

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY DALE, BRETT JACKSON,
JOHNNA FOX, BENJAMIN
BORROWMAN, ANN LAMBERT,
ROBERT ANDERSON, and CHAD
HOHENBERY, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

DEUTSCHE TELEKOM AG, T-MOBILE
US, INC., and SOFTBANK GROUP CORP.,

Defendants.

Case No. 1:22-cv-03189

Hon. Thomas M. Durkin

Hon. Jeffrey Cole

**DECLARATION OF BRENDAN P. GLACKIN IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION TO APPOINT INTERIM CO-LEAD CLASS COUNSEL**

I, Brendan P. Glackin, declare as follows under penalty of perjury:

1. I am a partner at the law firm of Lieff Cabraser Heimann & Bernstein, LLP (“Lieff”), counsel for plaintiffs Anthony Dale, Brett Jackson, Johnna Fox, Benjamin Borrowman, Ann Lambert, Robert Anderson, and Chad Hohenberg (“plaintiffs”) in this action. I make this declaration in support of plaintiffs’ Unopposed Motion to Appoint Lieff, Berger Montague PC (“BMPC”), and Hausfeld LLP (“Hausfeld”) Interim Co-Lead Class Counsel pursuant to Federal Rule of Civil Procedure 23(g)(3). I have personal knowledge of the following facts, and if called as a witness, I could competently testify to these matters.

2. Lieff, BMPC, and Hausfeld thoroughly investigated plaintiffs’ claims. Our investigation included extensive in-house analysis of data on prices for mobile wireless service, price increases, promotional offers, and market share. In total, we spent over 1,400 hours analyzing the data, market, trial, and regulatory record prior to filing the case. This included analyzing the frequency of plan changes offered by major carriers over an eight-year period. Lieff, BMPC, and Hausfeld also investigated industry dynamics including T-Mobile and Sprint’s aggressive competition pre-merger—such as their introduction of, and price competition on, unlimited plans; reduced competition post-merger, specifically a decrease in the number of introductory promotional events and price increases; and Sprint’s viability as a standalone carrier based on its financials and network improvements in the years prior to the merger. Further, the firms researched the transaction and pre-merger litigation, and analyzed whether defendants have complied with the commitments they made to government entities to obtain regulatory approval for the merger.

3. On June 17, 2022, plaintiffs filed a complaint against defendants Deutsche Telekom AG (“DT”), T-Mobile, and SoftBank. Compl., ECF No. 1. On August 23, 2022,

defendant T-Mobile moved to transfer this action to the Southern District of New York. Def.'s Mot. Transfer, ECF No. 43. Plaintiffs opposed transferring the case. Pls.' Resp. to Def.'s Mot. Transfer, ECF No. 59. On October 7, 2022, this Court denied that motion. Order, ECF No. 63. On December 5, 2022, defendant SoftBank moved to dismiss the complaint in this action for lack of personal jurisdiction and venue, and defendants T-Mobile and Softbank jointly moved to dismiss the complaint for failure to state a claim. Def. SoftBank's Mot. Dismiss, ECF No. 76; Defs.' Joint Mot. Dismiss, ECF No. 78. Plaintiffs briefed and argued the oppositions to those motions. Pls.' Opp'n to Def. SoftBank's Mot. Dismiss, ECF No. 86; Pls.' Opp'n to Defs.' Joint Mot. Dismiss, ECF No. 87. On November 2, 2023, this Court denied the joint motion to dismiss and granted defendant SoftBank's motion to dismiss. Order, ECF No. 114.

4. During the pendency of the motions to dismiss, we met and conferred with defendants on early discovery, successfully negotiated an agreement about the scope of that discovery, negotiated a protective order and ESI protocol, secured production of T-Mobile organization charts and trial exhibits and deposition transcripts from the pre-merger litigation, *New York, et al. v. Deutsche Telekom AG, et al.*, No. 19 Civ. 9434 (VM) (S.D.N.Y.), and conferred about non-custodial data and document retention policies. Since the Court denied the joint motion to dismiss, we have conducted a 26(f) conference, met and conferred with T-Mobile regarding the case schedule, and recently filed a Joint Status Report on November 28, 2023. We have also served document requests on defendant T-Mobile and non-parties AT&T Inc., Verizon Communications Inc., and DISH Network Corp.

6. In successfully prosecuting class actions for the last four decades, Lieff, BMPC, and Hausfeld have routinely advanced the costs of litigation without the use of litigation funders and have demonstrated an ability and willingness to dedicate their substantial resources to

prosecute plaintiffs and proposed class members' claims vigorously. As reflected by the extensive time and funds already committed to this case, Lieff, BMPC, and Hausfeld can and will commit the resources necessary to prosecute it.

7. Lieff also has significant experience prosecuting complex, antitrust class actions: It is one of the few firms to successfully try such a case to verdict. Lieff served as co-lead class counsel *In re TFT-LCD Antitrust Litigation* ("LCDs"), MDL No. 1827 (N.D. Cal.), which concerned a criminal conspiracy to fix LCD prices. After reaching settlements with all but one defendant, Lieff and its co-counsel tried the case. Following a six-week trial, the jury found for the plaintiffs, eventually leading to global settlements totaling \$470 million. My partner Richard Heimann and I served as trial counsel in *LCDs*.

8. Attached as Exhibit A is a true and correct copy of Lieff's antitrust resume. This resume details the firm's current and past antitrust successes and includes biographies of Lin Y. Chan and myself, who will lead Lieff's team for this case.

9. Attached as Exhibit B is a true and correct copy of BMPC's antitrust resume. This resume details the firm's current and past antitrust successes and includes biographies of Eric L. Cramer, Joshua P. Davis, and Robert Litan who will lead BMPC's team for this case.

10. Attached as Exhibit C is a true and correct copy of Hausfeld's antitrust resume. This resume details the firm's current and past antitrust successes and includes a biography of Gary I. Smith Jr. who will lead Hausfeld's team for this case.

Executed under penalty of perjury on the 4th of December, 2023, in San Francisco, California.

/s/ Brendan P. Glackin
Brendan P. Glackin

EXHIBIT

A

Lieff Cabraser Firm Resume

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

Lieff Cabraser Heimann & Bernstein, LLP is a 125+ attorney AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Munich. We have a diversified practice successfully representing plaintiffs throughout the U.S. and Europe in the fields of antitrust, personal injury and mass torts, securities and financial fraud, employment discrimination and unlawful employment practices, product defect, consumer protection, antitrust, environmental and toxic exposures, False Claims Act, digital privacy and data security, abuse and sexual abuse cases, and civil and human rights. Our clients include individuals, classes, and groups of people, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. The Firm has, often with co-counsel, represented clients from across the globe in cases filed in American Courts and in foreign jurisdictions.

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lieffcabraser.com

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

ANTITRUST

At the forefront of landmark cases promoting fair competition in the marketplace, Lieff Cabraser assists companies, governments, consumers, and workers affected by anticompetitive conduct by assessing market circumstances and advising whether and how to pursue legal action. When we advise litigation, our track record reflects remarkable successes for our clients.

Representative Current Cases

***IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION*, NO. 3:21-MD-02981 (N.D. Cal.)**

Partner Brendan Glackin currently serves as lead trial counsel to a coalition of 39 States prosecuting antitrust claims against Google for unlawful maintenance of a monopoly on Android app distribution and Android in-app billing services. Mr. Glackin is working on special assignment as a Special Assistant Attorney General for the State of Utah. The case recently settled shortly before trial.

***DALE, ET AL. V. DEUTSCHE TELEKOM AG, ET AL.*, NO. 1:22-CV-03189 (N.D. Ill.)**

Lieff Cabraser and co-counsel represent a proposed class of AT&T and Verizon subscribers in a federal class action against Deutsche Telekom, T-Mobile, and SoftBank Group challenging the merger of T-Mobile and Sprint.

That merger reduced the overall number of mobile carriers in the U.S. from four to three and thereby removed all meaningful incentives for competition between the three



remaining behemoths: the new T-Mobile, AT&T, and Verizon.

In bringing this action, plaintiffs seek to restore competition in one of the world's largest and most concentrated markets. Every consumer and small business in the U.S. market is paying the price of this anticompetitive merger, including AT&T and Verizon customers.

***IN RE OUTPATIENT MEDICAL CENTER EMPLOYEE ANTITRUST LITIGATION*, NO. 1:21-CV-00305-ARW-SRH (N.D. Ill.)**

Lieff Cabraser is Interim Co-Lead Counsel for plaintiffs in a consolidated federal class action lawsuit against medical care centers Surgical Care Affiliates, United Surgical Partners International, Inc., and DaVita, Inc. for agreeing not to compete for each other's employees. As a result, defendants suppressed plaintiffs' compensation and mobility. This civil case comes in the wake of federal criminal indictments charging SCA and DaVita with violating the antitrust laws.

***IN RE MISSION HEALTH ANTITRUST LITIGATION*, NO. 1:22-CV-00114-MRW-CWM (W.D.N.C.)**

Lieff Cabraser and co-counsel represent the city of Asheville, North Carolina and other cities and counties in litigation against HCA Healthcare/Mission Health alleging the hospital giant is abusing its market power to prevent insurers from offering patients financial incentives to use lower cost or higher quality services offered by competitors. Mission Health's conduct has reduced competition and inflated reimbursement rates to insurers.

***IN RE CALIFORNIA BAIL BOND ANTITRUST LITIGATION*, NO. 3:19-CV-00717-JST (N.D. Cal.)**

Lieff Cabraser serves as Interim Lead Class Counsel for a proposed class of bail bond purchasers in California. Plaintiffs in this first-of-its-kind class action antitrust case allege that bail sureties and bail agents have conspired to unlawfully inflate California bail bond premiums since 2004.

***SCHWAB SHORT-TERM BOND MARKET FUND, ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 11 CV 6409 (S.D.N.Y.); *CHARLES SCHWAB BANK, N.A., ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 11 CV 6411 (S.D.N.Y.); *SCHWAB MONEY MARKET FUND, ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 11 CV 6412 (S.D.N.Y.); *THE CHARLES SCHWAB CORP., ET AL. V. BANK OF AMERICA CORP., ET AL.*, NO. 13 CV 7005 (S.D.N.Y.); AND *BAY AREA TOLL AUTHORITY V. BANK OF AMERICA CORP., ET AL.*, NO. 14 CV 3094 (S.D.N.Y.) (COLLECTIVELY, "LIBOR")**

Lieff Cabraser serves as counsel for The Bay Area Toll Authority ("BATA"), The Charles Schwab Corporation, and certain Schwab Funds in individual lawsuits against Bank of America Corporation, Credit Suisse Group AG, JPMorgan Chase & Co., Citibank, Inc., and additional banks for allegedly manipulating the London Interbank Offered Rate ("LIBOR").

