

SENIOR COUNSEL

JENNIFER S. CZEISLER graduated from Hofstra University in 1994 with a B.A. degree in psychology. After completing graduate degree work at Hunter School of Social Work (1994-95), she pursued a J.D. degree, which she earned in 1999 from the University of Miami School of Law, where she graduated *cum laude*. Ms. Czeisler was on the editorial board of the *Law Review of Psychology, Public Policy & Law* and earned numerous awards, including the CALI excellence for the Future Award, Dean's Certificate of Achievement Award, and membership in the Phi Delta Phi National Honor Society.

Ms. Czeisler is admitted to practice in the State of New York and is a member of the American Bar Association, where she is committed to her *pro bono* work with the

American Bar Association Commission on Legal Problems of the Elderly.

ASSOCIATES

JOHN HUGHES focuses his practice on antitrust, consumer protection, and False Claims Act Litigation as well as e-discovery.

Mr. Hughes graduated from Michigan State University with a B.A. in Political Science in 2005. And earned his J.D. degree from Wayne State University School of Law in 2012.

During law school, Mr. Hughes served as Director of The Free Legal Aid Clinic in Detroit, Co-managing a facility that specializes in providing family and elder law services to city residents. Prior to joining Milberg LLP, John helped lead a non-profit organization with a presence in New York City, Detroit, and Los Angeles that focused on providing legal support to creative communities.

Mr. Hughes is admitted to practice in Michigan.

ROLANDO G. MARQUEZ represents whistleblowers in a wide variety of *qui tam* lawsuits brought under the federal False Claims Act and parallel state false claims laws. His practice includes pursuing fraud cases involving the healthcare industry, defense contractors, and government procurement.

Mr. Marquez's representative False Claims Act matters include *United States ex rel. Miller v. CareCore National LLC, et al.* (resulting in a \$54 million recovery for the United States as well as 28 States and the District of Columbia in an intervened action arising from the improper prior authorization of costly diagnostic tests which caused federal and state healthcare programs to pay for tests that were not properly authorized as being medically reasonable or necessary); *Mason v. Medline* (resulting in a recovery of \$85 million for the United States in a non-intervened case

arising from unlawful kickbacks, bribes, and other illegal remuneration to induce health care providers to continue to purchase defendant's medical supplies, including supplies paid for with government funds tainted by the kickbacks); and *United States ex rel. Marchese v. Cell Therapeutics, Inc.* (resulting in a \$10.5 million recovery for the United States in an intervened action arising from the unlawful off-label promotion of the cancer drug Trisenox).

From December 2012 to March 2014, Mr. Marquez was a Senior Litigation Counsel in a boutique New York class-action firm as a member of its False Claims Act practice group. Mr. Marquez was part of the co-counsel team that litigated one of the largest *qui tam* lawsuits ever to settle on a non-intervened basis against Omnicare, Inc., the nation's largest provider of pharmacy services to nursing home patients, and which returned \$120 million to the United States Treasury to resolve kickback and false-claims allegations. In addition, Mr. Marquez represented a whistleblower in an action against Smith & Nephew, one of the world's largest medical device manufacturers, in which the company sold products to the government that were manufactured in countries not designated as trade partners of the United States in violation of the Trade Agreements Act.

Before he started in the False Claims Act arena, Mr. Marquez was part of the Milberg LLP team that served as co-lead plaintiffs' counsel in *In re Tyco International, Ltd. Securities Litigation*, one of the largest securities fraud and accountant liability class action suits ever to settle, recovering over \$3.2 billion for the company's injured shareholders.

Prior to joining the firm initially, Mr. Marquez was an associate at a boutique New York patent firm, where he concentrated on

patent litigation matters involving medical device, computer software, and consumer electronic device technologies.

Mr. Marquez received a B.S. degree from Brown University in 1994 and his M.S. degree from New York University in 1998. In 2003 he received his J.D. degree from Fordham University School of Law.

Mr. Marquez is admitted to practice in the state courts of New York as well as in the United States District Courts for the Southern and Eastern Districts of New York and the United States Patent and Trademark Office.

J. BIRT REYNOLDS represents whistleblowers who bring claims under the federal False Claims Act and its state counter-parts. Since joining the firm's Qui Tam practice group, he has worked on several cases that have brought substantial recoveries to federal and state governments. Mr. Reynolds also represents plaintiffs in complex commercial litigation involving contractual, tort, and statutory claims. Before joining Milberg, Mr. Reynolds clerked for a magistrate judge in the Middle District of Florida, as well as Florida appellate and trial court judges.

Mr. Reynolds earned his J.D. from Case Western Reserve University School of Law in 2004. He is admitted to practice in the state courts of Florida and New York, the United States District Courts for the Eastern and Southern Districts of New York, the Northern, Middle, and Southern Districts of Florida, and the Western District of Michigan.

CHRISTOPHER SCHUYLER represents whistleblowers in *qui tam* lawsuits brought under the federal False Claims Act and parallel state false claims laws. He also has experience pursuing consumer protection and data breach claims, along with litigating various securities and M&A actions.

Before joining Milberg Tadler Phillips Grossman LLP, Mr. Schuyler clerked with the Fortune Society, a New York City non-profit organization focused on providing an alternative to incarceration for non-violent offenders. While in law school, he co-chaired a student organization promoting pro bono legal assistance to indigent members of the community, a role for which he was awarded a university scholarship for public service.

Mr. Schuyler graduated from Temple University, *cum laude*, with a B.A. degree in 2007. In 2011 he earned his J.D. degree from the University of Dayton School of Law. Mr. Schuyler is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York.

ROY SHIMON focuses his practice on securities and stockholder derivative litigation in both state and federal courts. Mr. Shimon also has experience in the areas of insider trading and antitrust litigation. *Super Lawyers* recognized him as a "Rising Star" in the New York Metro area each year from 2014-2018.

Mr. Shimon has served as lead or co-lead counsel in a number of complex matters on behalf of stockholders and employee investors, including *In re PLX Tech. Inc. S'holders Litig.* (Del Ch.) (stockholder recovery of \$14.1 million); *In re Zynga Inc. Sec. Litig.* (N.D. Cal.) (investor recovery of \$23 million); *In re Popular Inc. ERISA Litig.* (D.P.R.) (employee investor recovery of \$8.2 million); and *Shanehchian, et al. v. Macy's Inc.* (S.D. Ohio) (employee investor recovery of \$8.5 million). Mr. Shimon currently represents the City of Charlotte, North Carolina in ongoing antitrust litigation in *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J. 2015).

Mr. Shimon graduated *cum laude* from Franklin & Marshall College in 2003, where he was inducted into the Pi Sigma Alpha and Alpha Kappa Delta National Honor

Societies. He received his J.D. from St. John's University School of Law in 2006, where he served on the Executive Board of the Moot Court Honor Society and as Vice President of the Entertainment & Sports Law Society.

Mr. Shimon is admitted to practice in the state and federal courts of New York.