Plaintiffs allege that beginning in 2007, defendants conspired to understate their true costs of borrowing, causing the calculation of LIBOR to be set artificially low. As a result, Schwab, the Schwab Funds, and BATA received less than their rightful rates of return on their LIBOR-based investments.

The complaints assert defendants violated federal antitrust laws, the federal Racketeer Influenced and Corrupt Organizations Act, and the statutory and common law of California. The actions were transferred to the Southern District of New York for consolidated proceedings in the LIBOR multidistrict litigation pending there.

IN RE TELESCOPES ANTITRUST LITIGATION, NO. 5:20-CV-03639-EJD (N.D. Cal.)

We serve as Interim Lead Counsel for indirect purchasers of amateur telescopes. Plaintiffs challenge collusion by the two major telescope manufacturers Synta and Ningbo, who have a combined 80 percent share of the U.S. telescope market.

Plaintiffs allege defendants have carried out a price-fixing and market allocation scheme to monopolize the consumer telescope market. Consumer telescope purchasers have paid hundreds of millions of dollars in illegal overcharges since at least 2005 as a result.



IN RE GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION, MDL NO. 2724 (E.D. PA.)

Beginning in February 2015, Lieff Cabraser conducted an extensive investigation into dramatic price increases of certain generic prescription drugs. Lieff Cabraser filed the first case alleging price-fixing of one of the most widely prescribed drugs in the world: Levothyroxine, the primary treatment for hypothyroidism. Lieff Cabraser also played a significant role in similar cases involving Propranolol and Clomipramine.

These cases, and others, were consolidated and transferred to the Eastern District of Pennsylvania as In re Generic Prescription Drugs Antitrust Litigation, MDL No. 2724. Lieff Cabraser is a member of the End-Payer Plaintiffs' Steering Committee. FZWUSdWUZS^W YW [fZ[e USEWZSe TWV VWeUdTWV Se _ aef] Wk fZW'SdWf UsdW[fZW Zefack aXfZWG` fW EfsfWé

IN RE LITHIUM-ION BATTERIES ANTITRUST LITIGATION, MDL NO. 2420 (N.D. Cal.)

Lieff Cabraser serves as Co-Lead Counsel representing indirect purchasers in a class action filed against LG, GS Yuasa, NEC, Sony, Sanyo, Panasonic, Hitachi, LG Chem, Samsung, Toshiba, and Sanyo for allegedly conspiring from 2002 to 2011 to fix the prices of lithium-ion rechargeable batteries.

Defendants are the world's leading manufacturers of lithium-ion rechargeable batteries, which power virtually every laptop computer, cellphone, tablet, and other portable consumer electronic product. As a result of defendants' anticompetitive conduct, consumers across the U.S. paid artificially inflated prices for lithium-ion rechargeable batteries. Lieff Cabraser and co-counsel have reached settlements totaling \$113.45 million with all defendants.



IN RE RESTASIS ANTITRUST LITIGATION, MDL NO. 2819 (E.D.N.Y.)

Lieff Cabraser serves as Co-Lead Counsel for a certified class of third-party payors and consumers of Restasis, a blockbuster drug used to treat dry-eye disease. Plaintiffs challenge pharmaceutical giant Allergan's scheme to delay generic competition by listing invalid patents and sham transfer of those patents with the FDA. This conduct denied consumers competition from generic equivalents to Restasis that would have been just as safe and cheaper. Lieff Cabraser achieved a \$30 million settlement.

INTERNATIONAL ANTITRUST CASES

Lieff Cabraser has significant experience in European antitrust litigation. Partner Dr. Katharina Kolb heads the firm's Munich office and European litigation practice.

One of the firm's major international antitrust cases involves the European truck cartel, which the European Commission fined more than €3.8 billion for colluding on prices and emission technologies for more than 14 years. Lieff Cabraser is working with a range of funders to prosecute the claims of persons damaged by the European truck cartel.

Lieff Cabraser is also prosecuting the German quarto steel cartel, the German plant pesticides cartel, and the French meal voucher cartel.

IN RE DOMESTIC AIRLINE TRAVEL ANTITRUST LITIGATION, NO. 1:15-MC-01404 (D.C.)

Lieff Cabraser represents consumers in a class action lawsuit against the four largest U.S. airline carriers: American Airlines, Delta Air, Southwest, and United. These airlines account for over 80 percent of all domestic airline travel. Plaintiffs seek to restore competition in this market after years of collusion by defendants restrained capacity and increased prices.

Plaintiffs have successfully opposed defendants' motion to dismiss and settled with Southwest Airlines.

IN RE CAPACITORS ANTITRUST LITIGATION, NO. 3:14-CV-03264 (N.D. Cal.)

Lieff Cabraser is a member of the Plaintiffs' Steering Committee representing indirect purchasers in a class action against the world's largest capacitor manufacturers. Plaintiffs allege that defendants price fixed one of the most common

electronic components in the world: capacitors, trillions of which are made each year for use in electrical devices like computers, phones, and appliances.

Lieff Cabraser has played a central role in discovery and opposing defendants' motions to dismiss and motions for summary judgment. Plaintiffs have settled with NEC Tokin Corp., Nitsuko Electronics Corp., Okaya Electric Industries Co., Ltd., Hitachi Chemical, and Soshin Electric Co., Ltd.

ANTITRUST – Representative Achievements & Successes

IN RE HIGH-TECH EMPLOYEE ANTITRUST LITIGATION, NO. 11 CV 2509 (N.D. Cal.)

Lieff Cabraser served as Co-Lead Class Counsel in a lawsuit alleging that Adobe Systems Inc., Apple Inc., Google Inc., Intel Corporation, Intuit Inc., Lucasfilm Ltd., and Pixar restricted recruiting of each other's employees to suppress their employees' pay.

Plaintiffs prevailed in seeking certification of a class approximately 64,000 persons strong who worked in defendants' technical, creative, and/or research and development jobs from 2005-2009. Following certification, Lieff Cabraser went on to secure total settlements of \$435 million, the largest recovery by an employee class against private employers in history.

The Daily Journal described the case as "the most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough."

CIPRO CASES I AND II, JCCP NOS. 4154 AND 4220 (Cal. Supr. Ct.)

Lieff Cabraser represented California consumers and third party payors in a class action lawsuit in California state court charging that Bayer Corporation, Barr Laboratories, and other generic prescription drug manufacturers conspired to delay entry of generics for Bayer's blockbuster antibiotic drug Ciprofloxacin, sold as Cipro.

When the trial court granted defendants' motion for summary judgment, Lieff Cabraser appealed and eventually sought review by the California Supreme Court. In its reversal of the order granting summary judgment, that Court resoundingly endorsed the rights of consumers to challenge pharmaceutical pay-for-delay settlements under California competition law.

After working to the brink of trial, Lieff Cabraser secured settlements totaling \$399 million (exceeding plaintiffs' damages estimate by approximately \$68 million), a result the trial court found "extraordinary."

In its final approval, the trial court added that it was "not aware of any case" that "has taken roughly 17 years," where, net of fees, end-payor "claimants will get basically 100 cents on the dollar[.]"

IN RE TFT-LCD ANTITRUST LITIGATION, MDL NO. 1827 (N.D. Cal.)

Lieff Cabraser served as Co-Lead Counsel for two certified direct purchaser classes in litigation against the world's leading manufacturers of Thin Film Transistor Liquid Crystal Displays. TFT-LCDs are used in flat-panel televisions as well as computer monitors, laptop computers, mobile phones, and other devices. Plaintiffs challenged defendants' conspiracy to raise the prices of TFT-LCD panels and certain products containing those panels for over a decade, resulting in overcharges to purchasers of those panels and products.

After negotiating settlements with all defendants except Toshiba, Lieff Cabraser tried the case against that defendant and obtained a favorable jury verdict. Lieff Cabraser achieved total settlements over \$470 million.



**NASHVILLE GENERAL V.
MOMENTA PHARMACEUTICALS,
ET AL., NO.
3:15-CV-01100 (M.D. Tenn.)**

Lieff Cabraser represented AFCSME DC 37 and the Nashville General Hospital as sole Lead Counsel in a class action against defendants Momenta Pharmaceuticals and Sandoz, Inc. for allegedly monopolizing Enoxaparin, the generic version of the blood clotting drug Lovenox.

The complaint alleged that defendants colluded to bring the official batch-release testing standard for generics within the ambit of their patent, delaying the entry of the second generic competitor, a never-before-tried theory of liability.

In 2019, the court certified a class of hospitals, third-party payors, and uninsured persons in 29 states and DC. Six weeks before trial, Lieff Cabraser obtained a \$120 million settlement, the second largest indirect-purchaser antitrust pharmaceutical settlement after *Cipro*.

**MEIJER V. ABBOTT
LABORATORIES, NO. C 07-5985
CW (N.D. Cal.)**

Lieff Cabraser served as co-counsel for a group of retailers charging that Abbott Laboratories monopolized the market for AIDS medicines used in conjunction with Abbott's prescription drug Norvir.

These drugs, known as Protease Inhibitors, help patients with HIV fight off the disease and live longer.

Plaintiffs successfully opposed Abbott's motion for summary judgment, and the case proceeded to trial. Lieff Cabraser served as trial counsel. After opening statements and the presentation of four witnesses to the jury, Abbott settled the case for \$52 million.

**SEAMAN V. DUKE UNIVERSITY, NO.
1:15-CV-00462 (M.D. N.C.)**

Lieff Cabraser represented Dr. Danielle M. Seaman and a certified class of over 5,000 academic doctors at Duke and UNC in a class action lawsuit against Duke University and the UNC Health Care System. Dr. Seaman and the class charged that Duke and UNC entered into a secret agreement not to compete for each other's faculty.

Lieff Cabraser achieved a \$54.5 million settlement. The settlement also included an unprecedented role for the United States Department of Justice to monitor and enforce extensive injunctive relief.

**BINOTTI V. DUKE UNIVERSITY,
CASE NO. 1:20-CV-00470 (M.D.
N.C.)**

Lieff Cabraser represented a class of thousands of non-medical faculty members in a second lawsuit alleging that Duke University and UNC illegally agreed not to compete for each other's non-medical faculty employees, suppressing plaintiffs' compensation and mobility. Lieff Cabraser obtained a \$19 million settlement.

**MARCHBANKS TRUCK SERVICE V.
COMDATA NETWORK, NO. 07-
CV-01078 (E.D. Pa.)**

Lieff Cabraser was Co-Lead Counsel for a class of independent truck stops against Comdata, its parent company Ceridian LLC, and three national truck stop chains. Comdata is the dominant issuer of fleet payment cards used by truckers to make purchases at truck stops.

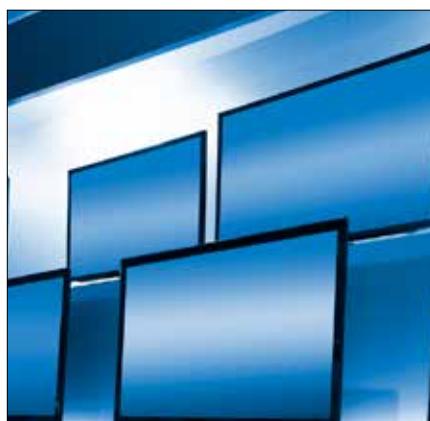


Plaintiffs charged that defendants entered into an agreement that Comdata would charge higher transaction fees on purchases at independent truck stops than on purchases at the defendant chain truck stops.

Lieff Cabraser secured a \$130 million settlement. The firm also obtained injunctive relief that will promote competition among payment cards used by over-the-road fleets and truckers.

**IN RE RAILWAY INDUSTRY
EMPLOYEE NO-POACH ANTITRUST
LITIGATION, MDL NO. 2850 (W.D.
Pa.)**

Lieff Cabraser served as Co-Lead Class Counsel for employees in litigation against rail equipment companies Knorr-Bremse and Wabtec, the world's dominant rail equipment suppliers. Plaintiffs charged that defendants agreed not to compete for each other's employees. Plaintiffs' vigorous prosecution of the case led to \$48.95 million in settlements.



**HALEY PAINT CO. V. E.I. DUPONT
DE NEMOURS AND CO., ET AL., NO.
10-CV-00318-RDB (D. Md.)**

Lieff Cabraser served as Co-Lead Counsel for direct purchasers of titanium dioxide in a nationwide class action lawsuit against E.I. DuPont De Nemours and Co., Huntsman International LLC, Kronos Worldwide Inc., and Cristal Global (fka Millennium Inorganic Chemicals, Inc.).

Plaintiffs alleged a global cartel to fix the price of titanium dioxide, the world's most widely used pigment for providing whiteness and brightness in paints, paper, plastics, and other products.

Unlike some antitrust class actions, plaintiffs prosecuted this global cartel without the benefit of any government investigation. They overcame attacks on the pleadings, discovery obstacles, a rigorous class certification process that required two full rounds of briefing and expert analysis, and multiple summary judgment motions. Lieff Cabraser prepared fully for trial and achieved settlement with the final defendant on the eve of trial. Plaintiffs recovered settlements totaling \$163 million.

SULLIVAN V. DB INVESTMENTS, NO. 04-02819 (D.N.J.)

Lieff Cabraser served as Class Counsel for consumers who purchased diamonds from 1994 through March 31, 2006, in a class action lawsuit against the De Beers group of companies. Plaintiffs challenged De Beers' conspiracy to monopolize the sale of rough diamonds in the U.S. After several years of litigation, plaintiffs finally brought De Beers to justice and vindicated the rights of consumers. Lieff Cabraser obtained a \$295 million settlement that included historic injunctive relief. The firm then successfully defended that settlement on appeal.



NATURAL GAS ANTITRUST CASES, JCCP NOS. 4221, 4224, 4226 & 4228 (Cal. Supr. Ct.)

Lieff Cabraser served as Plaintiffs' Co-Lead Counsel and Co-Liaison Counsel in Natural Gas Antitrust Cases I-IV. Lieff Cabraser secured a landmark \$1.1 billion settlement against El Paso Natural Gas Co. for manipulating the market for natural gas pipeline transmission capacity into California. The firm also obtained a \$67.39 million settlement from a group of natural gas suppliers and a \$92 million settlement with other energy suppliers for manipulating the price of natural gas during the California energy crisis of 2000-2001.

WHOLESALE ELECTRICITY ANTITRUST CASES I & II, JCCP NOS. 4204 & 4205 (Cal. Supr. Ct.)

Lieff Cabraser served as Co-Lead Counsel in the private class action litigation against Duke Energy Trading & Marketing, Reliant Energy, and The Williams Companies for claims they manipulated California's wholesale electricity markets during the California energy crisis of 2000-2001. Lieff Cabraser achieved settlements totaling \$1.066 billion.

CALIFORNIA VITAMINS CASES, JCCP NO. 4076 (Cal. Supr. Ct.)

Lieff Cabraser served as Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee on behalf of a class of California indirect vitamin purchasers alleging that vitamin manufacturers price fixed certain vitamins. Lieff Cabraser secured \$105 million in total settlements.



IN RE LUPRON MARKETING AND SALES PRACTICES LITIGATION, MDL NO. 1430 (D. Mass.)

Lieff Cabraser served as Co-Lead Plaintiffs' Counsel for a class of patients, insurance companies, and health and welfare benefit plans that paid for Lupron, a prescription drug used to treat prostate cancer, endometriosis, and precocious puberty. Plaintiffs challenged defendants' conspiracy to overstate the drug's average wholesale price, which caused them to pay more for Lupron than they would have paid in a competitive market. Lieff Cabraser achieved a \$150 million settlement.

IN RE BUSPIRONE ANTITRUST LITIGATION, MDL NO. 1413 (S.D.N.Y.)

Lieff Cabraser served as Co-Lead Counsel for individual consumers, consumer organizations, and third party payers that purchased BuSpar, a drug prescribed to alleviate symptoms of anxiety. Plaintiffs alleged that Bristol-Myers Squibb Co. paid a potential generic manufacturer to refrain from entering the market. Lieff Cabraser obtained a \$90 million settlement.

FIRM ATTORNEYS

BRENDAN P. GLACKIN, Partner. Office: San Francisco. Practice Areas: Antitrust, Securities Fraud and Financial Fraud. Education: Harvard Law School (J.D. 1998, cum laude); University of Chicago (A.B. 1995, phi beta kappa).

Brendan P. Glackin chairs the firm's antitrust practice group. He has practiced antitrust law for nearly two decades and has tried more than 20 civil and criminal cases. His successes include the titanium dioxide antitrust class action (\$163.5 million in recovery); the liquid crystal displays (LCDs) price-fixing litigation (\$470 million in recovery); and the Norvir antitrust litigation. Mr. Glackin served as trial counsel in all three cases and, via LCDs, remains one of small number of plaintiff attorneys in America to have tried a class action antitrust case to a jury verdict. His work against price-fixing cartels has continued in the lithium ion batteries price-fixing litigation, where the firm serves as co-lead counsel.

Mr. Glackin leads Lieff Cabraser's work in the federal class action challenging the 2020 merger of T-Mobile and Sprint. The merger reduced the number of mobile carriers in the U.S. from four to three and significantly reduced competition among the new T-Mobile, AT&T, and Verizon. The lawsuit seeks damages and the restoration of competition in one of the world's largest and most concentrated markets.

Mr. Glackin serves on special assignment as lead trial counsel to a coalition of 39 attorneys general prosecuting Google for anticompetitive dominance of Android app distribution. He serves in that matter as a Special Assistant Attorney General for the State of Utah.

Mr. Glackin also has contributed groundbreaking work in litigation against drug makers for blocking access to affordable generics including the blockbuster brand-name prescription drug Cipro (\$399 million in recovery), which led to a 2016 "California Lawyer Attorney of the Year" (CLAY) award. He also served as lead counsel for Nashville General Hospital and District Council 37 in a case against Sandoz and Momenta Pharmaceuticals for monopolizing generic enoxaparin (\$120 million in recovery).

From 2019-2023, Mr. Glackin was named one of *Lawdragon's* 500 Leading Lawyers in America and *The Daily Journal* named him a Top Antitrust Lawyer in California in 2020. He has also been listed as a "Super Lawyer for Northern California" from 2013 to 2022.

Mr. Glackin's many contributions to the bar and the practice of law include the following. He annually teaches negotiation skills for the Practising Law Institute (PLI) as well as trial advocacy with the National Institute for Trial Advocacy (NITA). He serves as a Vice-Chair of the American Bar Association Section of Antitrust Law, Pricing Conduct Committee. He has been a past panelist at the ABA Antitrust Section Spring Meeting, the pre-eminent gathering of antitrust lawyers in the world. He routinely speaks, publishes, and teaches on antitrust issues.

LIN Y. CHAN, Partner. Office: San Francisco. Practice Areas: Antitrust, Employment Law, Whistleblower Law. Education: Stanford Law School (J.D., 2007); Wellesley College (B.A. 2001, summa cum laude).

A partner in Lieff Cabraser's San Francisco office, Lin Y. Chan's successes include representing California consumers and third party payors charging that brand name and generic drug manufacturers conspired to restrain competition in the sale of Bayer's blockbuster antibiotic drug Ciprofloxacin (Cipro). In 2017, plaintiffs in the Cipro case settled with all remaining defendants, bringing the total recovery to \$399 million. Lin won AAI's Antitrust Enforcement award for "Outstanding Antitrust Achievement by a Young Lawyer" for her work on the Cipro drug antitrust cases. She also shared Lieff Cabraser's team award from the AAI's Antitrust Enforcement award for "Outstanding Private Practice Antitrust Achievement" for their work on the Cipro case.

Lin also represented direct purchasers of titanium dioxide against titanium dioxide manufacturers for conspiring to fix prices. The case settled on the eve of trial in 2013 for \$163 million.

Lin currently serves as co-lead counsel representing consumers who allege that the two leading manufacturers and distributors of consumer telescopes conspired to fix prices and monopolize the consumer telescope market in the United States.

She serves as 2023 President of the Asian American Bar Association of the Greater Bay Area. Lin was the inaugural recipient of AAI and COSAL's Hollis Salzman Memorial Leadership Award in 2021, awarded to a leader within the plaintiffs' antitrust bar who has advanced opportunities for other women and attorneys from underrepresented groups. She also serves as Immediate Past President of COSAL and a member of the AAI's Advisory Board. Lin is Lieff Cabraser's Hiring Partner and leads the firm's Lawyers of Color Committee.

Prior to joining Lieff Cabraser, Lin litigated employment class actions at Goldstein, Demchak, Baller, Borgen & Dardarian. She also served as a law clerk to the Honorable Damon J. Keith of the Sixth Circuit U.S. Court of Appeals from 2007 to 2008.

Lin received her J.D. from Stanford Law School in 2007. While at Stanford, Lin was the Editor-in-Chief of the Stanford Journal of Civil Rights and Civil Liberties.

EXHIBIT

B



Berger Montague

Berger Montague ("BMPC") is a full-spectrum class action and complex civil litigation firm, with nationally known attorneys highly sought after for their legal skills. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. In numerous precedent-setting cases, the firm has played a principal or lead role. Currently, the firm consists of over 90 lawyers; 18 paralegals; and an experienced support staff.

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

BMPC has been involved in numerous notable cases, some of them among the most important in the last 50 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the *Drexel Burnham Lambert/Michael Milken* securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of *Drexel* in the late 1980's. The firm was also among the principal trial counsel in the *Exxon Valdez Oil Spill* litigation in Anchorage, Alaska, a trial resulting in a record jury award of \$5 billion against Exxon, later reduced by the U.S. Supreme Court to \$507.5 million. Berger Montague was lead counsel in the *School Asbestos Litigation*, in which a national class of secondary and elementary schools recovered in excess of \$200 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis. Berger Montague was also lead class counsel and lead trial counsel in the *Cook v. Rockwell International Corporation* litigation arising out of a serious incident at the Rocky Flats nuclear weapons facility in Colorado.

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

Decades of Successful Antitrust Litigation

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

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

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

- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation:*** Berger Montague served as co-lead counsel for a national class including millions of merchants in the *Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* against Visa, MasterCard, and several of the largest banks in the U.S. (e.g., Chase, Bank of America, and Citi). The lawsuit alleged that merchants paid excessive fees to accept Visa and MasterCard cards because the payment cards, individually and together with their respective member banks, violated the antitrust laws. The challenged conduct included, *inter alia*, the collective fixing of interchange fees and adoption of rules that hindered any competitive pressure by merchants to reduce those fees. The lawsuit further alleged that defendants maintained their conspiracy even after both Visa and MasterCard changed their corporate forms from joint ventures owned by member banks to publicly-owned corporations following commencement of this litigation. On September 18, 2018, after thirteen years of hard-fought litigation, Visa and MasterCard agreed to pay as much as approximately \$6.26 billion, but no less than approximately \$5.56 billion, to settle the case. This result is the largest-ever class action settlement of an antitrust case. The settlement received preliminary approval on January 24, 2019. The settlement received final approval on December 16, 2019, for approximately \$5.6 billion.
- ***Contant, et al. v. Bank of America Corp., et al.:*** Berger Montague served as lead class counsel in the multistate indirect purchaser antitrust class action *Contant, et al. v. Bank of America Corp., et al.*, against 16 of the world's largest dealer banks. Plaintiffs alleged that the defendants colluded to manipulate prices on foreign currency ("FX") instruments, using a number of methods to carry out their conspiracies, including sharing confidential price and order information through electronic chat rooms, thereby enabling the defendants to

coordinate pricing and eliminate price competition. As with prior bank rigging scandals involving conspiracies to manipulate prices on other financial instruments, the defendants' alleged conspiracy to manipulate FX prices was the subject of numerous governmental investigations as well as direct purchaser class actions brought under antitrust federal law. However, the *Contant* action was the first of such cases to bring claims under state indirect purchaser antitrust laws on behalf of state-wide classes of retail investors of those financial instruments and whose claims have never been redressed. On July 29, 2019, U.S. District Judge Lorna G. Schofield granted preliminary approval of a \$10 million settlement with Citigroup and a \$985,000 settlement with MUFG Bank Ltd. On July 17, 2020, the Court granted preliminary approval of three settlements with all remaining defendants for a combined \$12.695 million. Each of the five settlements, totaling \$23.63 million, received final approval on November 19, 2020.

- ***In re Dental Supplies Antitrust Litigation:*** Berger Montague served as co-lead counsel for a class of dental practices and dental laboratories in *In re Dental Supplies Antitrust Litigation*, a suit brought against Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company, the three largest distributors of dental supplies in the United States. On September 7, 2018, co-lead counsel announced that they agreed with defendants to settle on a classwide basis for \$80 million. The settlement received final approval on June 24, 2019. In the 2019 Fairness Hearing, Judge Brian M. Cogan of the U.S. District Court for the Eastern District of New York said: "This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' lawyers in this case who were running it."
- ***In re Domestic Drywall Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of a class of direct purchasers of drywall, in a case alleging that the dominant manufacturers of drywall engaged in a conspiracy to fix drywall prices in the U.S. and to abolish the industry's long-standing practice of limiting price increases for the duration of a construction project through "job quotes." Berger Montague represented a class of direct purchasers of drywall from defendants for the period from January 1, 2012 to January 31, 2013. USG Corporation and United States Gypsum Company (collectively, "USG"), New NGC, Inc., Lafarge North America Inc., Eagle Materials, Inc., American Gypsum Company LLC, TIN Inc. d/b/a Temple-Inland Inc., and PABCO Building Products, LLC were named as defendants in this action. On August 20, 2015, the district court granted final approval of two settlements—one with USG and the other with TIN Inc.—totaling \$44.5 million. On December 8, 2016, the district court granted final approval of a \$21.2 million settlement with Lafarge North America, Inc. On February 18, 2016, the district court denied the motions for summary judgment filed by American Gypsum Company, New NGC, Inc., Lafarge North America, Inc., and PABCO Building Products. On August 23, 2017, the district court granted direct purchaser plaintiffs' motion for class certification. On January 29, 2018, the district court granted preliminary approval of a joint settlement with the remaining defendants, New NGC, Inc., Eagle Materials, Inc., American Gypsum Company LLC, and PABCO Building Products, LLC, for \$125 million. The

settlement received final approval on July 17, 2018, bringing the total amount of settlements for the class to \$190.7 million.

- ***In re Currency Conversion Fee Antitrust Litigation:*** Berger Montague, as one of two co-lead counsel, spearheaded a class action lawsuit alleging that the major credit cards had conspired to fix prices for foreign currency conversion fees imposed on credit card transactions. After eight years of litigation, a settlement of \$336 million was approved in October 2009, with a Final Judgment entered in November 2009. Following the resolution of eleven appeals, the District Court, on October 5, 2011, directed distribution of the settlement funds to more than 10 million timely filed claimants, among the largest class of claimants in an antitrust consumer class action. A subsequent settlement with American Express increased the settlement amount to \$386 million. (MDL No. 1409 (S.D.N.Y)).
- ***In re Marchbanks Truck Service Inc., et al. v. Comdata Network, Inc.:*** Berger Montague was co-lead counsel in this antitrust class action brought on behalf of a class of thousands of Independent Truck Stops. The lawsuit alleged that defendant Comdata Network, Inc. had monopolized the market for specialized Fleet Cards used by long-haul truckers. Comdata imposed anticompetitive provisions in its agreements with Independent Truck Stops that artificially inflated the fees Independents paid when accepting the Comdata's Fleet Card for payment. These contractual provisions, commonly referred to as anti-steering provisions or merchant restraints, barred Independents from taking various competitive steps that could have been used to steer fleets to rival payment cards. The settlement for \$130 million and valuable prospective relief was preliminary approved on March 17, 2014, and finally approved on July 14, 2014. In its July 14, 2014 order approving Class Counsel's fee request, entered contemporaneously with its order finally approving the settlement, the Court described this outcome as "substantial, both in absolute terms, and when assessed in light of the risks of establishing liability and damages in this case."
- ***Ross, et al. v. Bank of America (USA) N.A., et al.:*** Berger Montague, as lead counsel for the cardholder classes, obtained final approval of settlements reached with Chase, Bank of America, Capital One and HSBC, on claims that the defendant banks unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections, and to preclude cardholders from participating in any class actions. The case was brought for injunctive relief only. The settlements remove arbitration clauses nationwide for 3.5 years from the so-called "cardholder agreements" for over 100 million credit card holders. This victory for consumers and small businesses came after nearly five years of hard-fought litigation, including obtaining a decision by the Court of Appeals reversing the order dismissing the case, and will aid consumers and small businesses in their ability to resist unfair and abusive credit card practices. In June 2009, the National Arbitration Forum (or "NAF") was added as a defendant. Berger Montague also reached a settlement with NAF. Under that agreement, NAF ceased administering arbitration proceedings involving business cards for a period of three and one-half (3.5) years, which relief is in addition to

the requirements of a Consent Judgment with the State of Minnesota, entered into by the NAF on July 24, 2009.

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

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

- ***In re: Namenda Direct Purchaser Antitrust Litigation***: Berger Montague is co-lead counsel for the class in this antitrust action brought on behalf of a class of direct purchasers of branded and/or generic Namenda IR and/or branded Namenda XR. It settled for \$750 million on the very eve of trial. The \$750 million settlement received final approval on May 27, 2020, and is the largest single-defendant settlement ever for a case alleging delayed generic competition. (Case No. 15-cv-7488 (S.D.N.Y.)).
- ***King Drug Co. v. Cephalon, Inc.***: Berger Montague played a major role (serving on the executive committee) in this antitrust class action on behalf of direct purchasers of the prescription drug Provigil (modafinil). After nine years of hard-fought litigation, the court approved a \$512 million partial settlement, then the largest settlement ever for a case alleging delayed generic competition. (Case No. 2:06-cv-01797 (E.D. Pa.)). Subsequent non-class settlements pushed the total settlement figure even higher.
- ***In re Aggrenox Antitrust Litigation***: Berger Montague represented a class of direct purchasers of Aggrenox in an action alleging that defendants delayed the availability of less expensive generic Aggrenox through, *inter alia*, unlawful reverse payment agreements. The case settled for \$146 million. (Case No. 14-02516 (D. Conn.)).
- ***In re Asacol Antitrust Litigation***: The firm served as class counsel for direct purchasers of Asacol HS and Delzicol in a case alleging that defendants participated in a scheme to block generic competition for the ulcerative colitis drug Asacol. The case settled for \$15 million. (Case No. 15-cv-12730-DJC (D. Mass.)).
- ***In re Celebrex (Celecoxib) Antitrust Litigation***: The firm represented a class of direct purchasers of brand and generic Celebrex (celecoxib) in an action alleging that Pfizer, in violation of the Sherman Act, improperly obtained a patent for Celebrex from the U.S. Patent and Trademark Office in a scheme to unlawfully extend patent protection and delay market entry of generic versions of Celebrex. The case settled for \$94 million. (Case No. 14-cv-00361 (E.D. VA.)).

- ***In re DDAVP Direct Purchaser Antitrust Litigation:*** Berger Montague served as co-lead counsel in a case that charged defendants with using sham litigation and a fraudulently obtained patent to delay the entry of generic versions of the prescription drug DDAVP. Berger Montague achieved a \$20.25 million settlement only after winning a precedent-setting victory before the United States Court of Appeals for the Second Circuit that ruled that direct purchasers had standing to recover overcharges arising from a patent-holder's misuse of an allegedly fraudulently obtained patent. (Case No. 05-2237 (S.D.N.Y.)).
- ***In re K-Dur Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class in this long-running antitrust litigation. Berger Montague litigated the case before the Court of Appeals and won a precedent-setting victory and continued the fight before the Supreme Court. On remand, the case settled for \$60.2 million. (Case No. 01-1652 (D.N.J.)).
- ***In re Loestrin 24 Fe Antitrust Litigation:*** Berger Montague served as co-lead counsel for the class of direct purchasers of brand Loestrin, generic Loestrin, and/or brand Minastrin. The direct purchaser class alleged that defendants violated federal antitrust laws by unlawfully impairing the introduction of generic versions of the prescription drug Loestrin 24 Fe. The case settled shortly before trial for \$120 million (Case No. 13-md-2472) (D.R.I.).
- ***Meijer, Inc., et al. v. Abbott Laboratories:*** Berger Montague served as co-lead counsel in a class action on behalf of pharmaceutical wholesalers and pharmacies charging Abbott Laboratories with illegally maintaining monopoly power and overcharging purchasers in violation of the federal antitrust laws. Plaintiffs alleged that Abbott had used its monopoly with respect to its anti-HIV medicine Norvir (ritonavir) to protect its monopoly power for another highly profitable Abbott HIV drug, Kaletra. This antitrust class action settled for \$52 million after four days of a jury trial in federal court in Oakland, California. (Case No. 07-5985 (N.D. Cal.)).
- ***Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.:*** Berger Montague served as co-lead counsel in a case challenging Warner Chilcott's alleged anticompetitive practices with respect to the branded drug Doryx. The case settled for \$15 million. (Case No. 2:12-cv-03824 (E.D. Pa.)).
- ***In re Oxycontin Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of direct purchasers of the prescription drug Oxycontin. The case settled in 2011 for \$16 million. (Case No. 1:04-md-01603 (S.D.N.Y.)).
- ***In re Prandin Direct Purchaser Antitrust Litigation:*** Berger Montague served as co-lead counsel and recovered \$19 million on behalf of direct purchasers of the diabetes medication Prandin. (Case No. 2:10-cv-12141 (E.D. Mich.)).
- ***Rochester Drug Co-Operative, Inc. v. Braintree Labs., Inc.:*** Berger Montague served as co-lead counsel on behalf of direct purchasers alleging sham litigation led to the delay

of generic forms of the brand drug Miralax. The case settled for \$17.25 million. (Case No. 07-142 (D. Del.)).

- ***In re Skelaxin Antitrust Litigation:*** Berger Montague was among a small group of firms litigating on behalf of direct purchasers of the drug Skelaxin. The case settled for \$73 million. (Case No. 2:12-cv-83 / 1:12-md-02343) (E.D. Tenn.)).
- ***In re Solodyn Antitrust Litigation:*** Berger Montague served as co-lead counsel representing a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) alleging that defendants entered into agreements not to compete in the market for extended-release minocycline hydrochloride tablets in violation of the Sherman Act. With a final settlement on the eve of trial, the case settled for a total of more than \$76 million. (Case No. 14-MD-2503-DJC (D. Mass.)).
- ***In re Tricor Antitrust Litigation:*** Berger Montague was one of a small group of counsel in a case alleging that the manufacturer of this drug was paying its competitors to refrain from introducing less expensive generic versions of Tricor. The case settled for \$250 million. (No. 05-340 (D. Del.)).
- ***In re Wellbutrin XL Antitrust Litigation:*** Berger Montague served as co-lead counsel for a class of direct purchasers of the antidepressant Wellbutrin XL. A settlement of \$37.5 million was reached with Valeant Pharmaceuticals (formerly Biovail), one of two defendants in the case. (Case No. 08-cv-2431 (E.D. Pa.)).

Judicial Praise for Berger Montague Attorneys

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

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

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

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

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

"The degree to which you all litigated the case is – you know, I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max. So you, both sides, I think litigated the case as vigorously as any group

of attorneys could. The level of representation of all parties in terms of the sophistication of counsel was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one."

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

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

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

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

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

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

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

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

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

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

Attorney Biographies

If appointed as co-lead counsel, the following Berger Montague attorneys would play a leading role in the litigation of this case.

Eric L. Cramer

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

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

Mr. Cramer is also a frequent speaker at antitrust and litigation related conferences and a leader of multiple non-profit advocacy groups. He is a past President of the Board of Directors of Public Justice, a national public interest advocacy group and law firm; a former Vice President of the Board of Directors of the American Antitrust Institute; a past President of COSAL (Committee to Support the Antitrust Laws), a leading industry group; and a member of the Advisory Board of the Institute of Consumer Antitrust Studies of the Loyola University Chicago School of Law.

He has written widely in the fields of class certification and antitrust law. Among other writings, Mr. Cramer has co-authored *Antitrust as Antiracism: Antitrust as a Partial Cure for Systemic Racism (and Other Systemic "isms")*, Vol. 66(3) The Antitrust Bulletin 359-393 (2021) and *Antitrust, Class Certification, and the Politics of Procedure*, 17 George Mason Law Review 4 (2010), the latter of which was cited by both the First Circuit in *In re Nexium Antitrust Litig.*, 777 F.3d 9, 27 (1st Cir. 2015), and the Third Circuit in *Behrend v. Comcast Corp.*, 655 F.3d 182, 200, n.10 (3d Cir. 2011), *rev'd on other grounds*, 133 S. Ct. 1426 (2013). He has also co-written a

number of other pieces, including: *Of Vulnerable Monopolists?: Questionable Innovation in the Standard for Class Certification in Antitrust Cases*, 41 Rutgers Law Journal 355 (2009-2010); *A Questionable New Standard for Class Certification in Antitrust Cases*, published in the ABA's Antitrust Magazine, Vol. 26, No. 1 (Fall 2011); a Chapter of American Antitrust Institute's Private International Enforcement Handbook (2010), entitled "Who May Pursue a Private Claim?;" and a chapter of the American Bar Association's Pharmaceutical Industry Handbook (July 2009), entitled "Assessing Market Power in the Prescription Pharmaceutical Industry."

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

Josh P. Davis

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

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

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

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

Robert Litan

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

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

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

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

Litan has consulted for a broad range of private and governmental organizations, including the U.S. Justice Department (antitrust division) on telecommunications matters, the U.S. Treasury Department, the Federal Reserve Bank of New York, the Federal Home Loan Bank of San Francisco, and the Financial Institutions Subcommittee of the House Banking Committee, the Monetary Authority of Singapore and the World Bank.

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

Jeremy Gradwohl

Jeremy is an Associate in the Antitrust group at the Firm's Philadelphia office.

Before joining the Firm, Jeremy clerked for Judge Harvey Bartle III of the United States District Court for the Eastern District of Pennsylvania.

Jeremy is a graduate of Temple University Beasley School of Law's evening program. During law school, he served as an intern with the American Civil Liberties Union of Pennsylvania as well as for Judges Michael A. Shipp of the United States District Court for the District of New Jersey and Cheryl Ann Krause of the United States Court of Appeals for the Third Circuit. He represented noncitizens in Third Circuit immigration appeals through the Federal Appellate Litigation Clinic. He was also a member of the Temple Law Review editorial board.

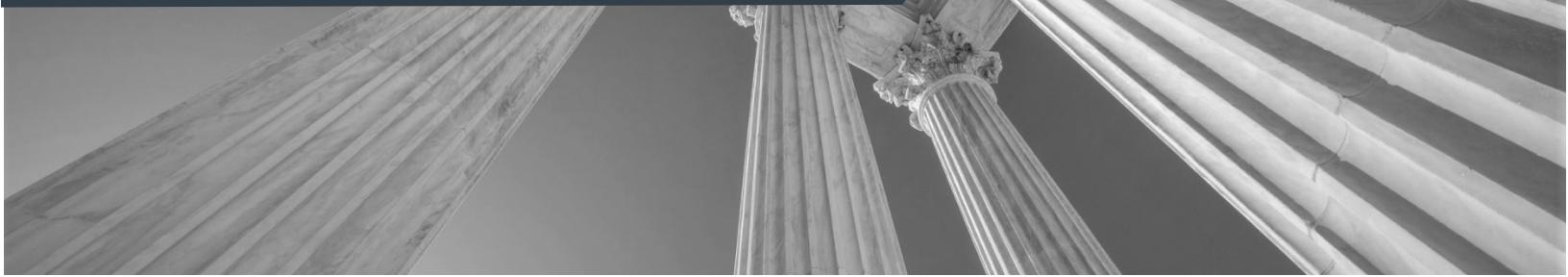
Jeremy is admitted to practice in California and Pennsylvania.

EXHIBIT

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HAUSFELD FIRM RESUME

www.hausfeld.com



About Hausfeld

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants' firm to be ranked in the top tier of private enforcement of antitrust/competition law in both the United States and the United Kingdom by *The Legal 500* and *Chambers and Partners*. Our German office is also ranked by *The Legal 500* for general competition law.

From our locations in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Brussels, Düsseldorf, Stockholm, and London, Hausfeld contributes to the development of law in the United States and abroad in the areas of Antitrust/Competition, Commercial and Financial Disputes, Environmental and Product Liability, Human Rights, and Technology and Data Breach. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets.

Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country's top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. The New York Times has described Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," while Washingtonian characterizes him as a lawyer who is "determined to change the world—and succeeding," noting that he "consistently brings in the biggest judgments in the history of law."

Antitrust and competition litigation

Hausfeld's reputation for leading groundbreaking antitrust class actions in the United States is well-earned. Having helmed more than 40 antitrust class actions, Hausfeld attorneys are prepared to **litigate and manage cases with dozens of defendants** (*In re Blue Cross Blue Shield Antitrust Litigation*, with more than thirty defendants), **negotiate favorable settlements for class members and clients** (*In re Air Cargo Shipping Services Antitrust Litigation*, settlements of more than \$1.2 billion, and *In re Blue Cross Blue Shield Antitrust Litigation*, \$2.67 billion settlement), **take on the financial services industry** (*In re Foreign Exchange Antitrust Litigation*, with settlements of more than \$2.3 billion), take cartels to trial (*In re Vitamin C Antitrust Litigation*, trial victory of \$162 million against Chinese manufacturers of Vitamin C), and **push legal boundaries where others have not** (*O'Bannon v. NCAA*, another trial victory in which the court found that NCAA rules prohibiting additional scholarship payments to players as part of the recruiting process are unlawful).



Hausfeld is 'the world's leading antitrust litigation firm.'

Politico

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Hausfeld: A global reach

Hausfeld's international reach enables it to advise across multiple jurisdictions and pursue claims on behalf of clients worldwide. Hausfeld works closely with clients to deliver outstanding results while always addressing their business concerns. Hausfeld does so by anticipating issues, considering innovative strategies, and maximizing the outcome of legal disputes in a way that creates shareholder value. The firm's innovative cross border solutions work to the benefit of the multinational companies it often represents.

Creative solutions to complex legal challenges

Hausfeld lawyers consistently apply forward-thinking ideas and creative solutions to the most vexing global legal challenges faced by clients. As a result, the firm's litigators have developed numerous innovative legal theories that have expanded the quality and availability of legal recourse for claimants around the globe that have a right to seek recovery. Hausfeld's impact was recognized by the *Financial Times*, which honored Hausfeld's European team with the "Innovation in Legal Expertise - Dispute Resolution," award, which was followed up by FT commending Hausfeld's North American team for its innovative work in the same category. In addition, *The Legal 500* has ranked Hausfeld as the only top tier claimants firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom. For example, the landmark settlement that Hausfeld negotiated to resolve claims against Parker ITR for antitrust overcharges on marine hoses was the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation—creating opportunities never before possible for dispute resolution and providing a new model for global cartel settlements going forward.

Unmatched global resources

The firm combines its U.S. offices on both coasts and vibrant European presence with a broad and deep network around the globe to offer clients the ability to seek redress or confront disputes in every corner of the world and across every industry. With over 160 lawyers in offices in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Düsseldorf, Hamburg, Brussels, Stockholm, and London, Hausfeld is a "market leader for claimant-side competition litigation" (*The Legal 500*).



A prominent litigation firm, renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues including monopolization, price manipulation and price fixing.

Chambers and Partners



Hausfeld, which 'commits extensive resources to the most difficult cases,' widely hails as one of the few market-leading plaintiff firms.

The Legal 500



Primarily in the antitrust capacity, Hausfeld is an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V'.

Benchmark Litigation

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Antitrust litigation

Hausfeld's antitrust litigation experience is unparalleled

Few, if any, U.S. law firms are litigating more class actions on behalf of companies and individuals injured by anticompetitive conduct than Hausfeld. The firm has litigated cases involving price-fixing, price manipulation, monopolization, tying, and bundling, through individual and class representation, and has experience across a wide variety of industries, including automotive, aviation, energy, financial services, food & beverage, healthcare, manufacturing, retail, and the transportation and logistics sectors. Clients rely on us for our antitrust expertise and our history of success in the courtroom, and at the negotiation table; the firm does not shy away from challenges, taking on some of the most storied institutions.

“

Hausfeld, 'one of the most capable plaintiffs' firms involved in the area of civil cartel enforcement,' is [w]idely recognized as a market leader for claimant-side competition litigation... [It is the] market leader in terms of quantity of cases, and also the most advanced in terms of tactical thinking.

The Legal 500

Hausfeld is not only trusted by its clients but also by judges to pursue these claims, as evidenced by the fact that the firm has been appointed as lead or co-lead counsel in dozens of antitrust cases in the last decade. In one example, Judge Morrison C. England of the Eastern District of California praised Hausfeld for having “the breadth of experience, resources and talent necessary to navigate” cases of import.

Recognizing the firm's antitrust prowess, *Global Competition Review* has opined that Hausfeld is “one of—if not the—top Plaintiffs' antitrust firm in the U.S.” *The Legal 500* and *Chambers and Partners* likewise

consistently rank Hausfeld among the top five firms in the United States for antitrust litigation on behalf of plaintiffs.

Hausfeld has achieved outstanding results in antitrust cases

Hausfeld lawyers have achieved precedent-setting legal decisions and historic trial victories, negotiated some of the world's most complex settlement agreements, and have collectively recovered billions of dollars in settlement and judgments in antitrust cases. Key highlights include:

- ***In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-7789 (S.D.N.Y.)**
Hausfeld served as co-lead counsel in this case alleging financial institutions participated in a conspiracy to manipulate a key benchmark in the foreign exchange market. To date, the firm has obtained over **\$2.3 billion** in settlements from **fifteen defendants**.
- ***In re LIBOR-Based Financial Instruments Antitrust Litig.*, No. 11-md-2262 (S.D.N.Y.)**
Hausfeld serves as co-lead counsel in this case against sixteen of the world's largest financial institutions for conspiring to fix LIBOR, the primary benchmark for short-term interest rates. To date, the firm has obtained **\$781 million** in settlements with twelve defendants. An antitrust class has been certified and the case is ongoing against the remaining five defendants.
- ***In re Blue Cross Blue Shield Antitrust Litig.*, No. 13-mdl-2496 (N.D. Ala.)**
The Court appointed Hausfeld attorneys as co-lead counsel, and to the Plaintiffs' Steering Committee, in this case against Blue Cross Blue Shield entities. This case was brought against over 30 Blue Cross companies and its trade association (BCBSA) and alleges that they illegally agreed not to compete with each other for health insurance subscribers across the United States. After defeating motions to dismiss, Hausfeld marshalled evidence from a record that consisted of over **14 million documents** from more than thirty defendants and won a landmark ruling when the district court ruled that the

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per se standard would be applied to defendants' conduct. In August 2022, the Court granted approval to the proposed Settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for **\$2.67 billion**. In addition to monetary relief, the settlement includes systemic injunctive relief that will change the landscape for competition in healthcare. The settlement (pending an appeal) is the largest antitrust settlement in a case where the government had not itself prosecuted, investigated, or been part of the case at all.

- ***O'Bannon v. NCAA, No. 09-cv-03329 (N.D. Cal.)***

In the landmark O'Bannon litigation, Hausfeld represented college athletes who collectively alleged that the NCAA, its members, and its commercial partners, violated federal antitrust law by unlawfully foreclosing former players from receiving any compensation related to the use of their names, images, and likenesses in television broadcasts, rebroadcasts, and videogames. In 2013, the plaintiffs announced a **\$40 million settlement** agreement with defendant Electronic Arts, Inc., which left the NCAA as the remaining defendant. Following trial in 2014, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction. The Ninth Circuit affirmed the NCAA's violation of the antitrust laws and upheld significant injunctive relief—the practical effect of which is that college athletes can now each receive up to \$5,000 more every year as part of their scholarship package (to cover their education, travel and medical expenses, and acquire preprofessional training as they enter the work force).

- ***In re Vitamin C Antitrust Litig., No. 06-md-01738 (E.D.N.Y.)***

Hausfeld serves as co-lead counsel in the first-class antitrust case in the United States against Chinese manufacturers. Hausfeld obtained settlements for the class of **\$22.5 million from two of the defendants**—the first after summary judgment, and the second just before closing arguments at trial. Days later, the jury reached a verdict against the remaining defendants, and the court entered a judgment for **\$148 million** after trebling the damages awarded. On appeal to the U.S. Supreme Court, our clients prevailed, and the case was

remanded for further consideration by the Second Circuit.

- ***In re Dental Supplies Antitrust Litig., No. 1:16-cv-00696 (E.D.N.Y.)***

Hausfeld served as co-lead counsel in this litigation in which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. The Federal Trade Commission filed a related lawsuit against the dental distributor companies a year after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. In 2019 the private plaintiffs' action was settled just minutes before a class certification Daubert hearing was set to commence for **\$80 million**.

- ***In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.)***

Hausfeld served as co-lead counsel in this case against two international airlines alleged to have fixed fuel surcharges on flights between the United States and United Kingdom. Lawyers at the firm negotiated a ground-breaking **\$200 million** international settlement that provides recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.

- ***In re Municipal Derivatives Antitrust Litig., No. 08- cv-2516 (S.D.N.Y.)***

Hausfeld served as co-lead counsel in this case against banks, insurance companies, and brokers accused of rigging bids on derivative instruments purchased by municipalities. The firm obtained over **\$200 million** in settlements with more than ten defendants.

- ***In re Automotive Aftermarket Lighting Products Antitrust Litig., No. 09-ML-2007 (C.D. Cal.)***

Hausfeld served as co-lead counsel in this case against three manufacturers for participating in an international conspiracy to fix the prices of aftermarket automotive lighting products. The firm obtained over **\$50 million** in settlements.

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- ***In re Processed Egg Products Antitrust Litig., No. 08-cv-04653 (E.D. Pa.)***
Hausfeld served as co-lead counsel in this case alleging that egg producers, through their trade associations, engaged in a scheme to artificially inflate egg prices by agreeing to restrict the supply of both laying hens and eggs. The firm obtained over **\$135 million** in settlements, won certification of a class of shell egg purchasers, and tried the case against the remaining defendants.
- ***In re Domestic Airline Travel Antitrust Litig., No. 15-1404 (CKK) (D.D.C.)***
Hausfeld serves as co-lead counsel for a proposed class of domestic air passengers that collectively allege the defendants, the four major U.S. passenger air carriers —United, American, Delta, and Southwest — conspired to fix domestic airfares by colluding to limit their respective capacity. The passengers allege that Defendants, in which a common set of investors owned significant shares during the conspiracy period, carried out the conspiracy through repeated assurances to each other on earnings calls and other statements that they each were engaging in “capacity discipline”. In October 2016, the court denied defendants’ motion to dismiss. Since that time, the firm has obtained **\$60 million** in settlements with American and Southwest. The litigation against United and Delta is ongoing.

Litigation achievements

Significant trial victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in ***O'Bannon v. NCAA (N.D. Cal.)***, we conducted a three-week bench trial before the chief judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names,

images, and likenesses. Our victory in the O'Bannon litigation followed the successful trial efforts in ***Law v. NCAA (D.Kan.)***, a case challenging earning restrictions imposed on assistant college coaches in which the jury awarded **\$67 million** to the class plaintiffs that one of our lawyers represented.

In ***In re Vitamin C Antitrust Litigation (E.D.N.Y.)***, we obtained, on behalf of our direct purchaser clients, a **\$148 million** jury verdict and judgment against Chinese pharmaceutical companies that fixed prices and controlled export output of Vitamin C—on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. Years earlier, we took on a global vitamin price-fixing cartel in ***In re Vitamins (D.D.C.)***, in which we secured a **\$1.1 billion settlement** for a class of vitamin purchasers and then took the remaining defendants to trial, culminating in a **\$148 million jury verdict**.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in ***BMG Rights Management (US) LLC, v. Cox Enterprises, Inc. (E.D. Va.)***, the jury returned a **\$25 million verdict** for our client. After the defendants appealed and prior to a new trial, the parties settled.

Exceptional settlement results

Over the past decade, Hausfeld has recouped over \$20 billion for clients and the classes they represented. We are proud of our record of successful dispute resolution. Among our settlement achievements, a selection of cases merit special mention.

On August 9, 2022, the Court granted approval to the proposed settlement agreement in ***In re Blue Cross Blue Shield Antitrust Litigation (M.D. Ala.)***, resolving the claims of Blue Cross Blue Shield subscribers represented by Hausfeld for **\$2.67 billion**. In addition to monetary relief, the settlement includes systemic injunctive relief that will change the landscape for competition in healthcare.

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In the high profile ***In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y.)**, we negotiated settlements totaling more than \$2.3 billion with fifteen banks accused of conspiring to manipulate prices paid in the foreign-exchange market. In another case involving allegations of price-fixing among the world's largest airfreight carriers, ***In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.)**, we negotiated settlements with more than 30 defendants totaling over \$1.2 billion—all in advance of trial. In the ongoing ***In re LIBOR-Based Financial Instruments Antitrust Litigation* (S.D.N.Y.)** case, we have secured settlements to date totaling \$590 million with Barclays (\$120 million), Citi (\$130 million), Deutsche Bank (\$240 million), and HSBC (\$100 million). The court has granted final approval to each of these settlements.

Hausfeld served as class counsel in ***Hale v. State Farm Mutual Automobile Insurance Co.* (S.D.Ill.)**. This case involved allegations that State Farm worked to help elect an Illinois state supreme court justice in order to overturn a billion-dollar judgment against it. On the day opening statements were to be delivered to the jury, State Farm agreed to settle for **\$250 million**. Finally, in the global Marine Hose matter, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases.

As co-lead counsel for a class of app developers in ***In re Google Play Store Antitrust Litigation*** (N.D. Cal.), on November 18, 2022, Hausfeld secured preliminary approval for a **\$90 million** settlement in groundbreaking antitrust class action against Google. The settlement resolves claims against Google regarding its alleged anticompetitive conduct and unlawful practices related to the Google Play Store, including Google's requirement that app developers pay a 30% fee to Google on revenue earned from paid apps and in-app products. The settlement was reached on behalf of app developers with \$2 million or less in annual sales, which includes nearly all U.S. developers earning revenue in the Google Play Store. In addition to paying \$90 million in monetary relief directly to developers, Google has acknowledged that the litigation was a catalyst for its 2021 launch of a program where developers pay a reduced 15% service

fee on their first \$1 million in annual revenues and agreed to maintain that reduced fee tier for at least three more years. Google has also committed to a series of structural reforms, including developing an "Indie Apps Corner" on the homepage of the Google Play Store and publishing an annual transparency report.

In the ***In re Disposable Contact Lens Antitrust Litigation case***, Hausfeld serves as one of the three co-lead counsel for a nationwide class of consumers alleging horizontal and vertical conspiracies by the four leading contact lens manufacturers and their primary distributor to impose minimum resale price maintenance policies called "unilateral pricing policies," or "UPPs." case. On June 16, 2016, the court overseeing the litigation denied the defendants' motion to dismiss; on December 4, 2018, the court certified litigation classes of consumers who purchased contact lenses subject to UPPs; and on November 27, 2019, the Court denied the defendants' four motions for summary judgment. The plaintiffs have prevailed at every turn. On June 16, 2016, the court denied the defendants' motion to dismiss, on December 4, 2018, the court granted class certification, and on November 27, 2019, the court denied the defendants' motions for summary judgment. Settlements were reached with all five defendants prior to the scheduled trial in March 2022, totaling **over \$117 million**: CVI (\$2 million), B&L (\$10 million), ABB (\$30.2 million), Alcon (\$20 million) and JJVC (\$55 million).

These cases are just a few among dozens of landmark settlements across our practice areas.

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Reputation and leadership in the antitrust bar

Court commendations

Judges across the country have taken note of Hausfeld's experience and results achieved in antitrust litigation.



This has just been an absolute gem of an experience from the standpoint of having the opportunity to have just great lawyers fighting over something that's really important and significant.

– District Judge R. David Proctor

In re Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406 (N.D. Ala.) (granting preliminary approval of settlement in case where Hausfeld serves as co-lead counsel.)



All class actions generally are more complex than routine actions... But this one is a doozy. This case is now, I guess, nearly more than ten years old. The discovery as I've noted has been extensive. The motion practice has been extraordinary... The recovery by the class is itself extraordinary. The case, the international aspect of the case is extraordinary. Chasing around the world after all these airlines is an undertaking that took enormous courage.

– Judge Brian M. Cogan

In re Air Cargo Shipping Services Antitrust Litigation, No. 06-md-1775 (E.D.N.Y.)



Hausfeld lawyers achieved 'really, an outstanding settlement in which a group of lawyers from two firms coordinated the work... and brought an enormous expertise and then experience in dealing with the case.' Hausfeld lawyers are 'more than competent. They are outstanding.'

– Judge Charles R. Breyer

In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.) (approving a ground-breaking \$200 million international settlement that provided recovery for both U.S. purchasers under U.S. antitrust laws, and U.K. purchasers under U.K. competition laws.)



Hausfeld has 'the breadth of experience, resources and talent necessary to navigate a case of this import.' Hausfeld 'stands out from the rest.'

– District Judge Morrison C. England Jr.

Four In One v. SK Foods, No. 08-cv-3017 (E.D. Cal.)



The class is represented by what I would describe as an all-star group of litigators...

– District Judge David R. Herdon

Hale v. State Farm, No. 12-cv-00660-DRH-SCW (S.D. Ill.)



Comparing Hausfeld's work through trial to *Game of Thrones*: 'where individuals with seemingly long odds overcome unthinkable challenges... For plaintiffs, their trial victory in this adventurous, risky suit, while more than a mere game, is nothing less than a win...'

– Magistrate Judge Nathanael M. Cousins

O'Bannon v. Nat'l College Athletic Ass'n, No. 09-cv-3329 (N.D. Cal.)

Awards and recognitions



The Legal 500

In 2023, for the 14th consecutive year, Hausfeld was ranked in the top tier nationally for firms in antitrust civil litigation and class actions by *The Legal 500*. The publication has described Hausfeld lawyers as a "... 'skilled' and 'deep bench of lawyers' at Hausfeld LLP [that] excel in leading class action litigation, and landmark trials pertaining to various antitrust matters including monopolization, nationwide conspiracies to manipulate compensation levels, and cartel damage claims." The publication also previously stated that:

Hausfeld is "top-notch in all respects and particularly expert in everything about antitrust law."

Hausfeld lawyers are, "pragmatic, smart and focused litigation experts," and the firm is "at the top of its game," with "a number of heavyweight practitioners."

"DC firm Hausfeld LLP remains top-notch in antitrust litigation... Hausfeld LLP is one of the most capable plaintiffs firms involved in the area of civil cartel enforcement, and is handling some of the major cartel-related cases..."

Hausfeld is a "market transformer," the "most innovative firm with respect to antitrust damages," is "[d]riven by excellence," "anticipates the evolving needs of clients," and delivers "outstanding advice not only in legal terms but also with a true entrepreneurial touch. . ."

Described by a client as 'very tenacious and appropriately aggressive, with great client relations skills', Hausfeld LLP enjoys a stellar reputation in the antitrust space and is regularly praised for its European and global plaintiff-side antitrust practice alongside its work in the US.

Concurrences

Concurrences
Antitrust Publications & Events

In 2020, the Hausfeld *Competition Bulletin* article titled, "Data Exploiting as an Abuse of Dominance: The German Facebook Decision," authored by Hausfeld lawyer Thomas Höppner, was awarded *Concurrences*' 2020 Writing Award in its Unilateral Conduct (Business) category.

In 2018, an article authored by Hausfeld lawyer Scott Martin, joined by co-authors Brian Henry and Michaela Spero, was awarded *Concurrences*' 2018 Writing Award for Private Enforcement (Business) Category. The article, "Cartel Damage Recovery: A Roadmap for In-House Counsel," was originally published in Antitrust Magazine.

In 2017, Hausfeld's *Competition Bulletin* was selected to be ranked among the top antitrust firms distributing newsletters and bulletins. Hausfeld is the only Plaintiffs' firm



to be ranked, and we secured the number one spot for Private Enforcement Newsletters.

In 2015, Hausfeld Partners Michael Hausfeld, Michael Lehmann and Sathya Gosselin won the *Concurrences*' 2015 Antitrust Writing Awards in the Private Enforcement (Academic) category for their article, "Antitrust Class Proceedings—Then and Now," *Research in Law and Economics*, Vol. 26, 2014.

Benchmark Litigation



In 2023, for the fifth consecutive year, *Benchmark Litigation* highlighted Hausfeld as a leader in the domain of dispute resolution, recognizing the firm at the national level, as well as regionally on both coasts.

Hausfeld was ranked by *Benchmark* for Antitrust/Competition Nationwide, and is one of only a small handful of plaintiff-side firms on the list. Hausfeld was also honored as a 'Recommended Top Plaintiff Firm' Nationwide, and described by the publication as "an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V'." A peer on the defense side commented "many firms try to do what they do, but Hausfeld is one of the only ones that gets it right and one of the ones we take the most seriously." Further to Hausfeld's national recognitions, *Benchmark* recognized several individuals in the firm's San Francisco and Washington, DC offices.

2023 Antitrust Report



In 2023, for a fifth consecutive year, Hausfeld has been recognized as one of the leading claimant firms for recovery in antitrust litigation in the US. In the *2022 Antitrust Annual Report*, published by the Center for Litigation and Courts | UC Law SF and The Huntington National Bank, Hausfeld has been recognized as the top firm out of the 25 analyzed, having recovered 121 settlements, totaling over \$5.54 billion, 2009-2022.

Who's Who Legal



In 2022, *Who's Who Legal* honored 14 Hausfeld partners - more than any other firm - among the world's top 106 competition claimant lawyers. These practitioners are renowned for their experience and expertise in competition or antitrust matters before the highest courts in the UK, EU and USA.

In 2019, *Who's Who Legal* honored Hausfeld as the 'Competition Plaintiff Firm of the Year,' noting that the firm is, "a giant in the competition plaintiff field that once again demonstrates the strength and depth of its expertise..."

In 2018, the publication recognized the firm as "[a] powerhouse in the plaintiffs' litigation field, with particularly deep capability in competition matters," highlighting "nine outstanding litigators."



Financial Times

In 2023, the *Financial Times* shortlisted two Hausfeld cases for the 2023 FT Innovative Lawyers Awards North America Awards in the categories 'Innovation



Lawyers in Cyber Security & Data Protection' for *In re: T-Mobile Customer Data Security Breach Litigation* and 'Innovative Lawyers in Technology' for *In re Google Play Developer Antitrust Litigation*.

In 2019, the *Financial Times* named Hausfeld one of the 25 'Most Innovative Law Firms: Overall' in North America. Notably, Hausfeld was the only plaintiffs' firm to make the list. In 2018, the *Financial Times*' Innovative Lawyers Report honored Hausfeld with the 'Innovation in Legal Expertise - Dispute Resolution' award for the firm's work with Dutch transportation insurer TVM. The *Financial Times* followed up this award by commending Hausfeld in its 2018 North America Innovative Lawyers Report for its representation of plaintiffs in *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*. Hausfeld is proud to be the only plaintiffs' firm to have received recognition in the category of 'dispute resolution' for 2018 on both sides of the Atlantic.

In 2016, the *Financial Times* named Hausfeld as a top innovative law firm. Writing about Hausfeld's innovation in the legal market, the *Financial Times* noted: "The firm has taken the litigation finance model to Germany, to turn company inhouse legal departments into profit centres."

In 2015, Michael Hausfeld was recognized by the *Financial Times* as one of the Top 10 Innovative Lawyers in North America.

In 2013, Hausfeld won the *Financial Times* Innovative Lawyer Dispute Resolution Award. The FT stated that Hausfeld has "[p]ioneered a unique and market-changing litigation funding structure that improved accessibility and enabled victims to pursue actions with little or no risk."

U.S. News & World Report & Best Lawyers



In 2022, Hausfeld was the only firm awarded the honor of best law firm in the 'Antitrust Law' category by *U.S. News and Best Lawyers* in its 2023 Best Law Firms edition.

In 2021, Hausfeld was the only firm awarded the honor of best law firm in the 'Litigation – Antitrust' category by *U.S. News and Best Lawyers* in its 2022 Best Law Firms edition.

Global Competition Review



In 2023, Hausfeld won Global Competition Review's award for the "Litigation of the Year – Non-Cartel Prosecution" in recognition of the firm's work on *In re Google Play Developer Antitrust Litigation*. In one of the most high-profile private litigation settlements of 2022, Google agreed to pay \$90 million to approximately 48,000 Android app developers that earned less than \$2 million in annual revenue from its Google Play Store.

In 2021, the firm won *Global Competition Review's* award for "Litigation of the Year – Cartel Prosecution" in recognition of the firm's work on *In re Blue Cross Blue Shield Antitrust Litigation*. After eight years of litigation, the proposed class of subscribers secured a \$2.67 billion settlement from the Blue Cross Blue Shield (BCBS) network, which was preliminarily approved in 2020 and pending final approval.



In 2018, Hausfeld attorneys were awarded *Global Competition Review*'s "Litigation of the Year – Cartel Prosecution" commending its work on *In re Vitamin C Antitrust Litigation*. In this historic case, the Supreme Court ruled in favor of Hausfeld's clients, setting forth criteria and a framework for courts to use when assessing the credibility and weight to give to a foreign government's expression of its own laws.

In 2016, Hausfeld was awarded *Global Competition Review*'s "Litigation of the Year – Cartel Prosecution" for its work on *In re Foreign Exchange Antitrust Benchmark Litigation*. The award recognized Hausfeld's success in the Foreign Exchange litigation to date, which has included securing settlements for more than \$2.3 billion in on behalf of a class of injured foreign exchange investors and overcoming three motions to dismiss in the action.

In 2015, Hausfeld attorneys were awarded *Global Competition Review*'s "Litigation of the Year – Non-Cartel Prosecution," which recognized their trial victory in *O'Bannon v. NCAA*, a landmark case brought on behalf of college athletes challenging the NCAA's restrictions on payment for commercial licensing of those athletes' names, images, and likenesses in various media.

U.S. News & World Report



Since 2016, *U.S. News & World Report – Best Law Firms* has named Hausfeld to its top tier in both Antitrust Law and Litigation, and among its top tiers in Commercial Litigation. Hausfeld is also continuously recognized in New York, San Francisco, and Washington, DC in Antitrust Law, Litigation, Mass Torts and Commercial Litigation.

American Antitrust Institute

In 2023, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Broiler Chicken Grower Antitrust Litigation* and *Olean Wholesale Foods Inc. v. Bumble Bee Foods Inc.*

In 2021, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Blue Cross Blue Shield Antitrust Litigation*.

In 2018, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for their trial and appellate victories in *In re Vitamin C Antitrust Litigation*.

In 2016, the American Antitrust Institute honored two Hausfeld case teams—*In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.) and *In re Municipal Derivatives Antitrust Litig.* (S.D.N.Y.)—with its top award for Outstanding Antitrust Litigation Achievement in Private Law Practice. Taken together, these two cases have yielded settlements of over \$1.4 billion to class members after nearly a decade of litigation. The award celebrates private civil actions that provide significant benefits to clients, consumers, or a class and contribute to the positive development of antitrust policy.



In 2015, Hausfeld and fellow trial counsel won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice for their trial and appellate victories in *O'Bannon v. NCAA*.

Chambers and Partners

In 2023, *Chambers and Partners* once again named Hausfeld to its highest tier, Band 1, for "Antitrust: Plaintiff – USA – Nationwide," noting that the firm is "known for taking on difficult cases and for zealous advocacy, creativity and doggedness." Sources further reported to the publication that Hausfeld is a "*ground-breaking firm*," that is "*filled with incredibly competent and bright people who are also business-savvy attorneys.*"

"has fantastic lawyers who are out-of-the-box thinkers, client service-oriented and a pleasure to work with."

Hausfeld was one of just four law firms ranked in Band 1. Hausfeld's New York office was also named to Band 1 for "Antitrust: Mainly Plaintiff – New York" and Hausfeld's California office was named to Band 1 for "Antitrust: Mainly Plaintiff - California."

The publication has also previously noted about the firm:

"[H]as fantastic lawyers who are out-of-the-box thinkers, client service-oriented and a pleasure to work with."

"Able to deploy a deep bench of trial attorneys with outstanding litigation experience," and is "renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues."

Clients reported to the publication that "Hausfeld is a great partner that makes sure to understand our perspective," and peers have commended the firm's "terrific, deep bench."

National Law Journal

In 2015, Hausfeld was named to the *National Law Journal's* "Plaintiffs Hot List" for the fourth year in a row. The publication elaborated:

"Hausfeld's creative approaches underpinned key antitrust wins last year, including a trailblazing victory for former college athletes over the use of their likenesses in television broadcasts and video games..." and Hausfeld, along with its co-counsel, "nailed down a \$99.5 million settlement with JPMorgan Chase & Co. in January in New York federal court for alleged manipulation of market benchmarks. And it helped land nearly \$440 million in settlements last year, and more than \$900 million thus far, in multidistrict antitrust litigation against air cargo companies."

In 2014, the *National Law Journal* named Hausfeld as one of a select group of America's Elite Trial Lawyers, as determined by "big victories in complex cases that have a wide impact on the law and legal business." The award notes that Hausfeld is among those "doing the most creative and substantial work on the plaintiffs side."



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OVERVIEW

Experience

Gary is an experienced litigator, focusing his practice on complex federal antitrust cases. Gary has successfully represented clients in district court proceedings, on appeal to the circuit courts, and when necessary, in the Supreme Court of the United States. All told, Gary has recovered over \$1 billion for clients that were the victims of antitrust violations. *The Legal 500* has described Gary as “creative and intellectually nimble,” “a practical and effective litigator,” “a pleasure to work with,” and “a very skilled advocate” that “takes his professional and ethical obligations seriously.”

Gary has litigated cases involving monopolistic and cartel activity in a wide range of industries, from the agricultural sector to the financial markets – with a particular emphasis on healthcare, where Gary has represented hospitals and physicians in matters concerning overcharges on medical, surgical, and dental products as well as biologics (vaccines) and pharmaceuticals. For this work, Gary has been honored as a Rising Star Under 40 in Healthcare Law by *Law360* (2017), a Rising Star in Antitrust Litigation (2017 to 2022) and a Super Lawyer (2023) by *Pennsylvania Super Lawyers*, and a Trailblazer by the *Legal Intelligencer* (2019).

Gary is also committed to legal scholarship, the development of the antitrust laws, and serving the community through pro bono work. Gary has authored numerous articles on competition issues and the legal profession, including for the American Bar Association’s (ABA) Young Lawyers Division, the ABA’s Health Care Chronicle, and most notably, contributing to the Eighth Edition of the ABA Antitrust Section’s seminal publication, *Antitrust Law Developments*. As the Chair of the Committee to Support the Antitrust Law’s (COSAL) Amicus Committee, Gary has authored or contributed to amicus filings across the circuit courts and in the Supreme Court seeking to advance progressive competition law policies. And on the pro bono front, Gary has represented victims of clergy sexual abuse that received settlement offers from the Philadelphia Archdiocese. For this and other pro bono work, Gary and Hausfeld’s Philadelphia office received the Philadelphia Bar Foundation’s 2019 Pro Bono Award.

Clients

Gary counts among his clients hospitals and hospital systems, pediatricians, dentists and dental laboratories, universities, local governments, investment and pension funds, advertising agencies, and farmers.

EXPERIENCE

Antitrust/Competition

- *In re LIBOR-Based Financial Instruments Antitrust Litigation* – In which a certified class of purchasers of over-the-counter (OTC) financial instruments with interest payments tied to the London Interbank Offering Rate LIBOR) are challenging the collusive manipulation of U.S. Dollar LIBOR by the world's largest financial institutions. The collusion is claimed to have suppressed the U.S. Dollar LIBOR rate, which allowed the defendant banks to benefit financially to the detriment of their counterparties in OTC financial instruments such as swaps and bonds. The case has resulted in \$781 million in settlements with twelve banks, and continues against the remaining five defendant banks.
- *In re Broiler Chicken Grower Antitrust Litigation* – in which a proposed class of broiler chicken farmers (referred to as "Growers") claim that over twenty of the country's largest poultry producers, including Tyson, Pilgrim's, Perdue, Koch Foods, and Sanderson Farms colluded to suppress Grower pay through agreements not to recruit, solicit, or "poach" one another's Growers and through comprehensive and systematic exchanges of Grower compensation information. Settlements have been reached with Tyson (\$21 million), Perdue (\$14.75 million), Koch Foods (\$15.5 million), and Sanderson Farms (\$17.75 million), totaling \$69 million and the litigation continues against the sole remaining defendant, Pilgrim's.
- *In re Dental Supplies Antitrust Litigation* – In which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. Gary beat the Federal Trade Commission ("FTC") to the courthouse by almost two years, with the FTC filing a related lawsuit against the dental distributor companies well after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. The private plaintiffs' action was settled just minutes before a class certification Daubert hearing was set to commence for \$80 million.
- *Adriana M. Castro, M.D., P.A. v. Sanofi Pasteur Inc.* – In which a certified class of wholesalers, hospitals, and physicians that purchased Sanofi's quadrivalent conjugate meningococcal vaccine (MCV4) Menactra (a vaccine for Meningitis) claimed that Sanofi monopolized the MCV4 market by threatening large price penalties across Sanofi's broad line of pediatric vaccines if pediatricians purchased MCV4 vaccines from Sanofi's only MCV4 rival, Novartis's Menveo. The suit claimed that Sanofi's conditional pricing practices had the purpose and effect of foreclosing Sanofi's only MCV4 rival from the market, allowing Sanofi to continue to charge monopoly prices for Menactra. The case settled in December 2016 for \$61.5 million.
- *In re Transpacific Passenger Air Transportation Antitrust Litigation* – In which a certified class of consumers of transpacific passenger air travel claimed that thirteen airlines conspired to fix the prices of certain air fares and fuel surcharges. The last of the thirteen defendants settled on the eve of trial for \$58 million, bringing the total settlements in the case to over \$147 million.

EDUCATION

Sandra Day O'Connor College of Law at Arizona State University, J.D. 2011

University of Arizona, B.S.B.A. in Business Economics, 2008

BAR ADMISSIONS

Pennsylvania

United States District Court for the Eastern District of Pennsylvania

Arizona

United States District Court for the District of Arizona

California

United States District Court for the Southern District of California

United States District Court for the Central District of California

United States District Court for the Northern District of California

United States District Court for the Middle District of Tennessee

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Seventh Circuit

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the Tenth Circuit

United States Supreme Court